

Remember the Chamber of Commerce Party at the Roof Garden Jan. 28

RELATES TO MANAGER PLAN MAYOR RODGERS CAPIT.

(Continued from Page 1)

have done so, when and to whom? "As soon as you have given the city council this opinion, in legal form, I will reconvene the canvassing board, and if in your judgment this notice is legal with the publication given it, will cause to be issued a certificate of election, to the manager of government.

"It is not my intention to thwart the will of the majority, nor to sign an illegal document that might cause endless trouble, in the future. So you see if you as city attorney will pass upon the legality of this election, and it is ever questioned as to its legality, you and not the board will bear the blame.

"I am getting a lot of cheap advertisement from an unreliable source, but this does not alter my judgment of being just and act according to what my judgment says is right. Respectfully, A. D. RODGERS, Mayor.

City Attorney Metz has written the following opinion, which is in the possession of the mayor:

Alliance, Neb., Jan. 20, 1921.—Hon. A. D. Rodgers, Mayor. Dear Sir: I am in receipt of your letter of January 18th and am glad to give you the opinion which was requested of me by Councilman Johnson at the Council meeting on January 11th. I presume that the Alliance Times which you quote refers to the informal statement which I made to both the local papers on Friday, January 14th, and which, as you possibly noticed, was published by both of the papers.

I am of the opinion that the election as held is valid. The act under which the election was held, namely Chapter 208, Laws of Nebraska, 1917, provides on Page 498, "Any such election shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act."

I find no provision in the act covering the question of notice. Turning to the general election law I find in connection with municipal elections no provision as to notice although as you will possibly recall, I have always advised in the interest of absolute safety that the ten day posted notice required in connection with general state and county elections be given. The ordinance in question provides for a published notice for at least thirty days before the date of the election in the Alliance Herald. Although I have not myself seen the proof of publication I know, as you do, that the notice was not published for thirty days.

There is in my mind a big question whether the provisions of this ordinance, so far as they require a published notice in excess of that which the general statutes require, is valid, but

assuming that it is valid and that the notice should have been published thirty days, I am of the opinion that the failure to publish the notice during a part of that period does not invalidate the election inasmuch as the publication was had during a major part of the period required, inasmuch as every person who had any interest in the election had ample notice of it both through the official publication, through the publication of the ordinance proper, and through the discussion which was current in the papers at the time, and also in view of the fact that the vote cast was well in line with that cast at any other special election in the city, in recent years at least, and if my memory serves me correctly, greater than that cast at a number of regular elections. I base my opinion upon the following cases:

Ellis vs. Karl, 7 Nebr. 381.
State vs. Skirving, 19 Nebr. 497, 27 N. W. 723.

Statte vs. Thayer, 31 Nebr. 82, 47 N. W. 704.

State vs. Lansing, 64 N. W. 1104 (Nebr.)

State vs. Van Camp, 36 Nebr. 91, 54 N. W. 113.

These are cases in which the statute required a certain notice to be given and it was held that a failure to comply with those requirements was not fatal.

I will say for your information that I have addressed a letter to the Attorney General asking his opinion upon this question and when it is received, I shall promptly place it in your hands.

In view of the statements in your letter I think I am not overstepping the bounds of propriety when I call it to your attention that the primary election under the plan adopted will occur on March 15th, that nominations shall be made in the manner provided by the act not earlier than forty days and not later than thirty days before the election, and I believe that the dates between which petitions can be received are February 2nd and February 12th. There should be, in my judgment, ten days posted notice of this election. Yours very truly, W. R. METZ, City Attorney.

The way to a nappy life "Trust in God and do the Right." Gospel preaching at the Presbyterian church January 26 to February 6. Come. You are invited. 16

C. W. Corp. pipefitter at the round house, has been off several days on account of having wrenched the ligaments on his knee while on duty.

