

## LIPPMAN'S PLAN FINALLY IS DOWN

His Tickets of Many Inventions  
Will Not Attract Taft Vote to  
"American" Candidates.

### THE ELECTORS MAY RESIGN

Having Done So from Taft-Liberal  
Ticket Supreme Court Upholds  
Them In Decision So to Do.

The fear of the "American" party managers and manipulators that in a presidential year, the tendency of the people to vote straight party tickets would work against them on the voting machines, is now coupled with the certainty that they are powerless to prevent this situation.

The secretary of state's decision, conceding the right of Republican electors to withdraw from the Taft-Liberal ticket, was based on a decision rendered by the supreme court in the case of Joseph Lippman, attorney at law, who refused to be a party to it, yesterday afternoon upheld in the supreme court.

The electors in withdrawing did not wish their names to be used in a pretended support of their party's leader, with a knife thrust at the organization upon which his support rested. They could hardly see the loyalty or value of "support" aimed at this way, and therefore made use of the manner in which the law flows them to choose their own friends and supporters in policy.

And coming into the supreme court upon a writ of mandamus secured by the Lippman benchmen ordering the secretary of state to show cause why he should fail to mention the Taft electors on the Taft-Liberal ticket, the case was argued on a question of law.

It is further alleged that by reason of such notification the secretary of state accepted such writing so filed with him as resignations of the nominations of said Sevy, Holbrook and Cohn as presidential electors on the Taft-Liberal ticket, and that he refused to certify to the clerks of the several counties of the state such nominations as nominees of the Taft-Liberal ticket, and that such refusal and threatened action of the secretary of state will prevent the names of such electors from appearing on the official ballot under the name or title of the Taft-Liberal ticket, and that the voters who desire to vote for the electors who will support William H. Taft and James S. Sherman for president and vice president, and who do not desire to vote for other candidates upon the other Republican ticket are thereby deprived of an easy and a reasonable opportunity to vote for such presidential electors.

It is made to appear by the affidavit of one of the relators that Thomas Sevy, Lafayette Holbrook and Henry Cohn were duly nominated by a convention of the Republican party as presidential electors to be voted for at the election to be held November 3, 1908; that the candidates of such Republican party for president and vice president are William H. Taft and James S. Sherman; that a certificate was duly filed with the secretary of state showing such persons to be the nominees of the Republican party for such presidential electors; that the relators, together with more than 500 other voters residing within the state, designating themselves as the signers of the Taft-Liberal ticket, filed a certificate of nomination in writing for the nomination of said Sevy, Holbrook and Cohn for presidential electors and other persons nominated by the Taft-Liberal ticket, in order that the names of such nominees may be placed on the official ballot under the name or title of the Taft-Liberal ticket.

Upon substantially the foregoing facts the relators pray that a writ of mandamus issue from this court commanding the secretary of state to certify to the clerks of the various counties of the state such nominations as made by the voters of the Taft-Liberal ticket, in order that the names of such nominees may be placed on the official ballot under the name or title of the Taft-Liberal ticket.

To the petition or affidavit so filed the secretary of state has demurred on the ground that the facts stated do not entitle the relators to the relief prayed for.

Both parties agree that the determination of the matter mainly depends upon the question as to whether a nominee who has been nominated by two political parties for the same office, or by certificate of nomination, as here shown by the petition, may decline the nomination of one without also declining the other. That the three relators for presidential electors have, in unmistakable terms, declined the nomination made by the voters of the Taft-Liberal ticket, and have not declined the nomination made by the Republican party, is unquestioned. What the relators assert is that the nominees of the Taft-Liberal ticket, by declining the other, that a nominee, to effectively decline a nomination, must decline the office for which he is nominated; and, inasmuch as the presidential electors declined the nomination made by the voters of the Taft-Liberal ticket and did not decline that made by the Republican party, the secretary of state is, in effect, no declaration. The statute on the subject, being section 833, C. L., 1907, reads as follows:

"Whenever any person nominated for public office, as in this chapter provided, shall, not less than twelve days before the day of election, if he shall have been nominated as provided in section 825, notify the officer with whom the original certificate of his nomination was filed, in writing signed by him and duly acknowledged, that he declines such nomination, the same shall be void and shall not be printed upon the ballots. The officer to whom such notification is given shall forthwith inform, by mail or otherwise, one or more persons whose names are attached to the original certificate of nomination that such nomination has been declined."

