REAL ESTATE PARM & RANCH LANDS FOR SALE.

FOR SALE-SD-ACRE FARM, NEAR COUNCIL BLUFFS, IA; 5-room dwelling; barn 40x44, double cornerib, two wells; spring in pasture; 20 acres alfalfa. ate. CHAS. T. OFFICER, Council

MR. INVESTOR, Mr. Man with small means: For sale, if quarters of choice farm land close to Sidney, Neb. one-tenth cash, but ten years in ten equal payments. Ernest Rassak Sidney, Neb. HOMESTEAD-320 acres rich farm land for \$175, filing fees and all; just over into Colorado—good stuff, not sand bills. Land in Kimball county \$15 up to \$25 per acre. J. A. Tracy, Kimball, Neb.

O-BUSHEL WHEAT LAND, ME TO ME PER ACRE. We have for saie over 8,000 scres of Cheyenne county, Nebraska's choicest farm land, where the crop yields for 12 years, including 1910 and 1911, average with the best in the state. Alkaifa, also a leading crop. Better soft, water and climate cannot be found. Write for full information. Agents wanted everywhere FUNDINGSLAND INVESTMENT CO. SIDNEY, NEH.

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south Dakota.

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LEGAL NOTICES

PROPOSED CONSTITUTIONAL

AMENDMENT NO ONE.

The following proposed amendment to the constitution of the State of Nebraska, as heretotore set forth in full, is submitted to the electors of the State of Nebraska, to be voted upon at the general election to be held Tuesday, November ith, A. D., 1912

"AN ACT for a joint reselution preposing amendment to Section 1 and Section 10 Article 3 of the Constitution of the State of Nebraska, and supplementing Article entitled 'Amendments.'

Be it Resolved and Enacted by the Legislature of the State of Nebraska:
Section 1. That at the general election for state and legislative offices to be held on the Tuesday succeeding the first Monday in November, 1912, the following provisions be proposed and submitted as amendment to Section 1 and Section 19 of Article 3 of the Constitution of the State of Nebraska.

Section 2. That Section 1 of Article 3

That Section 1 of Article 3 istitution of the State of Ne-heroby amended to read as

Section 1. The legislative authority of he state shall be vested in a legislature

Section 1. The legislative authority of the state shall be vested in a legislature boneisting of a senate and house of representatives, but the people reserve to themselves power to propose laws, and amendments to the constitution, and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act item. Section, or part of any act passed by the legislature.

Section 1A. The first power reserved by the people is the initiative. Ten percent of the legal voters of the state, so distributed as to include 5 per cent of the legal voters in each of two-flifths of the counties of the state, may propose any measure by petition, which shall tentain the full text of the measure so proposed. Provided, that proposed contitutional amendments shall require a petition of 15 per cent of the legal voters of the state distributed as above provided. Initiative petitions (except for municipal and wholly local legislation) shall be filled with the Secretary of State and be by him submitted to the voters at the first regular state election held not less than four months after such filling. The same measure, either in form or in resential substance, shall not be submitted to the people by initiative petition (either affirmatively or nexatively) oftener than once in three years. If conflicting measures submitted to the people at the same election shall be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to scope and subject matter of statutes enacted by the initiative.

Section 1B. The second power reserved is the referendum. It may be ordered by

subject matter of statutes enacted by the legislature shall apply to those enacted by the initiative.

Section 1B. The second power reserved is the referendum. It may be ordered by a petition of 19 per cent of the legal voters of the state, distributed as required for initiative petitions. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state within ninety days after the legislature enacting the same adjourns sine die or for a period longer than ninety days and elections thereon shall be had at the first regular state election held not less than thirty days after such filing.

Section 1C. The referendum may be

Section 1C. The referendum may be ordered upon any acts except acts making appropriations for the expenses of the state government, and state institutions existing at the time such act is nassed. When the referendum is ordered upon an act or any part thereof it shall suspend its operation until the same is approved by the voters: provided that emergency acts, or acts for the immediate preservation of the public peace, health, or safety shall continue in effect until rejected by the voters or repealed by the legislature, one or more items, sections, or parts of filing of a referendum petition against an act shall not delay the remainder of the measure from becoming operative.

