

THE OMAHA BEE

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Omaha Where the West is at its Best

"WHEN THE FROST IS ON THE PUNKIN."
"Oh, it sets my heart a clinkin' like the tickin' of a clock.
When the frost is on the punkin, and the foder's in the shock."
We are now coming into that time of year, when, as Riley went on to sing, "a fellow is feeling at his best." It is the opening scene of what Le Gallienne called the "third act of the play." The beginning of Autumn. Nature will shortly put off the garb of gracious, tender green, so long worn, and don the lovely garments of maturity. Maple leaves will burn with gorgeous fire, and the sumac's torch will glow a dull but poignant red. Over forest and meadow alike will steal the change, the premonition of transition. Mists will rise in the morning, and a haze linger in the evening. The Hunter's Moon, huge and red, soon will loom in the east, and then ride an immense silver shield across the sky. In golden sunshine and on warm sweet air the fleecy clouds swing high, the far off precursors of other days to come.

Not for now the swoop of the Storm King. A trace of God rules the elements. Soon enough will Nature take the plunge downward into cold and darkness, and Winter's sombre embrace will enfold all things. But now the delights of a gentler season unfolds all creation with a softer clasp. It is a respite, an interlude, between the fierce ardor of impetuous Summer and the rigors of stern Winter. Nowhere else in all the world is this season of the year more filled with all the joys of living than in the middle Missouri valley. Here as nowhere else the very air glows with life, the sunrise a benison, the setting thereof a benediction. Between the hours glide one into another so gently that none seem to note their passing. Sleep brings sweet and invigorating rest, the day an invitation to healthy zest in useful toil.

It is October in Nebraska, the fairest season of a year that is full of varying moods, of smiles and frowns, sunshine and storms. Autumn comes a crown of glory to a fruitful season of profitable effort, and October blesses all. It is good to be living here, "When the frost is on the punkin, and the foder's in the shock."

THE AGING WEST.

The fact that the Sidney Telegraph has just entered upon its 51st year impresses one with the fact that the west is growing old. It seems only yesterday that Sidney was a frontier post, with regular army soldiers, scouts, Indians, buffalo, bad men and overland stage coaches. It does not seem possible that it was a half century ago that General Sheridan stepped from a Union Pacific train at Fort Sidney to review the troops stationed there to protect the frontier; that it was a half century ago that the Grand Duke Alexis of Russia started out from Fort Sidney with Buffalo Bill Cody to slaughter a few. But such is the fact.

It does not seem possible either that such wonderful changes could have taken place during the short span of 60 years. Sidney is no longer a military post on a wild frontier. It is a busy little city in the center of a section rich beyond compare in agricultural and livestock potentialities. The Indians and the buffalo long since have disappeared. In their stead are the prosperous farmers and stock raisers, the happy farm homes, the teeming little cities. And during all those years, reaching back into a past that is rapidly becoming traditional, the Sidney Telegraph has been the faithful chronicler of events in that great section. Its files are a history of the growth and development not alone of Sidney, but of western Nebraska. In all of this wonderful development the Telegraph has been a potent factor. There are only a few older newspapers in Nebraska, and none more enterprising, none more faithful in standing up for its home town and county, for Nebraska and for what it believes to be right. The Omaha Bee extends its congratulations to its western neighbor, and with them its sincere wish for many added years of usefulness.

WHAT EVERY WOMAN KNOWS.

A Missouri sociologist has been laying down certain conclusions as to family relations that are interesting. Even more. They would have been important in some respects if enunciated forty years ago. The world, though, has moved a little faster than the professor.

For example, he says that a woman is tied down by a ceaseless routine of petty household duties about eighteen hours per day. Not in these days of gas stoves, electric washers, vacuum sweepers, dustless mops, and other labor saving devices. A woman would be ashamed of herself if she spent sixteen hours attending to her household tasks.

On the other hand, she finds time to make visits, do shopping, attend various meetings, play bridge with mah jong, and still looks after the youngsters and keeps the house clean.

As to father shirking his duty, the professor is really wrong. Father merely shows good judgment when he tells the kiddies to ask their mother if they can go to the movies. He knows where the real answer will come from, and so sends the re-

quest to headquarters direct. It is not an evasion of responsibility, but merely the recognition of an equal partner's authority over a department that properly belongs to her.