### CASES IN COURT.

Section 822 therein referred to provides for nomination by convention or committee; section 825, by certificate of nomination as made by the electors and signed with them. The question hinges mainly on the phrase "that he declines such nomination, the same shall be void and shall not be printed upon the ballots." It is apparent that this phrase cannot be construed literally without doing violence to the true meaning of the statute. That is to say, it cannot be said that because a person has been nominated for public office and has declined such nomination, when he is again nominated for public office at the same election, his name cannot be printed on the ballots.

For instance, suppose "A" is nominated for district judge in a convention or by committee of a political party, and his nomination duly filed, and he thereafter, as by law provided, notifies the proper officer that he declines such nomination; that thereafter he is nominated by the same political party in convention or by committee for the office of justice of the peace, no one would seriously contend that because he declined the nomination of district judge his name shall not be printed on the official ballot as a nominee of the party nominating him for justice of the peace court. It, however, may be said that such illustration pertains to different public instances illustrates that the statute cannot receive a literal construction without destroying its true meaning.

### AN EXAMPLE.

But suppose again that "A" should be nominated for state auditor on the Republican ticket and on the sixtieth day before the election (that being the earliest day on which a certificate may be filed) a certificate of his nomination

## DR. PRICE'S

CREAM

## BAKING POWDER

Made from healthful  
grape cream of tartar

Will make twice as much good  
bread, biscuit and cake, pound for  
pound, as the low priced imitations  
made from alum and alum phosphates, and will make the food  
appetizing and healthful.

Dr. Price's Cream Baking Powder  
is not only economical but makes  
the food more wholesome.

can state convention on September 15, 1908, which said last named nomination I hereby expressly accept."

It is further alleged that by reason of such notification the secretary of state accepted such writing so filed with him as resignations of the nominations of said Sevy, Holbrook and Cohn as presidential electors on the Taft-Liberal ticket, and that he refused to certify to the clerks of the several counties of the state such nominations as nominees of the Taft-Liberal ticket, and that such refusal and threatened action of the secretary of state will prevent the names of such electors from appearing on the official ballot under the name or title of the Taft-Liberal ticket, and that the voters who desire to vote for the electors who will support William H. Taft and James S. Sherman for president and vice president, and who do not desire to vote for other candidates upon the other Republican ticket are thereby deprived of an easy and a reasonable opportunity to vote for such presidential electors.

### HISTORY OF PROCEEDINGS.

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### WHERE ARGUMENT RESTS.

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declined rather than that a public office is declined. One ordinarily can only properly decline something which has been tendered to him. A person nominated for public office is tendered by a nomination for public office. He is not then tendered a public office. When, therefore, he declines he declines the nomination. Such seems to be the meaning of the statute under consideration wherein it is provided that when a person nominated for public office declines such nomination, the same shall be void. That is, the nomination which he declines is void, and any other nomination which he does not decline is also void.

### AMPLE MEANS TO VOTE.

The argument made, that unless the names of these presidential electors are not placed on the official ballot under the title of the Taft-Liberal ticket as well as under the title of the Republican party, voters who are desirous of voting for electors who will vote for William H. Taft for president, and who are not desirous of voting for other candidates on the Republican ticket, are not given an easy and reasonable opportunity to vote as well answered by Mr. Justice Grant in the case of Todd vs. Election Commissioners, reported in 104 Mich. 479. The legal right has simply been given to voters by the statute whereby any voter may vote for presidential electors or for any other candidate, on any ticket, and vote for one or more other offices on other tickets. Both the opportunity and the facility to so vote are amply afforded. Be it said that the voters of the Taft-Liberal ticket are entitled to have all the names of the nominees for whom they are desirous of voting placed on one ticket, and that they may vote a straight ticket, the statute gives a group of voters the right to make nominations for public office the same as is given to political parties. But the statute does not require that a group of voters may select various nominees made by other parties for whom they desire to vote, and have them grouped under one ticket for the mere purpose that an opportunity may be afforded them to vote a straight ticket. Such a right is not what is contemplated by the statute.

