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Test Of Non-Partisan Laws.

John M. Ragan of Hastings, formerly one of the commissioners of the supreme court yesterday presented to the secretary of state his application to have his name on the ballot for the primary election to be held on the third Tuesday in August, as a candidate for judge of the supreme court, which application the secretary of state refused.

This preliminary step to test the so-called non-partisan judiciary law was commenced by Charles O. Whedon, one of the committeemen, chosen for that purpose by the republican state committee. It will be followed by a mandamus suit to be commenced in the district court of Lancaster county to compel the secretary of state to permit the filing of a proposed candidate under the old law. Mr. Ragan's nomination papers state that he is a republican. Mr. Ragan is a brother-in-law of Governor Shallenberger. He was formerly a populist but for several years he has affiliated with the republican party.

Among other questions raised, it is contended on behalf of Mr. Ragan that the law passed at the last session of the legislature requiring judges of the supreme court to be nominated by a petition signed by five thousand electors, and that they shall not be voted for at the primary election is void.

That when the primary law was enacted in 1907 certain sections of Cobbe's annotated statutes of Nebraska were expressly repealed by the primary law, but that in his compilation of the statutes for 1907 Mr. Cobbe included those sections which had been repealed in his book as though they were still in force.

That in 1909 the legislature passed the present law as an amendment to certain sections of the Cobbe statutes, which sections had been repealed two years previously, and that, as the original sections had been repealed, there was nothing to which the amendment of 1909 could attach.

It is further contended that the legislature by the law of 1909, which is called the non-partisan act, takes certain state officers, viz: judges of the supreme court, state superintendent of public instruction, and regents of the university and provides that the people at large shall have nothing to say as to nominations of candidates for those officers at a primary election, but that as to the other state officers the people may nominate.

That as to these officers, the legisla-

ture has provided that the superintendent of public instruction shall be required to procure a petition signed by one thousand electors, while in the case of a judge of the supreme court the candidate must procure a petition signed by five thousand voters, only five hundred of whom can be from one county, and that by such legislation has made a distinction between different state officers as to the number of petitioners required, and that as to other officers, say the governor, all the voters of the state may vote for a candidate at the primary election, while for regent of the university, superintendent of public instruction or judge of the supreme court, the voters of the state cannot express their choice for a candidate at a primary election, but for these different offices must vote for the candidate who secures a petition, or not vote at all for these offices.

That this interferes with the right of the elector to vote.

It is also contended on behalf of Mr. Ragan that even if the law which was repealed in 1907, and which the act of 1909 now seeks to amend, had not been repealed, still the law of 1909 is unconstitutional because in the amendatory act are embraced matters which are not within the title of the original act and the amendatory law of 1909 is invalid for that reason.—Lincoln Journal.

Notice to Contractors

Bids will be received at the office of the County Clerk of Cass County, at Plattsmouth, Nebraska, up to noon of Saturday, June 12, 1909, for one Fifty (50) foot reinforced concrete arch, located about four (4) miles west of Mynard Cass County, Nebraska, and one Fifty (50) foot reinforced concrete arch located one-half (1/2) mile east of Elmwood, Cass county, Nebraska.

Specifications may be seen at the County Clerk's office. Bidders may also bid on their own plans and specifications.

Bids required on each job separate and each bid must be accompanied by a certified check in the sum of \$500 made payable to the County Clerk.

Bids will be opened June 15, 1909.

W. E. ROSENBERG, County Clerk.

Solicitors Wanted.

The NEWS-HERALD is in a position to use a couple of good solicitors either all or part of the time. We have a good proposition—one you can make some money with. Please write immediately, or call at the office.

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