

THE ANDOVER NEWS

A PROGRESSIVE FAMILY NEWSPAPER, FOR ALLEGANY COUNTY PEOPLE, IN POLITICS INDEPENDENT, BUT NEVER NEUTRAL.

VOL. XXXVIII. NO. 49.

FOR THE WEEK ENDING FRIDAY, DEC. 7, 1923.

2000 No Year
5c the Copy

THREE AMENDMENTS TO CONSTITUTION WIN.

Proposition to Develop Water Power in Forest Preserve Loses.

Albany, Dec. — Three out of the five proposed amendments to the New York State Constitution were carried at the November election, according to an announcement made by Secretary of State Hamilton, following a meeting of the State Board of Canvassers here this week. Voters approved of the soldier bonus, the home rule amendment and the one giving inmates of the Soldiers' and Sailors' Home the right of absentee voting, while the proposed water power development in the Forest Preserve was signally defeated, as was also the one relating to the debt limitation of a city or county. The proposition to have a \$50,000,000 bond issue for the construction of certain state institutions was carried.

The state canvass showed that in eight counties all the amendments and the proposition went down to defeat, these counties being Cortland, Lewis, Madison, Otsego, Schoharie, Schuyler, Seneca and Yates.

Altho defeated in seventeen counties, the soldier bonus amendment was carried by a vote of 1,072,112 to 689,885. In 1920, a similar amendment, later declared unconstitutional, was carried by a vote of 1,454,940 to 673,292.

No less than 31 counties voted against the home rule amendment, which won out, however, by 557,108 to 510,947. New York City voting 603,548 for, and 190,819 against.

The water power development amendment was defeated in every county in the state, excepting Clinton and Schenectady, the vote being 955,777 to 470,251. New York City voted against this by 258,910 to 504,081 against.

The amendment relating to debt limitation of city or county was defeated by 71,141 to 608,684, fifty-four counties voting against the amendment.

Altho defeated in eighteen counties, the absentee voting amendment was carried by a vote of 1,019,077 to 423,497. The proposition on the \$50,000,000 bond issue, while defeated in fifteen counties, was carried generally by a vote of 1,105,999 to 398,811. New York City voting 672,495 for, and 125,376 against.

Irving Lehman was elected Associate Judge of the Court of Appeals over Jacob Fanken by a vote of 2,026,867 to 145,943.

WILSON. CONLEY

After an illness with heart trouble for a number of years, Wilson Conley died at his farm home in the Town of Greenwood, Thursday, Nov. 29, aged 58 years.

Wilson Conley was the son of the late James and Jane Holt Conley, and was born in the Town of Greenwood, April 2, 1865. His entire life had been passed on the farm and in the town of Greenwood.

He is survived by two brothers, George Conley, of Greenwood, and B. W. Conley, of Andover.

Funeral services were held at the home, Sunday afternoon, Dec. 2nd, Rev. C. H. M. Whelan officiating.

The interment was in Hillside Cemetery, Andover.

This is a good time to sell farm land. And most sales of farms are brought about through classified ads.

KENNETH HUBER WATSON

Kenneth Huber Watson, son of Huber and Ruth Mason Watson, was born April 2nd, 1915, in Westfield, Pa., and passed into the Great Beyond Thursday evening, November 29th, 1923. He died at the Children's Hospital in Buffalo, where he had been taken by his parents the Sunday previous, suffering from chronic mastoiditis for which he had been operated on two years ago at Buffalo, and had never fully recovered.

An examination by specialists revealed the fact that an abscess had developed upon the brain. The best of medical skill was exhausted to save the young life without avail. His death cast a shadow over our village and every heart was touched with grief for the stricken parents in this their second bereavement. In the presence of such sorrow words seem inadequate.

Kenneth was a boy of unusual qualities, of a genial, yet rather shy, disposition. His kind and courteous manner, his wonderful knowledge of nature, made him a favorite among his playmates and teachers.

His great delight was to roam thru fields and by-ways observing and enjoying the beautiful things with which Mother Nature had surrounded him.

All feel the loss of his untimely death and join in extending sympathy to the bereaved parents.

