

## TEST OF THE PRIMARY LAW

Socialists, in Their Brief, Demand Mandamus for Drexel.

## DECLARE HE VIOLATED OLD STATUTES

Dodge Act is Stamped as Contrary to Article in State Constitution Governing Holding of Elections.

Printed copies of the brief filed in the supreme court of Nebraska by Attorneys George A. Magney and E. R. Leigh, attorneys for the socialist party of Douglas county, are now out. The title of the case is: Clark W. Adair, relator, against John C. Drexel, county clerk of Douglas county. The brief starts out by saying:

This is an application for a mandamus to compel the county clerk of Douglas county to receive and file the certificate of nominations for the socialist party of Douglas county, made up in accordance with the primary law enacted by the last legislature. To back up this assertion, it is set out in large capital letters that "The act in question is violative of section 22, article 4, of the constitution of the state."

The section in question reads: All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

Among along the line of these premises, the brief covers all sections questioned in the Dodge primary law, up to quoting a decision of the California supreme court in a similar case, the concluding part and the gist of which is:

The legislature has no power to deprive any citizen of the state, who fills all the requirements of the constitution, of his right to vote at an election provided for by the act.

On the line of this decision and their original collection, Attorneys Magney and Leigh say:

**Filing Fee Violative.** The requirement of the payment of a filing fee of 1 per cent of the emoluments of the office for the candidate having his name placed upon the primary election ballot is clearly violative of section 22 of the constitution and renders the act void.

They further say: The legislature has no more authority to say that the voter shall be assessed 1 per cent of the salary of the office for the privilege of having his name placed upon the official primary ballot than it has to say that the elector when nominated for office shall be assessed 1 per cent of the salary of the office before his name shall be placed upon the official election ballot.

Numerous statutes are set out as supporting the propositions of the brief that no test shall be imposed upon the voter as basis for participation in an election, except possibly as to party affiliation "for a reasonable time, as until the next general election."

The clause excepting from registration certain parties, as "those who are sick, unavoidably absent, or other matter beyond his control," is also questioned, and likewise that "no provision is made for the voter proving his right to vote other than by registration."

An attack is also made on the title as covering more than one subject. And the change in method of registration is also excepted to.

## BOOST FOR F. H. CUNNINGHAM

Reasons Given by Rural Free Delivery Men for Re-Election of South Omaha Man.

An editorial in the Rural Free Delivery News, the official organ of the National Rural Letter Carriers' association, gives many and strong reasons why F. H. Cunningham of South Omaha, president of the association, should be re-elected. It says:

Mr. Cunningham is a candidate for president to succeed himself. His election one year ago was under conditions which made his term of office extend over two years, and he not voluntarily waived his right to the second year and preferred to accept the office again only at the hands of a majority choice at the coming convention. That his action in promptly releasing the association from its obligation to retain him as president two years was a magnanimous thing to do is acknowledged even by those who are trying to elect another in his place.

Have there been any good results secured for the rural carrier body due to the administration of Mr. Cunningham as president? And if so, what are they? Is the condition of the carrier today any better than it was before? Now, let us be absolutely fair and weigh the facts as they actually exist.

When through the work of the News the national association was organized in Chicago in October, 1902, Frank H. Cunningham was elected president. The editor of the paper, directly or indirectly, lent a feather's weight of influence toward his election or that of any other of the officers nominated. No one can question that.

There were then sixteen state associations, of which all but three or four were only a few months old. Now there are thirty-three well organized, active state associations, or one more than twice as many as then.

At that meeting fifty-one carriers were present (including a large percentage from nearby Illinois towns), and there were thirty-three well organized, active state associations, or one more than twice as many as then.

At St. Louis thirty states sent delegates. Then the maximum salary was \$60 a year.

During his administration it has been increased to \$75 maximum, and on July 1, 1904, nearly 2,000 carriers enjoyed some advance in pay, according to the length of their respective routes.

When a month later the official at Washington at the head of the rural free delivery service, and who was widely and openly antagonistic to it, did his utmost to deprive thousands from the increase congress had voted, it was largely due to the personal efforts of Mr. Cunningham that the question was referred to the president, who did a very unusual thing and overruled the official with an order he dare not disobey, thereby.

Two years ago the carriers were granted on a special disposition one or two holidays. Now they have six holidays, with pay, as a permanent thing, and more than a few hours' notice at the event.