McVicker Beauty Parlor announces it will remain open Thursday evenings until 9 o'clock for the benefit of patrons who are unable to come during regular hours. 16

AT THE MOVIES

Vivian Rich, a new Fox screen star, is the attraction at the Imperial tonight, in "A World of Folly." This is a society play in which the plot developments turn upon the unjust suspicion cast upon a wife. The story centers around Helene Blair and her husband, the latter neglecting his wife for his business. Tremaine, an unscrupulous social lion and polo champion, becomes infatuated with Helene. He plots to make her appear unfaithful in the eyes of her husband by placing her in a compromising position. A separation follows; but when Tremaine jilts his fiancée the latter confesses to Blair her knowledge that Helene is innocent. A happy reunion follows.

Saturday's bill is featured by "The Hope," a Metro screen version of a famous old melodrama. "The Hope" tells the story of Harold, Earl of Ingestre, whose adventures carry him

from his ancestral halls to service with his regiment in India and into Italy on a quest made necessary to clear his honor of the stain put upon it by a fellow officer. Jack Mulhall is to play Harold. The villainous fellow officer, Captain Hector Grant, will be played by Frank Elliott, who headed the cast in the original production of the stage play in London. Marguerite de la Motte is the aristocratic heroine, Lady Brenda Carlyon, and Ruth Stonehouse has an appealing role as Olive Whitburn, the girl whose mysterious disappearance causes one of the sensations of the plot.

Norma Talmadge in "She Loves and Lies" is scheduled for Sunday. Norma has troubles of her own in "She Loves and Lies," an adaptation of Wilkie Collins' famous novel. Not only is she called upon to assume the roles of a young actress, a frequenter of Greenwich Village, New York's famous Bohemian quarter, and an old lady

of fifty-two, but she must play the latter part so well that she can land a husband of about half her age—and she gets away with it.

The Orchestral Entertainers, an artistic and versatile company of four people, is a special vaudeville feature for next Monday. The program will consist of widely varied numbers, including the saxophone, a combination of violin, clarinet and saxophone, and the entire company on the marimbas. Herbert J. Leake, the leader of the company, has been with Al G. Fields and the Kryl band. It will be an exceptional musical treat.

Palmer's Gardenglo toilet articles, complete line. Alliance Drug Co., Scotten & Hershman 214 Box Butte. 16

Mrs. A. G. Smart returned from a trip to Denver, Friday.

Two helper crews have been taken off at Crawford. Those affected by this were: Engineers Morrison and Houser and Firemen Mars and Rundle. Edgemont, Ardmore and Marsland helpers have also been taken off for a time.

Evangelistic meetings at the First Presbyterian church, January 26 to February 6. Look for further announcements. You are invited. 16

Machinist Helper J. E. Tingle resigned this week. He and his wife left Wednesday for Tecumseh, Nebr., where they will remain for a few days, then go up to their homestead near Newcastle, Wyo.

Special meetings at Presbyterian church, January 26 to February 6. You are invited. 16

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Morgan Grocery Co.

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Thrift! Thrift! Thrift!

The thrifty customer made more thrifty by improving this opportunity of providing the necessary needs of Women's Winter Coats, Suits, Dresses and Skirts for less than ONE-HALF regular price. Large assortment from which to make your selections.

SILK LISLE and MERCERIZED

Women's Hose in Brown, Gray, Black and White—all sizes in both regular and extras. Former values of \$1.25, now

89 CENTS

Hose previously priced at 95c, 85c and 75c, big assortment of shades; both garter and ribbed tops; regular and odd sizes, now

59 CENTS

Good Cotton Hose at 70c, 60c and 50c value included in this clean-up sale at

43 CENTS

And the 35c grade for26 cents

HOSIERY

At prices that look as though the bottom has been knocked out of the market. Women's pure thread silk hose, full fashioned, re-enforced heel and toe, values of \$3.50 and \$3.75, now in one big assortment of shades and sizes, for

\$2.34

Another assortment of former values of \$2.25, \$2.50, \$2.75 and \$3.00 black, white, brown, navy and Taupe, all sizes, for

\$1.98

Still another group in which are to be had all the popular colors as well as a choice combination of colors, for

\$1.25

Ask to see the Silk Hose at 90¢ per pair.

GIRL'S HOSIERY

is offered in a fine ribbed mercerized hose, sizes 6 to 10, MESCO Brand, black only, for

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All other children's and infants' cashmere with silk heel and toes, silk lisle and mercerized cottons, blacks, cordovan and white,

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