### NOMINATIONS VOID.

For instance, suppose a group of voters are desirous of voting for one of the nominees nominated for district judge on the Republican ticket, for one on the Democratic ticket, one on the American ticket, one on the Socialist ticket, and for a Republican nominee for another office, a Democratic nominee for still another, and so on, and electing various nominees on different tickets, the statute does not contemplate that they are entitled to have such names so selected grouped under one ticket for the mere purpose of having an opportunity to vote a straight ticket. But, apart from these considerations, we know of no principle or law which authorizes us to declare that a person, or by a political party, is obliged to accept such nomination notwithstanding his declaration. If a nominee, by a group of voters, nominate a person for public office which is declined by him, such nomination is void, and such political party or group of voters has made no nomination for such public office. Their status is the same as though no such nomination has been made by them, except the right to fill the vacancy as by law provided.

Because you have contracted ordinary colds and recovered from them, do not for a moment imagine that colds are not dangerous. Everyone knows that colds are a common cold. Consumption is not caused by a cold but by the reception and development of the germs that would not otherwise have found lodgment in the system. Diphtheria, scarlet fever, measles and whooping cough are much more likely to be contracted when the child has a cold. You will see from this that more real danger lurks in a cold than in any other of the common ailments. The easiest and quickest way to cure a cold is to take Chamberlain's Cough Remedy. This preparation has made it a staple article of trade over a large part of the world. For sale by all druggists.

### WHY COLD ARE DANGEROUS.

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### THEY ARE TAUGHT IN THEIR SCHOOLS

How to Treat Foreigners.

An English newspaper, published in Japan, printed at one time an interesting synopsis of the rules which the public schools of that country were teaching their pupils on the subject of the treatment of foreigners.

### RULES FOR JAP CHILDREN.

They are Taught in Their Schools How to Treat Foreigners.

An English newspaper, published in Japan, printed at one time an interesting synopsis of the rules which the public schools of that country were teaching their pupils on the subject of the treatment of foreigners.

This synopsis is reprinted in a recent book, "The East of the East," by H. P. Montgomery, and is accompanied by some interesting facts concerning the schools of Japan, says the New York Sun. The rules are as follows:

Never call after foreigners passing along the street.

When foreigners make inquiries answer them politely. If unable to make them understood inform the police of the fact.

Never accept a present from a foreigner, even if it is a small one, for his dignity and never change him anything above what is proper.

Do not crowd around a shop when a foreigner is making purchases, thereby causing him much annoyance. The continuance of this practice disgraces us as a nation.

Since all human beings are brothers and sisters there is no reason for the foreigners. Treat them as equals and act uprightly in all your dealings with them. Be neither servile nor arrogant.

Beware of combining against the foreigner and disliking him because he is a foreigner. Men are to be judged by their conduct and not by their nationality.

Intercourse with foreigners becomes closer and extends over a series of years there is danger that many Japanese may become enamored of their customs and forsake the good old customs of their forefathers. Against this danger you must be on your guard.

Taking off your hat is the proper way to salute a foreigner. To remove his hat is not to be commended.

Held in high regard the worship of ancestors and traditions, but do not regard a person as your enemy because he or she is a Christian.

Beware of selling your souls to foreigners and becoming their slaves. Sell them no houses or land.

What the foreigner is beating in your competition with foreigners. Remember that loyalty and fidelity are the foundation stones of a nation and do nothing to violate them.

Had a Close Call.

Mrs. Ada L. Croom, the widely known proprietress of the Crook Hotel, Vaughn, Miss., says: "For several months I suffered with a severe cough, and consumption seemed to have its grip on me, when a friend recommended Dr. Williams' New Discovery. I began taking it, and three bottles affected a complete cure. The fame of this life saving cough remedy has reached all the way across the world. Sold at Z. C. M. I. drug store, 112-114 Main St. 50c and \$1.00. Trial bottle free.

Taft or Bryan.

Handsome pictures of both candidates for sale by the Deseret News. Call and see them. Only 10c to "News" subscribers. To all others 25c.

## PLANKS FOR "AMERICAN" PLATFORM

The so-called "American" platforms contain a great deal of falsehood, nonsense, and deception. But the following "principles" are part of the program, though not formally inserted in the platform, and should be considered by all voters:

1. The Chairman of the "American" party mass state convention in the Salt Lake theater Monday evening, Sept. 28, declared a war of extermination to be waged against the Mormon Church officials in the fall campaign. "To carry the county and judicial district for the 'American' party and thus start the machine, the program of the 'Americans' as announced at the state convention."—Salt Lake Herald, Sept. 29.

