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FREE SPEECH AND FREE COURTS.

Application has been made to President Coolidge for pardon for Charles L. Craig, who has been sentenced to jail for contempt of court.

The incident grows out of the appointment of a receiver for the Brooklyn Rapid Transit Railway company.

Judge Julius M. Mayer, then on the federal district bench, appointed the receiver, ignoring the request of Craig, who, as comptroller of the city of New York, asked that the public interests be considered, as the people have a direct concern by reason of ownership.

Comptroller Craig wrote to Lewis Nixon, then public service commissioner of New York, rather caustically criticizing the action of the court.

This was in October, 1919. In February, 1921, Judge Mayer sentenced Craig to serve 60 days in jail because of his offense, holding him guilty of contempt.

Craig sought escape by habeas corpus, and the case has gone on through the several courts until finally a few days ago the supreme court of the United States found him guilty, but rests the decision on a technicality.

Craig is a lawyer, and as such an officer of the court. His conduct is held to be worthy of punishment, because as a lawyer he should have upheld rather than condemned the judgment of the court.

Two vital, fundamental elements enter here. Craig felt that he had the ordinary right of free speech. As a public official, trying to protect the interests of the people, he felt justified in his strictures on the court, however severe they might have been.

On the other hand, the character of the court must be preserved from calumny, and unwarranted criticism may at times be slanderous.

Yet beyond even this is the graver question as to whether a man should be punished when he merely has made a mistake as to his legal rights.

In this case the technical point is that Craig appealed to a single federal judge for a writ of habeas corpus, when he should have appealed to the full bench.

Having lost on that point, he is prevented from getting a hearing on the merits of his case. As in the case of Frank, who was convicted at Atlanta, the question of guilt or innocence does not enter, merely the turn of the court's rules.

Justice Holmes, discussing the case says: "I think that the sentence from which the petitioner seeks relief was more than an abuse of power. I think it should be held wholly void. I think, in the first place, that there was no matter pending before the court in the sense that it must be to make this kind of contempt possible. It is not enough that somebody may hereafter move to have something done. There was nothing then awaiting decision when the petitioner's letter was published."

How will this all appeal to the lay mind? Will it not seem as if a man's liberty is worthy of more consideration than the preservation of the court's rules? Both are important, for the dignity of the courts must be preserved, and citizens are not to be deprived of liberty on less than due process of law.

Free speech is just as vital to Americans as is an independent, untrammelled judiciary. How are we to have both?

JOHNSON HITS A POPULAR NOTE.

"If the constitution prohibits such laws—child labor and minimum wage for women—then the constitution must be amended."

This plank in Senator Johnson's platform will commendation from a large number of people, who were sorely disappointed by the supreme court decision that knocked out the child labor law.

No amount of sophistical reasoning will convince the average American that the institution of child labor, which amounts in many instances to literal slavery, should not be abolished.

Campaigns to this end were waged long and earnestly, and finally a law was enacted that was thought workable. It was declared unconstitutional, and another was passed, only to meet the same obstacle.

This has aroused friends of the measure to a point where they are ready, if necessary, to set about the agitation that must precede the amendment of the constitution. Such a course is about the only way open to secure proper regulation of child labor, because the latest decision of the supreme court practically closes all other doors.

The agitation has begun, without waiting for any presidential prospect to adopt the proposition as a part of his program. However, none of those who are concerned in the movement will seriously object if one or all of the possible nominees will take up the fight.

Economic conditions in the United States will permit, and, indeed did permit, prosperity without calling on the children to give up their childhood to become machine tenders or industrial drudges.

Most Americans want the boys and girls to have their immature years untouched by toil, and Hiram Johnson will find a generous echo to that part of his statement of principles which pledges him to the wiping out of the blot of child labor, even if it be necessary to amend the constitution.

WOMEN HAVE WISE ONES GUESSING.

British election canvassers complain that the women over there are not divulging how they intend to vote at the election on December 6.

Nothing especially novel about that, for something of the same sort was experienced here when the women first got the vote. It is a good sign, too. Men get the ladies guessing for many years as to whether they were going to get the franchise, and it is only right that now the men should be kept in the dark as to what the fair ones are going to do on election day.

