Statement at the Postellion, Columbia, Nobe., as

W DWEEDAY, AUGUST IS 1846

DERICK E. ARDOTT, Dille:

BENEWALS—The date opposite your name on gone paper, or wrapper above to what time your unhoriging is paid. Thus Jases shows that payment has been received up to Jan. 1, 1986, Februs to Februs, 1586 and so on. When payment is made, the date, which namewers up a receipt, we'll be changed accordingly.

threCOMFINUANCES—Responsible subscrib-ors will continue to receive this journal until the publishers are notified by letter to discontinue, when all arrearages must be paid if you do not wist the Jearnal continued for another year af-ter the time paid for has expired, you should greet easy notify us to discontinue it.

CHANGE IN ADDRESS When orderin hange in the address, subscribers should be a popular their old as well as their new address.

MAS GALUSHA NULLIFIED THE THE PROPOSED RAILROAD COMMISSION AMEND MENT?

The answer to this question should in no way interfere with the vote on the proposed amendment, for the state will have to spend nearly \$5,000 anyway for the publication of it and if the people want a railroad commission they should go on record on the proposition. However, the people should know the dangers, if there are dangers, which threaten the constitutionality of the amendment, should be adopted by popular vote, because Secretary of State Galusha failed to require the publication of the amendment three full months preceding the election as required by the constitu-

If the amendment is nullified the burden of blame must fall primarily upon Mr. Galusha, but secondarily it will fall upon the republican party. If the republican party has any good reason, therefore, to fear that the amendment may be defeated in the courts, would it be wise for it to condone the official mistake of Mr. Galusha by giving him a renomination and thus become a party to a mistake that may cost the state thousands of dollars and postpone rate regu-

Mr. Galusha's arbitrary refusal to surrender his pass after the last republican state convention as did Searle and Eaton and Mickey and other state officers, does not shed the best hight on this last questionable official act, in the eyes of many republicans and it should be seriously considered both by Mr. Galusha and the republican party, whether he should not go the way of Governor Ezra P. Savage who committed an act that placed an unnecessary burden on the republican

The importance of this question to the republican party and to the state at large has prompted us to make some investigations into the court de cisions on the question of sufficient publication raised by Mr. Gulsha's negligence. And we submit thes investigations to the republicans of Nebraska, asking them to consider before they re-nominate Mr. Galusha whether the decisions which we shall quote, do not at least raise a slight doubt as to the constitutionality of Mr. Galusha's mode of publication?

The constitution of Nebraska, Art XVII, Sec. 1, providing the mode of constitutional amendments, uses this language relative to publication:

"Such proposed amendments shall be entered on the journals with the yeas and mays and published at least once each week in at least one newspaper in each county, where a newspaper is published for three months immediately preceding the next election of senators and representatives."

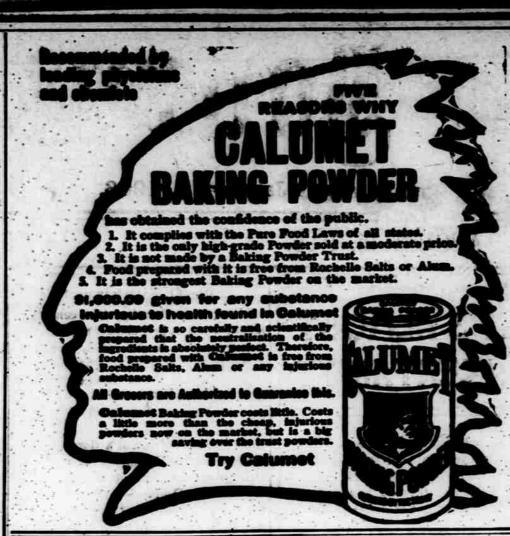
The election will occur on Novem ber 6th. In several counties Mr Galusha did not succeed in securing publication till August 10th although he ordered special editions to be in sued in all counties on August 3rd.

Did Mr. Galusha begin the public cation of this amendments "three months" preceeding the election a required by the constitution?

