

PETITION NOT LEGAL

ADMINISTRATIVE CODE PETITION FAILS TO CONFORM TO LAW

MANDAMUS SUIT IS BROUGHT

Attorney General Declares That the Petition Was Not Circulated in Proper Manner

Lincoln.—Attorney General Davis' official opinion holds that the petitions filed with the secretary of state, asking for a referendum on Governor McKelvie's code bill were not circulated nor presented in proper form and should not be accepted.

Managers of the referendum campaign had anticipated the action, and papers were immediately drawn for a mandamus suit against the secretary of state to compel him to receive and file the petitions.

In general, Mr. Davis holds that the referendum petitions on the code bill are defective because they were not attached to full and complete copies of the measure, which is a printed book of 461 pages. He says that it was sufficient to print the title on the petitions themselves, but claims they should then have been attached to the law by pasting them on, or in some other way.

The opinion of Attorney General Davis is as follows:

"To Honorable D. M. Amsberry, secretary of state: I have before me your inquiry of July 14th. You ask whether the petitions comply with the statute and should be accepted and filed by you.

"It is our opinion that section 2337 revised statutes of 1913, is a complete and decisive answer of the question you have raised. That section provides that a full and correct copy of the title and text of the law shall be attached to initiative petitions, and referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded and may be filed in numbered sections in like manner."

"I do not know what more clear language the legislature could have used to say that a copy of the entire bill must be attached to the petitions when they are being circulated and when they are presented for filing."

"This interpretation is further strengthened by the following part of the same section:

"When any such . . . referendum petition shall be offered for filing, the secretary of state, in the presence of the governor and the person offering the same for filing, shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure . . . against which the referendum petitions are filed."

"Detached? Detached from what? Obviously from the copies of the measure to which they were attached while being circulated. Continuing further, 'The detached copies of such measure shall be delivered to the person offering the same for filing.'"

"From whence did these detached copies come if not taken from the petitions as they were circulated and presented for filing? It is hard to see how anything could be more clear and explicit than this section of our statute. It refers to the manner and condition in which the petitions are to be circulated and signed."

"The reasons for this provision are obvious. Under our constitution the referendum is a reservation of legislative power in the voters of the state. By the use of the referendum every voter is made a legislator. Every person who signs a referendum petition is asking the privilege of voting on a legislative measure. The voter becomes a legislator. It must therefore follow that the voter must be fully advised of the matters upon which he is to sign a petition and later cast a vote. The intelligent exercise of this power is impossible without the voter having a chance to read and understand the measure in question. It is a matter of common knowledge that referendum petitions are obtained by circulators who present the petitions to the voter with a very limited amount of discussion. Unless the measure upon which a referendum is to be invoked is attached to the petition, the elector must rely upon the statement of the circulator, whose interest lies entirely in the direction of obtaining as many signatures as possible and who is not in a position to give a fair and impartial statement of the measure to the voter. To guard against fraud, deception and ill-adviced action, the legislature, not only in Nebraska, but in every other state where direct legislation is attempted, has provided that the voter must have under his eye as a part of the petition to which he attaches his name, a full and complete copy of the measure sought to be referred."

"It seems to me that the circulation of referendum petitions which contain nothing more than the title to a bill, and the signatures to which are obtained from the voters with no more explanation than that given by the party who circulates the petition, is the very essence of bad government. I can conceive of no more vicious system of government than that which would permit the circulation of a petition practically in blank, and then the attaching of these petitions to a copy of a certain measure and asking to have that measure suspended by reason of such a system. The whole principle of our government is that the voter is given every means of casting an intelligent vote. To say that a referendum petition which will suspend the operation of a law can be circulated without giving the voter even a copy of the bill, is directly contrary to that principle, and I may say for your further information that, where this matter has been passed upon in other states, it has been held that a copy of the bill must be attached to the petitions while they are being circulated."

"Some confusion in this matter has resulted from an attempted application of section 2335 of the revised statutes to the facts in this case. Section 2335 provides explicitly the form of the printed petition. It sets this form out as it is to be used. But this section is limited to the form of the petition which must be printed and has no reference to the requirement that copies of the bill be attached to the form as printed."

"Our attention has been called to the case of Bartling v. Waite, 96 Neb. 533, and 148 N. W. 507. We have made a careful analysis of this case and we feel that it is absolutely in accord with the principles herein laid down. The only question raised, discussed or decided in that case in reference to the form of the referendum petition was whether or not the statute requires a full text of an act of the legislature upon which a referendum is demanded to be printed on the face of the referendum petition. The court decided that the statute did not require the printing of the full text of the law on the face of the petition. This is exactly our own view and is following out explicitly the terms of Section 2335. In other words, the decision in Bartling v. Waite is an interpretation of section 2335, and the court expressly states that section 2337, which is the answer to your present inquiry, is inapplicable to the facts as presented to the court in that case. The question of whether or not referendum petitions shall be attached to a full and correct copy of the measure on which a referendum is demanded was not before the court for decision."