One thing has been pretty well proven in this country. Women do not vote for the best looking candidate, as some suggested they might. In practically every instance where it has been determined that the women actually did control the outcome of an election there was found a very good reason for their voting as they did, and their choice has in every instance been a worthy one.

England will find out as did America, that if a woman can not clean the muddy pool of politics, she can at least examine into the merits of candidates and issues, and then decide for herself how she will vote. If this introduces an element of uncertainty into the game, it is well, for an election ought not to be settled until the votes are counted.

PRIVATE MARRIAGE PUBLIC BUSINESS.

Dr. Merrill Brown's discourse on the Nebraska marriage law only goes part way to the root of the matter. In giving his approval to the statute, the preacher considered merely the single point of the state's right to regulate conditions preliminary to entering upon the marriage relation.

That certain definite statements are required by the state of Nebraska from persons who plan on being married is taken by many to be an invasion of their personal rights. For this reason they sojourn over the border of the state in regions where such inquiry is not made.

In doing this the parties interested are doubtless within their rights, and consequently are not subject to criticism on that score. But the purpose of the law is not to lay hardship on any, but to further safeguard the institution of marriage, the perpetuation of the home, on which finally all society rests.

Compliance with the law asks only such questions as may be answered without embarrassment by any, and in candor. It is but part of the great effort that is being made to get together what is summed up in the general term of vital statistics. No phase of our government has been more lax than this, because Americans have heretofore regarded any effort to obtain this information as an invasion of the sacred region of home life, into which the prying eye of the government has no right to intrude.

Instead of this being an intrusion, it is for the benefit of all. Much of this knowledge is needed in the combat against disease. Science of healing lags in many respects for lack of exact information on which to rest conclusions. It is useless to undertake to determine whether any progress is being made against a certain disease unless accurate knowledge of the number of cases and deaths from that disease is at hand, and this accurate knowledge is only possible when the facts are on record.

Statistics of births and deaths are quite as important as are those of marriage and the antecedents of those who get married are sought in order to make the records more complete and trustworthy.

If Iowa's laws do not compel investigation in the matter of marriage this is no reason for condemnation of the Nebraska law. When people understand that only good purpose is behind these laws, they will be less reluctant to comply with them. To say it is nobody's business but my own is not an answer, for it was long ago established that each is responsible to all for a share in maintaining the general welfare.

MR. HERSHEY COMES THROUGH.

M. S. Hershey, the millionaire candymaker, is welcomed to the honor roll of philanthropists. Not the ranks of those who dole out charity, mind you, but to the ranks of those who contribute in a practical way to the future of America's citizenship.

Hershey is a poor boy and compelled to fight his way upward against discouraging odds, and denied the wonderful privilege of parenthood, Mr. Hershey has turned over his immense fortune to the orphans, first of Pennsylvania, and next of all the republic. Nor is he establishing a mere orphan's home. He is establishing a great school where boys and girls deprived of the guiding care of fathers and mothers may not only find a home but will be educated and trained for useful citizenship.

They will not be classed as dependent wards that must be cared for in order to protect society, but will be classed as real assets of the country to be safeguarded and developed for the country's future good.

In time a stately shaft of bronze and marble may mark the last resting place of Mr. Hershey, but no matter how high that shaft, nor how enduring its materials, it will be neither so high nor so enduring as the monuments he has erected for himself in the minds and hearts of untold thousands of America's future citizens.

A Chicago man hanged a dog because its barking annoyed him. He has been arrested. A proper sentence would be to give him a small dose of what he gave the dog. Not a fatal dose, of course, but one that would impress a few important facts upon what little mind he has.

Judge Deneen's Monday morning reception ought to be carefully noted by any who have an inclination to step on it. Omaha's streets are not speedways.

The precision with which the bandits pick their victims is likely to cause distaste for display of precious stones in jewelry hereabouts.

If it be true that Maybelle Gilman Corey retained \$5,000,000 of her ex-husband's fortune, then it may be safely said that she earned it.