The answer to this question depend upon two other questions, first, What is the meaning of the word "month" as used in the constitution? and second, Is the language of the constitution requiring three months publication mandatory or is it merely

The first question is answered fully in an opinion written by Judge Post of this city in which he says that the term "month" when not expressly defined, means "calendar month." The case in which this opinion appears is McGinn vs State, 46 Neb. 427, and the language used is as follows:

"Later cases have as a rule construed the word 'month, when it does not appear to have been used in a different sense, to mean a calendar month. Calendar month donates a period terminat-



ing with the day of the succeeding month numerically corresponding to the day of its beginning less one."

According to this view, the proposed amendment should have been published not later than August 6, to have brought it within the rule.

But the Omaha Bee and eminent attorneys in Nebraska maintain that the matter of publication is not es sential. That the language of the constitution is merely "directory" a to the time and manner of publication. That the will of the people is the main thing and that it would b absurd to nullify the will of the people through the blunder of a secretary of state or mistake of a newspaper man. This reasoning appeals to one's common sense. It is right and it probably was a mistake for our constitution chance for a law suit? makers to prescribe details which it is so difficult to enforce in so important a matter. But is not a question of what our constitution makers should have done or what would be just and right for our courts to hold. It is a question of what they actually did and whether our courts shall view in no other way, and on the whole it is the commands of the constitution as lation in Nebraska for a number of And our courts can be expected to on our part more than the strict fulact as other courts have acted under similar conditions. In other words it can be expected, and in this case it i to be feared, that our courts would follow precedent in construing our constitution and the weight of author

> datory. In Montana a few years ago th same question which has been raised in Nebraska arose under a constitu tion which has the same constitutional provisions requiring three months publication of constitutional amendments The secretary of state in that case re quired only two weeks publication Although the amendment carried, was nulified by ahe court in a decisio which gives an exhaustive review previous decisions. The case is ported in Pacific Reporter. State Tooker, 37: 840. The following language is used by the court:

ity seems to be on the side of constru-

ing constitutional provisions as man

"In considering the provisions of our own constitution and in the light of the decisions, we are clearly of the opinion that the requirment to publish notices of a proposed amendment for three months is not only mandatory. but that it is an essential provision and must be obeyed. We have felt wholly satisfied that the omission to publish the proposed amendment, as required by the constitution, is fatal to its adop-

This Montana decision is supported by an Alabama decision (Collier v Frierson, 24 Ala. 109) which says:

"We entertain no doubt that to change the constitution in any other mode than by a convention every requisition which is demanded by the instrument itself must be observed and the omission of any one of them is fatal to the amendment."

Discussing the Kansas case (Prohibitory amendment cases. 24 Kan. 700) which held that aside from the assent of two thirds of the legislature and a majority of the popular vote, other provisions are mere machinery and forms, the supreme court o California holds: (Paving Co. v Hilton, 69 Cal. 499.)

"If this is form and machinery it is form and machinery established by the constitution. It is not unsubstantial and non-cosential, but all officers are sworn to support as much as any other part of the constitution."

The court of appeals of Texas takes comparison. the same view. (22 Tex. App. 398)

"The great weight of authority seems to be the other way, holding that the courts nor any other department of the government are at liberty to regard any provision of the constitution as mere-

ly directory, but that each and every one of its provisions must be treated as imperative and mandatory without reference to the rules distinguishing between directory and mandatory statutes. Judge Cooley, discussing the same point says:

"There are some cases, however, where the doctrine of directory statutes has been applied to constitutional provisions; but they are so plainly at variance with the weight of authority upon the precise points considered that we feel warranted in saying that the indicial decisions as they now stand do not sanction the applica-

Republicans, is this not sufficient evidence that there is at least

There is nothing free or compliment ary about the mileage the editor gets from the railroad companies. We fee that we pay the railroads much more than their regular rates for all the rides we get. We enter into the contract because it is the railroads way of doing business, and we can get the advertising desirable. But we have never considered mandatory or as merely directory. that there was the slightest obligation

