

The Plattsmouth Journal

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It looks as if Senator Norris might be nominated by the corn-borah party.

It's a pretty safe plan to judge a man by the people he doesn't keep company with.

Two classes that don't know just what the farmer wants are congressmen and farmers.

McAdoo insists that he is now an ex-politician. Would that others might emulate him.

It doesn't seem like it would be difficult to get a slow motion picture of the Chinese war.

Until this Teapot Dome thing started, we didn't know what crude oil producer really meant.

An egotist doesn't think any more of himself than you do. He is just honest enough to express it.

How did Mrs. Coolidge ever get away with that all-red suit ensemble in Washington under this administration?

A little boy in our block prefers a big ripe tomato to an ice cream cone, but he seems normal in other respects.

The scars of war have healed, but it looks as though politicians never will forget the sources of revenue discovered.

Prince Fernando, of Spain, has been found, according to dispatches from Europe. We didn't even know he had been lost.

Smith is the most common name in the United States, there being about 1,304,300 by that name. Johnson is second with 1,024,200.

Another thing the consumer pays for, though he may not always stop to think of it, is the magnificent art work in the automobile catalog.

Because Senator Borah is an equestrian, a Virginia man sent him a horse named "Al Smith." Borah accepted the steed but named it "Governor."

Did you ever notice time passes faster when it nears something you don't want to do, and slower when there is something you want to do or expect?

A lovely young girl, serenely puffing a cigarette is not the most inspiring spectacle in the world to mere men, but what is he going to do about it?

The English judge who told a plaintiff to show her knee to the jury, either must have been near-sighted or the English girls are behind the times.

A Chicago woman's toes have been grafted to her hands, following a motor accident in which she lost her fingers. Now she can kick a piano to pieces.

A 72-year-old bride in New York is not greatly different from other brides. Two weeks married, she is advising all the other girls in her set to get married.

Ingenuity must be admired. A remarkable degree of ingenuity was displayed by the two men who persuaded the Virginia farmer to put \$6,000 in a trunk and pray in another room for the recovery of the father of one of the men while the two walked away with the \$6,000.

A woman's quest is usually a conquest.

Many an attorney, like necessity, knows no law.

A lean woman and a fat one nearly always envy each other.

Speaking of the nomination, many feel called and all have chosen.

Don't kick a bad dog too long if you don't want a fight on your hands.

The more a man gets the more he wants—unless a police judge is dealing it out.

Princeton, Harvard and Yale are going to row together. We mean row, not row.

Mayor Thompson of Chicago might have been really useful at the battle of Bunker Hill.

Luxuries are almost prohibition here, but in Russia you can get a divorce for a quarter.

Attacked by a large flock of cows, a pet cat in Jeanette, Penn., was literally torn to pieces.

What will happen to Shakespeare's works when Big Bill Thompson finds out he was an Englishman.

A clothing trade journal says women were never so well dressed as they are today. Huh! How about Eve?

Bangs in front, the new Paris edict for the ladies. The trouble is, the husbands are the ones usually banged.

The crown of Rumania is too big for Mike to wear, but it should make a dandy home plate if the kids play baseball.

A martyr is a large, healthy party who works right through a slight three-handkerchief cold and refers to it later as grip.

Blackmer and O'Neil, the missing Fall-Sinclair witnesses, are just a couple of old men trying to keep out of troubled waters.

Germany's rag trade is languishing, it is announced, because the men wear their clothes too long and the women wear theirs too short.

Boston bakers have been arrested for selling bread on Sunday. Evidently they couldn't grasp the blue law interpretation of a Sunday loaf.

The vest pocket radio has arrived, and the Chicago News rejoices that space may now be made in the living room for the cabinet size cigar lighter.

Amber is a fossilized vegetable resin occurring in small quantities in the more recent geological formation in many parts of the American continent.

The federal trade commission is reported to be active in searching out infractions and evasions of the law by big business and small business as well. There are likely more corals lying around that could be used.

"Documents," we are led to believe, Lillian Gish said in her simple spontaneous way, "began when the first man arose from all fours and drew a rough outline of a buffalo on the walls of a Pyrenean cave." Why he goes to show that it takes more to make a movie star than the ability to shed glycerine tears.

