

BOTH TOWNS CAN BE CANDIDATES FOR COUNTY SEAT

Both Montour and Weaverly Can Fight for Seat of Government, According to Court's Ruling.

Both Montour and Weaverly can now get into the fight for the county seat of Boise county. Judge Charles P. McCarthy has just handed down a decision in which he holds that both petitions are legal and that the advocates of the two towns can go before the voters of the county and fight the question out among themselves.

The question of the time in which a petition should be filed, the priority, if any, of the Montour petition over that of Weaverly was involved and the court held that there was no such thing as prior right in this case, that if a petition was filed within the time allowed by law that it was valid.

The court also held that withdrawals from one petition in order to place the signer's names on another was permissible. In speaking of the case, the court says: "Since the statute provides that the petition shall be filed in the office of the clerk of the district court of the county not less than 20 nor more than 40 days before the first day of the term, it seems to me that a petition filed within said time and executed as provided by law is sufficient."

To hold that such a petition filed in time could not be considered because another petition had already been filed would, in my mind, defeat the plain intent and purpose of the statute, and make the right and privilege guaranteed by it inoperative. This is not a case of priority between individuals but a matter of public concern to all of the people of the county.

Not Prevented by Statute. "I see no reason to convert the proceedings for the filing of a petition into a race and award the sole right to be represented at the election, as a sort of prize, to the town whose petition is filed first. I also conclude that there is nothing in the provisions of the statute concerning the conduct of the election which prevents the filing and granting of more than one petition."

In speaking of the fact that more than one town had been submitted for the county seat, the court says: "In such case it is inevitable that more than one site for the removal of the county seat will be suggested. The first town to file the petition might not receive enough support to effect the change of the county seat and in such case the removal of the county seat would be defeated, no matter how undesirable the present location might be. On the other hand, if more than one petition could be filed the voters would have a greater choice and the removal of the county seat from an undesirable location would be more likely to be brought about."

The court discovered that there were 102 names on the Montour petition without any post office address, one man had signed twice, 235 had asked to have their names withdrawn but that the petition still had 979 or more than the required \$36. He also found that of the names which had been withdrawn from the Montour petition, 29 were not on the Weaverly, 18 had signed both petitions but not the withdrawal, three were on the Weaverly petition twice, 27 were on the Weaverly without any post office address. Deducing these 52 invalid names, the petition still has 925 or more than \$36 and so both petitions are held valid by the court. It is now up to the people of Boise county to fight the question of county seat out among themselves.

Chas. H. Stotts, Public Stenographer, 228 Idaho Bldg. Phone 2005. Adv. O-9c

We have repaired over 35,000 watches. Why? CON W. HESSE, Jeweler, Adv.

Watch for the dollar ticket that will drop from Sampson's airship daily at 11 o'clock and 2 o'clock. Adv. O-12

CLEAN YOUR LIVER AND 30 FEET OF BOWELS WITH "SYRUP OF FIGS" More Effective Than Calomel, Castor Oil or Salts; Gently Cleanses the Stomach, Liver and Bowels Without Nausea or Gripping—Children Dearly Love It.

You know when your liver is bad, when your bowels are sluggish. You feel a certain dullness and depression, perhaps the approach of a headache, your stomach gets sour and full of gas, tongue coated, breath foul, or you have indigestion. You say, "I am bilious or constipated and I must take something tonight."

Were you out early this morning? If you were you no doubt met Jack Frost. Looks as tho he had come to stay. Better prepare for him with an outer coat.

BOOSTER OVERCOAT VALUES

\$10 and \$15 Overcoats

That set a Remarkable Pace in Value Giving

Booster Time is Demonstration Time For Us. Let us show you some of these coats. We invite you to look

Ten and fifteen dollars are popular prices in our clothing stock—there's a wonderfully complete collection of absolutely dependable coats at each price.

We have no prices between ten and fifteen dollars. We buy these coats in the most favorable markets to sell at these two special prices. Buy for seven stores, buy for cash and sell for cash—figure on a close margin, much closer than exclusive stores can possibly figure—that's why we can give such unusual overcoat values at \$10 and \$15.

Long cravenette coats, fancy back half lined coats and medium length coats in a big variety of plain and fancy colorings at \$10 and \$15—we're sure we can save you \$2.50 to \$5 on an overcoat—give us a chance to prove it.