> And we want to say that a large number of railroad attorneys and sheriffs, and clerks of the district court and agents for railroad realestate in Nebraska could use the same excuse with the same honesty that Editor Ladd makes it. Cannot the editors of Nebraska see that so long as they defend the "barter" railroad contract as applied to themselves that they cannot consistently demand the abolition of it as applied to others? And if the "barter" system is permit ted at all can they not see that the bars are let down for all the present evils of the pass system? So long as the railroads are permitted to exchange mileage for any kind of service whatsoever, is it not clear that they will be ingenious enough to find plausible service for all the men they need for political work in every community? Why will reform editors persist in trying to unload all of the corruption connected with the pass evil in the other fellow's back yard? Why not face the problem as it exists and give every person who rides on a service contract including the attorney, the sheriff, the clerk of the court, and the real estate agent, credit for the same honesty possessed by the editor? We believe that a majority of all these classes are honest enough and broad enough to make the small individual sacrifice necessary and join the newspaper men in a demand for the exists today, it is wrong to apply the criticism of republicans gone wrong, senator that will carry the nomination term "pass holder" to any of the will increase the republican vote next to the legislature. For governor Shelclasses enumerated above without in- fall the same as did his defense of don has the lead in instructed delegacluding the editor. And even the democrats gone wrong. Our theory tions but Weston is expected to show judge and legislator and politician is this: Criticise the wrong in your can give excuse for his action by cit- own party and you unify it by gaining prevailing custom. Let us quit ing the active support of all the righttalking with disparagement about the "pass-holders" and "railroad tools" and instead, make appeal to the manhood of all citizens to wipe out the system which reaches out with

PLATTE COUNTY VALUATION. The following table of Platte county assessment figures will be of interest to Journal readers for purposes of

corrupting influence to the best citi-

reaship in every community. And

we repeat that public opinion can

never be aroused to the point of

crushing the system, so long a the

sources of public opinion, the hews-

paper men, insist upon excusing them-selves from the operation of the same laws of corruption which affect other

equally worthy members of the con-

Total assessed value of all property: \$117,276.84.

Assessed value of railroad property: 1905, \$853,873; 1906, \$859,577.14.

******** OTHER EDITORS. ******

Omaha Bee:-Even the democrate are declaring in their county conventions for the exactment of a direct primary law by the next Nebraska legislature. the republican conventions method But as the democrate in Nebraska pover vet took a step toward nominations by what I have told you for twenty years" direct vote except as driven to it by If editor Johannes, just once in primary election laws forced on them came twenty years had criticised a single by the republicans, their sincerity is open to question.

maniculated from beginning to end, that a movement which was lost was declared carried, without consulting them, and that, to crown all, a man was elected for precinc committeeman who was not even a delegate to the convention.

Central City Nonpareil:-Chairman Sherman save that the response to his appeal for dollar subscriptions to the congressional campaign fund has been entirely satisfactory and that money is pouring in from all over the union. \$75,000 is needed and it appears that more than that amount will be received. Certainly no Republican congress elected this year will need feel any obligation to corporations because of

L. G. BRIAN

L. G. Brian, Boone county's candilate for state treasurer, possesses all the qualifications which the progressive republicans of Nebraska demand, and they will never be sorry if they nominate him.

First he is one of the common

Second, he is qualified by education and business and official training for the important duties of state treasurer.

Third, he stands on a progressive republican platform, and lives that platform as a citizen and as a republi-

In an address issued to the delerates to the state convention the following biography of Mr. Brian ap-

Lawson G. Brian came to this county in 1887, and immediately began farming. For years he had his successes and reverses as a farmer, but gradually prospered, improved his land and added more acres, until today he is the possesand is one of our most prosperous, progreesive and up-to-date farmers and

Several years ago Mr. Brian's neighbors and friends elected him county. high order in that office, that soon thereafter he was elected county treasurer, and two years later was re-elected by a tre-

It is peculiarly fitting at this time that Mr. Brian should become a candidate for an office that is of so much financial importance to the people of the state. for he has many of the characteristics of that type of American citizen best represented by our matchless president.