Two years ago there was no prospect of securing a code of rules. Now a code is in preparation by the general superintendent, who is spending three months on rural routes studying conditions. The code is assured and will issue shortly.

Two years ago the carrier was unknown beyond his route and the carrier body was not recognized at the department and in congress.

During the last sixty days the postmaster general has publicly expressed his approval of carrier associations when they stand along the lines set forth in their constitutions, and has further shown his personal interest in their work by the presence of the general superintendent of the service at other state conventions of the superintendent of the district in which the states belong.

Two years ago the public at large knew little and cared less about the rural carrier. Now there exists a great national endorsement of the service and a personal sympathy for the rural carrier.

**Chamberlain's Colic, Cholera and Diarrhoea Remedy.** There is probably no medicine made that is relied upon with more implicit confidence than Chamberlain's Colic, Cholera and Diarrhoea Remedy. During the third of a century in which it has been in use people have learned that it is the one remedy that never fails. When reduced with water and sweetened it is pleasant to take.

**Building Material Coming.** There is some prospect that work will be resumed soon on buildings which have been delayed on account of scarcity of large timbers. The Capital City Construction company received word Thursday from a mill in Louisiana that it would ship timbers as soon as it could saw several carloads of logs which had been delivered at the mill. Some of these timbers are to be used on the Allen Bros. warehouse, which might have been finished by the present time if lumber had been available.

# BRANDEIS BOSTON STORE & SONS

## REMNANT SALE

### OF FALL DRESS GOODS

#### AT MOST EXTRAORDINARY BARGAINS

60c Fine All Wool Dress Goods 39c Yard

3,000 yards of cream, cardinal and dark red Cashmere—4,000 yards of Henriettas, all colors and black—3,000 yards of Voiles, Crepes, Albatross, Nuns' Veiling—all new and fresh fall goods direct from the mills—50c and 85c values—5 to 15-yard lengths at a yard

Importer's Samples of Fine Fall Dress Goods 35c Each

The finest dress goods that are sent to America—the largest assortment we have yet offered—four to ten pieces alike—for rain coats, skirts, suits and misses' dresses—every new weave is represented—black and all colors, at each—

Importer's samples in shorter lengths—four to ten alike—each—

**Remnants of Fall Goods** In the Basement

New 36-in. Flannellette printed in Persian and Japanese patterns, very desirable for kimono and wrappers, for yard 10c

Extra Fine Quality Flowered Satins for comfort, 19c values, for yard 8c

Best Grade Outing Cloth—Checks and stripes in light and dark colors, nice long lengths go at, per yard 8c

Half Cotton Red Blankets—heavy fleeced, in white and colors, go at, each 19c

Mill Remnants Extra Heavy Canton and Shaker Flannels—worth up to 15c, at, yard 5c

Drapery Velour and Furniture Plushes—useful lengths, worth up to \$1.00, will go at, per yard 29c

Slightly Mussed India Linon and fancy white goods, worth up to 15c, to sell them quick they go, yd. 3c

Striped Seersucker Gingham for school dresses, boys' waists, etc., the 12 1/2 quality, yard 6c

**AUTUMN SILK REMNANTS**

Importer's samples silk pieces and traveler's samples velvet lengths, fine grades—suitable for collars, girdles, trimmings and millinery purposes, each 5c-10c-15c-25c

Fine Silks, including handsome Chiffon Taffeta Plaid—pure silks novelties and plain, at, per yard 25c

1,000 yards new silk on bargain squares, latest novelties for waists and suits, at, yard 49c-59c-69c

Remnants and Odds and Ends of Wash Laces—white, cream and ecru—variety of widths—worth up to 20c a yard, at—yard 1c-3c-5c-7c

Fine Mercerized and Half Bleached TABLE DAMASK, in mill remnants, worth up to 50c, yard 15c

Big bargain square of all kinds of TABLE DAMASK REMNANTS—1 1/2 to 3 1/2-yard lengths—at less than cost to import.

**GETTING MARRIED**

Calls for a wedding ring. We have them in regular shapes, also the thick Tiffany Rings. We make any style, shape or quality you desire. This is one of the most complete shops in Omaha. Spend a few minutes in our store.

Look for the name, S. W. LINDSAY, Jeweler, 1115 Douglas Street.

**Omaha Trunk Factory**

Manufactures TRUNKS, TRAVELING BAGS and SUIT CASES and Repairs Trunks. Genuine MATTING SUIT CASES, leather bound, \$3.50, \$3.75, \$4.00. 1209 Farnam St.

