

Board of Control Backs Up Its Acts In Brief Filed by Andy Miller

FORCEFUL DOCUMENT RID- DLES ARGUMENTS OF THE KNAUF-SELLER-BUCK TRI- UMVIKATE WHICH IS NOW HOLDING UP BUILDING OP- ERATIONS AT ASYLUM.

MONEY WAS WELL SPENT

Jamestown Attorneys Built up Their Case Through Hypo- thetical Questions.

Despite the fact that only ten days were necessary to complete the receiving ward at the Jamestown Asylum, injunction proceedings have delayed the buildings and the crowded conditions at the state hospital will not be relieved until this action is determined.

The tubercular hospital has not been entirely completed but sufficient to enable the building to be partially occupied. Considerable indignation is being expressed in Jamestown at the delay while the poor unfortunates who through no cause of their own are made to suffer are without proper accommodations.

As to the real insinuation of graft in the Knauf-Seller-Buck brief, the board does not consider it necessary to answer the insinuation further than to suggest that greed was the basis, rancor and revenge contributed, anger and ambition joined in, fair or foul was the frame-up. Taking these total up, spells graft.

This is the closing paragraph of the brief filed by Miller & Zuger attorneys for the board of control in the recent investigation started under the Knauf-Seller-Buck charges.

Resisted Brief. The joint house and senate committee received the brief yesterday and will hold a meeting soon to go over the arguments of both sides. A final report is expected probably by the latter part of this week or the early part of next.

The argument follows in part: "Specification No. 1 charges the board of control with fraudulently compelling the counties of Grand Forks and Ward, and other counties, to pay a pro rata per capita allowance to the treasurer of said hospital, or the state treasurer for the maintenance of patients in such hospital long after such patients have been cured, and while they have been actually in the employment of the state of North Dakota on salaries ranging from \$1.00 per month up to \$32 per month, and then sets forth the names of six patients who they allege have been so retained in the hospital and paid salaries.

Work Beneficial. "To this specification the board answers that the patients named were employed by the board and superintendent to do such labor as their physical and mental condition would warrant, the same not being detrimental to the patients, and that for such services the patients received compensation substantially as alleged by complainants.

"On this point Dr. Hotchkiss testified that no patient was employed or permitted to perform labor for a compensation except when such employment was specifically approved by him, and with the knowledge and consent of the board, that in every instance the character of the labor to be performed by the patient, and the mental and physical condition of the patient was taken into consideration.

Claims Authority. "The board claims that authority under section 243, compiled laws of 1913, to employ patients in this manner. Under the general power contained in said section, which gives full power to manage, control and govern the hospital for the insane, subject only to the limitations contained in the board of control's statute. No limitation in said statute has been called to our attention that prohibits the long established custom.

"Sub-division D of specification No. 2 charges over-payment of architect allowed by the legislature for two years, \$8,000.

"This charge is predicted under the provisions of section 257 Compiled Laws of 1913, which provides that the board may, if deemed advisable and expedient for the best interests of the state, employ an architect to be known as State Architect, and limits his compensation to \$1,500 per annum. The board in its answer denies that it has violated any provision of section 257, and avers that the architect employed by the board, and payment for his services, was made under and by virtue of the provisions of section 254 Compiled Laws 1913. We agree that if the board had acted under the provisions of section 257, and under its provisions had employed Mr. Crabbs as architect, that the board would be limited to the amount it could pay, to \$1,500, or \$3,000, for the two years, but the board did not act under the provisions of this section for various reasons.

Not Deemed Expedient. First, because it did not deem it advisable or expedient or for the best interests of the state, to employ an ar-

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Conclusions of Board's Brief

Every act has been open and above board and through specific authorization of law.

Patients employed were under supervision of physician and work proved beneficial. A custom of long standing.

Knauf-Seller-Buck complainants seek to build up their case by problematical situations and hypothetical questions.

Records of emergency board show that all institutional boards have invoked the jurisdiction of the emergency board.

Only one-fifth of the \$100,000 was necessary to carry out intent of the legislature relative to a tubercular hospital.