He is a magnificent specimen of physical manhood, in the prime of his viworous life, a strong sturdy character, with whole system abolished by law, and well defined upinions and the courage to compel everybody to pay fare, in cash

Personally he is a plain, honest, conscientions man, and as such, we present | holes are left in anti-pass law for his name for the nomination of state

the republican square deal fight against the democratic supervisors is a "split" in the republican party and you drive away the active sup-If we can read the signs aright, instead of seeing two or three republicans doing all the work this fall, Mr. Pratt will see those republicans whom the Journal criticised last week ably and enthusiastically assisted by every republican in Platte county. Platte county republicans will work together this fall, shoulder to shoulder, as they have not done before for years. But they will work only on a "square deal" republican platform, and only for candidates who stand for those principles which enabled Theodore Roosevelt to carry Platte county by a

The best that we can hope for the sembled today is that they will adopt a good republican platform and then 1903, \$2,752,248.62; 1904, \$5,874,- take steps to blot out the record their 008.40: 1905, \$5,994,505.12: 1906, officials have made in nation and state every time the people have believed their promises and turned the govern-1903, \$471,500.73; 1904, \$813,070.14; ment over to them. If they neglect the latter, their republican oratory will have been in vain.

***************** PERSONAL and PERTINEN' *********

Editor Johannes not humorous amis last week in his Gorman Bisso. He quoted the Journal's criticism of some of and then added dramatically "Im't that one of the many acts of democratic corruption which every tax payer in Platte Madison County Reporter:-The re- county knows to have existed, maybe publican delegates that attended the his readers would take his word withcounty convention at Columbus are in- out requiring the verification of the sensed at the treatment they received. Journal. We suggest that while the They feel that the whole thing was brothers humor leads him in the direction of speaking the truth that he makes full confession of his connection with the Swanson letters. Perhaps it will develop that he has been writing Swanson's letters for twenty years?

We had just invited our old friend Pete Barron to Columbus to renew acquaintance with his numerous lady friends, when here he comes in an editorial in the World-Herald on the subject of "promiscuous kissing." He deplores the practice-among children and members of the same sex, calls it "hollow mockery of a very blinsful ceremony' and says it is sometimes "extremely tantalizing to innocent bystanders." Then he berates the Omaha board of health their contributions to the national com- or some other board of health for adopting a rule against the practice on hygienie grounds, declaring "I would wade through seas of blond or face a den of dragons for my lady love! Do you think for a minute that I would back down before some scrawny bacillus that may be poshehing upon her ruby lips? And nobody who is less than a hundred years old will blame me." For the assurance of Columbus young ladies we will add that we have recalled the invitation

> Query: How will the Berge landalide effect Edgar Howard's promise to make Pat Hart ambassador to Ireland?

What would happen to the demo cratic party if Bryan should refuse to adopt the new Platte county ratio of 108 to 20?

Here is one democratic paper that agrees with the Journal on the pass

Representative Greig should go even further than his convention asked him to go on the railroad pase proposition. Mr. Greig should ineist upon a law eliminating the railroad pass system, root and branch. That includes newspaper, the pass furnished to the clerk of the district court and sheriff on eliminate the attorney's pass and ministers of the gospel should be made to pay fare the same as other people. The passes as a mere courtesy to judges, legielators and political fixers, of course. commissioner, and his work was of such is flagrantly wrong, but the pass reseived upon contracts is part of the pass system and should be sholished by law. This editor has never raised much dust on the pass proposition. Although we have never held a free pass, we have always used editorial mileage and transportation furnished in lieu of clerical services as District Court Clerk and no editor nor attorney nor public official, even though they practically pay for their passes, have any moral right to condemn passes unless they show a willingness to assist in having the and let the railroads pay cash for the services rendered to them. If any loop fellows to crawl through via the service contract or editorial mileage route, the law then becomes a farce because there Fred Pratt of the Humphrey is no such a thing as a "free pass" and Democrat is a good fellow, but a poor railroads will find a way to let their guesser. Last fall he guessed that hirelings through the loop-hole.-Platte

Center Signal. Never in the history of Nebraska would fail and gave his support to has the republican party offered so Peter Bender. Now he guesses there many strong candidates for state convention nominations and never has because the Journal dared criticise it been more difficult to pick out the some bad convention methods in its winners before the convention. It is own party. This guess is pardonable a toss up between Rosewater and coming as it does from the member of Brown as high men for Senator with a party whose newspapers are seldom | chances about equal between Millard, known to criticise the wrong within Evans, Meiklejohn and Currie as complete annihilation of the whole their own party. But our good friend dark-horse candidates. And there system. Under the system as it Pratt may find that the Journal's may be a convention dead-lock on equal strength in the convention while Rouse and several others are by no means out of the race. There seen thinking members of it. On the other no disposition and there should be none hand, defend the wrong in your party to interfere with any of the one term state officers with the possible excepport of its right-thinking members. tion of Galusha. That the republican convention will name progressive Roosevelt republicans for all officers there can be no doubt. And if it does