"In view of the statute and the reasoning above given, it is my opinion, and I am glad to add that it is the unanimous opinion of all the lawyers attached to this department, that these petitions as presented to you do not comply with the statute, that they were not circulated in a manner which complies with the statute, and that therefore, following the law, you should refuse to accept them for filing."

ALL OVER THE STATE

Nebraska News Gathered from All Sections and Billed Down to the Facts for Busy Readers.

Edison is in the midst of a building boom.

Plymouth is soon to have an artificial ice plant.

Beatrice Camp No. 27, M. W. A., will hold a log rolling on Labor day.

A group of Alma business men have organized a \$100,000 flour milling company.

Superior has awarded the contract for sixty blocks of concrete-asphalt paving.

Monday night, August 11, is set aside as Lincoln night at the Ak-Sar-Ben in Omaha.

The police department at Lincoln is being strengthened in anticipation of a "crime wave" this fall.

One Alma real estate dealer in ten days sold eight farms for which the aggregate price paid was \$84,950.

Nearly \$1,000,000 increase in the assessed valuation of Lancaster is shown by the report of the assessor.

Twenty-five thousand people saw the first post-war air carnival at Fort Omaha in one afternoon and evening.

The new Nebraska federation will move its headquarters from Omaha to the Midwest building at Lincoln 5023.

Carl Bergstrom of Newman Grove died at his home from the effects of being twice gassed in service overseas.

The Masonic lodge of Beatrice will erect a \$60,000 temple. The site has been purchased and work will begin soon.

Plans for a beet sugar factory at Culbertson have taken definite form and the success of the venture is assured.

Nebraska jobbers, who will be affected by the new refrigerator law, are organizing to fight the increase in rates.

Carl Johnson of Wahoo, a survivor of the Titanic disaster, is home on furlough after seven months' service overseas.

The Farmers' Telephone company of Dodge county was given authority to increase rates by the state railway commission.

G. A. Hunt, early settler and a member of the legislature from Saline county, died at his home in Crete at the age of 73.

A petition is before the state railway commission for the building of a light and power transmission line from Aurora to Giltner.

The twelfth annual convention of the Nebraska state federation of labor will meet at Omaha, August 5 for a session of three days.

O. M. Backus, for many years a resident and publisher of DuBois, died in the Pawnee City hospital after an illness of some weeks.

The county assessor's report filed with the board of equalization, shows a reduction of \$2,022,750 in the taxable wealth of York county.

Spontaneous combustion caused by the intense heat of the sun destroyed the tanks and contents of the Standard Oil company at Trenton.

The city of Sterling has leased the distribution line owned by the Nebraska Gas company and will connect with the power line from Tecumseh.

A special election has been called for Hickman to vote bonds to provide an electric light and power transmission line from College View.

Contracts for approximately 60,000 tons of coal for state institutions at a cost of nearly \$360,000, have been let by the state board of control.

The law licensing the sale of cigars and cigaret material and placing cigars and tobacco under the same provisions, becomes effective July 13.

The railway commission will shortly issue an order permitting the Nebraska telephone companies now charging the Burlington installation rates to continue these charges until the first of October.

The citizens of Falls City have organized a Home Building company and about \$50,000 has been subscribed to the undertaking which is to promote the building of homes and rental properties.

Two hundred farmers from the neighborhood of Great Falls, Mont., whose crops were destroyed by the dry weather, came by special train to Sidney, Nebraska, where practically all found work.

Peter Stevens of Cheyenne county got into trouble with the espionage law by flying a German flag on Independence day. About twenty-five of his neighbors assisted in hauling down the colors.

The manager of the Frontier hotel at Nebraska City was taken into custody by the authorities shortly after the hotel had been badly damaged by fire which broke out in several places simultaneously.

Prof. Claude K. Shedd, formerly of the Iowa state college of agriculture and mechanic arts, will have charge of testing tractors under the new Nebraska law requiring all types of tractors to stand an official test of the University of Nebraska.

Joe Collett, a member of the famous Sixth regiment, U. S. marines, has returned to his home in Hampton. He went into action at Chateau Thierry and was shot through the left arm by a machine gun near Soissons. Returning to the front he reached the Champagne region before another machine gun bullet again put him out.

