

Holmes, A Champion Of Liberals—His Career At End

Staunch Defense Of Man's Rights Stands Out In His Record As Justice

WASHINGTON (AP)—A "liberal of the liberals" has stepped down from the supreme court bench with the resignation of Oliver Wendell Holmes.

An aristocrat in habits, but a democrat in views, Holmes many times was on the side of the "underdog" in his persistent advocacy of the rights of man. In his work as justice, Holmes held the law was "a living thing shaping itself to meet the needs of society."

His resignation, the result of failing health brought on by his advanced age—he is 90—is viewed as a distinct loss to liberals of the nation.

Known as one of the "two great dissenters," a term which he disliked, Holmes is the oldest man ever to occupy the supreme bench. He wrote into his opinions even after he had reached the age of 90 his fervor for the new and the living in legal principle and interpretation. He con-



Oliver Wendell Holmes as he appeared at the time of his appointment to supreme bench.

THE LIFE AND CAREER OF HOLMES IN BRIEF

March 8, 1841—Born in Boston.

April, 1861—Left Harvard and enlisted as first lieutenant, 20th Massachusetts volunteers.

July 17, 1864—Mustered out of army with rank of captain.

1867—Admitted to Massachusetts bar.

June 17, 1872—Married Fanny Dixwell.

1882—Became associate justice supreme court of Massachusetts.

1890—Named chief justice of Massachusetts supreme court.

Dec. 4, 1902—Appointed associate justice of the supreme court of the United States.

Oct. 4, 1928—His age of 87 years, 6 months and 29 days made him the oldest supreme court justice in history.

April 30, 1929—Mrs. Holmes died.

Jan. 12, 1932—Resigned from supreme court bench.

law has become a conscious reaction upon itself of organized society knowingly seeking to determine its own destinies."

The blue-blooded son of a Boston poet was a doughty protagonist of freedom of speech, thought and the press. One of his most famous opinions was his dissent in the case of Madame Koska Schwimmer, Austrian pacifist, barred from American citizenship because of expressed unwillingness to bear arms in time of war.

"If there is any principle of the constitution," said the then 69-year-old justice, "that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us, but freedom for the thought we hate."

"I would suggest," he continued, "that the Quakers have had their share in making this country what it is, that many citizens agree with the applicant's belief and that I had not supposed hitherto that we rejected our inability to expel them because they believe more than some of us do in the teachings of the Emerson on the Mount."



This is the way Washington acquaintances knew Holmes as he worked at his desk.

THESE VIEWS GUIDED HOLMES IN HIS WORK

"A man of high ambition must leave his fellow adventurers and face the loneliness of original work."

"If there is any principle of the constitution that more imperatively calls for attachment than any other, it is the principle of free thought—not free thought for those who agree with us, but freedom for the thought we hate."

"The duty of the courts is to note the change in the nature of society and to do away with legal theories of the past that were erroneously applied to the present."

"No approved the expansion of state and federal police powers to regulate conditions of society for the good of the community as an evolution of the common law to meet changing social demands. He contended, however, that the court should not permit state or federal acts to violate any constitutional prohibition.

Not an advocate of total abstinence from liquors, Holmes sustained on several occasions the prohibition amendment. But he vigorously opposed what he considered unlawful methods of search and seizure.

Thirty years ago Holmes said: "The

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Product of a conservative Massachusetts social and economic environment, he nevertheless upheld early in his judicial career the legal status of the then "revolutionary" labor strike and peaceful picketing.

As long ago as 1891 he sustained the constitutionality of a Massachusetts state law prohibiting the imposition of fines upon workmen by employers on account of imperfect work.

He held that labor had the right to combine for the purpose of obtaining high wages. He applied his liberalism to capital as well as labor, repudiating the idea that acts of combination were illegal.

He was a staunch upholder of the legality of the child labor law and assailed workmen's compensation and employers' liability laws. Many of his opinions were considered gems of diction, phrased with a lucid candor that made them enjoyable reading and comprehensible to the layman as well as the lawyer.

His closest friend on the bench was Justice Brandeis, the son of a Bohemian immigrant, who often "teamed up" with him in views on cases. For years their opinions were

frequently on the minority or dissenting side. But in several cases in recent months the "liberals" in the court, with Chief Justice Hughes and Justice Stone and Roberts lining up with the "two great dissenters," have been in the majority.



And here is how Holmes appeared when he observed his 90th birthday last March 8.