Section 1D. Nothing in this section shall be construed to deprive any member of the legislature of the right to introduce any measure. The whole number of votes cast for governor at the regular election last preceding the filling of any initiative or referendum petition shall be computed. The veto power of the governor shall not extend to measures initiated by or referred to the people. All such measures shall become the law or a part of the constitution when approved by a majority of the votes cast thereon, provided, the votes cast in favor of said initiative measures or part of said constitution shall constituted the shall constituted the shall constituted the shall constitution shall constituted the proclamation by the sovernor, which shall be made within ten days. ection 1C. The referendum may the basis on which the number of signal (Seal) (Sea

LEGAL NOTICES.

provided therefor, all propositions sub-mitted in pursuance hereof shall be sub-mitted in a nonpartisan manner and with-out any indication or suggestion on the ballot that they have been approved or endorsed by any pulitical party or or ganisation, and provided further that only

sitution of the state, and when so de-ctared the amendment herein proposed shail be in force and self-executing.

Approved March 24, 1911.

I. Addison Wait, Secretary of State, of the State of Nebraska, do hereby certify that the foregoing proposed amendment to the Constitution of the State of Ne-braska is a true and correct copy of the eriginal enrolled and engrossed bill as passed by the Thirty-executing assession of passed by the Thirty-second session of the Legislature of the State of Nebraska, as appears from said original bill on file in this office, and that said proposed

In this office, and that said proposed amendment is submitted to the qualified voters of the State of Nebraska for their adoption or rejection at the general election to be held on Tuesday, the 5th day of November, A. D., 1912.

In Testimony Whereof, I have hereunte set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this 20th day of May, in the year of our Lord, One Thousand Nine Hundred and Twelve, of the Independence of the United States the One Hundred and Thirty-sixth, and of this state the Fortysixth.

Secreary of State.

PROPOSED CONSTITUTIONAL

PROPOSED CONSTITUTIONAL

Seal.)

Secreary of State.

PROPOSED CONSTITUTIONAL
AMENDMENT, NO. FOUR.
The following proposed amendment to
the constitution of the state of Nebraska.

Rs hereinafter set forth in full, is submitted to the electors of the state of Nebraska, to be voted upon at the general
election to be held Tuesday, November
fith, A. D., 1812:

"A JOINT RESOLUTION to propose
amendments to Section five (5) of Article six (6) and Section thirteen (13)
of Article sixteen (16) of the constitution of the state of Nebraska as found
in the compiled statutes of Nebraska for 1939, Section thirteen (13)
of Article eighteen (15) of Cobbey's
Annotated Statutes for 1939, relating to
time of electing judges of the supreme
court, fixing the time of the general
election and providing for holding over
of incumbents until their successors
are elected and qualified.

Be it Resolved and Enacted by the Legislature of the State of Nebraska:
Section 1. That Section Five (5) of
Article Six (6) of the Constitution of the
State of Nebraska be amended to read
as follows:

Section 5. That at the general election
to be held in the State of Nebraska:

Section 6. That at the general election
to be held in the State of Nebraska in
the year 1815, and each six years thereafter there shall be elected three (3)
judges of the Supreme Court, who shall
hold their office for the period of six (6)
years; that at the general election to be
held in the State of Nebraska in the year
1918, and each six years; and at
the general election to be held in the
State of Nebraska in the year
1918, and each six years; and at
the general election to be held in the
State of Nebraska in the year
1918, and each six years; and at
the general election to be held in the
State of Nebraska in the year
1918, and each six years; and at
the general election to be held in the
State of Nebraska as found in
the Compiled Statutes of Nebraska for
1940 (Section Thirteen (13) of Article
Eighteen (18) of Cobbey's Annotated
Statutes for 1930 he amended to read as
follows:

Section 18.