INDIAN THIEF HAD INGENUITY

Remarkably Clever Stratagem by Which Piegian Escaped With His Booty of Stolen Ponies.

Among the many interesting stories told by members of the Canadian mounted police is one that has to do with the cleverness of an Indian.

One snowy morning a band of Crees awoke to find that about a dozen of their ponies had been stolen during the night. A band to go in pursuit was immediately organized, and in the course of an hour the trail was struck. The band followed it for thirty miles or more, till it entered a river and headed for a little wooded island.

Smoke was rising from the trees, and an opening, apparently the mouth of a cave, was in plain view. Presently a Piegian Indian showed himself in front of the opening. At his heels was a dog.

Pretty soon the dog scented the Crees, who were lying low, and began growling and barking. The Piegian looked up, glanced about him for a moment and then instantly entered the cave. In about ten seconds, another Piegian came round the rocks and also went in; then another, and another and another. The Crees lay silently in the bushes, counting, till upward of fifty Piegians had come round the rocks and gone into the cave, and still they kept coming. Each carried a rifle.

When at last seventy men had disappeared in the cave, the superstitious and cautious Crees concluded that the evil spirit had something to do with it. So thoroughly were they filled with this idea that even when re-enforcements came, which was in a few hours, they were reluctant to attack the island.

That night, however, one Cree, less credulous than the others, crossed over the ice to investigate. On approaching the supposed cave, he found that it was no cave at all, but simply an opening leading some ten feet into the rock, where it made a turn and came out on the other side.

There was the remnant of a single camp fire, the ponies were gone and not an Indian was in sight. The ingenious Piegian thief, by making the circuit of the passage, and the end of the island seventy times, had so deceived his pursuers as to gain the time necessary for his escape.

Want to Rent Old Castle? If anybody wants to buy a ruined castle, described as "of great historical and romantic history," now is their chance, according to advertisements inserted in the British papers.

It is not exactly modern, dating, as it does, from 1063, and the advertiser states that "considerable outlay will be required to reconstruct it." The purchaser is assured, however, that it reconstructed, "a unique and charming home would result."

Nothing is said about ghosts, but it stands to reason that a castle of this age must have a large and lively flock of such insects. So here's a chance for some of America's millionaires to acquire at small cost a castle—and all that goes with it.

An added inducement is that there is good trout fishing near by, so that when tired of gazing at his unique and charming home the purchaser can rest his mind by going fishing.

British Land Changing Hands. Land in the British Isles is changing hands at the rate of 100,000 acres a week, well-informed real estate dealers estimate. By the end of this year some \$100,000,000 in land deals will have been completed.

Large estates are being sold, mostly in small lots. One of 10,100 acres in Durham fetched \$430,000 when cut up into 96 farms. Syndicates are getting in their work. One estate, valued at \$500,000 was sold to a syndicate for \$750,000 and the latter disposed of the land to another syndicate for \$1,000,000. Only 3,000 acres were involved.

Tenant farmers are pressing for opportunity to own the land and large landowners are availing themselves of the chance to "get out" at high prices.

Big Demand for Diamonds. The demand for diamonds all over the world so far exceeds the supply that the stocks of importers and cutters are practically exhausted and they are unable to fill the orders of their retail customers. This condition was attributed by New York jewelers chiefly to the prosperity of the country. The war-time period of bonanza wages has made the working people the nation's greatest diamond buyers. This class, it was said, had absorbed a large portion of the small stones on the market, but the rich man is as badly off as the man of moderate circumstances, because the larger and more valuable diamonds are scarce and higher in price.

To Make Mother-of-Pearl. The secret of another German key industry has been discovered, the manufacture of artificial mother-of-pearl. J. W. H. Dew, a fellow of the Royal Society of Arts, found the process after much patient experimenting.

Doctor Dew was engaged during the whole period of the war in reconstructing, step by step, the method of manufacture.

Artificial mother-of-pearl is used for making fancy buttons, dress trimmings and many other articles. Before the war most of it came from Germany.

Farmers' Loan in Jamaica. The agricultural loan bank movement was initiated in Jamaica in 1911 to provide relief for the small planters of sugar, bananas and coconuts whose holdings were injured in the destructive hurricane and drought of that year.

THIN PEOPLE SHOULD TAKE PHOSPHATE

Nothing Like Plain Bitro-Phosphate to Put on Firm, Healthy Flesh and to Increase Strength, Vigor and Nerve Force.

Judging from the countless preparations and treatments which are continually being advertised for the purpose of making thin people fleshy, developing arms, neck and bust, and replacing ugly hollows and emaciated features by the soft curved lines of health and beauty, there are evidently thousands of men and women who keenly feel their excessive thinness.

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