**VERY LOW ROUND TRIPS**

South and Southeast, one fare plus \$2.00.

Hot Springs, Ark., daily \$23.00

St. Louis, Mo., daily 18.50

Richmond, Va., Sept. 8th to 11th inclusive 33.75

Philadelphia, Pa., Sept. 14th to 16th inclusive 32.75

Long limits, stop overs and other features offered in connection with the above rates.

All agents can sell you through tickets and route you Wabash.

All tickets reading over the Wabash from Chicago east are optional with passenger via lake or rail, either or both directions.

Call at Wabash City office, 1601 Farnam street, or write and let me give you all information, maps, descriptive matter, folders, etc.

HARRY E. MOORES, G. A. P. D. Wabash Ry., Omaha, Neb.

# BENNETT'S

## Great Remnant Day at Bennett's

Store closes 6 p. m. (except Saturday.)

AT 5c PER YARD—Thousands of remnants of Dress and Apron Gingham and every remnant of Cotton Goods for Waists and dresses—in lengths 1 1/2 to 12 yards—worth up to 50c a yard, Friday—per yard 5c

FANCY OUTING FLANNELS—A big lot of pretty light Outing Flannels—fifteen-cent quality—long lengths—Friday—per yard 10c

MUSLINS—Thirty-six-inch heavy Unbleached Muslin—big, long lengths—worth nine cents per yard—Friday—per yard 6c

GREAT BARGAINS IN ODD TABLE NAPKINS—Fine, heavy quality, all linen table napkins, full grass bleached—come in half dozen lots and are worth \$1.75.

REMNANTS OF TABLE LINENS—200 remnants of Bleached and Unbleached Table Linens, Crash and Turkey Red Damask—go on sale Friday at less than importer's cost.

GREAT NECKWEAR SALE—Another 1,000 dozen Ladies' Neckwear, in Silk Embroidered Turnovers with tabs, pretty Stocks—values up to 50c each—Friday—each 5c

HEAVY WEIGHT LISLE GLOVES—Fine Lisle Gloves with double finger tips—in blacks and all colors—worth 35c a pair, Friday—per pair 19c

LADIES' WAISTS—Mixed lot of satens, German calico and figured voiles—strong, serviceable waists that are worth from \$1.25 to \$1.75—all Friday at 98c

New Sateen Waists, Soft and Silky, all black, \$1.25.

NEW CASHMERE WAISTS—black, red, brown and navy—at 1.50

NEW MOHAIR WAISTS—The very latest cut—black, brown, cream, green and navy—at 2.75

LADIES' FALL WALKING SKIRTS—About one hundred samples in heavy cloths—navy, brown, black and mixed value \$5.00 to \$7.50—all at 3.95

LADIES' FALL JACKETS—In three fourth lengths, in melton, chevots and kerseys—new cut, half-fitting backs and loose backs—with or without belts—black and colors—prices \$9.00 and 7.95

BUSTER BROWN BELTS—Double buckle, double-faced patent leather—in black, red, brown and white—regular 25c value—on sale Friday from 2 to 5 p. m.—each 15c

COLD WEATHER UNDERWEAR—All lisle ladies' Shirts, fine ribbed, low neck, long sleeves, silk taped, regular 75c value—Friday special—each 45c

**Specials in Hardware**

Steel Ranges! Steel Ranges! Best market for Steel Ranges in the west. We handle the superb PENNSYLVANIA—The great eat fuel saver and service giver in the range world to-day—up from 26.50

Ten Green Trading Stamps with 19c

Ten Green Trading Stamps with 18c

Forty Green Trading Stamps with 94c

Forty Green Trading Stamps with 48c

Forty Green Trading Stamps with 60c

Twenty Green Trading Stamps with 24c

Ten Green Trading Stamps with 12c

Twenty Green Trading Stamps with 25c

**Bennett's Big Grocery**

MEATQUARTERS FOR THE BEST VALUES IN FRESH ROASTED COFFEE.

Forty Green Trading Stamps with 28c

Ten Green Trading Stamps with 12c

Forty Green Trading Stamps with 94c

Forty Green Trading Stamps with 48c

Forty Green Trading Stamps with 60c

Twenty Green Trading Stamps with 24c

Ten Green Trading Stamps with 12c

Twenty Green Trading Stamps with 25c

Forty Green Trading Stamps with 19c

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