

THIRTY-NINTH YEAR, NO. 169.

BISMARCK, NORTH DAKOTA SATURDAY, JULY 26, 1919.

PRICE FIVE CENTS

CASEY, TOTTEN
AND MUIR GET
STATE BERTHSMember of Board of Control and
Two Regents on Adminis-
tration Commission

BAR EXAMINERS PICKED

Emerson Smith Continues on
Body With Two New Asso-
ciations—No Judges Yet

At 4 o'clock Saturday afternoon Governor Lynn J. Frazier announced the following appointments, made under acts approved at the referendum election June 26 and becoming effective 30 days following that date:

Board of administration: Patrick M. Casey of Fargo, for two years; Robert Muir of Sles, for four years; George A. Totten of Bowman, for six years.

State board of bar examiners: Emerson H. Smith of Fargo, for the term expiring October 26, 1921; R. Coer of Devils Lake, for the term expiring October 26, 1923, and George Moelling of Ray for the term expiring October 26, 1925.

H. J. Hagen, Fargo banker, was named a member of the state bank depositors' guaranty commission to fill the unexpired term of I. N. Hanson, formerly of the Scandinavian-American bank at Fargo, and who resigned following a ruling from Attorney General Langer holding that inasmuch as he had severed his connection with the Gate City bank and had become a North Dakota representative of a twin city institution he could no longer qualify for membership under the guaranty act.

Dr. C. H. Babcock of New Rockford was named a member of the state board of veterinary examiners to succeed himself.

Other Appointments Monday
The governor announced that the four other appointments now under consideration, three additional district judges and a state immigration commissioner, will not be made until Monday. It has been reported on credible authority that Dr. John H. Worst, president emeritus of the agricultural college, is to be immigration commissioner. There has been much conjecture as to the probable identity of the new judges, and at least six men have been mentioned as likely candidates for the three places.

New Administration Board
The three appointive members of the new state board of administration will constitute a majority of that commission, upon which ex-officio positions are assigned John N. Hagen, commissioner of agriculture and labor, and Miss Minnie J. Nielson, state superintendent of public instruction. This board will take over all duties heretofore devolving upon the boards of control, regents and education, in addition to new powers delegated by the last assembly.

P. M. Casey has been a member of the state board of control for the last eighteen months. Totten and Muir have been on the state board of regents. All have been identified with the league movement from its inception.

Emerson Smith of Fargo, who is named a member of the new bar board for the short term, has been a member of the old bar commission for years. R. Coer and George Moelling, who are to be associated with Smith, are not so generally well known. The bar board as newly created by the 10th assembly becomes a licensing and examining body taking away hands every barrister practicing in this state must pass. The board also is vested with advisory powers in connection with disbarment actions.

YANKS CONTINUE
TO MARRY MAIDS
OF FATHERLANDAmerican Soldiers Engage in In-
ternational Alliances Under
Misapprehension