A vote for the ticket supported by the Tribune is a vote for a program that includes the imprisonment and exile of every prominent Church leader. "Crucify! Crucify!" is the key note of the Tribune campaign.

2. Another declaration of principles involves the raising of the taxes on all farm property in the county. This was intimated in the Tribune during the bond campaign, as follows:

"Queer, it is not, that since the [smelter case] decision the farm lands have decreased in value for the purpose of taxation? In other words, the lands are not so valuable as they were, and farming upon smelter smoke was more productive from the dollar and cent standpoint of the farmer than the tilling of the soil. While there has been a large increase in the value of property for taxable purposes in Salt Lake City, there has been a decrease in the property outside, and the farm lands are not worth as much as they were a year ago. I SAY IT IS QUEER, but remember it is a fact."

A vote for the ticket supported by the Tribune means a vote for the increase in taxes, principally for the benefit of the politicians who are in it for "the spoils."

The following is Tribune doctrine:

"Appropos of the new and petty war recently started by the municipal government on the women of the town, the liquor dealers and the gambling fraternity, one of the 'enemies' said to us the other day: 'It may be a hard thing to say, and perhaps harder still to maintain, but I believe that billiard halls, saloons, and houses of ill-fame are more powerful reforming agencies here in Utah than churches and schools, or even than the Tribune.'"

"Freedom is the first requisite of manhood, and if it can be won without excesses, so much the better. If it can't, never mind the excesses; win the freedom."—Tribune, March 6, 1881.

A vote for the Tribune ticket is a vote for the establishment of the agencies of liberty mentioned in the editorial extracts reproduced.

Respectable "Americans" might, for the good of the party and the city, and in the interest of peace, revolt against the organ of hatred, indecency, and brutality. It is no credit to the party.

### AMUSEMENTS.

Theater—The first event in the series of winter entertainments provided by the University of Utah lecture course, occurred at the theater last evening. There was a good sized audience in attendance, though it was noticeable that few regular first nighters were out, and that only an occasional face prominent in educational circles was in evidence. While the general verdict was that the concert was hardly on the same grade as the last, the evening was one of enjoyment and the artists were heartily applauded.

The violinist, Mr. Prouts, especially made a strong impression, and had several recalls, a double one after his rendition of the "Ave Marie" number. In spite of his tendency to indulge in harshness, Mr. Prouts, is an undoubted artist.

The bass, or baritone, Mr. Carr, also scored well and though his principal number, the Prologue from "Pagliacci," has been done here again and again of late, he was made to yield a recall and sang in good style. "I Fear no Fate." Mr. Shonert, the pianist, while he hardly has the appearance of a high class concert artist, showed that he understands the intricacies of piano voicing and he too had some hearty applause for his clever work.

Miss Smith, the soprano, makes a charming appearance and some of her numbers were quite pleasing, though as a rule, she showed that she is hardly out of the amateur class.

The next event of the University course, will be a lecture by Governor Johnson of Minnesota.

Theater Tonight—Richard Jose, the sweet voiced ballad singer, appears as the central figure in the bill at the theater this evening.

Grand—Tonight sees the first presentation of the stirring romantic melodrama, entitled, "The Three Guardsmen."

Lyric—Good business continues to mark the attraction Manager Clark is providing each afternoon and evening. This week the popular "Chimes of Normandy."

Wallace Munro, partner and advance manager of Louis James, is in Salt Lake, on his way to Los Angeles. He states that Mr. James' production

of "Peer Gynt" is attracting heavy business all along the road.

### TEN NEW DRUGGISTS.

Licenses were granted yesterday by the state board of pharmacy to 10 candidates, two of them are women. The names of the lady aspirants are Henrietta and Margaret Vermillion, and both passed creditable examinations. These two, and Miss Susan J. Quinn, are the only women pharmacists in the state. The others who were given certificates Wednesday are: G. O. Neil of Salt Lake, Hyrum G. Scott of Ogden, Arthur Hall of Provo, J. M. Tomlinson of Salt Lake, Julius A. Jacobson of Logan, James C. Hansen of Salt Lake, A. R. McIntyre of Ogden and Dr. H. C. Hunter of Milford.