JUDICIAL POWER TO RESTRAIN NEWSPAPER PUBLICITY

The right of newspapers to publish facts concerning cases on trial in the Federal courts has been made a matter of official examination by Federal Judge Paris, as the result of a recent verdict in a prohibition case presumably influenced by a newspaper article.

The U. S. District Attorney at St. Louis has, in fact, been directed "to examine into the matter with a view to filing a prosecution for contempt against those who are guilty." In commenting on the matter Judge Paris said:

There exists, as I have forecast, a difference between the English rule and the American rule. Led away by considerations—perhaps of politics—we have got far away from the English rule as to things of this sort. That rule was laid down in the Crippen case. It is bottomed upon a single principle, which prevails throughout every country except America, where the common law is in existence. That principle is that it is a duty which newspapers owe to society and to decency, as well as to the law, to take their hands off a case the minute the court puts its hands on the case, and for the newspapers not to put their hands back on the case until the court has removed its hands. That is the English rule.

Judge Paris has raised a very large question, involving the first amendment to the Constitution, guaranteeing the freedom of the press, as well as the fifth and sixth amendments, safeguarding an accused in our peculiar system. Behind his statement is adumbrated the very wide power exercised by English Judges, supposedly by common law, to punish summarily for contempt for any acts committed anywhere that are thought by the Court to "hinder the administration of justice."

It is a matter of historical proof that this power was unknown to the English system of law until it was usurped by the Star Chamber in the latter half of the sixteenth century. When the Star Chamber was abolished by the act of 1649 and the Court of Kings Bench instituted in its place, the latter court continued to exercise this arbitrary power, but without a word of statutory authority.

In his admirable History of Contempt of Court, just off the Oxford press, Sir John C. Fox presents proof of the fact that there is no warrant in the common law for summary punishment for contempt committed out of court; that such contempts from very early times were proceeded against like any other trespass, with the assistance of a jury. He proves likewise that the common law does not sanction imprisonment even for contempt committed in the presence of the Court, unless the offender was entitled to obtain his discharge upon "making fine"; and that never could contempt be punished by the double penalty of fine and imprisonment, until the English courts assumed that power in the seventeenth century.

As the English courts have struggled for power and chafed at restraints, so, too, have our Federal courts. Our courts were hardly instituted before they began to wield the most portentous powers, with no statutory warrant whatever. They claimed the right to enforce that vast body of unwritten precedent known as the English common law. That reign of judicial tyranny lasted until about 1800, when the Supreme Court admitted that the Federal courts had no common law jurisdiction.


But these courts continued to exercise the power of summary punishment for all manner of alleged contempts until Federal Judge Peck of Boston found himself subjected to impeachment proceedings before the Senate in 1831. Peck had summarily sentenced one Lawless, an attorney, to 24 hours' imprisonment and suspension from practice for 18 months, because of a letter the latter caused to be published which Peck considered libelous. The contempt power of the Federal courts was considered exhaustively in this case, and while Peck escaped by a vote of 22 to 21, James Buchanan, the chief manager of the prosecution, declared in his closing speech:

I will venture to predict that whatever may be the decision of the Senate upon this impeachment, Judge Peck has been the last man in the United States to exercise this power, and Mr. Lawless has been its last victim.

To make certain of his prediction, James Buchanan carried through Congress the same year a statute specifically limiting the power of the Federal courts to punish for contempt of cases of—

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er of the Federal courts to punish for contempt of cases of—

The misbehavior of any person in the presence of the said courts or so near thereto as to obstruct the administration of justice.

The act further limited judicial discretion as to penalties for "corruptly or by threats" obstructing or endeavoring to obstruct the administration of justice, to fine not exceeding \$500 or imprisonment not exceeding three months or both. It was not unusual in the Star Chamber to sentence to imprisonment for life in contempt cases.