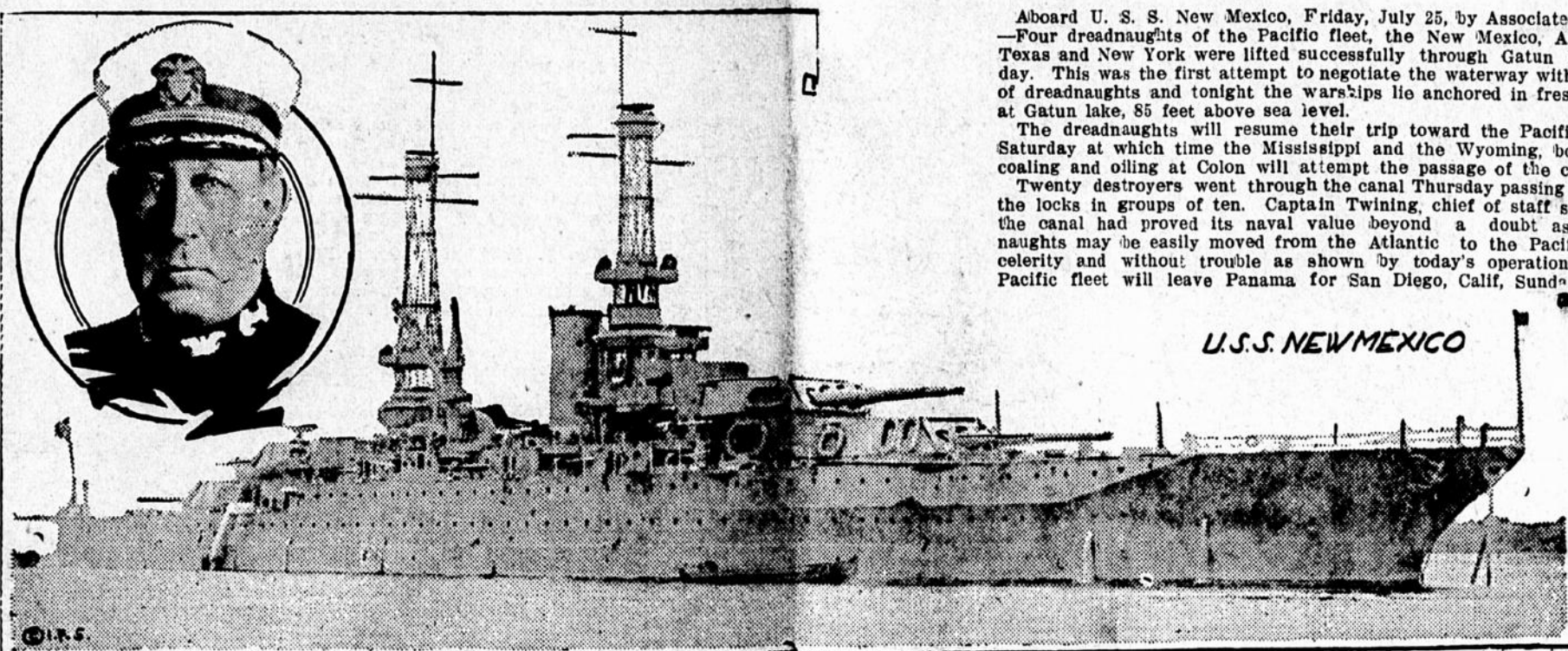
WILL NOT BE ANNULLED

Coblenz, Thursday, July 24, by the Associated Press.—Reports of marriages between American soldiers and German girls have been received at headquarters from various parts of the occupied area during the past few days, but as yet no charges have been filed against any of the men, as it is understood that most of the marriages were due to misunderstanding regarding the anti-association regulation.

A week before the treaty was signed, several of the army chaplains, through a misunderstanding, informed the soldiers that marriages were permitted as soon as the Germans accepted the peace terms. Officers say that a number of marriages took place before this belief was corrected by a special order from headquarters and calling attention of officers and men that until the United States had ratified the treaty Germany and America were at war technically and the regulations prohibiting association were still in force.

At headquarters it is said that even after the United States ratifies the treaty, marriages with German girls will be prohibited by army order.

To Steele
Rev. John Flint, pastor of Trinity Lutheran church, leaves tonight for Sles, where he will hold services tomorrow.

PACIFIC FLEET NOW EQUAL IF NOT
SUPERIOR TO WHOLE JAPANESE NAVY

ADMIRAL RODMAN AND HIS FLAGSHIP

ROBINSON ADVISES WORKMEN'S
COMPENSATION BUREAU TO GO
SLOW IN ENFORCING STATUTE

Veteran League Jurist Declares Act Is Defective and Unsatisfactory—Too Much Left to Discretion of Board—State Pays \$3600 for 1400 Classifications That Are Greek to Everyone Concerned.

"The bureau should go slow in trying to put the act into operation or to make any expenses under it until the supreme court has passed on the constitutional validity of the act and the big, unpublished, cumbersome and drastic rate schedule," says Associate Justice James E. Robinson in concluding a lengthy discussion of the workmen's compensation act in his "Saturday Evening Letter."

The judge's letter follows:

July 25, 1919.—The Workmen's Compensation Act—is it constitutional?