The little body was taken to Rushford, N. Y. Saturday afternoon, Dec. 1st, and laid at rest in the family plot beside the elder brother, whose death occurred three years ago.

TO OUR FRIENDS

We know better than ever before the priceless worth of human love and sympathy. We sincerely thank you for your kindness in our soul-trying experiences.

Mr. and Mrs. C. H. Watson.

CARD OF THANKS

The undersigned wish to express our feeling of thankfulness to the many kind friends and neighbors who helped us by deeds and words during the time of our recent bereavement. Especially thankful are we to the choir of the M. E. Church, George Conley, Mr. and Mrs. B. W. Conley.

CARD OF THANKS

We will ever remember the kindness of friends and neighbors to us during the hour of our bereavement. Especially are we thankful for the many deeds of kindness and words of sympathy of the Odd Fellows and Rebekahs.

Floyd L. Hann
Mrs. Martha Brown
Mr. and Mrs. Frank Brown
Edward Brown

CARD OF THANKS

We wish to extend our heartfelt appreciation to the many friends and neighbors who so kindly assisted us during the death and burial of our mother, Mrs. Harriett A. Bullard Smith, we are particularly grateful to the F. & A. M. O. E. S. O. of A. Rebekahs, and Mr. and Mrs. E. E. Hickcox, and Mr. and Mrs. B. T. Voorhies, of Friendship, Mr. C. T. Wilcox, of Wellsville, Burial Case Co., Mr. and Mrs. Floyd Walker, of Wellsville, the Ladies Aid of the M. E. Church and other friends of Andover, Mrs. F. E. Morrison and Mrs. William Dimmick, of Salamanca, who sent the flowers.

Mr. and Mrs. Marion Bullard and Family.

Good Printing is our specialty.

COMPTROLLER CRAIG'S SENTENCE STIRS WHOLE NATION

Judge Mayer's Decision Sentencing Comptroller Craig to Jail for Contempt, Abridges Constitutional Guarantee of Free Speech and Free Press.

Written Specially for the Andover News

By John H. Perry

President American Press Association, John H. Perry Publications and Autocaster Service.

NOTE: John H. Perry is one of the foremost authorities in America on contempt cases. A member of the bar of the Supreme Court of the U. S. in 1914, he directed a fight against Judge Cornelius H. Hanford, of the Federal Court at Seattle, which resulted in the appointment of a Congressional Investigating Committee which found Judge Hanford guilty on many counts and he resigned.—Editor.

NEW YORK, Dec. 3.—The decision of Judge Mayer in sentencing Comptroller Craig of the City of New York to jail for a so-called constructive contempt is far more important than merely the fact that Mr. Craig in this particular instance will have to sleep in a Jersey prison for sixty days unless President Coolidge sees fit to grant a pardon.

It is more important because of the fact that such a condition exists in our government that permits or tolerates one of the branches, namely, the Judiciary, to usurp a power that was NEVER INTENDED to be granted to the courts BY THE PEOPLE themselves. A power that abridges our Constitutional guarantee of a free pass and free speech.

Between 1800 and 1831, the United States Courts attempted to inflict punishment in the form of fines and imprisonment against citizens publishing articles which the courts held should not have been published, and during that period seven very important contempt cases were held before the seven respective Judges who had been the subject of CRITICISM, and, of course, in each instance the court acting as Prosecutor, Judge, Jury and Executioner, found the "accused" guilty and fined and imprisoned the Contemnor.

This resulted in such a storm of disapproval on the part of the people that in 1831 James Buchanan (afterwards President) introduced in Congress a law which was aimed at the abolishment of the POWER of the FEDERAL COURTS to punish for constructive Contempt—that is, Contempt committed out of the PRESENCE of the court.

The act of March 2nd, 1831, which limited or was supposed to limit the power of Federal Courts, provided as follows:

"That the power of the several courts of the United States to issue attachments and inflict summary punishment for contempt of court SHALL NOT BE CONSTRUED TO EXTEND TO ANY CASES except the misbehavior of any person or persons in the PRESENCE of said courts, or so near thereto as to obstruct the administration of justice."