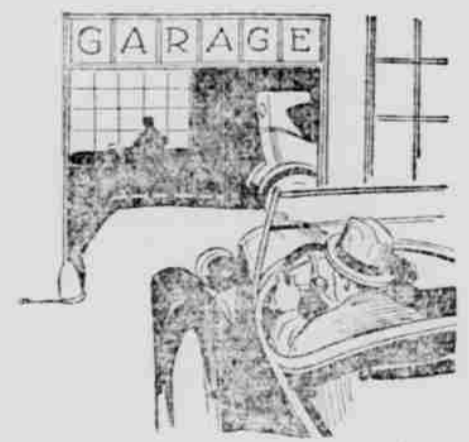
The Buchanan act was not very palatable to the Federal courts, but they acknowledged it as a limitation until very recently. In the case of the Toledo Newspaper Co., 247 U. S. 402, decided in 1918, the Supreme Court said that the act of 1831—

Recognized and sanctioned the existence of the right of self-preservation, that is, the power to restrain acts tending to obstruct and prevent the untrammeled and unprejudiced exercise of the judicial power given by summary treating such acts as a contempt and punishing accordingly.

With this encouragement a U. S. Circuit Court of Appeals, in 1923, in the Michaelson case, 291 Fed. 940, declared in substance that the power of the Federal courts to punish summarily was inherent and could not be limited by Congress. But the Supreme Court declined to go so far and reversed the case, declaring the act of 1831, and section 21-25 of the Clayton act, providing for jury trial in certain contempt cases, to be constitutional and mandatory. Yet there is no satisfactory definition of misbehavior "not so near to the court as to obstruct the administration of justice"; and in 1924, in the case of Cooke, 267 U. S. 517, the Supreme Court upheld the power to punish contempts committed constructively; that is, not in the court's presence, while recommending notice for the accused and an opportunity for defense or explanation.

If the Federal courts can wield the weapon of contempt against publicity with respect to cases on trial, it is but a short stride to the power to punish by contempt all subsequent comment.

If the District Attorney at St. Louis can find any such dangerous power as Judge Paris appears to wish to find, the sooner he discovers it the better; for the sooner it should and will be taken away by an act of Congress.



Our Repair Garage

is kept constantly busy because motorists recognize it as the best and most reliable repair shop for every kind of damage a car can possibly sustain. And, being practical men of long and varied experience, all our repair work is excellently and thoroughly done, without unnecessary delay and at reasonable charge.

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Merchandise Contributions for Festival

While No Concerted Drive Will be Made, All Donations will be Gratefully Accepted.

In response to numerous queries as to when solicitation would be made for articles of merchandise from the various stores of the city for the American Legion's Harvest Festival, which opens a week from Saturday in the new community building, the following public statement has been prepared:

"As everyone is aware, the entire proceeds of this enterprise go toward the payment of outstanding indebtedness on the initial unit of the new community building. After the debt is cleaned up, proceeds of Legion-conducted activities will go into a fund to provide for final completion of the building by addition of the second story, with its stage, trussed roof and balcony. Not one penny is expended for individual or collective benefit of the Legion itself.

"The Legion is duly appreciative of the splendid support it has received from merchants and business men and does not want to press its solicitation to a point of being burdensome to those who are so often called on to bear the brunt of all expense connected with public enterprises.

"It does find, however, that a considerable number expect and want to follow the custom of past years at our carnivals by contributing articles of merchandise, which thru ingenious carnival promotion can be turned into handsome sums of money.

"All such voluntary contributions will be most gratefully accepted and displayed with suitable cards bearing the donor's name, both before and during the carnival.

"No coercion or active solicitation will be engaged in and the business man who feels he can't afford to contribute anything from his stock can decline to accept this policy with a knowledge that he will be held in the same high esteem by the American Legion and its individual members as though he gives most generously.

"The committee feels that each and every merchant knows his own financial condition and ability to give better than anyone else, and is willing to accept his decision to give or not to give as honestly arrived at and in keeping with this policy will hold those in the same high esteem who do not contribute as those who do.

"Our indebtedness is quite heavy and efforts are being made to make this carnival bigger, greater and better than any before, and those who desire can aid the cause materially by volunteering contributions from their stocks as in years past.

"Those who want to give are asked to call or see the following named members of the Legion: Henry G. Sorenson, Maldon Brown, Edwin Prieke, Roy Holly, Fred Lugsch or Frank Smith."

Former Cass County Boy Now a Railroader

Arthur Heil, Son of Mr. and Mrs. W. H. Heil is in Service of L. A. & S. L. Railroad.