it will name winners. Some anonymous writer this week placed the following question in The Telegram's query box: "If all the Platte county delegates to the republican state convention in order to qualify should be compelled to show they did not ride to Lincoln on a railroad pass, would Platte be represented in the convention?" The railroad boys refuse to slate which carried the program of the county convention a week ago, but perhape our old friend Editor Abbott can throw some light on the situation.-Columbus Telegram.

We pees it up to the pass-holding flowers of Platte county's democratic chivalry. Don't all speak at once.



When You are Going to Erect a Monument or Markier at the Grave of Your Lost Ones

ember That The....

Marble Works

Will do Your Work Satisfactorily. We will Not Be Undersold by Anyone. Give us a Call Before Placing Your Order. No Order too Large or too Small for us to Handle.

E. BERGMAN, Preprietes

21212 **US...**



for some Specials in Chamber Furniture and an Extra Nice Line of Dining Furniture.

Good things at Moderate Prices.

Bring your pictures to us to be framed.

HERRICK

BOTH PHONES

UNDERTAKING

HAND MADE

Let us build vou one. We put nothing but the very best material and workmanship in them. The price is right.

FARMERS, Bring in your tools and implements to be sharpened and repaired now. It will save you time when the spring work opens up.

We keep only the Latest and -BEST in-Buggies & Carriages

-All Kinds of-.. Farm Implements.

Dar Horseshoes stick and don't lame your horse-try 'em

LOUIS SCHREIBER.

C. N. McELFRESH Attorney - at - Law

Zinnecker B'ldg, Columbus, Neb.

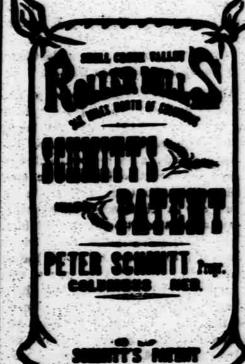
JIM'S PLACE

I carry the best of everything in my line. The drinking pub-lic is invited to come in and see

JAS. NEVELS, Proprietor 516 Twelfth Street

Dr. C. A. Swanson

-Veterinarian-



Real Binate Louis. where you want to go and we will give all kinds of real estate at the lowest rates on easy terms.—Becker, Hockunberger & Chambers.

However, Hockunberger & Chambers. We are propared to make loans on

COME WEST

CHEAP HOMES Keith County, Nebraska offers the Best Induce-

ments to the Investor

and Homeseeker in Valley and Irrigated Lands. Write for list and prices to I. C. HOLLOWAY,

Ogalalla, Nebr.

C. J. GARLOW Attorney-at-Law

Office over Old State Bank Bids. COLUMBUS, NKBk

R. W. HOBART

Attorney - at - Law

Rooms 10 and 11 New Columbus State Bank Building.

A. M. POST

Attorneu: at : Law

FOLEY'S KIDNEY CURE

of any case of Kidney of Bladder disease that is not beyond the reach of medicine. Take it at once. Do not risk having Bright's Disease or Diabetes. There is nothing gained by delay.

50c. and \$1.00 Bottles. Sold by Chas. H. Dack.

Any person having backache. kidney pains or bladder trouble who will take two or three Pine-ules upon retiring at night shall be relieved before morning.

The medicinal virtues of the crude gume and resine ob-tained from the Sative Pine have been secognized by the medical pro-feasion for conturion. In Pine-also we ofthe all of the virtues of the Entire Pine that are of value in relieving all

PINE-ULB MEDICINE CO., CHICAGO 20th Century Drug Store, Platte Center

LOW ROUND TRIP RATES Via The Chicago Milwaukee

& St. Paul Ry. One fare plus \$2.00 for 15 day ticket. One fare plus \$4.00 for 30 day ticket. On sale daily to many points in Canada and western New York, and on Aug 8th and 22nd and Sept. 5th and 19th to many points in New England. Tell us