If the legislative directions had been followed the state would have expended \$100,000 to provide for 86 tubercular patients.

Knauf-Seller-Buck prosecutors failed to examine at any length members of the board of control.

"JACK THE RIPPER" AT LARGE; WOMEN ARE ALL TERRORIZED

Aurora, Ill., Feb. 27.—The women of this city locked themselves within doors tonight or ventured into streets only in groups, while men gathered to discuss means to apprehend the murderer who killed Miss Emma Peterson in the streets last night, and who it is believed is the same person who killed Miss Jennie Miller in a similar manner some months ago.

The city council hurried a special meeting and announced a reward of \$1,000 for the arrest of the murderer. Bloodhounds took up the trail which led to a devious route through lumber piles, along the river and back to the city, where it was lost. The jail is filled to capacity with possible suspects.

DARNELL HAS \$40,000; SUED BY WIFE FOR SEPARATE SUPPORT

Chicago, Ill., Feb. 26.—Suit for separate maintenance was filed here by Ruth Soper against Rev. James Darnell, who is in the county jail under charges of violating the Mann white slave act, by transporting Miss Soper from Minnesota to Chicago, and thence to Kenosha, Wis., where he is pastor of a church and she was regarded as his wife.

Their children bears the name of James Morrison Darnell, Jr. No return was made on the license recently issued to Darnell at Crown Point, Ind., to marry Miss Soper.

Petition for a separate maintenance recites that Ruth Soper Darnell was married in Hammond, Ind., 1913, and that he owns property valued at forty thousand dollars, and is amply able to support complainant and child.

The court petition granted an injunction restraining Darnell from mortgaging or conveying his property.

INDIANS STILL REFUSE TO SURRENDER SLAYER

Denver, Col., Feb. 26.—News advices from Bluff, Utah, indicated there had been no further fighting between the United States marshall and the band of Piutes protecting Tse-ne-cat from arrest and a charge of murder.

Negotiations for surrender of the Indians is still proceeding, and there are no indications of the probable outcome. Havane, a captive, was shot Tuesday night when attempting to escape, and died.

COLLEGE STUDENT SERIOUSLY HURT

Beam of Steam Engine Recoils Striking Theo. Wardwell a Terrible Blow.

Grand Forks, N. D., Feb. 26.—Theo. Dardwell, a junior in the college of civil engineering at the university, lies at a local hospital with a fractured skull, as a result of a serious accident yesterday afternoon at 2:45 p. m. His chances for recovery are considered about even.

While working with a steam engine in the Mechanic Arts building, young Wardwell was suddenly struck by a heavy beam, used in the apparatus with which he was working, with the result that he was knocked cold and has experienced only temporary periods of consciousness since.

OUTLOOK IS MORE CHEERFUL

AMBASSADOR BRYCE DIS- CUSSES ATTITUDE OF GER- MAN-AMERICANS AS RE- GARDS PRESENT CONFLICT IN EUROPE.

ALLIES URGE REPRISALS Demand That More Stringent Regulations Relative to Food Shipments be Inaug- ured.

London, Feb. 27.—Viscount James Bryce, in an article published tomorrow in the Daily Chronicle on the "Position of the United States in the War," says, "it is a complete error to assume that those bearing a German name, who own German blood, belong to Pro-German party."

"Children of Europeans who are born in America," it continues, "grow up normal American citizens for all practical purposes. Their loyalty is to the stars and stripes and their feelings for the land of their parents are comparatively weak."

When leaders try to use the so-called German vote as a means for applying political pressure in such cases as this, the native Americans resent such an attempt, for with them it is a fundamental principle that citizens must have no loyalty save to the United States. It points to the fact that both sides blamed America for its neutrality as being the best proof of its impartiality.

To Be in Accord. France, Russia, England, Serbia and Belgium are said by English officials to be in accord as to reprisals to be made on Germany, Austria and Turkey, in retaliation for the German submarine campaign. England in conference with her allies concerning reprisals before receipt of the last American note making informal representation looking to a discontinuance of submarine activities and to admission of food to Germany for her civilian population. There is every reason to believe England fully intends to make all foodstuffs for Ger-

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GERMAN-AMERICANS WILL BE LOYAL TO U.S., SAYS BARTHOLDT



Richard Bartholdt.