Mr. and Mrs. W. H. Heil have been receiving some very interesting letters from their son, Arthur T. Heil, who is now located at Cedar City, Utah, where he is in the employ of the Los Angeles & Salt Lake railroad, which is doing some extensive road work in that locality. This is in the Grand Canyon National Park country and very scenic.

They are building a road over the mountain and they are located on the rim of a canyon. They had about eight inches of snow early in November and farther back on the mountain they had two feet of snow. In that country, however, the snow does not last long, as it is much warmer by the canyon.


Mr. Heil occupies a little cabin and his wife is with him, and they are greatly enjoying the change of climate and scenery and the excitement of being a part of an immense road building operation.

He is time keeper and has 115 men in his gang and also has about 50 men working in the tramway. He looks after the distribution of the labor, keeps track of the material and has the gasoline under his direction and has many reports to make out and is about the busiest he has ever been and likes it fine. Their monthly payroll is about \$15,000.

They are equipped to clear the road in case of heavy snows as they have a large 10 ton caterpillar tractor to use for a snow plow with a scraper attachment and also a rotary attachment.

Arthur Heil is a graduate of the Louisville high school. He made the first radio outfit in Louisville and interested people used to gather at the Heil home in earlier times to listen in over his crude receiving set. He worked for the Bell Telephone company for four years, later getting into office work with the railroads. He is a hustler and makes good every time and has a bright future. His many friends here will be interested to know what he is doing at present. This undertaking will keep him busy for some time to come, perhaps for another year. Mrs. Heil was an Omaha girl and was Miss Ruth Snyder, an employe of the telephone company before her marriage.—Louisville Courier.

Without A Rival OVER 50 YEARS



WILL HOLD INSTITUTE

The district institute of the Epworth League will be held on Nov. 25th and 26th at Springfield, Rev. H. E. Sotter of this city being in Omaha today to make the arrangements for the meeting and attempt to secure a number of the leaders in the young people's work in the state as attractions at this meeting.

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Five acres, new house, other improvements, \$3,900. Terms, Call or see H. W. Beller, Tele 655-W. 11w

SHERIFF'S SALE

State of Nebraska, County of Cass, ss. By virtue of an Order of Sale issued by Golda Noble Beal, Clerk of the District Court within and for Cass County, Nebraska, and to me directed, I will on the 17th day of December, A. D. 1927, at 10 o'clock a. m., of said day, at the south front door of the court house in the City of Plattsmouth, Nebraska, in said county, sell at public auction to the highest bidder for cash the following real estate, to-wit:

State of Nebraska, County of Cass, ss. By virtue of an order of sale issued by Golda Noble Beal, Clerk of the District Court within and for Cass County, Nebraska, and to me directed, I will on the 17th day of December, A. D. 1927, at 10 o'clock a. m., of said day, at the south front door of the court house, in the city of Plattsmouth in said county, sell at public auction to the highest bidder for cash the following real estate to-wit: South 48 feet of Lots one (1) and two (2) Block thirty-six (36) original city of Plattsmouth, Nebraska, also that part of Lots six (6) seven (7) and eight (8), in Block twenty-nine (29) in Young and Hayes addition to the city of Plattsmouth, described as follows: Commencing at the northeast corner of Lot eight (8) in said Block twenty-nine (29) Young and Hayes addition, running thence west along the south line of the alley passing through said block east and west 170 feet and 3 inches, thence south 65 feet, thence east parallel with the south line of said block to the east line of Block twenty-nine (29), thence north 65 feet to place of beginning, being the north 65 feet of Lots seven (7) and eight (8) and the north 65 feet of the east half of Lot six (6) and the vacated alley, in Block 29 described as follows: Beginning at the northeast corner of Lot 6, Block 29, Young and Hayes addition, running thence south 65 feet, thence east 14 feet to the west line of Lot 7, thence north along the west line of Lot seven (7), 65 feet to the northwest corner of lot, thence west 14 feet to the place of beginning, all in Block twenty-nine (29) in Young and Hayes addition to the City of Plattsmouth, as surveyed, platted and recorded, Cass County, Nebraska, the same being levied upon and taken as the property of Carrie E. Grist, et al., defendants, to satisfy a judgment of said court recovered by The Standard Savings & Loan Association of Omaha, Nebr., plaintiff, against said defendants.