follows:
Section 13. The general election of this state shall be held on the Tuesday succeeding the first Monday in November in the year 1914 and every two years thereafter. All state district, county, precinct and township officers, by the constitution or laws made elective by the

by the officers and members of the con-vention, or a majority thereof, and de-livered to the clerk of said city, who

vote for and against) to the secretary of state as aforesaid, and a copy thereof deposited in the archives of the city, whereupon it shall become the charter of and they shall complete their labors within sixty days after their respective

sion for continuing, amending or repeal-ing the ordinances of the city. Section 4. Such charter so ratified and section 4. Such charter so ratified and adopted may be amended, or a charter convention called, by a proposal therefor made by the law-making body of such city or by the qualified electors in number not less than 5 per cent of the next preceding gubernatoral vote in such city, by petition filed with the council or governing authoritie. Shall submit the same to a vote of the qualified electors at the next general or special election not held within thirty days after such petition is filed. In submitting any such charter or charter amendments, any alternative article or section may be presented for the choice of the voters and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting tharson, a charter convention shall be culled through a special election ordinance and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected as provided in section two hersof. The city cierk of said city shall publish with his official certification for three times a week apart in the official paper of said city, if there be one, and if there be no official paper, then in at least one newspaper published and in general circulation in said city, the full text of any charter or charter amendments to be voted on at any searcral or special election.

No charter or charter amendment to be voted on at any searcral or special election with the soften and the search of the primary. At the primary election in April last the republican voters were given the opportunity to express their preference for the man whom they desired to have nomi-

election.

No charter or charter amendment adopted under the provisions of this amendment shall be amended or repealed except by electoral vote. And no such charter or charter amendment shall diminish the tax rate for state purposes fixed by act of the legislature, or interfere in any wise with the collection of state taxes.

fere in any wise with the collection of state taxes.

Section 5. That at said election in the year 1912 on the ballot of each elector voting thereat, there shall be printed or written the words—'For proposed amendment to the constitution allowing cities of more than five thousand inhabitants in this state to frame their own city charter," and "Against proposed amendmenter," and "Against proposed amendmenter," and "Against proposed amendment ter" and "Against proposed amendment to constitution allowing cities of more than five thousand inhabitants in this state to frame their own charters." And if a majority of all voters at said elec-

state to frame their own charters. And
if a majority of all voters at said election shall be for such amendment the
same shall be deemed to be adopted.
Approved March 28, 1911.

I. Addison Walt, Secretary of State of
the state of Nebraska, do hereby certify
that the foregoing proposed amendment
to the Constitution of the State of Nebraska is a true and correct copy of the
orisinal enrolled and engrossed bill, as
passed by the Thirty-second session of
the Legislature of the State of Nebraska,
as appears from said original bill on file as appears from said original bill on fil in this office, and that said propose amendment is submitted to the qualifie poters of the state of Nebraska for the adoption or rejection at the general elec-tion to be held on Tuesday, the 5th day

tion to be held on Tuesday, the 5th day
of Navember, A. D., 1912.
In testimony, Whereof, I have hereunto
set my hand and affixed the Great Seal
of the State of Nebraska. Done at Lincoln, this 30th day of May, in the year of
our Lord, One Thousand Nine Hundred
and Twelve, and of the Independence of
the United States the One Hundred and
Thirty-sixth and of this State the Fortysixth.

(Seal.) Becretary of State.

OPINION IN ELECTORS' CASE

Full Text Written by Judge Fawcett

election for candidates of their own the clear current of authorities. While a party and nominated by themselves with- nomination as a candidate for election to we think, that when the legislature un- lation. dertakes by laws of this character to regulate and control the internal affairs (Iowa), 128, 129, it is said: "In Bryan of political parties, and to determine against Cattell, 15 Iowa, 538, this court the manner and method of making party held that in determining whether a vanominations for public offices, it must cancy exists in an office we are not condo so without discrimination and with fined to statutory causes, but may deagainst Jensen, 86 Minn. 19, as follows: thereto is thereby terminated without any

man whom they desired to have nominated as the candidate of the republican of the two, as where one is subordinate party for the office of president. By to the other 'and subject in some degree quite a large majority Theodore Roose- to its revisory power,' or where the duveit was named as such choice. The ties of the two offices 'are inherently indelegates also elected at that primary to consistent and repugnant.' (Citing cases.) attend the republican national convention A still different definition has been to convene in Chicago in June following, adopted by several courts. It is held that were by that vote instructed to cast the incompatibility in office exists 'where the Beyond the sitting of that convention and the nomination of a president and vice president by republican delegates of the nation there assembled, neither the duties of such delegates nor the expression of a preference for Mr. Roosevelt by that primary, extended. The preferential bar is more than one of mere incompatible.