The purpose of the act is to give to a large class of wage earners a moderate insurance against the accidents and hazards of his employment. To obtain the insurance fund the act provides for levying an assessment on a large class of city employers, to be rated according to the hazard of their business and the amount of their yearly payroll. The act is largely copied from the workmen's compensation act of the state of Washington. The latter is a truly beneficial act and it is well sustained by reason and authority. State v. Clausen, 65 Wash. 156 215; Montana Timber Company v. Washington, 143 U. S. 219; N. Y. Cent. Ry. Co. v. White, 143 U. S. 190.

In New York the workmen's compensation act establishes forty-two groups of hazardous employment and requires every employer subject to its provisions to pay or provide compensation according to a prescribed schedule for the disability or death of his employees resulting from accidental personal injury in the course of his employment. In Washington the statute establishes forty groups of hazardous employment and prescribes for each man a premium rate. In the North Dakota act the grade of hazard and the rate of compensation is left to be determined by a bureau composed of three persons, and it has supplemented the act by fixing a schedule of about fourteen hundred different rates and grades of hazard. The schedule has not been published, and of course, it is not generally accessible to the employers and the public. The rates vary from two mills to fifteen per cent on the employer's payroll.

Now it is justly held that where a person is employed in a hazardous business it is not arbitrary or unwarranted for the state to impose on the employer the duty of making a definite and just compensation to every disabled employee. The Washington act classifies in this manner the hazard and the rate to be allowed on the payroll.

Tunnel, bridge and trussel; sewers, house moving and house wrecking065
Iron and steel frame structures080
Shaft sinking085
Carpenter work095

In that way any hazardous industry is charged with a specific and moderate rate, which is not left to the conjecture of any expert or bureau. The boss carpenter or contractor whose yearly payroll amounts to \$6,000 must pay on the same .095, or \$21. Every employer can figure his liability in a minute. At the beginning of the year the estimate of the payroll is made on the basis of the last three months, and at the end of year an adjustment is made on the basis of the actual payroll. The accident fund of each class may be neither more nor less than self-supporting, exclusive of the cost of administration, which is paid by the state. For instance, the class of carpenters and builders have no concern or relation with powder makers or any other class. Each class of industry must bear its own loss. The Washington act groups forty classes of hazardous employment, and it does not, like the North Dakota act, include hotels, restaurants and the mercantile houses, or any business where there is no hazard. To make anyone pay premium where there is no hazard, or to make one pay for a

(Continued on Page Four.)

CHEAPER OIL TO
FOLLOW VICTORY
OF STANDARD CO.

Assistant Attorney General
Packard Gets Agreement
From Big Corporation

If the Standard Oil Co. of Indiana secures from the United States circuit court of appeals at St. Paul the injunction which it has prayed to restrain North Dakota officials from collecting the tax on oil and gas provided for in an act of the last assembly, an immediate reduction of one cent per gallon on gasoline and kerosene will result, advises Assistant Attorney General F. E. Packard.

Mr. Packard, who represented the state in the preliminary hearing of this action at St. Paul last week, extracted from the Standard Oil Co. a promise that should a temporary injunction be issued, the company will not while this injunction remains in force continue to pass on to its consumers in North Dakota the tax of one-cent per gallon assessed by the last assembly on petroleum products. The result will be, it is said, a saving of more than \$250,000 per annum to patrons of the Standard Oil Co. alone.

Neither side to the controversy was prepared to present briefs at the hearing held in St. Paul last Tuesday. Some authorities were cited, and a little time was taken up with arguments. The court then gave the litigants an extension of 15 days for the preparation of briefs. Judge S. L. Nuchols of Mandan will assist the attorney general's office in preparing briefs for the defense. The Standard Oil Co. in attacking the oil tax act alleges that it is discriminatory, unjust, class legislation and generally unconstitutional and objectionable.

CHICAGO JUDGE
FALLS TO DEATH
IN CITY HALL

Chicago, July 26.—Judge F. Dolan, of the municipal court, fell to his death from the seventh floor of the city hall here today. His body crashed through a skylight to the floor into the office of the city clerk. He was dead when picked up.