\$3 Cord Pants \$2.50

Here's a special imported cord made in a peg top well cut and tailored pant on sale now for \$2.50—it's a pant most stores get from \$3.50 to \$4 for.

These pants come in a neat made shade and in sizes from 28 to 36 waist. We don't know of any pant that will give more service. You'll find this a great cord for \$2.50.

Young Idaho \$3.95

The right suit for your boy. Special effort is being directed in our boys' section to putting the most possible into this \$3.95 suit. Our plan is to make it as good as the ordinary \$5 suit.

Young Idaho suits are made of good materials—they're stylish and well made and there's a variety of patterns from which to choose. The boy will be well dressed in a Young Idaho.

Our Special Shoes

\$3.50 and \$4 shoes. Blacks and tans in the best styles for this season. Shoes made with the keenest regard as to their service and right appearance.

We feature \$3.50 and \$4 shoes for men—get the best shoes we can find to sell at these prices.

We would like to have you look at these shoes the first time you have a shoe need. It will pay you to buy shoes in our shoe section.

Arro Rok Hats \$2.50

Like hats you find priced \$3.00 and \$3.50—hats in staple and fancy shapes—a big variety from which to choose.

You'll remember Arro Rok pleasantly for many months if you get one of our special \$2.50 hats.

Why not let us hat you now for \$2.50.

Golden Rule

When you find anything wrong in our store we want you to see Mr. Make It Right.

Wool Underwear 79c

Wool underwear in flat and ribd garments in plain and fancy mixtures. These are regular winter weights and qualities that should bring a dollar in the regular way.

Our underwear section is full of tip top values—this is one of the best values in the stock. There are all sizes in this 79c underwear now.



WINDOW DISPLAY AT GREEN HOUSE GROCERY REAL WORK OF ART

The Green House grocery at Tenth and Pueblo streets, owned and managed by Claude R. High, contains a window decoration which is a work of art as well as one which contains one of the finest fruit and vegetable exhibitions ever shown in a window decoration in this city. The window contains 58 varieties of fruits and vegetables which required two full days' work to collect by Mr. High who drove over the valley from Kuna to Boise gathering the exhibit to display in Boise during fair week and the window is attracting much attention and is worth going blocks to see.

With a pyramid of apples, choice peaches, tomatoes and grapes and topped with a jar of cranberries, the only display in the window not grown in the Boise valley, the setting is superb, while the background comprises an artistic display of apples and small squash hung by strings in a V shape over a large pumpkin, while in the top corners on each side are two pumpkins in which faces are cut and from which the window is lighted with colored electric lights.

In the front corners of the window are two mammoth California sweet squash, one weighing 120 pounds and the other 85 pounds. On

top of the larger squash is a tiny squash of a different variety weighing only three ounces. Among the other attractions is a cucumber which measures three feet in length and is known as the Snake variety. It is coiled like a snake and was picked from the vines in the exact position in which it is shown. Grape tomatoes, cherry tomatoes and blue shuck tomatoes are among the varieties in the display besides several plates of large perfect red ones. Stringers of fine ears of corn are also in the exhibit, showing what can be grown in that line in southern Idaho. Hungarian prunes, crab apples of beautiful color and sweet potatoes grown on the bench near Boise, show up artistically as do also two large red beets, which for color and size are winners.

While the store owned by Mr. High is not in the business district of the city, he has shown his patriotism and enterprise by his fine decoration on which he spent much time and money and a number of people have gone from the heart of the city purposely to view it.

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ANNOUNCE PROGRAM FOR THE RAINMAKERS

Following is the program for the Rainmakers' festival announced for tonight and tomorrow:

Tonight. 8 p. m.—Industrial parade—Starts Fifteenth and Main streets, then up Main street to Sixth to Idaho, to Ninth to Jefferson. Concert by Pels' band on capitol steps and free acts at Eighth and Jefferson streets after parade.

Thursday. 9 a. m.—Fair gates open. 10 a. m.—Concert by Columbia band at Seventh and Main streets. 1:30 p. m.—Racing program at fair. Free acts, band concerts, Indian races and dances, motor cycle races. 8 p. m.—Parade of Rainmakers—200 school children and many floats. Concert by Pels' band and free acts at Eighth and Jefferson streets after parade.

