

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:

As 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, 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, the 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 and after 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 respites or reprieves in all cases of conviction for offenses against the laws of the state, except treason and cases of impeachment, but such respites 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, and 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.

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

Section 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:

Section 29. 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, no special 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 reasons 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 officer with whom a petition for nomination to such office should be filed. No recall petition shall be circulated against any officer unless he has actually held his office six months. Supplemental legislation which may aid the operation of this section may be enacted.

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

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

Section 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 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 executive state officers 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 state 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; 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

stitute the Board of Pardons from the first Thursday after the first Tuesday in January, 1941.

"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.

"AGAINST 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.

HARRY R. SWANSON, Secretary of State.

Unveil Marker to Site of First Local School

Large Crowd Witnesses Impressive Ceremony That Will Preserve Community Landmark.

Friday afternoon a large number of the residents of the city gathered at "Gospel Hill," where in the early days of the city was erected the building that housed the first public school and made possible the education of the children of the territorial era of this part of Nebraska.

The Fontenelle Chapter of the Daughters of the American Revolution had started the movement for the marking of this place as well as other landmarks of the city, and found the greatest aid and co-operation of the Burlington railroad that procured the boulders for the markings and had them brought to Plattsmouth and donated to the worthy cause.

At the exercises Friday afternoon there was gathered the entire enrollment of the Plattsmouth city schools, over 1,000 of the children being present, the children of the city having through small donations secured the plaque that was to be placed on the boulder.

The day was ideal and in the golden glow of the autumn sun made a most impressive scene.

The color guard and flags were furnished by the Hugh J. Kearns post of the American Legion and comprised John E. Turner, Leo Boynton, Edgar Glaze.

Miss Pearl Staats, member of the high school faculty and past president of the local D. A. R. chapter, presided and presented the various speakers.

The high school glee club gave a very lovely rendition of "America the Beautiful," David Fowler, music instructor, doing the directing of the club.

Miss Olive Gass, whose home is near the scene of the dedication, told of the early day school and which as a very small child she had been a pupil. Miss Gass described the old time building as she recalled it, the courses of study that at that time were used in the school of the pioneer west, the dresses that were worn by the children and the sports and activities during recess and after school periods.

Attorney W. A. Robertson, of the legal department of the Burlington, on behalf of the railroad company, made the presentation of the boulder to the city and as a memorial to the school from the organization that had been a large factor in the building of the city. Mr. Robertson paid a fine tribute to the teachers of the nation and particularly to Miss Gass who had been his teacher in the Plattsmouth schools for several years.

In keeping with the spirit of the occasion the unveiling of the memorial plaque was made by representatives of the two upper classes of the high school, Miss Harriett Case, senior and Harley Cottingham, junior, who removed the red, white and blue covering and revealed the bronze plaque, the gift of the children of Plattsmouth. The plaque had the following as the dedication: "Site of the first school house in 1865, first teacher, Mary Stocking. Here was held the first regular term of district court, 1856. This boulder erected by the Chicago, Burlington & Quincy railroad and Fontenelle chapter of the Daughters of the American Revolution. Donated by the school children of Plattsmouth."

The presentation of the plaque on behalf of the schools was made by Superintendent L. S. Devoe of the city schools in a very impressive manner and was accepted on behalf of the city by Mayor George Lushinsky in a brief and much enjoyed message.

J. A. Capwell, president of the board of education, made the acceptance for the schools.

Scout Naason Babbitt led the audience in the pledge of allegiance to

the American flag and to the government of which it is the visible emblem.

Dr. H. G. McClusky, pastor of the First Presbyterian church, closed the program with the benediction.

APPRECIATE DONATIONS

The first of the week the school sent out a call to the student body asking for donations to pay for the marker that is being placed on the memorial in memory of the first school building erected in Plattsmouth. The response for this donation was unusually good. The faculty and those in charge of the program want to express their appreciation to the parents for their fine response to this request. The total amount of money needed was \$30.00. The entire amount was subscribed by the children as payment for the bronze plate that is placed on the boulder.

This is evidence of the fact that the people of Plattsmouth do respect and appreciate the history of Plattsmouth schools.