Speaking of the Weather--
by Charles Fitzhugh Talman
of the U.S. Weather Bureau

Heavy Snowstorms In June and August—It Really Happened In New England States

The year 1816 has gone down into history as "the year without a summer," although, as far as has been ascertained by recent scientific investigation, it did not altogether deserve that title. Regular weather records were kept at that period at not more than 10 places in the United States, but many details concerning the famous cold year were recorded by persons who experienced its rigors. Typical of these descriptions is the following, written by Chauncey Jerome, at Plymouth, Conn.:

"The next summer was the cold one of 1816, which none of the old people will ever forget and which many of the young have heard a great deal about. There was ice and snow in every month of the year. I well remember the seventh of June, while on my way to work, about a mile from home, dressed throughout with thick woolen clothes and an overcoat on my hands got so cold that I was obliged to lay down my tools and put on a pair of mittens which I had in my pocket. It snowed about an hour that day. On the tenth of June my wife brought in some clothes that had been spread on the ground the night before, which were frozen stiff as in winter. On the fourth of July I saw several men pitching quoits in the middle of the day with thick overcoats on and the sun shining bright at the time. . . . Not half enough for corn raised that year to furnish seed for the next."

Charles Pierce's "Weather in Phila-

delphia" tells us that at that place "there was ice during every month of the year, not excepting June, July and August. There was scarcely a vegetable came to perfection north and east of the Potomac."

According to the "Monthly Weather Review" citing the recollections of James Winchester of Vermont: "It is said that in June of that year snow fell to the depth of three inches in New York, Pennsylvania and New Jersey on the seventeenth; five inches in all the New England states, except three inches in Vermont."

"There was snow and ice in every month of the year. The storm of June 17 was as severe as any that ever occurred in the winter; it began about noon, increasing in fury until night, by which time the roads were impassable by reason of snowdrifts, many were bewildered in the blinding storm and frozen to death. . . . There was a heavy snowstorm Aug. 30. . . . The year 1816 had neither spring, summer, nor autumn. The only crop of corn raised in that part of Vermont that summer was saved by keeping bonfires burning around the cornfield night and day."

An analysis by Professor W. I. Millham of the meteorological record kept at Williamstown, Mass., shows that, at that place, the average temperature of the whole year was only a little below normal and was actually higher than that of several later years.

The summer months were all much colder than normal, but included some periods of excessive heat. The year was not actually one without summer, but one in which the summer included some spells of decidedly wintry weather.

NEXT: Checking up on weather all over the world.

Briggs, of California, Says State Will Fight Hearst-Johnson Combine

WASHINGTON, Jan. 20 (AP)—A. H. Briggs, California state anti-saloon league superintendent, Tuesday told the national league his state would oppose "headlong" to congress any man who hooks up with the Hearst-Johnson combine against President Hoover.

Briggs had just said "the next election is serious and will affect, if not determine, the fate of prohibition."

Some reports of state leaders to the biennial convention dealt with the possible effect of congressional reappointment and the political outlook as well as reviewing past work.

Briggs said if a wet should oppose President Hoover in 1932, California, which had given him a big majority in 1928, "would move to make it unanimous."

Dr. L. W. Sloan, superintendent of the Louisiana anti-saloon league, also

Famous Cough Prescription

A doctor's famous prescription called Thosine is guaranteed to relieve coughs within a few minutes. It works on a new principle—relieves throat irritation and goes directly to the internal cause.

Taken before retiring, Thosine absolutely prevents night coughing. It gives the same speedy relief for sore throat, too. Safe for the whole family—guaranteed no dope. Money back if not satisfied. 35c. Sold by Red Cross Drug Store and all other good drug stores. —Adv.

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Portland, Oregon
Lorna E. Bocca, Resident Manager

Jobless Aid Up To Industry, Says Ritchie

Candidate for Presidency Declares Government Must Take Burden If Business Refuses

Editor's Note: In his speech at the Jackson day banquet at Baltimore, in which he announced his willingness to become a candidate for the presidency, Gov. Albert C. Ritchie, of Maryland, declared that the obligation of unemployment rests upon industry itself. Here he explains what he means by that statement and gives his position on an issue that may play a part in his presidential campaign.

By Robert Talley (NEA Service Writer)

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BALTIMORE, Md., Jan. 20—The problem of America's 6,000,000 jobless rests squarely on the shoulders of business and industry.

Business and industry should make provision for caring for their employees in times of depression.

If they do not accept this responsibility, congress or the state legislatures may be forced by public demand to enact some sort of government unemployment insurance plan, which would be as burdensome on taxpayers as the dole system that now weighs upon England.