## Glowing Heat From Every Ounce of Fuel

When the mercury drops out of sight, and you just can't keep the house warm, you'll find it wonderfully convenient to use a

## PERFECTION Oil Heater

(Equipped with Smokeless Device)

It's very light—carry it about—heat any cold room. Turn the wick high or low—no danger—no smoke—no smell. Easily cared for and gives nine hours of cozy comfort at one filling of brass fuel. Finished in nickel and japan. Every heater warranted.

The Rayo Lamp with its flood of steady, brilliant light is ideal for the long winter evenings.

—read or sew by it—won't tire your eyes. Latest improved central draft. Made of brass, nickel plated. Every lamp warranted.

If your dealer cannot supply the Rayo Lamp or Perfection Oil Heater, write our nearest agency for a descriptive circular.

CONTINENTAL OIL CO.

(Incorporated)

## KEITH O'BRIEN Co.

## THREE DAYS' SALE OF Linens and White Goods!

Japanese Hand-Drawn Linens. French Cluny Lace. Irish Hand-Embroidered Linens. Renaissance Scarfs and Squares. Table Linens, Crashes, Towels, Spreads.

1,000 yards of the famous Barnsby Crash; warranted all pure linen; 20c grade. Special 13c a yard.

Ruddy Bath Towels, all sizes, reduced as follows:

15c grade for ..... 12-1c each  
25c grade for ..... 19c each  
35c grade for ..... 29c each  
45c grade for ..... 39c each

Turkish Bath Mats, Heavy weights, fine quality. Regular price 75c each. Special 49c each.

Crib spreads for children's beds, all slightly soiled, values up to \$3.00, for each \$1.39.

Full size Bedspreads, hemmed and fringed, with cut corners, regular \$2.00 grade. Special \$1.39.

Loom Dice Table Damask, 70 inches wide, extra heavy quality, reg. price 75c a yard. Special 50c a yard.

72-inch unbleached Table Linen, every thread pure linen. Regular price \$1.00 yard. Special 79c.

72-inch Silver Bleached Table Linen. Regular for \$1.35 yard. This sale 98c yard.

Bleached Table Napkins, size 18x18. Regular price \$1.50 dozen—for 80c dozen.

Mercerized Madras Waists, 27 inches wide. Values up to 35c yard, for 19c yard.

Fancy Oxford Waists, in stripes and figures, for the new Tailored Waists; 40c grade for 29c; 45c and 50c grade for 35c yard.

Half Linen Waists, checks and stripes. A new sheer fabric for ladies' waists. Sells regular for 50c yard. Special 39c yard.

Renaissance Scarfs, Squares, Rounds and Doilies. Reductions from one-fifth to one-third off.

Size 6x6 inch, each ..... 10c  
Size 12x12 inch, each ..... 19c  
Size 24x24 inch, each ..... 89c and \$1.00  
Size 30x30 inch, each ..... \$1.25  
Size 36x36 inch, each ..... \$2.39  
Size 45x45 inch, each ..... \$3.85  
Size 54x54 inch, each ..... \$4.25  
Size 20x54 inch, each ..... \$1.00 and \$1.39  
Size 20x54 inch, each ..... \$1.75 and \$2.00

Japanese Hand Drawn Work linens. Our entire stock. Reductions from one-fifth to one-third off.

Size 6x6 inch, each ..... 19c  
Size 9x9 inch, each ..... 29c  
Size 12x12 inch, each ..... 39c  
Size 20x20 inch, each ..... 45c, 60c, 69c, 85c, 90c, \$1.00 and \$1.39  
Size 24x24 inch, each ..... 75c, \$1.00, \$1.25, \$1.50, \$2.00, \$2.50  
Size 30x30 inch, each ..... 75c, 89c, \$1.00, \$1.39, \$1.65 and up  
Size 36x36 inch, each ..... \$1.39, \$3.00 and \$4.00  
Size 45x45 inch, each ..... \$4.75, \$4.95, \$5.25  
Size 54x54 inch, each ..... 60c, 98c  
Size 18x36 inch, each ..... 89c, \$1.00, \$1.19, \$1.39  
Size 18x45 inch, each ..... 89c, \$1.00, \$1.25, \$1.39  
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