Successful marriages, and the majority of them still are such, do rest on equal partnership understandings. Neither husband or wife holds to an outgrown notion of single authority resting in either. They agree, and most of them have sense enough to understand that the other has a few rights that are not swallowed up in the joint enterprise, and that these are entitled to regard.

We believe the professor will change his mind after he has pursued his researches a little farther.

RECORD OF THE RED RACE.

The Agate tooth is accepted as paleontological proof of man's presence in Nebraska so long ago that nobody can now say just when he first came. Other evidence of his early arrival has been examined at various and different places. Dr. Gilder's "Loess Man," while not going back so far as the Plitdown or the Neanderthal, yet has such length of days behind him as entitles him to respect. So it is beyond question that this region knew the tread of the lords of creation some years before the Union Pacific railroad was built. Or even before the covered wagon of the Oregon pioneers wore a trail that yet may be traced.

Dr. Blackman of the University of Nebraska has been doing some research work along the Loup river, not far from Columbus, during the last summer. He has found enough to encourage him to even a greater undertaking. He wants to delve as deeply as possible into the records and discover, if may be, the link that connected Nebraska with the land of the Montezumas. Along this way lie many delights for the archeologists.

Discoveries in Yucatan have opened a much better understanding of the Maya civilization. It was this, or something like it, which the Aztecs overcame and had almost totally destroyed before the Spanish came to complete the extinction of a civilization. In vestigators agree that contemporaneous accounts of Cortez's achievements were greatly exaggerated. Lately examinations in the Pecos valley have added much to the store of knowledge of the pre-Columbian life of the continent.

One of the great handicaps Dr. Blackman will encounter is that the plains Indians were not permanent builders. Their homes were of the type that could be easily abandoned if need be, or removed to a more favorable location. No monuments, such as were left by the Cliff Dwellers or the Mound Builders, have yet been unearthed in this state. That Nebraska was known many centuries ago as a splendid hunting ground is beyond doubt. How many can not be told. Dr. Blackman is starting on an interesting quest. He will find many guide posts set up along the way by those who have preceded him. He should have all encouragement, for his efforts deserve support. His discoveries will be of value.

LITTLE THEATER FOR OMAHA.

Efforts are being made by a sincere group to establish a "Little Theater" on a substantial basis in Omaha. The matter has taken such tangible form as the naming of those in whose hands the management will be placed. Among these names are those of several who have given much time to the serious study of the drama in its several forms, and who are keenly interested in the preservation of the theater as a means for artistic expression.

We do not understand that the venture has any commercial pretensions, beyond the fact that some money will be required to set it on its feet and keep it going. Art is not self-sustaining. That is, in the ordinary meaning of the term. Art requires that by which it may live, just as does any other activity. So the promoters of the Little Theater hope to enlist public support to the extent at least of securing enough to defray the cost of producing a number of plays during the season.

The spirit in which the movement is conceived is commendable, and we trust the end will prove to have justified the effort. A change has come over the spirit of Omaha so far as being a "good show town" is concerned. Many causes have contributed to this, but the effect is the same. If the promoters of the projected enterprise succeed in reviving local interest in the drama, they will have done a real public service.

If good wishes will bring them success, then The Omaha Bee assures them a triumph, for they will have the good wishes of a small but resolute band who still find pleasure in the spoken word accompanied by the animated gesture.

KEEPING UP APPEARANCES.

An admirer of Ramsay MacDonald has presented the British premier with a motor car and enough bonds to pay for its upkeep. Thereby raising a storm of protest from the proletarian supporters of the labor government's head. On the other hand, it is argued with force that the pay of the premier is not sufficient to enable him to meet the cost of maintaining his station. Each month sees his debit balance increasing, and already it is assured that when he goes out of office he will be much poorer than when he went in.

Here is a phase of the situation that frequently escapes attention. Holding office usually is an expensive proposition for the holder. Particularly is this true when the office is one of great public importance and surrounded by elements of public display. We need not go to England to find proof of this, nor turn to offices under the federal government. Every governor of the state of Nebraska, down to the present incumbent, has left the office poorer than when he went in. Not only has he met his own campaign expenses, but he has been required to go into his private resources to defray the cost of maintaining himself as the decencies require that he should.

