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No-Baby Contracts

Tenants and landlords throughout the country are following closely the progress of Ohio's "baby eviction" case. The reason is simple and compelling: The eventual disposition of that lawsuit may well determine not only the validity of America's current bumper crop of "adults only" rental agreements, but also the future jeopardy in which parenthood may place non-home owners.

The United States as a political entity has a stake in the settlement. For both a high birth rate and effective protection of private property rights are in the national interest; and certainly one or the other seems doomed to a cartailment, however temporary and however justified, regardless of how the courts rule as to the validity of baby exclusion clauses in rental contracts.

The significance of the case is, then, considerable. And the facts are highly interesting.

Marvin Court, a 26 year old war veteran, rented an apartment on a month to month basis in Cleveland early last year, verbally accepting (through what he claims was a mis-

understanding) a stipulation which prohibited children.

In the summer of 1945 a baby was born to the Courts, and eviction proceedings against them were immediately instituted. A six man Cleveland Municipal Court jury ruled in favor of the Courts, whereupon the landlord carried the case to the State Court of Appeals, where the original decision was upheld by a 2-1 majority.

Once again the landlord appealed, this time to the Ohio Supreme Court, where the lower court decision was reversed by a 4-3 majority.

The State Supreme Court now entertains an application for rehearing which it may or may not grant. The final decision seems certain to come from the U.S. Supreme Court, if it accepts jurisdiction.

That's where the case stands now. The legality of baby exclusion clauses, in other words, is still highly uncertain—and so, too, are America's tenants and landlords.

So wends through the law courts a case involving a clash between normally incontestable rights: The right of a married couple to have a baby and the right of a landlord to stipulate the conditions under which his property shall be occupied by another. The eventual decision will be difficult, especially so since it cannot be divorced from present day conditions.

A month to month rental agreement, could be terminated by the landlord at his will were there no OPA rent control act. But if the OPA rent control act were removed, it would in all probability be because there was no longer a scarcity of houses; and if there were no scarcity of houses, there would be no baby exclusion clauses.

It's all yours, Messrs. Justices.

Weeping Water

Mrs. Thomas Murty

One of the happiest homes in Weeping Water this holiday time was the John Johnson home on account of the return of their son Walter who is on terminal leave after six years service in the Navy. Walter was Gunnery Mate and has been in the Pacific. Since the close of the war he has been assisting with the dismantling of the Japanese Ships and the transportation of Japs and Koreans and some Chinese back to Japan. This is the first visit home for two years.

Virgil Miller took his mother Mrs. Anna Miller to St. Mary's Hospital in Nebraska City Friday afternoon. Mrs. Miller has been in very poor health for several weeks and it was thought best for her to enter a hospital for observation and care.

The day after Christmas Mr. and Mrs. L. J. Lane became great grandparents when a daughter was born to Mr. and Mrs. Gerald Stovall (Ruth Lane) at St. Elizabeth Hospital in Lincoln Dec. 26. The baby's grandparents are Miss Laura Stovall of Avoca and Mr. and Mrs. L. R. Lane of Weeping Water.

Mr. and Mrs. George Scheidt moved to Lincoln last week when George took a position with the Firestone Tire Company.

It is always good to see the sons and daughters of the Weeping Water people return home for visits. Mr. and Mrs. Tipton Powers and daughter of Denver have been here visiting Tipton's father Earl Powers for the past week. This is his first visit here for several years.

The fine weather of the Christmas season made it possible for old and young to attend the Christmas services at all of the churches. Every church was filled with extra seats brought in for the overflow. It has been a Christmas week of returns and a week of knowing that loved ones were back home.

after the war and of thoughts of those who will never return. Their memory will always be with us.

Mr. and Mrs. H. I. Rookstool had as their Christmas guests the two daughters and their families. They are Mr. and Mrs. Harvey Rich and Mrs. Leta Tyner and her daughter Helen of Shelton.

Miss Margaret Giberson who is a member of the faculty of the Elk Creek school spent Friday at the home of her cousin Mrs. Ray C. Wiles. From here she went to Auburn to visit a former Weeping Water teacher Miss Helen Brickell Loh before going on to Elk Creek.

Eagle

Miss Betty Brown who is a student at St. Catherine's School for girls at Davenport Iowa is enjoying her holiday vacation with her mother Mrs. Margaret Brown.

Mr. and Mrs. William Muench and sons of Eagle Mrs. Lydia Muench and Miss Lillie Muench of Elmwood, Mr. and Mrs. Fred Muench and family and Mr. and Mrs. Dan Muench and family of Alto enjoyed attending a family gathering at the home of Mr. and Mrs. Ber. Muench last Sunday evening.

The W. C. T. U. members and



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CALL ME LIZ

by Rene Ryerson Mart

ELISE had taken the taxi that night. She had gone to the Condon home and she had helped Janice dress and pack and then she had driven to the airport with Janice and her father.

Together she and Arthur Condon had stood at the end of the runway with a chill dawn wind whipping around them and watched the plane carrying Janice fade into the still dim sky.

It was on the drive back home that Mr. Condon had spoken to her about what was really worrying him. He told her of his recent concern about Russel and that he himself had urged the trip which had turned out so badly. He sighed heavily.

"I'll never be able to forgive myself if either one of the boys is hurt seriously."

"Hurt seriously?" The words brought the feeling of panic back to Elise.

After a moment she said uncertainly, "You mustn't blame yourself for that, you know. You meant it for the best."

Arthur Condon looked at her thoughtfully. "I've sometimes thought, Elise, that Russel is in love with you. Now, I don't mean to pry—it's your affair and his, but I want you to know that nothing would make me happier than to have you and Russel marry."

This on top of her sudden and shattering realization that it was Red McFan she loved instead of Russel was more than Elise could stand. It was all she could do to hold back hysterical tears.

"Mr. Condon—please—please—"

Of course he misunderstood her reaction.

"There—there—" he said comfortingly. "I shouldn't have talked about it now. I know you're worried."

If he really knew the truth, Elise had thought in stony despair. Two weeks and now staring up

at the calendar, thinking back into the unhappy wretched days and hours that had passed, the same contradictory regrets and wishes were still spinning through her mind as they had that morning.

If she only loved Russel and was worthy of the approval of his father, if only she hadn't fallen in love with Red McFan, if only she hadn't mailed the letter to Russel saying that she would marry him.

If . . . If . . . If . . .

Only with this difference; she knew now irrevocably that she had to accept things as they were. She had hurt Russel deeply once by refusing to marry him. She could not repeat it again, when she had actually given her promise.

YES, she was resigned to the necessity of going through with it . . . but that did not stop the ache in her heart, or the wild fluttering of forbidden ecstasy there when she thought what might have been if she had had the sense to face her real feeling about Red McFan in time.

Easy to realize now that she had been attracted to him physically from almost the first moment they met. She remembered the feeling she had had the night they first danced together. And the aching pity she had known the evening Russel and she had found Red drunk in Tonelli's after Jackie had thrown him over.

But she had been too proud and too snobbish to face it then. Trying to fool herself into thinking that she hated and despised him and resented his presence. The resentment at least had been real, an instinctive resentment because he had so easily upset the plan of her life. But what a thin disguise her constant quarrelling with him had been for the wild love beating in her heart.

For she loved him the way she had dreamed of loving Russel . . . the way she had wanted to love

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