Judge Sears is entitled to credit for ordinary caution at least, in preferring a Pullman to an airplane for his trip to Washington.

A new novel entitled "Bunk" sounds like an infringement on a lot of novels we have tried to read during the last few months.

The presidential turkey was purchased by the president this year, which may also set a precedent for future holidays.

After facing another crisis or two perhaps Germans will be able to walk right up to one and smile in its face.

If you have any thanks left over today, send a few to the weather man for his part in the performance.

Hi Johnson has sounded his keynote. Pitched, of course, in the treble clef.

The Klan still makes the front page.

Homespun Verse

—By Omaha's Own Poet—

Robert Worthington Davis

WHEN LITTLE WILLIE DIED.

The checked coat is hanging where his mother hung it then.

The battered toys are lying in the garret dust arrayed.

The dolls seem sad and lonely, and the little soldier man stand ever at attention in the room where Willie played.

The tiny mattress, cozy and so daintily designed.

Bear traces of those hands which niled them perfectly of yore.

And somehow seem to ask me with the power of a mind why Willie doesn't wear them in the winter any more.

The children pause in silence at the corner of the street.

And solemnly behold the house where Willie did reside.

The voice that used to greet them with eager calls and sweet—

The smiles that used to cheer them were gone when Willie died.

"The People's Voice"

Editorials from readers of The Morning Bee are invited to use this column as a medium of expression on matters of public interest.

Denial Proof of Evolution.

Omaha, Ia.—To the Editor of The Omaha Bee: For the past few years I have been interested in the articles that have appeared time and again in your "People's Voice," especially those which refer to the Bible and kindred subjects. I have heard of those who did not believe in the Bible as the very Word of God; and also those who believed that it was the foundation of all that is good and true in the world.

In this evening's column I notice a letter under the caption: "In Reply to Mr. May." In which the writer appears to discredit the Bible in its account of the creation of the earth and man. I wonder whether the writer has really read the account of the creation? Sometimes I think that they would look into these things for themselves rather than to take the word of some critic. I care not whether he be lay or clergyman, but they would find that the real source of wrong is not in the Word of God, but in the human heart.

The only place in the New Testament where the word "evolution" is used is in Hebrews 4:12, where we read that the Word of God is "a discerner (critic) of the thoughts and intents of each heart."

I believe that if you would allow the Word of God to criticize our thoughts and actions more, we would have less time to criticize the Word of God.

Now will the writer please give the word of evolution a fair trial, and for I cannot believe that a man would send a letter to a public paper asserting certain things concerning creation without being able to back his assertions by facts.

There are various sums being offered for just one single proof that will forever establish the now present theory of evolution as a fact, and the theory of evolution, as stepped forward to claim such prizes. Our friend says, apparently without any qualms in his own mind, that the monkey and the gorilla evolved from the same source. Will he please prove this? I do not want any unnecessary argument of words, but facts. In denying the truth of the Bible and the burden of proof does not rest upon those who believe it thoroughly, but upon those who reject it.

There is an amount of money for you, my friend, if you can prove that your ancestry goes back any further than the Moslem account, or that it originated in any other way than a direct act of creation on the part of God.

REV. WILLIAM H. ROBINS, First Baptist Church.

Street Car Topics.

Omaha.—To the Editor of The Omaha Bee: Having read several copies of "Street Car Topics" we are prompted to ask this question: The state railway commission has conceded that 7 per cent is a fair return on the investment of the Omaha Rapid Transit Street Railway company.

If said commission were as liberal in its estimate of the value of said property as the rate of interest, the whole report might be subject to question.

Admitting for the sake of argument that the property is worth \$13,000,000, let us consider the income from the property. If the 7 per cent invested in government bonds did not question 4 1/2 per cent being a fair return, and while many could not well afford to carry them, still a sharp discount, others are still holding them, and are seemingly satisfied with the return. They are now being bought by large investors around here; they are getting a 3 per cent return from Great Britain, and after 10 years we are to have 3 1/2 for 42 years.