Congressman Richard Bartholdt of St. Louis, member of the national house of representatives continuously for the past twenty-two years and who retires on March 4, in a speech in congress last week assured the house that German-Americans would be loyal to their adopted country no matter with what nation it might go to war.

GOVERNOR TO SIGN BILL. St. Paul, Feb. 26.—The county option bill passed the Minnesota legislature, goes to the governor tomorrow; it is virtually certain he will sign it.

THE WEATHER. North Dakota—Fair Saturday and Sunday.

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OPERATIONS ARE TO BE RESUMED

GERMANY ACTIVELY MOV- ING TROOPS THROUGH BEL- GUM AND BIG MOVE IS EXPECTED ANY MOMENT.

WAGE BIG BATTLE IN EAST Russians and Austrians Engaged in Big Fight Along Fort- ress Line.

London, Feb. 27.—Continued progress by the French in the Champagne district is reported and the pressure which the allies declare they are bringing to bear on the German lines in the west have, according to Holland reports, induced the Germans to make another effort in the west before the day and night big motor cars loaded with Germans are hurrying through Belgium to the western front and troops which have been sent to Northern Belgium are going back to the trenches.

The fact that some of the troops are now passing through Belgium from the eastern front suggests that the Germans have decided they are able to hold the Russians while the Germans are carrying out a new offensive in the west, and silence of the general staff is taken as confirmation that some big move is under way.

Big Battle in Progress. In the east a big battle along the Russian fortress line which follows rivers almost the entire way from Baltic to the Carpathians, is still undecided. The same is true also of battles in the Carpathians and Bukoman vana. A serious invasion of German Southwest Africa by the Union South Africa forces is proceeding.

The United States naval collier, Jason, which brought Christmas presents from American children to those countries suffering from war, sailed with exhibits from England and other European countries for the Panama-Pacific exposition.

Prohibits Meeting. The Italian government has decided to prohibit meeting called for the purpose of discussing the war.

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Senate By One Vote Kills House Bill Creating State Temperance Official

Senate Vote On H. B. No. 71

On Senator Hughes' clincher motion:

In Favor: Albrecht, Allen, Bonzer, Barnes, Bond, Clark, Davis, Gardiner, Hamilton, Hughes, Jacobsen, Kretschmar, Leutz, Lindstrom, Martin, McBride, McGray, McLean, Nelson of Grand Forks; Nelson of Rolette; Porter, Porterfield, Sandstrom, Vall, Wartner, and Young, 26.

Opposed: Bronson, England, Ellingson, Gibbons, Gronvold, Hecke, Kirkeide, Loftsgaard, Mal- lough, McFadden, Mudgett, Mur- phy, Nelson of Richland; Overson, Paulson, Rowe, Sikes, Steele, Thor- eson, Trageton, 21.

Absent: Hoverson and Hyland. On Senator Leutz' motion to indefinitely postpone:

In favor: Albrecht, Allen Bonzer, Barnes, Bond, Clark, Davis, Gardiner, Hamilton, Hughes, Jacobsen, Kretschmar, Leutz, Martin, McBride, McGray, McLean, Nelson of Grand Forks, Nelson of Rolette; Porter, Vall, Wartner, Young, 23.

Opposed: Bronson, England, Ellingson, Gibbons, Gronvold, Hecke, McFadden, Mudgett, Murphy, Nelson of Richland; Overson, Paulson, Porterfield, Putnam, Rowe, Sikes, Steele, Thoreson, Trageton, 22.

Not voting: Lindstrom. Absent: Hyland, Hoverson and Sandstrom.

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FAMOUS HOUSE BILL NO. 71 IS LAID AWAY WHEN THE CLINCHER MOTION PASSES TABLING BILL FOR THIS SESSION.

ENDS STRENUOUS CAMPAIGN

Prohibition Lobby Has Done Little Else But Work for Measure Since Session Started.