Beyond the sitting of that convention and the such as to render it improper, from conpact to retain both. " (Citing numer compact to retain both." (Citing numer compatibility.

Case of incompatibility.

The situation presented in the case at the two offices are part).

Part Song—To Night (Four and five part).

Part Song—To Night (Four and five part).

Sevilan Polk Song—Evening on the save at lever of a voting machine, to vote a straight ticket for the candidates of his party, is guaranteed by sections 125 and (Shelley).

Case of incompatibility.

The situation presented in the case at the sevil of the two offices are party.

Case of incompatibility.

The situation presented in the case at the sevil of the case at the case at the sevil of the case at the case at the sevil of the case at the sevil of the case at the sevil of the case at the case at the sevil of the case at the case at the sevil of the case at the case at the case at the sevil of the case at th

lican party. The state convention of that had forfeited and vacated their right to lican party. The state convention of that had forfeited and vacated their right to CITY READY FOR CONVENTION party nominated candidates for the vareight presidential electors, six of whom tors, that by reason of the premises six were Messrs Pease, fireatch, Fiery, vacancies existed in the list of republican

out interference of members of any other an office does not make the nominee. political party, is too clear to require dis- strictly speaking, an officer, he is in his cussion. In State against Drexel, 74 Neb., relation to the party which placed its 776, 786, Mr. Chief Justice Holcomb, speak-ing for this court, said: "It is quite true, his duties are to be measured by that re-

in State against Anderson, 136 N. W. compatible with the first he ipso facto other act or proceeding.' (Citing numerous cases.) The principal difficulty that has confronted the courts in cases of this ties of each, having, in so doing, a due tial electors. It is rare, indeed, that as upon physical inability to be engaged At the primary election in April last the n the duties of both at the same time. republican voters were given the oppor- Bryan against Cattell, supra. But that tunity to express their preference for the solid vote of Nebraska for Mr. Rooseveit. nature and duties of the two offices are

electors. It was not and could not at form, viz.; To vote for the candidates candidate then known, but to vote, if another and distinctly antagonistic party. elected at the November election, for the This would make performance of their persons who might be nominated by the duty impossible, and a judicial determinational convention as the candidates of nation of the existence of a vacancy was, the republican party for the offices of therefore, unpecessary. The candidates president and vice president. At the pri- had, by their own acts, vacated their mary election A. V. Pease, W. J. Broatch. Diaces as republican presidential electors. George S. Plory, W. E. Thorne, A. R. This action on their part ipse facto cre-Davis, Allen Johson, Wesley T. Wilcox ated six vacancies on the republican and Alfred C. Kennedy were nominated ticket for electors. These vacancies the as republican electors for the state of duly recognized republican state central

therestre, All state, district, country, the state of the first state in the force of the supremental first state of the supremental state of the supremental first state of the supremental state of the suprementa Recovered by Police

It was represented that:

We, the undersigned qualified electors of county, in the state of Nethranka, affiliating with the republican convention. Therefore a considerable minority of the delegates withdrew, assembled in July it was found to be an assembled in July

ous state offices and also nominated election as republican presidential elecmitted in a more particum manner and within the comparison of the growing and the particular and the proposed of the comparison of the Supreme Court.

In the comparison of the supremental section, as a of whom which the same in this with the same in the particular and the contract, but the same in the contract of the Supreme Court.

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parties for the election of its candidates and Dean Eugene Davenport. Thursday for president and vice president, with the evening Cox's orchestra will give a thirtyso doing. We have recognized that party of W. J. Bryan. The following is the in Morrissey against State in a decision program for this orchestra: rendered by us October 22.

re rendered by us October 22, 1912. The pro-gressive party, therefore, now has the same legal status before the voters of can. (Thirteen part string orchestra with where the voting machine is not used, equal consideration and benefit to all clare it vacant if it is incompatible with and by a single manipulation of the lever But it is equally necessary to recognize the office held. It is a well settled rule of the voting machine where such mathe existence of political parties and to of common law that if a person, while chines are used. A voter who desires to chines are used. A voter who desires to classify them by some convenient occupying one office, accepts another invote for the candidates of the democratic standard." In that opinion Judge Hol-compatible with the first he ipso facto party may register his vote in the same party may register his vote in the same ernoon and evening of April 29. comb quites with approval from State vacates the first office, and his title manner. But, if the decision of the respondent be sustained, no voter can so the evening of Friday. November 8, is: spondent be sustained, no voter can so vote for the candidates upon the republican ticket. By far the greater number of voters do not know the various candidates for electors, but they do know for whom they want to vote for president and vice president. They have been in Arias—