These are the views of Governor Albert C. Ritchie, first major presidential candidate to announce for that office. They were expressed by Maryland's Democratic chief executive, four times elected to that office, in an exclusive interview here.

"These are preventive days," Governor Ritchie began. "There is prevention of illness by health measure, prevention of accidents by safety measures and many other forms of prevention.

"Maybe we can't prevent unemployment, but we can do something to alleviate it when it comes.

"We do have period of recurring unemployment. Mr. Hoover says we have passed through 15 major de-

MARYLAND HAS TWO SEEKING PRESIDENCY

This far only two persons openly announced their willingness to become presidential candidates in 1932, and both of them are Marylanders.

The first was ex-Senator Joseph I. France, who months ago announced an apparently forlorn candidacy, presumably for the purpose of getting public attention for cause he espoused.

The second is Governor Ritchie, four times elected to that office, who is expected to be a leading contender for the Democratic nomination.

FOUR RITCHIE-GRAMS

"If we didn't have unemployment, we would not have Socialism, Communism, Hitlerism and the like."

"We should look ahead with reference to a man's job in the same way that we look ahead to other things."

"The best method that I know of is to set aside some kind of insurance reserve when times are good so when forced unemployment comes we will have that to draw on."

"There are two ways this can be done:

"The federal or state governments can raise or contribute to such a fund.

"Industry can raise such a fund, with labor contributing its share.

"Various European countries have found that a government unemployment system or a dole is a fearful burden on the taxpayers. Such plans have crashed the treasury in Germany and England.

"We don't want anything like that. We want to avoid it.

"Industry and business should as-



GOVERNOR ALBERT C. RITCHIE

The principle stands.

"About 15 large concerns, one of which is the General Electric company, already have plans of this kind. About 29 industries here in Baltimore are already at work on such plans.

"Various plans have been put forward. There are details of application, of course—such as the system, proportion and source of contributions to the fund—that must be worked out. But far-seeing business men realize the necessity.

"However, neither this nor any other plan can stop recurrent unemployment. At intervals, hard times are bound to come. But when hard times do come such a plan would help out and alleviate the situation until good times return.

"We can't have 3,000,000 persons out of work in this country without tremendous pressure being brought to bear upon congress to do something about it. If business and industry don't accept this responsibility, government will, and the danger is that something like England's or Germany's burdensome plan will be forced upon us.

"With 15 major depressions in the past 100 years, it is about time we began looking ahead to the next one before it closes in on us. If business and industry don't take hold of this situation, congress or the state legislatures—or both—will do it and are very likely to apply measures that would be a huge drain on our treasury and foreign to American standards and institutions," Ritchie said.

As for relieving existing unemployment distress, Governor Ritchie believes this the duty of local relief agencies and believes that they will be able to do it with their own relief funds—certainly in his own state of Maryland. If not, he says, then assistance becomes the duty of the city government, next the state government, and finally the national government. For, he says, protection of citizens is the purpose of all government.

sume this responsibility. It is a social obligation that belongs to them.

"They set aside a reserve for dividends so that stockholders can be paid when depression comes.

"They set aside a fund for depreciation so their machinery and equipment can be taken care of.

"They have a sinking fund for protection of their bond issues.

"They make provision to take care of injured employees.

"About the only thing that they

don't set aside for is labor, upon which all business and industry depend.

Must Protect Dependents

"Industry and business which get complete benefit out of labor when times are good, should make some provision for protecting labor when times are bad.

"Such a plan is fundamentally sound. Of course, there can be raised against it many objections like seasonal unemployment, etc. But these objections can be ironed out.

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Summing It Up

Even a head wind is better than none. No man ever worked his passage in a dead calm. Let no man, therefore, was pale because of opposition.—Exchange

Eight Daily Papers

Port Louis, the capital of Mauritius, an island in the Indian ocean with a population of 50,000, has eight daily newspapers.

NO DEBTS, CASH IN BANK, GEORGIA TOWN CUTS TAXES

\$100,000 YEARLY PROFIT FROM CITY-OWNED UTILITY PLANT HELPS BUSINESSLIKE ADMINISTRATION SET REMARKABLE RECORD, ALBANY OFFICIALS SAY

Editor's Note: In three times when many other city governments are in dire financial straits—with payrolls paid days for city employees, huge current debts, threatened closing of schools, etc.—the remarkable story of what is being accomplished in the little city of Albany, Ga., is of especial interest. C. D. Tomasley, city editor of the Albany Herald, has written the exclusive article for NEA and the Observer.