After a short debate, the senate yesterday defeated House Bill No. 71, creating a special law enforcement official to administer the liquor laws. The vote stood 23 to 22 with four absent and not voting. Senator Lindstrom failed to vote on the first roll call and Senators Hyland, Sandstrom and Hoverson were absent. Senator Leutz moved the indefinite postponement of the bill.

Upon motion of Senator Hughes of Burleigh county the clincher was applied and the bill cannot be revived again except by a two-thirds vote of the senate. The motion to reconsider the vote and lay the same on the table passed by a vote of 26 to 21 with two absent and not voting. Senator Sandstrom came into the senate chamber after the final vote and voted to sustain Senator Hughes' motion.

Makes Attack. Senator Leutz made the first attack upon the bill urging that it was unnecessary measure on the grounds that the machinery was sufficient now to enforce the liquor law. He declared that if the bill passed any man's home might be invaded and the traditional theory that a man's home is his castle would be violated.

A short address in support of the bill was made by Senator Putnam, chairman of the temperance committee. He urged it upon the grounds that the present officials were too busy with other matters to give the temperance laws sufficient attention. He also said the smaller cities and villages were not in a position to enforce the present liquor laws.

Logical Argument. Senator Davis made a very logical argument in which he stated that the present laws and legal machinery were adequate and that each year the liquor laws were being more rigidly enforced. He stated it as his belief that this act would let down the bars and afford county officials an excuse. Senator Hamilton made a similar argument against the bill as did Senator Kretschmar.

McBride Scores. One of the telling speeches against the bill was by Senator McBride of Stark who said that in the interests of economy aside from the merits of the bill the measure should not pass. He also declared that there were enough peace officers to enforce the law.

Senator Davis and others made the point that the liquor laws of the state will be enforced just as well as public opinion in the respective districts demand.

A Teetotaler at That. Senator Emmons of Allen county, a life long advocate of prohibition and a total abstainer, himself, gave a potent argument against the measure. He declared that it was unwise to provide a double scheme of enforcement for one set of laws and maintain a single standard for others.

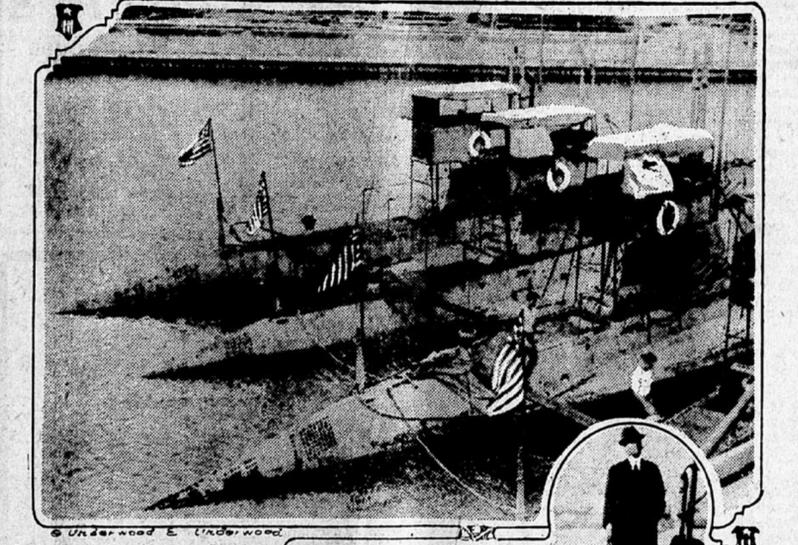
"Bill" Martin Historian. Senator "Bill" Martin from Morton gave a little reminiscence of Burleigh county politics and told of what Rev. Watkins had done here as county constable. Most of his remarks while not germane to the bill, illustrated the futility of special law enforcement officer.

"Rebukes" Senator From Morton. Senator Bronson "rebuked" Senator Martin for his statements and lamented the fact that personalities had been injected into the discussion. He also resented the inference that Rev. Watkins might be appointed enforcement officer had the bill passed. He said this was unfair to the bill. He urged its passage merely on the grounds that it should pass.

