

## LEGAL NOTICE AS TO MEASURE TO BE VOTED UPON NOVEMBER 8, 1938

The following amendment to the Constitution of the State of Nebraska will be submitted to the electors of this State for approval or rejection at the general election to be held November 8, 1938:

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That at the general election in November, 1938, there shall be submitted to the electors of the State of Nebraska for approval or rejection upon a ballot separate from that upon which the names of candidates appear the following amendments to the Constitution which are hereby proposed by the Legislature:

### AMENDMENT A

Section 1. That Section 1, Article IV, Constitution of Nebraska, be amended to read as follows:

Section 1. The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of the State, Auditor of Public Accounts, Treasurer, Attorney General, Superintendent of Public Instruction and the heads of such other executive departments as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law create. The Governor, Lieutenant Governor and Auditor of Public Accounts shall be chosen at the general election held in November, 1940, for a term of two years, and in November, 1942, and every four years thereafter, and, commencing in 1943, their term of office shall be four years and until their successors shall be elected and qualified. The Superintendent of Public Instruction shall be elected in November, 1942, and every four years thereafter, and his term of office shall be four years and until his successor shall be elected and qualified. The records, books and papers of all executive officers shall be kept at the seat of government, and such officers, excepting the Lieutenant Governor, shall reside there during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law. On or after the first Thursday after the first Tuesday in January and before the first day of February, 1941, for a term of two years from the first Thursday after the first Tuesday in January, 1941, and on or after the first Thursday after the first Tuesday in January and before the first day of February in the year 1943 and every four years thereafter for a term of four years from the first Thursday after the first Tuesday in January, and until their successors shall be appointed and qualified, the Governor, with the consent of three-fifths of all the members elected to the Legislature shall appoint a Tax Commissioner, an Attorney General, a Secretary of State and a state Treasurer. Said officers so appointed may be removed by the Governor during their terms for causes provided by this Constitution. The respective compensations of said officers so appointed shall be as provided by law. The heads of all offices established by this Constitution, or which may be established by law, other than those to be elected or appointed as provided above herein, and whose appointment or election is not otherwise by law or herein provided for, shall be appointed by the Governor, with the consent of three-fifths of all the members elected to the Legislature, but officers so appointed may be removed for cause by the Governor. No such officer shall be appointed or elected by the Legislature. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments. The Legislature may, by law, assign to the Auditor of Public Accounts the supervision of the accounts of the several governmental subdivisions of the state. The Attorney General, Secretary of State and the state Treasurer, chosen at the general election in November, 1938, shall each hold over his respective term until his successor shall be appointed and qualified. No person shall be nominated at the primary election in 1940 or elected at the general election in November, 1940 to the offices of Attorney General, Secretary of State or state Treasurer, and from that time until the time their successors shall be appointed and qualified in 1941, each of said offices as an elective constitutional executive state office is hereby abolished completely and shall be an appointive constitutional executive state office.

Section 2. That Section 2, Article IV, Constitution of Nebraska, be amended to read as follows:

Section 2. No person shall be eligible to the office of Governor, Lieutenant Governor or Auditor of Public Accounts who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his election a resident and a citizen of this state and a citizen of the United States. None of the officers mentioned in this article shall be eligible to any other state office during the period for which they have been elected or appointed.

Section 3. That Section 3, Article IV, Constitution of Nebraska, be amended to read as follows:

Section 3. The Governor, Lieutenant Governor and Auditor of Public Accounts shall be ineligible to their offices, respectively, for four years next after the expiration of any four year term for which they were elected.

Section 4. That Section 21, Article IV, Constitution of Nebraska, be amended to read as follows:

Section 21. If the office of auditor of public accounts, or superintendent of public instruction, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law.

Section 5. That Section 28, Article IV, Constitution of Nebraska, be amended to read as follows:

Section 28. The Tax Commissioner shall have jurisdiction over the administration of the revenue laws of the state, and together with the Governor, Secretary of State, State Auditor and State Treasurer shall have power to review and equalize assessments of property for taxation within the state.