ONE BINGHAM MINE NOW IN OPERATION

Bingham, Utah, Oct. 8.—The Highland Boy mine, owned by the Utah Consolidated, began operations this morning. Thirty-four former employees started work. The strikers attempted to interfere and a number of them were knocked down by deputy sheriffs in the ensuing melee. None were seriously hurt. This is considered the first step of the operators to resume operations at Bingham.

COMPLIES WITH ORDER GIVEN BY SUPREME COURT

Secretary of State Certifies Down Progressive State Ticket, but Leaves Out Presidential Electors.

Messages Substantiate Dispatches.

The two following night letter telegrams were received this morning by Secretary of State Gifford and officials in charge of the supreme court substantiating the report that the supreme court rules the Roosevelt presidential electors and candidate for congressman shall be barred from the official ballot and the third party state ticket shall be certified down:

Lewiston, Idaho, Oct. 8, 1912.

W. L. Gifford, Secretary of State. In case of Spoford against secretary of state the court orders that you certify to county auditors the Electors' Progressive party state ticket, but prohibit the certification of the names of the presidential electors and candidate for congress on the ticket.

GEORGE P. STEWART, Chief Justice. Lewiston, Idaho, Oct. 8, 1912. Supreme Court, Boise, Idaho.

The court has ordered that the candidates for presidential electors nominated by the Electors' Progressive party and the candidate for congress shall not go on the ticket, but that all the state officers nominated by that party go on the ticket.

I. W. HART, Clerk.

In compliance with the instructions of the supreme court of this state which, through an opinion filed at Lewiston last night, ordered stricken from the Progressive electors' party ticket, the four candidates for presidential electors and the candidate for congressman, Secretary of State W. L. Gifford certified down to the respective auditors in the 27 counties of the state, only the names of the state candidates on that ticket and they will forthwith be placed on the official ballots. No decision of the supreme court of

this state, it is believed in the history of Idaho has caused more comment than the one filed last night at Lewiston. Few people had expected that the presidential electors for Theodore Roosevelt and the candidate for congress, P. Monroe Smock, would be stricken from the Progressive party ticket and thereby thousands of voters in the state of Idaho would be disfranchised and prevented from voting for President Roosevelt. In view of the fight made on the Progressive party state ticket there had been speculation as to what the supreme court might do with reference to it, and while many electors thought that the ticket would be allowed to stand as certified through petition to the secretary of state it was argued that the ticket might be stricken from the ballot.

Secretary of State Gifford and those in charge of the supreme court chambers in this city were notified this morning through night letter telegrams of the action of the court. Secretary of State Gifford immediately made the certification. The other tickets had been forwarded to the respective county auditors and all will now be placed on the official ballots with the electors and candidate for congressman on the Progressive ticket eliminated.

Is Progressive Electors Party. Through its opinion the supreme court recognized the title of the third party as that of Electors' Progressive party. This was the title that the petitions filed with the secretary of state bore.

Without exception everyone seen today regardless of their political faith expressed surprise at the supreme court's ruling. There was not one person who heard the argument before the court who had taken seriously that feature relating to the filing of petitions for state officers, construing it to mean that if there were presidential electors and candidates for congressmen on the ticket they would be classified as national candidates, or candidate other than state. This surprise was true as to state officers consulted as well as many other people. It would be safe to say that it was the last construction looked for as a result of the litigation.

May Use Stickers. There was talk today of making use of stickers on the official ballots having thousands of them printed and distributed among electors, bearing the names of the Roosevelt presidential electors and that of P. Monroe Smock, and paste them upon the official ballot. Many electors will write in the names but it was thought by some that the stickers would answer the same purpose and save the trouble of writing the names in on the ballots.

The supreme court's ruling was so foreign from the one that had been expected by sympathizers in both parties, that it aroused not only speculation, unusual comment of various characters, but acted as a stunning blow to thousands who declare they had been disfranchised.

L. E. Hinman of Oelwein, Ia., is visiting Jonas Brown for a few days. Cuba Flora Cigar, mild and fine. 12

BREVITIES

Dean Perkins left yesterday afternoon for Portland on a business trip. Born to Mr. and Mrs. W. N. Gibb, 1514 Warm Springs avenue, a 10-pound girl.