Short on Arguments. Throughout the entire discussion the friends failed to adduce one argument in support of the measure. Senator Gibbons was forced when asked by Senator Davis to admit that the liquor laws were much better enforced in the state now than a few years ago and the each year statistics show that less and less stimulants are being shipped into the state.

Lobby Disappointed. There was tense excitement as the vote was taken. Mrs. Elizabeth Preston Anderson was seated in the front row of the gallery and behind her but only partially in sight sat Rev. Watkins. A murmur of disappointment was heard from the temperance lobby as the clincher motion speeded the measure to its tomb.

SUBMARINE IS U. S. HOPE IN WAR, SAY SENATORS, DEMANDING MILLIONS FOR UNDER SEA FLEET; WOULD SAVE COAST CITIES



Submarines defending the Panama canal (top) and one of Uncle Sam's latest submarines which was under water 36 hours.

Washington, Feb. 27.—(Special)—That hope of victory for the United States in the event of war would depend largely, if not entirely, on the number of submarines which she could summon to her sea-coast defenses, is the argument advanced by senators who demand much larger appropriations for America's under-sea fleet.

Senator Smoot, backed by the Republican members of the upper house asks for fifty submarines of a sea-going type and twenty-four smaller ones. For the first year, Smoot's bill would appropriate \$30,000,000.

"The European war has demonstrated beyond any question," said Senator Smoot introducing his amendment to the pending naval appropriation bill, "that submarines are invaluable for defense of coast cities and coast line. That is the sort of defense we want in this country more than anything else."

Democratic members of the senate, while believing that the house appropriation for submarines was far too small, do not go so far as Senator Smoot. They have amended the house naval bill so as to provide for

six sea-going submarines instead of one, and sixteen, instead of eleven, of the smaller type submarines.

In an article in the current issue of the Century magazine, Simon Lake, one of the foremost inventors of submarines, declares that the greatest battleships are useless when attacked by submarines. He explains how New York and the principal seaports could successfully defeat all attempts at at-

CURATIVE INDICTMENT IS FOUND AGAINST HIGH RAIL OFFICIALS

New York, Feb. 26.—The federal grand jury returned a superceding indictment against 21 directors and former directors and counsel of the New York, New Haven and Hartford Railroad company, charging violation of the Sherman Anti-trust law. The indictments is similar to one returned last November, and was brought to overcome objections made by certain defendants to manner in which first indictment secured.

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PLEA FOR FRANK'S LIFE BEFORE HIGHEST COURT IS ENDED

Washington, D. C., Feb. 26.—Arguments on Georgia federal court's decision refusing writ of habeas corpus for Leo Frank, under death sentence for murder of Mary Phagan, the Atlanta factory girl, were concluded today before the United States supreme court. The decision probably will not be given for several weeks.

Should the supreme court affirm the decision of the Georgia court nothing will stand in the way of the state carrying out the death sentence. If the ruling is reversed the case must go back to the district court for the taking of evidence on which allegations in petition for writ were based. Louis Marshall, counsel for Frank, told the court that the trial court lost jurisdiction over the prisoner because of the mob violence during the trial and because of Frank's absence when the verdict was pronounced, and through "coercion" by the trial judge.

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LEAKING STEAMER IS BEADED FOR PORT

St. Johns, N. F., Feb. 27.—The Al- lan Line steamer, Mongolian, is reported leaking badly with 200 passengers aboard. She was heading for Halifax, N. S., tonight conveyed by United States cutter, Seneca. An encounter with ice is believed to have forced the liner to turn back on the voyage from Philadelphia and St. Johns for Glasgow. A wireless from Mongolian tonight said all is well aboard.

Investigate Pass Port. New York, Feb. 26.—Charles Griffiths, attorney for Richard Stegler, German naval reservist, arrested Wednesday on a charge of fraudulently obtaining an American passport, announced tonight that he would place in the hands of the federal authorities tomorrow an anonymous typewritten letter received by Mrs. Stegler to Captain K. Boyd, naval attaché of the German embassy at Washington.

Stegler, according to Griffiths, told the federal authorities that Boyd wanted him to go to England as a spy. Boyd reiterated his denial that he had anything to do with Stegler other than to try and help him get a position.

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