Section 6. That Section 3, Article XVII, Constitution of Nebraska, be amended to read as follows:

Section 3. Until otherwise provided by law the following salaries shall be paid: Chief Justice, Judges of the Supreme Court and Governor, each \$7,500 per annum; Judges of the District Court, and the Secretary of State, Auditor of Public Accounts, Treasurer and Attorney General, while elective officers, Superintendent of Public Instruction and members of the State Railway Commission, each \$5,000 per annum. The Lieutenant Governor shall receive twice the compensation of a member of the Legislature.

Section 7. That Section 10, Article IV, Constitution of Nebraska, is hereby repealed.

Section 8. That an additional section be inserted in Article XVII, Constitution of Nebraska, as follows:

Section 10. This amendment (1938) shall be self-executing and legislation authorized hereby shall be supplemental hereto; and this amendment, except as otherwise herein specifically provided, shall be in full force and take effect on the first Thursday after the first Tuesday in January, 1939.

### AMENDMENT B

Section 1. That Section 1, Article VII, Constitution of Nebraska, be amended to read as follows:

Section 1. The Governor, Secretary of State, Treasurer, Attorney General, and Superintendent of Public Instruction shall, under the direction of the Legislature, constitute a board of commissioners, for the sale, leasing, and general management of all lands and funds set apart for educational purposes, and for the investment of school funds, in such manner as may be prescribed by law.

Section 2. That an additional section be inserted in Article XVII, Constitution of Nebraska, as follows:

Section 11. This amendment (1938) shall be self-executing, and after it becomes effective, all statutes and laws and provisions of this Constitution referring to the present Board of Educational Lands and Funds shall mean and include, while in effect, said board of commissioners, the Board of Educational Lands and Funds, as constituted hereby; and this amendment shall be in full force and take effect on the first Thursday after the first Tuesday in January, 1939.

### AMENDMENT C

Section 1. That Section 13, Article IV, Constitution of Nebraska, be amended to read as follows:

Section 13. The Governor, Superintendent of Public Instruction and Auditor of Public Accounts shall constitute a board to be known as the Board of Pardons, of which the Governor shall be chairman. Said board, or a majority thereof, shall have power to remit fines and forfeitures and to grant commutations, pardons and paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and

cases of impeachment. But no fine or forfeiture shall be remitted, and no commutation, pardon or parole granted except upon the approval of a majority of the board after a full hearing in open session, and not until notice of the time and place of such hearing, and of the relief sought, shall have been given by personal service thereof upon the judge of the court by which the sentence was pronounced and the county attorney of the county where the offense was committed. Provided, however, the Governor shall have power to grant reprieves or reprieves in all cases of conviction for offenses against the laws of the state, except treason and cases of impeachment, but such reprieves or reprieves shall not extend beyond the next meeting of the Board of Pardons, and in no case for a greater period than thirty days. The proceedings and decisions shall be reduced to writing, and with the reasons for such action in each case, signed by the members of the board concurring therein, and with all papers used upon the hearing including the dissent of any member who may not concur, shall be filed in the office of the Auditor of Public Accounts. The Governor shall communicate to the Legislature, at each regular session, each case of remission of fine, forfeiture, reprieve, commutation, pardon or parole, granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of remission, commutation, pardon, parole or reprieve, with the reasons for granting the same, and the objections, if any, of any members of the board made thereto. The board shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence or direct the execution, or grant a further reprieve.

Sec. 2. That an additional section be inserted in Article XVII, Constitution of Nebraska, as follows:

Sec. 12. This amendment (1938) shall be self-executing, and after it becomes effective, all statutes and laws referring to the present Board of Pardons shall mean and include, while in effect, the Board of Pardons as constituted hereby; and this amendment shall be in full force and take effect on the first Thursday after the first Tuesday in January, 1941.

### AMENDMENT D

Section 1. That Article IV, Constitution of Nebraska, be amended, said amendment to be known and numbered as follows:

Sec. 23. Every elective constitutional executive officer of the state is subject to recall by the legal voters of the state. Upon the filing of a petition for recall of such an officer signed by electors to the number of at least twenty-five per cent of the number of electors who voted in the state at the preceding election at which a governor was elected, setting forth the reasons for said demand, if such officer shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after such petition is filed, the proposal to determine whether the people will recall him shall be submitted, on a separate ballot at the general election held in November, 1944 or every four years thereafter. Provided, that specific election shall be called to determine the question of recall. On the ballot at said election shall be printed in not more than two hundred words the reason for demanding the recall of said officer as set forth in the recall petition, and, in not more than two hundred words the officer's justification of his course in office. The incumbent shall continue to perform the duties of his office until the result of said election shall be officially canvassed and declared by the Legislature. In case an officer shall be recalled by a majority vote of the electors voting thereon, his office shall be declared vacant and said vacancy shall be filled immediately in the manner provided by law for filling a vacancy in that office arising from any other cause. The recall petition shall be filed with the office with whom a petition for nomination to such office should be filed. No recall petition shall be circulated against any officer until he has actually held his office six months. Supplemental legislation which may aid the operation of this section may be enacted.

Sec. 2. That an additional section be inserted in Article XVII, Constitution of Nebraska, as follows:

Sec. 13. This amendment shall be in full force and take effect on the first Thursday after the first Tuesday in January, 1941.

Sec. 2. That all of the foregoing proposed amendments, A to D, inclusive, to the Constitution shall be submitted to the electors at said election upon one ballot separate from that upon which the names of candidates appear, after publication once each week for four weeks in at least one newspaper in each county where a newspaper is published immediately preceding said election. Said ballot for the submission of said proposed amendments shall be in the following form:

### "PROPOSED CONSTITUTIONAL AMENDMENTS"

"FOR an amendment to the Constitution of the State of Nebraska, amending Sections 1, 2, 3, 21 and 28, Article IV, and Section 3, Article XVII, and repealing Section 10, Article IV, to provide that the elective constitutional executive officers of the State of Nebraska shall, after the first Thursday after the first Tuesday in January, 1941, be the Governor, Lieutenant Governor and Auditor of Public Accounts; that the offices of Attorney General, Secretary of State and state Treasurer shall not, after the expiration of their terms commencing in January, 1939, be elective constitutional executive state offices and that said offices and the office of Tax Commissioner shall thereafter be appointive constitutional executive state offices; that said appointive offices shall be filled by appointment by the Governor with the consent of the Legislature and that the terms of said appointive offices shall be for four years, respectively, unless the incumbents thereof are sooner removed for cause by the Governor; to provide for the appointment and removal of other constitutional officers not mentioned above in the same manner except as otherwise provided by law; to prohibit election or appointment of such officers by the Legislature; to provide that the Governor, Lieutenant Governor and Auditor of Public Accounts shall be elected in November, 1940, each for a term of two years, and in November, 1942 and every four years thereafter, each for a term of four years with a prohibition against the same person holding any of said offices for consecutive terms after 1943; to provide that the salaries of appointive constitutional executive state officers shall be as provided by law; that vacancies in elective offices shall be filled by the Governor; to prescribe qualifications for elective executive state officers; and to provide that this amendment shall be self-executing and effective, except as otherwise herein specifically set forth, on the first Thursday after the first Tuesday in January, 1939.

"AGAINST an amendment to the Constitution of the State of Nebraska, amending Sections 1, 2, 3, 21 and 28, Article IV, and Section 3, Article XVII, and repealing Section 10, Article IV, to provide that the elective constitutional executive officers of the State of Nebraska shall, after the first Thursday after the first Tuesday in January, 1941, be the Governor, Lieutenant Governor and Auditor of Public Accounts; that the office of Attorney General, Secretary of State and state Treasurer shall not, after the expiration of their terms commencing in January, 1939, be elective constitutional executive state offices and that said offices and the office of Tax Commissioner shall thereafter be appointive constitutional executive state offices; that said appointive offices shall be filled by appointment by the Governor with the consent of the Legislature and that the terms of said appointive offices shall be for four years, respectively, unless the incumbents thereof are sooner removed for cause by the Governor; to provide for the appointment and removal of other constitutional officers not mentioned above in the same manner except as otherwise provided by law; to prohibit election or appointment of such officers by the Legislature; to provide that the Governor, Lieutenant Governor and Auditor of Public Accounts shall be elected in November, 1940, each for a term of two years, and in November, 1942 and every four years thereafter, each for a term of four years with a prohibition against the same person holding any of said offices for consecutive terms after 1943; to provide that the salaries of appointive constitutional executive state officers shall be as provided by law; that vacancies in elective offices shall be filled by the Governor; to prescribe qualifications for elective executive state officers; and to provide that this amendment shall be self-executing and effective, except as otherwise herein specifically set forth, on the first Thursday after the first Tuesday in January, 1939.