HAYWOOD WILL
BE RELEASED
UNDER BONDS

Chicago, July 26.—Bonds of \$46,000 for the release of William J. "Big Bill" Haywood, convicted secretary of the Industrial Workers of the World, were approved by Federal Judge Alschuler today. He probably will be released from the federal prison at Leavenworth, Kan., Monday, pending hearings on appeal taken by himself and 93 other I. W. W.'s, convicted a year ago.

SIX MEN DIE IN
BOILER EXPLOSION
OF NAVAL TENDER

Aboard U. S. S. New Mexico, by Wireless to Colon, July 26.—Six men were killed today in a boiler explosion on the U. S. S. Neville, a naval tender attached to the Pacific fleet, Captain Twining, the chief of staff, has been advised.

LANGER INSISTS
ON ENFORCEMENT
OF GRAIN GRADES

Attorney General Advises All
State's Attorneys He Will
Insist on Penalties

Fifty-three North Dakota state attorneys were notified today by Attorney General William Langer that he will expect them to throw into jail any elevator agent, grain buyer or other individual who seeks to evade or violate the provisions of Senate Bill 14, which establishes state standards of grain grades, weights and measures.

The attorney general advised the state's attorneys that he would hold them strictly accountable for the enforcement of both the civil and criminal phases of Senate Bill 14, and that he would expect them to enforce the fines and jail sentences prescribed by law for any person or corporation who seeks to evade the provisions of this act in docking, grading weighing or measuring of grain, or by violating any of the rules promulgated under the terms of the act.

The attorney general's order is one of the most drastic and sweeping ever issued from his department.

POLES APPEAR TO BE
SLOWING UP CAMPAIGN

Vienna, Thursday, July 24, by Associated Press.—The Poles appear to be ceasing their offensive against the Ukrainians. The latter are using all their strength against Kiev, intending if successful against the Bolsheviks there to return and contest the Polish pacification of eastern Galicia.

The Rumanians declared their artillery is stopping the Hungarian advances, but the Hungarians claim successes.

PACKING INDUSTRY DENIES USE OF
PRESS WITH ILLEGITIMATE INTENT

Chicago, Ill., July 26.—The packing industry replied today to Senator Kenyon's assertion on the floor of the senate that "the greatest propaganda that ever had been undertaken in this country is now in full swing with reference to the bill for regulation of the packers."

The reply was made by the Institute of American meat packers, comprising about two hundred packing firms. Thomas E. Wilson is chairman of the committee which is now directing the work of the institute. "Senator Kenyon has charged in the senate of the United States that the packers are sending out propaganda against this bill to place the packing industry under federal license, as if there were something wrong in this. Public has right to know.

"The entire public is vitally interested in the correct solution of the high cost of living.

"Complete understanding of all facts will dissipate suspicion and prejudice which is relied upon for advance legislation, will harm us all—the livestock producer and the consumer as well as the packers.

"In the last analysis the public will decide those issues and to them we will present the facts.

Life of Industry Threatened.

"The bill introduced by the senator threatens the life of the packing industry. It is un-American and is a dangerous precedent for all business.

Aboard U. S. S. New Mexico, Friday, July 25, by Associated Press.—Four dreadnaughts of the Pacific fleet, the New Mexico, Arkansas, Texas and New York were lifted successfully through Gatun lock today. This was the first attempt to negotiate the waterway with a fleet of dreadnaughts and tonight the warships lie anchored in fresh water at Gatun lake, 85 feet above sea level.

The dreadnaughts will resume their trip toward the Pacific ocean Saturday at which time the Mississippi and the Wyoming, both now coaling and oiling at Colon will attempt the passage of the canal.

Twenty destroyers went through the canal Thursday passing through the locks in groups of ten. Captain Twining, chief of staff said that the canal had proved its naval value beyond a doubt as dreadnaughts may be easily moved from the Atlantic to the Pacific with celerity and without trouble as shown by today's operations. The Pacific fleet will leave Panama for San Diego, Calif., Sunday night.