The donations were all small in sums of pennies, nickles and dimes, but the response on the part of the student body was practically unanimous.

LEGIIONNAIRES VISIT ELMWOOD AND LOUISVILLE

From Friday's Daily—

A group of nine local Legionnaires made a trip out in the county last night to attend post meetings at Elmwood and Louisville, boosting for the district convention to be held in Plattsmouth on November 30.

The four who drove to Elmwood, returned via Louisville where they joined the five who attended the Louisville post meetings.

Those going were Fred Lugsch, Albert Olson, Eugene Vroman, John Turner, Edgar Glaze, Robert Reed, Maldon Brown, Frank Rebal and Elmer Webb.

A luncheon of chili and coffee prepared by Supt. of Schools G. M. Corum added to the pleasures of the meeting at Louisville, where Plattsmouth pinocle players more than met their match and came home shorn of any reputation (fancied or otherwise) they may have established in the past.

At both towns interest was shown in the forthcoming convention here, when it is expected several hundred 12th district Legionnaires and a like number of Auxiliary members will come to Plattsmouth for the one-day meeting.

RETURN FROM HOSPITAL

Miss Jeanne Kinsel has returned from the Methodist hospital in Omaha where she has been receiving treatment for her throat.

River Barge Traffic Increases at Iowa Port

Muscatine Expects to Ship More Than Six Million Bushels of Corn—River Traffic Gains.

Muscatine, Iowa, situated on the Mississippi river, is one of the chief ports of the river traffic along the great Father of Waters, claiming that this year more than five million bushels of corn was shipped from that port to foreign and southern market.

Before the shipping season closes, about the middle of November, elevator officials estimate that 1938 corn shipments out of Muscatine will total more than six million bushels.

As the busiest grain exporting port along the Mississippi north of St. Louis, Muscatine has been dubbed "the port of city of the corn belt" by a pleased Chamber of Commerce. The city is located strategically on the east-west bend of the river and thus is closer to inland grain-producing areas than other ports. The grain elevators here have drawn millions of bushels of corn from a three hundred-mile radius this season.

The elevators are the Mississippi Valley Feed and Grain and the McKee Feed and Grain. The more than 140 thousand tons of grain shipped so far has been carried on the barges of the Inland Waterways corporation to New Orleans for foreign export and to other southern points for domestic use.

Farmers Get More

Reason for this revived river shipping is development by the federal government of the inland waterways system, work on which still is progressing on the Mississippi north of Muscatine.

Higher prices for corn, which the Muscatine elevators are able to offer because of cheaper transportation costs, have brought a steady stream of heavily-loaded grain trucks to the city.

"We have been able to offer from three to five cents more a bushel for corn during the season than other points not on the river," said Harry McKee of the McKee elevator.

"This has made it a benefit to farmers and to elevator firms to truck their corn to Muscatine, even if they have to come from a distance."

Cheaper Transportation

The Muscatine elevator firms pay a rate of 11 cents a hundred pounds to ship by water from here to New Orleans. Elevator officials figured the rate represents a saving of approximately 50 per cent under rail rates.

They reported that transportation facilities generally have been satisfactory this year. During the rush season there was a shortage of barges and low water hampered transportation for a time preventing loading of barges to capacity.

The latter problem, however, will be corrected when the nine-foot channel project on the upper Mississippi is completed.

One of the principal reasons advanced for the heavy demand for corn exports from the midwest this season is the failure last year of the Argentine corn crop.

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Plattsmouth Hotel PLATTSMOUTH

WEDNESDAY, OCT. 26th

For the benefit of the people of Plattsmouth and surrounding communities, we will give one member of each family an examination without charge. These FREE health examinations include a thorough analysis and explanation of your entire system, given on a most scientific diagnosing instrument. By use of this instrument, we are enabled to find the location and cause of your trouble without it being necessary for us to ask a single question regarding your condition, or for you to remove any clothing. Married women should be accompanied by their husbands, so that both will have a thorough understanding of the condition.

Dr. John P. Johnston, D. C.

Clinic Hours 10 A. M. to 5 P. M.

Hotel Plattsmouth - Plattsmouth, Nebr.

Remember: Free Examination, Wednesday, Oct. 26