Governors, ambassadors and the like must keep up appearances. They can not live as private citizens do while in office. And the public has no right to ask that anyone, Ramsay MacDonald or the governor of Nebraska, consume his private estate in carrying on as he properly should while giving the public the benefit of his ability in executive office. The only remedy is a commensurate salary, with a proper allowance for expenses.

The Wheeler who claims that he has a lot more evidence against Daugherty is the same Wheeler who claims that he and La Follette will carry the New England states.

It will be noted that the republican party is not so rotten but what La Follette is willing to accept a good living from it while denouncing it.

King George of Great Britain has been using the same automobiles since 1911. But he is a king and can afford it.

It is reported that Hiram Johnson is sulking in his tent. The tent part of it is the surprise.

Supreme Court and Congress

By T. W. BLACKBURN.
Certain politicians are backing a proposed amendment to the Constitution which will authorize congress to enact laws held unconstitutional by the supreme court of the United States.

The author of the resolution for amendment of the Constitution, in an address, claims as a reason for inflicting upon the American people his dangerous and revolutionary scheme, that the supreme court has favored property rights over individual rights.

Now the fact is that in 10 years only 61 acts of congress have been declared by the supreme court to be unconstitutional. In violation of the fundamental law of the land.

Hon. William Marshall Bullitt of Louisville, Ky., a descendant of the great Chief Justice John Marshall of Virginia, who more than any other patriot, fixed and settled for all time the relations of the three independent branches of our government, the legislative, judicial and executive, has applied and published a complete list of these 61 cases. They are cited in his address.

Mr. Bullitt was at one time solicitor general of the United States. He is a general lawyer and his address was delivered at Greensboro, N. C., last May before the Association of Life Insurance Counsel, of which I am a member.

Every lawyer in America should have a copy of the address and every patriotic American should know that of the 30,000 cases of supreme court reports, the work of 73 supreme court judges, there are but 52 reported cases in which the court has held acts or parts of acts of congress void.

It is interesting to know that during the 130 years congress passed nearly 45,000 laws, filling more than 20,000 pages of the 42 large volumes in which they are recorded.

Incidentally Mr. Bullitt shows that in the same period of the hundreds of thousands of laws passed by 48 legislatures, filling 6,576 volumes, only 350 state laws have been declared unconstitutional in this same 130 years.

Chronologically, there were only 13 of these acts in the first 60 years, and only 49 in the next 60 years. In the last 20 years only 25 cases have been declared unconstitutional acts.

Now what was the nature of the acts declared unconstitutional? Six of these acts of congress seemed to confer powers upon the supreme court itself.

Fourteen of these acts ruled upon in 16 cases adversely were held void because they were attempts of congress to regulate purely internal affairs in a state and to punish individuals for violations respecting matters of a purely local nature. In 11 cases they were held void because they had been sentenced to the penitentiary by a lower federal court and the supreme court held the acts under

which they were tried, sentenced and incarcerated were unconstitutional; and void. Of the five other cases, one was the first employers' liability case. Another was the act admitting Oklahoma in 1906, but prohibiting the new state from changing its capital. The other three were a trademark case, a law taxing the salary of a state judge, and a law taxing the revenues of a city.

Eleven of the acts held void infringed the fundamental and personal constitutional rights of individual citizens as guaranteed of the bill of rights. In each of these cases the opinions ring true, and no lawyer or layman would find fault with them.

In 1921 congress sought to do the things which the Constitution positively prohibits congress from doing.

Five of the cases in which acts of congress have been held void are very recent and therefore are particularly interesting in the present connection. The supreme court was criticized for its decision in the Dred Scott case and in the income tax cases. The civil war settled the first and the 16th amendment, since second, as to all the other cases decided prior to the five hereinafter mentioned, I believe no one will seriously question the wisdom of the court.

In 1921 congress passed the future trading act and it was held unconstitutional.

Six years ago the first Child Labor law was held void.

Later the second Child Labor law and the minimum wage law of the District of Columbia were declared void.