U.S.S. NEW MEXICO

SENATE TO NOT
AMEND TREATY
SAYS NEBRASKAN

Hitchcock Declares Solons May
Qualify Endorsement But
Not Change Pact

Boston, Mass., July 26.—The senate will ratify the league of nations covenant without amendment, but may qualify its endorsement, Senator Hitchcock, of Nebraska, ranking democratic member of the senate committee on foreign relations, asserted today. He was addressing informally a group of newspaper men and friends at the Union club. He said he represented 46 democratic and five or six republican senators who stood against any amendments.

He felt certain every amendment proposed would be beaten by from six to twelve votes.

REINSTATEMENT
WINDS UP FIRST
AVIATOR STRIKE

Washington, D. C., July 26.—An announcement was made today at the postoffice department that the first strike of aviators in the history of the world had been settled. Six aviators who refused yesterday to take the air with mail for New York, have been reinstated, it was announced. They were dismissed from the service yesterday. Two pilots whose dismissal led to the strike were not reinstated.

HARTZ HOPS OFF
ON SECOND LEG

Augusta, Me., July 26.—Lt. Col. Hartz today resumed his flight in a Martin bombing plane around the rim of the United States. The plane rose at 11:15 a. m. on what was intended to be a flight of 680 miles to Cleveland, O. Engine trouble delayed the start four hours.

DISORDERS BREAK OUT
AGAIN IN STRASSBOURG

Berlin, July 26, by the Associated Press.—Disorderly conditions in Strassbourg, the capital of Alsace, are reported in advices received here today. Sanginary conflicts between French military and civilians are alleged to have occurred.

WEST COAST IS
GUARDED NOW AS
NEVER BEFORE

United States Can Meet on Even
Footing Any Other Force That
Could Be Assembled Off Our
Shores.

BY F. M. KIRBY AND A. E. GELD-
HOF.

N. E. A. Washington Bureau.
America's Pacific coast is guarded as never before.

When the fleet now going through Panama canal is assembled on the western ocean, Uncle Sam will have a Pacific armada equal to the entire Japanese navy. In some respects it will be superior.

This United States fleet can meet on equal terms any other naval force that can be assembled in Pacific waters.

From all parts of the Atlantic coast great iron-gray battleships have sped to Panama. The big ditch is getting its greatest test.

Canal officials say the entire fleet can be taken through in two days. Navy officials mean to find out.

When the vessels from various parts of the Atlantic and those already in Pacific ports, get together, Admiral Rodman will have 200 ships under his command.

The entire Japanese navy numbers 207.

Other comparisons of the two fleets follow:

Pacific Fleet.
EIGHT dreadnaughts.
EIGHT pre-dreadnaughts (making 16 battleships).
ELEVEN cruisers.

Japanese Navy.
FIVE dreadnaughts.
TWELVE pre-dreadnaughts. (Making 17 battleships).
FOUR battle cruisers.

But at this point the tabulation loses effectiveness because of the differences in classification between the two navies. The United States navy has no battle cruisers in commission, for instance, but the eleven cruisers are considered superior in fighting power to the Japanese vessels similarly classed. In addition Admiral Rodman's fleet has a large number of "small cruisers" and gunboats which are useful as scouts or patrol boats against weak or uncivilized states, but which are not counted as modern fighting vessels.

But in destroyers the comparison is:

Pacific fleet, 108 (all new).
Japanese navy, 90.

The figures are up-to-date, from the navy department and the Japanese embassy.

The Pacific fleet's tonnage is 535,000; the Jap navy's 750,000.

But the Pacific fleet is superior in hitting power, equal in gun power and nearly equal in man power.

And in addition—
There's our Asiatic squadron!

That's the fleet in the Philippines and around Guam and our other far islands.

Establishment of the Pacific fleet is only the beginning of the assertion of United States sea power in the Pacific. When congress in 1916 adopted the navy department's "Three Year Building Program" it authorized a total addition to our navy of 156 vessels of all types, including 10 battleships and six battle cruisers. Every one of these ships is either now in commission or under construction.

The new three-year program is to be completed by 1923 calls for 156 more vessels and is a duplication of the previous program, including ten dreadnaughts and six battle cruisers. By 1923, therefore, the United States navy will include 61 first-line, heavy-gun vessels—dreadnaughts, pre-dreadnaughts, and battle cruisers—which will give about thirty of these ships to the Pacific coast.