A son was born this morning at St. Alphonsus hospital to Mr. and Mrs. P. R. Caveney. A marriage license has been issued by the county recorder to Charles S. Williams of East Las Vegas, N. M., and Waive White of Boise.

Neither of the district courts held sessions today. Judge Carl A. Davis postponed the hearing of arguments in the Fairview case until tomorrow.

Mrs. Mary Reiser, who left last May for Germany to visit relatives, is en route home from New York and will arrive in a few days. A marriage license has been issued by the county recorder to Charles S. Williams of East Las Vegas, N. M., and Waive White of Boise.

The Sampson Music company, Boise's progressive music house has arranged over of the clearest advertising ideas ever seen here. This enterprising store will give two airship flights daily, one at 11 a. m. at the store and the other at 2 p. m. at the fair grounds. Attached to each airship is a bundle of dodgers, one of which is marked, and the party presenting it to Sampson Music company on or before Saturday will be given a dollar.

Charles Williams of Las Vegas, N. M., and Miss Waive White, daughter of Mr. and Mrs. S. H. White of this city, were married last night at 8 o'clock by Rev. C. L. Trawin of the Baptist church. The ceremony was performed at the home of the bride's sister, Mrs. C. S. Rathbun, at 909 North Twentieth street in the presence of about 60 guests, relatives and friends of the contracting parties. Mr. Williams is cashier of the express office at Las Vegas, N. M., where the young couple will make their home.

A small blaze in the basement of the Children's home last night caused some little excitement for a time, but was put out by Rev. O. P. Christian with the hose in the building. The fire was caused by some barrels being pushed near the furnace by putting coal in the basement. Three barrels were burned, but no damage resulted. The blaze was discovered by Miss Mitchell and Miss Hall, who called Rev. Christian and he immediately turned on the water and extinguished it. The fire department was called out but no service was needed.

TRY TO LIBERATE INSANE PATIENTS

Brandon, Manitoba, Oct. 9.—A band of Deukhobors, who came here to try to induce the authorities of the provincial insane asylum to liberate several members of the sect confined in the institution for two years, are giving the police trouble. They loiter around the asylum grounds and take off their clothing.

Why Bill Got It. "How is it Bill Grubalson got a degree from Lehard university this year? Didn't know Bill was a college man." "Yep. He got it for working his son's way through college."

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Read the Capital News and get today's news today.

Dentist, Dr. Carpenter, Idaho Bldg. Adv. 1f

TOO LATE TO CLASSIFY.

WANTED—Sage brush to clear. Address box 8, Capital News. O-15c

FOR SALE—1 1/2 acres in 5c limit; bottom land; \$300. Phone 1604-W. O-11

FOR SALE—Trees, roses and vines. S. Walnut and W. S. Ave. F. J. Woods. Adv. 1f

WANTED—A second hand cider mill; inquire "mill," care Capital News. O-15

FOR SALE—Valuable high priced young black horse; 1500. 915 N. 16th street. O-15

FOR RENT—5-room house, 50-foot lot, stable, well, etc., \$12.50. Phone 1885-W. O-11

TO TRADE—An equity in 12 lots for good piano; will give good deal. Address Box 423, Caldwell, Idaho. O-15

FOR SALE—High grade automobile in good condition; almost new; a bargain. Address Box 452. Phone 314-W. O-15

FOR SALE—New Remington typewriter, typewriter desk, office chair, six-foot office table. C. B. A. this office. O-11

FOR RENT—Nicely furnished, sunny front rooms in desirable part of city for man and wife, two gentlemen or two ladies. First-class board; 1392 N. 10th. Phone 146-W. O-10

LOST—On Tuesday night, between 23d and 15th on Bannock or between Bannock and Heron, on 15th, a gold brooch set with 2 corals. Finder please return to Capital News office. Reward. O-12

Eastern Kansas Farm to Trade. 30 acres, all best of land and location, fine improvements, all kinds. Price, \$8000; no incumbrance. Want well improved Ada or Canyon Co. farm or Boise property. A. H. EAGLESON & SONS, Room 206 Yates Bldg. O-11

Everybody's Going. Where? To Big Dances and Amusements. White City—Natorium.