"FOR an amendment to the Constitution of the State of Nebraska amending Section 1, Article VII, and providing that the Superintendent of Public Instruction shall, from the first Thursday after the first Tuesday in January, 1939, be a member of the board of commissioners, commonly known as the Board of Educational Lands and Funds.

"AGAINST an amendment to the Constitution of the State of Nebraska amending Section 1, Article VII, and providing that the Superintendent of Public Instruction shall, from the first Thursday after the first Tuesday in January, 1939, be a member of the board of commissioners, commonly known as the Board of Educational Lands and Funds.

"FOR an amendment to the Constitution of the State of Nebraska amending Section 13, Article IV, and providing that the Governor, Superintendent of Public Instruction and Auditor of Public Accounts instead of the Governor, Attorney General and Secretary of State shall constitute the Board of Pardons from the first Thursday after the first Tuesday in January, 1941.

"AGAINST an amendment to the Constitution of the State of Nebraska amending Section 13, Article IV, and providing that the Governor, Superintendent of Public Instruction and Auditor of Public Accounts instead of the Governor, Attorney General and Secretary of State shall constitute the Board of Pardons from the first Thursday after the first Tuesday in January, 1941.

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"FOR an amendment to the Constitution of the State of Nebraska authorizing the recall of elective constitutional executive state officers by the electors after the year 1943 at general elections held in 1944 and every two years thereafter when such officers fail to resign upon the filing of a petition for their recall signed by electors to the number of twenty-five per cent of the number which voted for Governor at the preceding election.

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HARRY R. SWANSON,  
Secretary of State.

## History of the Public Schools in Plattsmouth

(Continued from Page 1)

subject of definitions and dictionaries may be obtainable by an examination of a dictionary printed in 1755 by Samuel Johnson.

Short words had no charm for him. He used pompous words and while it is true that the English people were grateful to him for compiling the only dictionary they had, nevertheless there was some unfavorable criticism of his style.

One critic said that if Samuel Johnson were to write a fable about little fishes, he would make the little fishes talk like whales.

I think that even the teachers would have been overcome by the definition of net-work given in Samuel Johnson's English dictionary.

It is as follows: "Net-work is anything reticulated or decussated at equal distances, with interstices between the intersections."

But fortunately, today, we not only have simplified spelling but simplified definition.

Mrs. D. S. Sumner, Mrs. Jack Schreiber and Mrs. D. E. Waller motored to Omaha today to spend the day visiting and attending to business matters.

From Friday's Daily—

Mr. and Mrs. Charles Mitchell left this morning for their home in Denver after a short visit in and near Plattsmouth.

From Saturday's Daily—

Mr. and Mrs. Paul Lemke and baby of Omaha are visiting here at the home of Mrs. F. R. Guthmann.

James McVey of near Nebraska was a visitor in the city today to spend a few hours attending to some matters of business.

From Sunday's Daily—

Mr. and Mrs. A. R. Breese of Red Oak are visiting here with Mrs. M. S. Kerr.

E. P. Stewart and son Don are visiting with relatives in Springfield, Missouri.

In spite of a handicap in restricted revenues that causes an unsettled condition on our teaching force today, nevertheless we feel that we are building better every year and it is our desire to inculcate upon the minds and hearts of our students the good sentiment expressed by Oliver Wendell Holmes when he wrote:

"Build thee more stately mansions, O my soul.  
As the swift seasons roll!  
Leave thy low-vaulted past!  
Let each new temple, nobler  
than the last,  
Shut thee from heaven with a dome more vast,  
Till thou at length art free,  
Leaving thine outgrown shell  
by Life's unresting sea!"

## LOCALS

From Thursday's Daily—

Searl S. Davis was a business visitor in Omaha yesterday.

Mrs. Etta Nickles was in Omaha today where she spent the day visiting and attending to business matters.

From Friday's Daily—

Mr. and Mrs. Charles Mitchell left this morning for their home in Denver after a short visit in and near Plattsmouth.

From Saturday's Daily—

Mr. and Mrs. Paul Lemke and baby of Omaha are visiting here at the home of Mrs. F. R. Guthmann.

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