The ultimate aim of the Japanese navy department is avowedly toward the eight-eight system; that is, eight battleships and eight battle cruisers to a squadron, and to have in time at least three such squadrons. Up to the present time, however, the state of Japanese finances has permitted only an eight-four system; but the program put forward for this year alters the plan to eight-eight and six battle cruisers by 1923. Thus Japan will

(Continued on Page Four.)

HOUSE ASKED TO
END RECIPROCITY
WITH CANADA

Ways and Means Committee
Recommends Action—Demo-
crats Appeal for Delay

WILSON BANS SMUGGLING

Issues Formal Proclamation For-
bidding Carrying Arms
Over Mexican Border

Washington, D. C., July 26.—Repeal of the Canadian reciprocity act of 1911 was recommended today by the house ways and means committee. Some democrats joined with republicans in voting for repeal, but others said that action should be deferred pending further investigation.

Reduction of the war tax on fruit juices to two cents a gallon, urged by western producers of grapes and loganberries, was also recommended. The committee also voted to recommend repeal of ten per cent soft drink war tax. Though no record vote was taken, democratic members urged that all repeals be deferred until means for replacing the lost revenue was found.

Smuggling to Be Stopped.

Efforts to prevent the smuggling of arms and ammunition into Mexico from the United States are to be doubled. This was made known today at the state department after publishing of a proclamation by the president on July 12 transferring control of munitions to the southern republic to the state department.

President Wilson in his proclamation referred to conditions of domestic violence in Mexico promoted by use of arms or ammunitions of war produced in the United States and warned citizens of this country that violation of any law of congress of 1912 or 1917 regulating shipments of munitions would be vigorously prosecuted.

House Majority Wants Recess.

Majority leaders of the house have agreed to propose to the senate leaders a five-week recess of the house beginning next week, every effort in the meantime being devoted to clearing the calendar.

There was some indication today that senate leaders might raise objection to the plan. Consent of the other body is necessary for either the house or senate to recess for more than three day periods at a time.

Wilson Refuses Nothing.

President Wilson has written a letter to Senator Lodge, chairman of the foreign relations committee dealing with the resolution recently adopted by the senate. In making the announcement today white house officials said the letter was "not a refusal of anything."

The resolution referred to in the letter was supposed to be that of the committee with reference to a document used by the American delegation at the peace conference.

To Confer With Demos.

With a view to discussing the general treaty the president planned to go to the capitol today to confer with (Continued on Page Two.)

CONGRESS ASKED
TO BUY KILLDEER
MOUNTAINS PARK

Congressman James H. Sinclair
Introduces Bill Creating
Reserve

Senator A. A. Lieberman of Dunn county, father of the Killdeer national park idea, announced today that Congressman James H. Sinclair of the third North Dakota district, who served with Lieberman two years ago in the Flickertail house of representatives, has introduced in the national congress a bill making an appropriation of \$100,000 for the purchase and improvement of this beautiful foothills region.

Senator Lieberman is inclined to believe that congress will regard the project with favor, not only because the Killdeer mountains will form an excellent game preserve and an ideal national playground for the future, but also because there is so much of historical significance in connection with this section which should be preserved. Some of the most famous Indian battles in early territorial days were fought in the Killdeer mountains. Sully, Sibley and other great Indian fighters have campaigned there, and there is hardly a foot of the ground which does not hold a romantic interest for every son of the west.

Senator Lieberman introduced a joint resolution memorializing congress when he was a member of the house in the 15th assembly. Both houses promptly adopted the resolution, and it was forwarded to Washington, where it found congress too busy with war plans to give this matter any immediate consideration. Sinclair's bill seems to have come at a time when congress is more favorably disposed toward proposals of this nature.

The Sinclair bill would set aside a number of 20-acre tracts within the Killdeer mountain preserve as homes for various patriotic and fraternal organizations which might desire to establish an asylum or sanatorium there. Senator Lieberman already is behind a campaign for the erection in the Killdeer national park of a \$60,000 home for superannuated members of a fraternal organization in which he is active.