Plattsmouth, Nebraska, November 16, A. O. 1927.

BERT REED, Sheriff Cass County, Nebraska.

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Plattsmouth, Nebraska, November 12th, A. D. 1927.

BERT REED, Sheriff Cass County, Nebraska.

NOTICE TO CREDITORS

The State of Nebraska, Cass county, ss. In the matter of the estate of Jacob Buechler, deceased.

To the creditors of said estate: You are hereby notified that I will sit at the County Court room in Plattsmouth, in said county, on the 8th day of December, 1927, and on the 8th day of March, 1928, at ten o'clock a. m., of each of said days, to receive and examine all claims against said estate, with a view to their adjustment and allowance. The time limited for the presentation of claims against said estate is three months from the 8th day of December, A. D. 1927, and the time limited for payment of debts is one year from said 8th day of December, 1927.

Witness my hand and the seal of said County Court, this 4th day of November, 1927.

A. H. DUBERRY, County Judge. CHAS. E. MARTIN, Attorney.

NOTICE TO NON-RESIDENT AND UNKNOWN DEFENDANTS

Notice is hereby given that William F. Laughlin, has filed his petition in the District Court of Cass County, Nebraska, on the 12th day of November, 1927, against Thos. F. Kerrhard and wife Eva M. Kerrhard, John L. Weathers and wife Weathers, first and real name unknown, William H. Tanshill, legatees and personal representatives and all persons claiming by through or under them, and N. H. Meeker, first and real name unknown and wife Nettie T. Meeker, Benjamin F. Laughlin; and all persons having or claiming any interest in Lots 59 and 60, except 14 feet off the north side of Lot 59, in the village of Greenwood, Cass County, Nebraska, real names unknown, defendants, the object and prayer of which is to reform certain deeds to conform to the true correct and legal description intended by the parties thereto and to quiet the title to the above described real estate in the name of William F. Laughlin the plaintiff herein and forever enjoining the above named defendants and each of them and all persons claiming by through or under them adverse to the plaintiff herein, and for such other and further relief as may be just and equitable.

The defendants and each of them are required to answer said petition on or before the 26th day of December, 1927, or the allegation therein will be taken as true.

WILLIAM F. LAUGHLIN, Plaintiff. J. C. BRYANT, Plaintiff's Attorney.

SHERIFF'S SALE

State of Nebraska, County of Cass, ss. By virtue of an order of sale issued by Golda Noble Beal, Clerk of the District Court within and for Cass County, Nebraska, and to me directed, I will on the 17th day of December, A. D. 1927, at 10 o'clock a. m., of said day, at the south front door of the court house, in the city of Plattsmouth in said county, sell at public auction to the highest bidder for cash the following real estate to-wit: South 48 feet of Lots one (1) and two (2) Block thirty-six (36) original city of Plattsmouth, Nebraska, also that part of Lots six (6) seven (7) and eight (8), in Block twenty-nine (29) in Young and Hayes addition to the city of Plattsmouth, described as follows: Commencing at the northeast corner of Lot eight (8) in said Block twenty-nine (29) Young and Hayes addition, running thence west along the south line of the alley passing through said block east and west 170 feet and 3 inches, thence south 65 feet, thence east parallel with the south line of said block to the east line of Block twenty-nine (29), thence north 65 feet to place of beginning, being the north 65 feet of Lots seven (7) and eight (8) and the north 65 feet of the east half of Lot six (6) and the vacated alley, in Block 29 described as follows: Beginning at the northeast corner of Lot 6, Block 29, Young and Hayes addition, running thence south 65 feet, thence east 14 feet to the west line of Lot 7, thence north along the west line of Lot seven (7), 65 feet to the northwest corner of lot, thence west 14 feet to the place of beginning, all in Block twenty-nine (29) in Young and Hayes addition to the City of Plattsmouth, as surveyed, platted and recorded, Cass County, Nebraska, the same being levied upon and taken as the property of Carrie E. Grist, et al., defendants, to satisfy a judgment of said court recovered by The Standard Savings & Loan Association of Omaha, Nebr., plaintiff, against said defendants.

Plattsmouth, Nebraska, November 12th, A. D. 1927.

BERT REED, Sheriff Cass County, Nebraska.

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