The Mendelssohn Choir. kind has been to determine what consti- dates for electors, but they do know for tutes incompatibility of offices, and the whom they want to vote for president consensus of judicial opinion seems to and vice president. They have been in be that the question must be determined the habit in the past of voting a straight largely from a consideration of the du- ticket, and particularly so for presidenregard for the public interest. It is gen- voter "scratches" that part of his ticket. erally said that incompatibility does not. He votes for entire strangers about whom depend upon the incidents of the office, he has never read or made inquiry, because of the fact that they stand for the candidates whose election he desires. To deprive the voters who desire to vote a straight republican ticket of the opportunity of doing so, and at the same time afford such opportunity to the voters of the other parties named, would be rewould be in definance of the just rule that important privileges and partisan advantages cannot be conferred upon one class and denied to another class by hampering it with unfair and unnecessary burdens and restrictions.

vote given for Mr. Roosevelt had no re- bility. Here the persons who have been a violation of both the letter and spirit lation whatever to the candidates nomi- nominated as presidential electors, hav- of our laws. If such an attempt is made, nated at that primary for presidential ing, if elected, but a single duty to per- it is the right of the governing body or committee of his party to appeal to the that time be known who would be the nominated by the party by whose votes courts, if necessary, to protect him, and nominee of the national convention. The they were themselves nominated, openly when it is made to appear that such an candidates for presidential electors were declare that they will not perform that attempt is intended it is the duty of the nominated, not to vote for any particular duty, but will vote for the candidates of court to prevent it. To permit the names of six electors, who will not vote for the without the possibility of a doubt, cause thousands of voters in this state to cast their votes for president and vice president for candidates other than their sonal knowledge and long experien choice, and other than the candidates for whom it is their desire to vote. We cannot permit this to be done.

therefore affirmed.

central committee. A like committee was lican Boosters' club last night in its rooms in the Karbach block. The candidates made their final ap-

peals to the voters who will go to the polls Tuesday and asked that support of the full republican ticket from President Taft down be given.

Nearly 100 men attended the meeting. which was presided over by David L.

Preparations All Made for Nebraska

ope and possibility of its succeeding in minute concert previous to the address

Friday evening the Mendelssohn choir will give a cencert at the Auditorium This is the only appearance of the Mendelssohn choir this season except its in the Auditorium April 28 and the aft-

The Mendelssohn choir program for

"Legend of the Sage" (from "Jugger of Notre Dame") Messenet
"Drinking Song" (from "Paola &
Francisca") Pitt
Marion Green.
Gice (Old English)—(Five part)—Sigh
no More Ladies (Shakespeare).Stevens
Lament (Old Irish)—Emer's Lament for
Cuchulain (Ancient Melody)...
Arr. by Bantock
Jacobite Ballad (Old Scottish)—Charile obite Ballad (Old Scottish)-Charile

"Madrigal"... Olde" (Jester Clyde)
"In Tyme of Olde" (Jester Clyde)
Bantock "She Rested by the Broken Brook"

Coleridge-Taylor
"Auvergnet" (First) ... Goodhar:
Marion Green.
Part Song-To Night (Four and five

scores of meetings will be held by the candidates of the republican party for several divisions of the association. Most president and vice president, but will of the divisional meetings will be held vote for the candidates of another and in the high school auditorium, which has different party to be printed upon the just been completed. Other meetings will official ballot as republican electors, be held in churches, at the Auditorium. would be a gross deception, and would, at the city hall and at the Omaha High School of Commerce.

vis., Mrs. P. H. Brogan of Wilson, Pa. who says, "I know from experience that Chamberlain's Cough Remedy is far su-The judgment of the district court is perior to any other. For croup there is nothing that excels it." For sale by all druggists.-Advertisement.

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