We wonder why the street car company is entitled to twice as much as some one tell us? Again, let us see what money is earning in some other lines of business. Ten of the largest life insurance companies, having assets aggregating over \$6,000,000,000, have during the past five years realized a little less than 5 per cent; out of this they have had to pay during this period in taxes, over \$111,500,000 and have had more than a billion dollars of expenses. Why should the street car company have fully twice the net return on the stockholders? Was any part of it stock dividends, or was it all from the sale of bonds? How much money has ever been invested outside of the two foregoing classes?

The main question is: Why are they entitled to 7 per cent return clear of taxes and expenses? Having secured such a verdict from such a high authority as the state railway commission, we are being impressed with the evident intent of a move to increase the rate.

But it shall come to pass, that at evening time it shall be light.—Zech 14:7.

We speak to Thee, O Lord, our Father, not as a faithless child, but as a man of the household. Thou hast given unto us many and priceless tokens of Thy favor. We have felt the touch of Thy hand upon our head and the joy of Thy benediction in our hearts. Cause Thy face to shine upon the dark places through which we may be called to pass this day and may the clouds be lifted, or, if it darkness be better for us according to Thy wisdom and Thy will, then be Thy promises a glorious beacon and Thy fidelity a star, and may we hold on to Thy hand in the dark that we may not walk alone in the light. If we are not all that Thou dost intend us to be; if we are not in harmony with Thee; if we have not for ourselves, and not for others, if our service be the hollow service of habit or the shallow service of display, show us how we are disappointing Thee, and starting counsel and rebuke upon our fellows, and putting far off the one divine event toward which the whole creation moves, the kingdom of God in human hearts and the union of peace. Especially regard the unsaved. Those who touch us on every side, whose hearts are kept back from Thee, we so clean and so true that God's cause may ever have a witness and an evangel in the influence we daily exert. Amen.

JOHN H. WILEY, P.D., S.T.D.

Daily Prayer

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Center Shots

There seems to be a growing belief that the constitution guarantees every man the inalienable right to hold a public job.—Springfield News.

When two fat women pass on the street, each looks at the other and wonders if she ever will look like that.—Duluth Herald.

They think outdoor life is making girls taller. We think it is making it in street cars.—Watertown Standard.

NET AVERAGE CIRCULATION

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Subscribed and sworn to before me this 5th day of Oct. 1923.

W. H. QUIVEY, Notary Public.

"From State and Nation"

—Editorials from Other Newspapers—

Know Your State.

From the Nebraska City Press. "Nebraska—Broad, deep, fertile."

That is the slogan which Dr. George E. Condra, head of the department of survey and conservation of the University of Nebraska, offers to Nebraska City and every other community in Nebraska.

It is a slogan which should be deeply considered, for it expresses tersely and concisely the underlying facts on which the prosperity of this state is founded. It deserves especial consideration in this community, for this community has been favored by nature with the most fertile, the deepest and the broadest soil on the face of the earth.

When men are despondent and blue at some upset in their economic calculations let them remember George Condra's slogan. When they prepare to chase that will-o'-the-wisp which so frequently causes men to become nomads, let them remember that slogan. When they are "firmly convinced" that Nebraska has been overdeveloped and exploited to death, let them remember that slogan which gives them the lie and should encourage them with new hope and courage.

For Nebraska is broad, deep and fertile. It is the center of the best agricultural district in the known world. Its changing climate, which is so frequently cursed and reviled by those who bank like parasites in the near-tropical zones of this country, is the great cause that has built a hardy, healthful, energetic conformable race.

Nebraska is the source of real wealth, wealth that will increase as the years go by. It should be the repository of the hopes and the bulwark of the faith of its people.

Battles of the Strongest.

From the Kansas City Post. Contests for supremacy upon the gridirons lack the deliberation of baseball, and the football enthusiast has only a little while in which to let off the surplus steam of fervor for the success of the team to which he pins his faith.

Football is the game of youth. The seasoned players must get their experience in a few short seasons and in few years. Only amateur football counts for anything in the world of Nebraska, the source of real wealth, wealth that will increase as the years go by. It should be the repository of the hopes and the bulwark of the faith of its people.

Why Don't They Write Home?