By C. D. Tomasley (NEA Service Correspondent)

ALBANY, Ga., Jan. 20—Free of debt and complacently conscious of a big cash bank balance, this Georgia municipality of 18,000 population wonders vaguely why other governments—city, county, state and national—are experiencing so much difficulty in balancing their budgets and are, in many instances, confronted with the necessity of raising taxes.

Albany starts 1932 with the lowest tax rate in many years, with a bank balance of \$133,000, and owing not one cent of current accounts. Moreover, about \$32,000 of uncollected 1931 taxes is due the city treasury.

Five years ago Albany owed current accounts of \$128,000, had no money in the bank except a sinking fund balance, was operating on borrowed funds most of the time and was levying a tax rate almost 40 per cent larger than the 1931 rate. Another reduction of 20 per cent in the tax rate is indicated for 1932.

"How did Albany do it?" other cities have been asking ever since recent press dispatches announced that Albany had \$8.80 per capita in the bank and no current indebtedness.

Mayor J. E. Billingslee's reply has been: "Keep the outfit within the limits of the income. That's the way to bring down taxes and get on a sound financial basis."

Salient features which have contributed to this city's improved financial position included:

Municipal ownership and operation of all public utilities.

Adoption of the commission-city manager form of government.

Careful preparation of the first of each year of a schedule of estimated receipts.

Adoption of a budget well within the amount of estimated income, and scrupulous adherence to the budget.

The public utilities contribute about \$100,000 each year to the operating expenses of the city.

Many years ago the city acquired the water, light and gas plants. Until comparatively recent times they were operated at a loss, or at best broke even. Then they began to show a small profit. Numberless futile efforts to buy them have been made by public utility corporations.

The utilities are operated by a commission of three, chosen by the city commission. They have managed so well that water, light and gas rates are as low as in other cities of like size, despite the \$100,000 annual profit.

Occasional pleas for lower rates are met with the answer that there are many citizens who own no property and pay no tax, and that their only contribution to the cost of government is through payment of water, light and gas charges.

Albany adopted commission government eight years ago. The city is governed by seven commissioners, one from each of five wards and two elected from the city at large. They are chosen for two-year terms, and each year they select one of the number mayor. The commission

THAT'S \$8.80 PER PERSON

BANK BOOK BALANCE \$133,000

ALBANY GEORGIA

OUR CITY-OWNED UTILITIES EARN \$100,000 A YEAR!

CITY OF ALBANY GEORGIA TAX BILL 1932 ASSESSMENT

TAXES CUT 20%

AND THAT'S ALL YOU CAN SPEND!

BUDGET

CITY MANAGER

heads keep him advised at all times of the activities under them. He has no assistant, not even a secretary.

The all-important schedule of estimated receipts which is adopted at the start of each calendar year, is prepared by the city manager.

The past year's total receipts will be \$399,000 in excess of his estimate on Jan. 1. Disbursements will be \$300,000 less than expected.

Despite the depression, no city employee has had his salary cut and in most departments the salaries increase periodically in accordance with a scale based on length of service.

Once the budget is adopted, the commission resists every effort to make expenditures not provided for. An appropriation is made at the start of each year for emergency use and this has always proved adequate to care for needs which could not be foreseen.

Four members of the city commission were re-elected recently and only one had opposition. There has never been the slightest public hint of graft, nepotism or favoritism. Inhabitants of Albany look on their city as a corporation, governed by a board of directors responsible to the voters who name a general manager to carry out their policies.

Any other city, of course, whether larger or smaller, can do what Albany has done, it is asserted here. Except for the item of public utilities ownership there is not a feature of Albany's governmental system that cannot be adopted in most other municipalities.

The same methods of efficiency, economy and honesty which have lifted Albany from the mire of debt to a surplus and have reduced the tax rate from 1914 mills to 14 mills in three years, can be applied anywhere.

BOYS 'CONFESS' BURNING EIGHT



Here are the two youths who (left), O. authorities say have confessed to the burning of the log cabin of James White, 49, near Gallopais last spring, resulting in the death of White and seven of his eight children. The boys, Albert Heymer, left, and Elsworth Mowyer, are inmates of the boys' industrial school at Lancaster, O. Officers refused to place full belief in the boys' story pending further investigation. Albert is 15 and Elsworth 17. The boys later repudiated the confession, terming it all a hoax.