The Supreme Court of the U. S. sustained the CONSTITUTIONALITY of this act in Ex parte Robinson 19th Wall. 505, in the following language:

"The act, in terms, applies to all courts, whether it can be held to limit the SUPREME COURT, which derives its existence and powers from the CONSTITUTION, may perhaps be a matter of doubt. But that it applies to (U. S.) Circuit and District Courts, there can be no question. These courts were CREATED BY ACT OF CONGRESS. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is therefore to them the law specifying the cases in which summary punishment for contempts, may be inflicted. As thus seen, the power of these Courts in the punishment of contempts can only be exercised to insure order and decorum in their PRESENCE."

When the act of Congress was passed, it was asserted that great applause that never in the future history of America would any Federal Judge dare to usurp any such power as that of summarily punishing for a constructive contempt. Thus, since 1831, no Federal Court has ever attempted to assume such power until the year 1914 when a Federal Judge in Ohio did assume such authority in the case against Negley Cochran, editor of the Toledo News-Bee, and, despite the very plain terms and intent of

the act of March 2nd, 1831, the decision was upheld by the United States Supreme Court by a majority opinion.

Hence, our Federal Courts have taken the very act of Congress, which was intended to forever prohibit Federal Judges from punishing for Constructive Contempts, and have either disregarded the Act entirely or construed it to mean the delegation of a power which the Act itself intended to destroy forever.

Such Decisions Brought Judiciary into Disrepute
The most shameful chapters in American Court decisions are those written by Judges in cases of Constructive Contempt. The decisions have done more to bring the Judiciary into disrespect and contempt than all the red ravings of all the soap-box orators and Bolshevik writings since the American Constitution was penned.

The spectacle of a Judge claiming he has such power by INHERENT RIGHT, when the Bill of Rights of our Federal and State Constitutions each and all emphatically state that "all political power is INHERENT in the PEOPLE, and Governments derive their just powers from the CONSENT of the governed."

The spectacle of a Judge having such power to inflict summary punishment for Constructive Contempt is NECESSARY to their very existence, when the Supreme Court of the United States has been bitterly criticised for many of its decisions, notably, the Income Tax cases, the Insular cases, the Dred Scott, and numerous other decisions—and for more than a century that court sat silently in the face of those attacks and criticisms and has never seen fit to invoke the so-called power of punishing for a Constructive Contempt of their court, thus proving that the so-called reason of NECESSITY is no reason at all.

THE PEOPLE ALONE in whom all political power is INHERENT have never delegated any more right to the JUDICIARY to punish for a Constructive Contempt than they have delegated such right to the EXECUTIVE or LEGISLATIVE branches of our government. Only some reactionary Judges

A reluctant pardon was granted Comptroller Craig, by President Coolidge, Dec. 3rd, only because his imprisonment would have handicapped transaction of the City of New York's business. He refused a pardon but remitted the sentence.



Above, Comptroller Craig.
Below, Judge Mayer.

have insolently usurped such kingly prerogative.

This outrageous usurpation as evinced by Judge Mayer's decision in sentencing Comptroller Craig, will undoubtedly hasten the end of this intolerable despotism which is so

(Continued on Page Two)

OBITUARY

Christy L. Forbes Sherman was born at West Union, N. Y., Sept. 15, 1846, and died at the Bethesda hospital, Hornell, N. Y., Nov. 13, 1923. She was the daughter of Moses and Abigail Forbes, and was the eldest of six children. At the age of four she with her parents, moved from West Union to Illinois where she resided fifteen years. Then with her parents she moved to central Iowa. Here in November, 1871, she was married to Eugene Sherman. To them were born three daughters. Soon after marriage she with her husband came to West Union to live. In 1887 the family moved to Spring Mill, N. Y., and the following spring to Cowanesque, Pa., and in 1909 to Alfred where she has since lived.

In her early married life she united with the Baptist Church of Andover, N. Y. When she came to Alfred she transferred her membership to the Seventh Day Baptist church of this village and has remained a faithful member. She was of a kind and loving nature; loving all and being loved by all who knew her.

She is survived by her three daughters, Miss Lillian, Mrs. J. Nelson Norwood, and Mrs. Lloyd Watson all of Alfred; also, by a sister, Miss Olive B. Forbes of Colfax, Ia., and a brother, Erwin Forbes, of New Rockford N. D. Her husband passed away in 1916, her brothers, Lyman Forbes, in 1868 in Iowa, Dorr Forbes in 1917 in Washington and Dorr Forbes in 1919 in Iowa.