From the Aberdeen News. Without doubt the most pitiful messages which come to the News are the letters from fathers or mothers asking the newspaper to help them find their boys. So many of them are written in the cramped penmanship of old age and the words form a touching appeal for help in finding a boy from whom they long to hear.

What a pathetic thing it is that so many mothers, and fathers, too, wait through the days and long all the nights for the letters that never come. How tragic their last appeal to a strange newspaper for aid in renewing the sacred ties of family affection. The newspaper always wants to help and is glad and willing to do so, but how little hope it really can offer that

Abe Martin



Cashier Leslie Pine arose at the usual hour this mornin', an' after partakin' of a hearty breakfast 'o' toast an' eggs an' coffee, he kissed his wife an' children goodby an' walked 't' the bank with a firm step.

"If you hain't been hit with one o' 't' new glass rollin' pins you hain't seen nothin' yit," remarked Lafe Bud, 't' day.

(Copyright, 1923.)

among its thousands of readers the cry of the aching hearts will be heard in the only chambers where recollection will reach the love that prompts the appeal. Now and then it has to its credit a reunion, but so often no trace is found, that we take these letters now with a distinct feeling of regret at the disappointment that is almost sure to follow.

If boys and girls only knew, if they could only realize the rising and falling tide of hope that comes with every passing day, until the time goes by with nothing but a dull, dead ache where hope once sprang.

"What a simple gem is a letter and yet how one is more appreciated than this?"

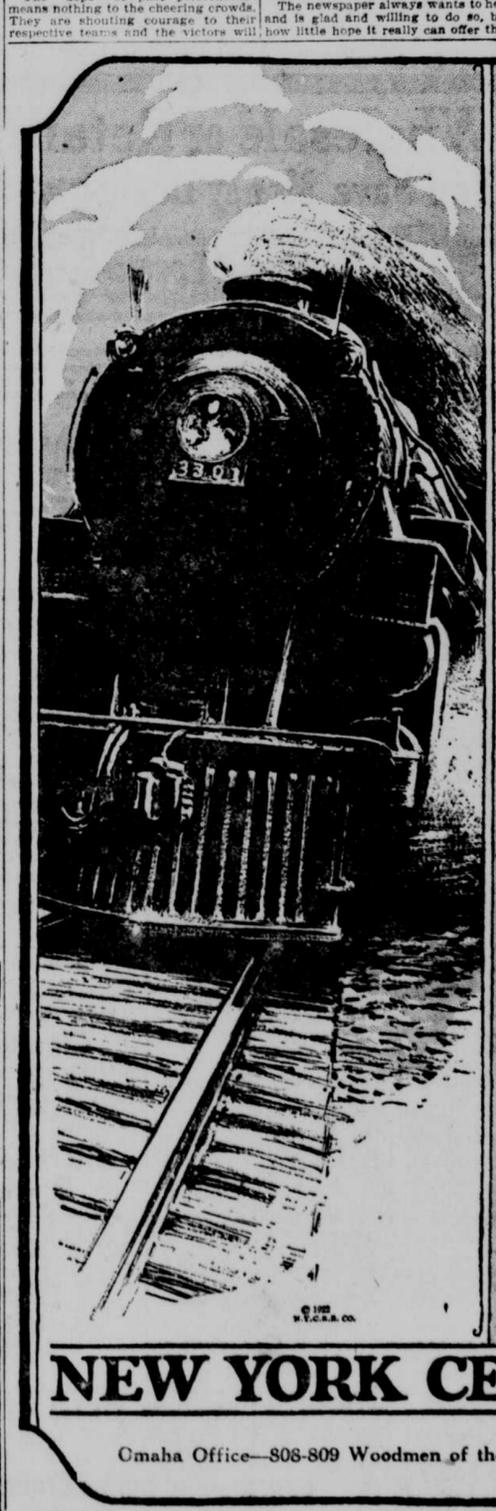
Her Broad Platform.

A thoughtful woman is running for mayor of West Hoboken on a platform calling for "Milk for babies," malt for marmas, beer for papas."—Minneapolis Journal.

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