

PARTY LEADERS FEAR DEADLOCK IN LEGISLATURE

The Strength Being Shown by Three Leading Senatorial Candidates Indicates a Long Battle.

That the chances of a deadlock in the next legislature over the election of a short term senator to succeed the late Weldon B. Heyburn and the recent successor, Kirtland I. Perky, begin to look serious is admitted by Republican party leaders in this state, due to the number of candidates in the race and the strength of several of them.

The three men in the state whose names are closely and more frequently linked with the senatorship are ex-Governor James H. Brady, ex-Governor Frank R. Gooding and Justice James F. Allshie.

Minor lights in the race—minor because they are less frequently mentioned—from the south are Thomas R. Hamer, ex-congressman; L. A. Burrell, ex-lieutenant governor, and Frank S. Dietrich, United States district court judge.

French a Factor. Before leaving for Washington Congressman Burton L. French refused to commit himself on the senatorship as to whether or not he would be a candidate.

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DRAINAGE LAW OF STATE IS INVALID

Supreme Court Holds Act Unconstitutional—Decision in Bonner Case.

The district drainage law of Idaho is declared to be unconstitutional by the supreme court of Idaho. In an opinion handed down late yesterday the high tribunal in this state affirmed the judgment for the district court for Bonner county in the case of W. W. Ferbrache versus Drainage District No. 5.

What Law Provides. The opinion is written by Chief Justice Stewart and is concurred in by Justice Sullivan. Passing on the case, the court says in its opinion:

"Section 2448 of the revised codes does not require that a voter be a citizen of the United States, or that he is a resident in the state or county at all, the only qualification being that he is the bona fide owner of real estate within the limits of such district. This is a clear violation of the provisions of section 2, article 6 of the constitution, and was without the power or authority of the legislature to prescribe.

"It will also be observed that section 2448 prescribes that the voter must be a bona fide owner of 40 acres or a smaller tract of real estate within the limits of such district as established by the board of county commissioners, or if such provision is unauthorized, then the voter must be a bona fide owner of real estate within the limits of said district as established by the board of county commissioners.

In Violation of Constitution. "It will thus be seen that this provision is clearly in violation of section 2, article 6 of the constitution, which provides: 'No property qualification shall ever be required for any person to vote or hold office except in school elections or elections creating indebtedness.' Also section 4, article 6, which prescribes: 'The legislature may prescribe qualifications, limitations and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.'

"The qualifications prescribed by the provisions of article 6, of which section 4 is a part, are, that a legal voter is every male or female citizen of the United States, 21 years old, who has actually resided in this state or territory for six months and in the county where he or she offers to vote 30 days next preceding the day of election, if registered as provided by law.

"It is argued, however, in this case, that notwithstanding the provisions of section 2448 are in contravention of the constitution, yet we are asked that the law as a whole should be sustained by the court and the general laws of the state applied to the holding of elections provided in said act.

Contention Not Well Founded. "This contention is not well founded, and cannot be sustained by the court for the reason that the provisions found in section 2448 fixing the qualifications of voters voting upon the question of organization is a specific requirement of the legislative enactment, and no doubt was an inducement for the passage of such act, for it is provided in the act in said section that if the first qualification fixed is found unconstitutional another provision is prescribed, which is likewise a violation of the constitution, and if one of the qualifications was not the intention of the legislature and the second qualification is in violation of this statute, it is evident that the general law relating to elections should not be applied, and this provision would defeat the constitutionality of the entire act.

Judgment Affirmed. "It is also settled in this state that if the provisions of an act are connected in subject matter, dependent on each other, and designed to operate for the same purpose, or are otherwise so dependent in meaning that it cannot be presumed that the legislature would have passed one without the other, then if one part fails the entire act must fall.

"If, therefore, taking this statute as a whole, it clearly appears that section 2448 was considered and recognized by the legislature as an important and integral part thereof, and so connected in subject matter with other provisions of the act, and other provisions were so dependent upon section 2448 that it cannot be presumed that the legislature would have passed said act with such section omitted, then the entire act must fall.

"For these reasons the judgment in this case is affirmed."

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Dr. Hartman Advocates Fresh Air as a Treatment for Lung Diseases

Dr. S. B. Hartman, of Columbus, Ohio, in his recent articles on lung diseases has certainly made a stir. He has many readers. Much comment has been excited, some favorable and some unfavorable. Thousands of people believe in Dr. Hartman and all his teachings with gratitude and confidence.

My treatment for lung diseases was food and plenty of it, suited to the taste of the patient. Fresh, warm air. The patient sleeping on an upper floor. If there is anything such a patient needs it is warmth, as well as air and sun. In addition to this, the right sort of a tonic and diffusive stimulant constituted my treatment for lung diseases.

I do not approve of the fresh air treatment as applied by the doctors today. In some future article I am going to tell why. It is sufficient for me to say now that the doctors have swung to the other extreme. In applying fresh air to their patients they have killed many by dampness and cold and exposure to the elements. By stuffing them with eggs and milk they have deranged the digestive organs so as to hasten the end.

With rest, home surroundings, fresh air, good home-cooked food and Peruna a greater per cent of lung diseases recover than from any other treatment in this or any other country. I sincerely believe this and I propose to proclaim it to the people and restore somewhat the prestige of the old Peruna, now known as Katarno, in the treatment of catarrh of the lungs and other catarrhal diseases. Catarrh of the lungs is just ordinary catarrh, not a germ disease. In treating it as a catarrhal disease I am making cures where other fail.