Funeral services were conducted at her home by her pastor and she was laid to rest in the Alfred Rural Cemetery.—Alfred Sun.

W. C. T. U.

The Womens Christian Temperance Union will meet with Mrs. R. A. Pease, Friday afternoon, Dec. 14th. A good attendance is desired.

THE 1924 LICENSE PLATES ARE NOW READY.

Old Ones Expire Dec. 31.— Rates Same as Last Year.

County Clerk D. P. Snyder announces that they started distributing the 1924 automobile license plates from his office Monday, Dec. 3rd.

The rates for all cars will be the same as last year. In addition to the data required on the application blank, the department also requires that the serial number, as well as the motor number, must appear on the application; all persons desiring registration should be able to furnish both numbers on their application.

The Motor Vehicle Bureau holds that any car equipped for carrying goods, wares or merchandise is a commercial car and must be registered as such; please bear this in mind, and do not attempt to get by with a pleasure license on a commercial car.

All 1923 licenses will expire on the thirty-first day of December, 1923, and after that date the 1924 license must be on the car before it can be driven or used. Please remember this, as you can not afford to take chances.

They urge upon all the importance of getting your plates at an early date. This business has grown to such proportions that they can not distribute all these plates in one or two weeks. Please get away from the habit of waiting until the last day; get busy right away, as soon as we start; help spread this work out.

DENNISON — BAKER

A very pretty wedding was solemnized on Thanksgiving Day between Albert Nicholas Dennison and Mary Elizabeth Baker, of Hornell, at the First Presbyterian Church of this village, the Rev. Royal E. MacGowan officiating. The bride and groom entered the church at noon, accompanied by the immediate relatives of the family, while Mrs. Royal E. MacGowan, at the organ, played the Bridal Chorus from Lohengrin.

Mrs. C. E. Cleveland, sister of the bride, accompanied the bridal couple as bridesmaid, and Mr. Harry Baker, brother of the bride, was the best man.

After the wedding ceremony, the bridal party all withdrew to the home of Mr. Henry Baker, father of the bride, where a delicious turkey dinner was served.

The bride was charmingly attired in a traveling suit of vellona and beaded grey cordon crepe waist, grey slippers and gloves, and hat of broadened silver cloth; she carried a corsage bouquet of bridal roses. The bridesmaid, sister of the bride, Mrs. C. E. Cleveland of Richburg, wore dark blue springtime crepe with hat to match, and carried a corsage bouquet of opelia roses. The groom's gift to the bride was a string of beautiful pearls.

The guests from out of town were N. K. Dennison, of West Sparta, and Mrs. C. E. Willard, of Hornell; Mrs. Mr. and Mrs. C. E. Cleveland, of Richburg.

After a wedding trip to Buffalo and Cleveland, Mr. and Mrs. Dennison will be at home in North Hornell where they have recently built a new home. Their many friends in Andover extend their heartiest congratulations.

Try our Classified Ads for results.

ANNOUNCING HOME PAPER WEEK

Home Paper Week will be observed all over New York State, February 3-9. The purpose of home paper week is not to sell newspaper subscriptions or advertising, nor to promote any particular paper or publisher.

It is rather to call attention to the fact that the community newspaper is in reality a community institution comparable with the school, the church, the public library, the farm and home bureau, and the like. This often has been lost sight of because, unlike these other institutions, the paper at the same time is a private business enterprise.

No editor can run a good paper unless his community is back of him. Like all of our country institutions, the country paper must have the cordial interest of its community if it is to succeed.

Look! Look! Look!

Our \$1.00 Special

- 2 lbs. Excellent Cocoa
- 2 lbs. Excellent Macaroni
- 1 Large Can Excellent Corn
- 1 Large Can Excellent Pork & Beans
- 1 Large Can Excellent Pink Salmon
- 1 Small Can Excellent Tomatoes
- 3 Cakes Borax Soap

ALL
FOR
\$1.00

A BARGAIN

MRS. C. W. WILLIAMS