SUNNY SIDE UP

Take comfort, not forget,
That sunrise never failed us yet
Celia Thaxter

THE OLD-FASHIONED PRAYER MEETING.
I've sat 'in churches rich and grand, with softly cushioned pews,
Where sunlight shined on the floor through richly stained glass views,
I've heard the choir sing songs for pay, heard preachers preach by rote
From texts gleaned from some book that no Apostle wrote.
But somehow I would feel a chill; it didn't seem to me
To be quite like the meetings held down by old Gallies.
I sat and yearned to meet and greet that ever present Friend
Once more in a prayer meeting like my mother used to tend.

The little church with clapboard roof and weather-boarded walls,
Has always seemed a better place than stately marble halls
In which to talk to Him who walked among the poor and low,
And didn't watch subscription lists to give a man a show.
It always seemed to me that He would rather stand aloof
When He the spirit had to send down through a mortgaged roof,
And that is why it seemed to me He'd richest blessings send
Each week on that prayer meeting that my mother used to tend.

We listened to philosophers argue with learning great
The Whiffness of the Whyfore, and expound the social state,
We heard them carefully expound some abstruse problem vexed,
But "Jesus and Him Crucified" is a forgotten text,
And so I have made up my mind to start a new campaign
To get the preachers to begin to preach of Christ again,
And as the quietest way I know to gain the needed end,
I'm going to start prayer meetings like my mother used to tend.

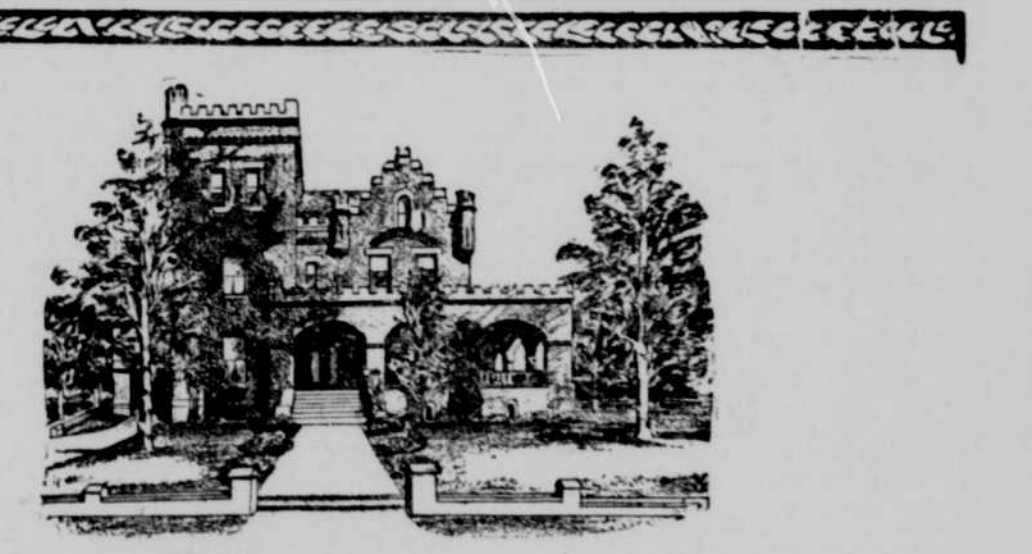
Change is not always reform, and going back is often progress.
Most of the troubles that now beset us are due to changes
Misnamed reforms, and brought about by people who
Mistake going sideways for progress. The greatest progress
The country could make would be to go backwards until it
Met some of the things that were discarded in the name of
Progress and reform. Time was when we talked about the re-
wards of being good; now all we hear is about punishment for
being bad.

Time was when people were deemed to be good until proved
bad. Now it is understood that people are bad until they prove
themselves to be good, and even then they are under suspicion.
Liberty was once construed as the privilege to do things not
inherently bad. Now liberty is construed as being permitted
to do whatever the reformers have not yet had time to prohibit.

Laws were once considered necessary to provide justice
and protect the individual, his reformation being left to himself.
Now laws are enacted almost solely for the purpose of making
everybody as pure and holy as the author of the law claims to
be. Whereas moral reformation used to be a matter of con-
viction and conscience, it is now a matter of legislative enact-
ment. The Carpenter of Nazareth is no longer lifted up that
He may draw all men unto Him. A statutory enactment is
lifted up and all men driven towards it.

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V. A. BRIDGE, Cir. Mgr. Subscribed and sworn to before me this 5th day of August, 1924. W. H. QUIVELY, Notary Public

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