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GATE CITY JOURNAL

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**SUPREME COURT USURPED
AUTHORITY**

Under the heading "Has the Supreme Court Usurped People's Power?" U. S. Senator Ladd of North Dakota discussed in the Dearborn Independent this much mooted question. The senator shows in detail just how and to what extent the supreme court has usurped powers not conferred by the constitution and never intended that it should exercise. The people of America should arouse themselves to the danger of the situation and demand that this usurpation cease, for it is the greatest menace to our free institutions that the country faces today. Under its operation five men are the absolute rulers of a nation of 110,000,000 people, and they are responsible to nobody. They are appointed for life by the president, often for political reasons and for their known bias on certain questions. No one who is not "safe and sane," that is, in accord with the appointing power on important questions, ever gets a seat on the supreme bench. Five of these political appointees can, and do, declare laws unconstitutional, change laws so as to make them "reasonable," knowing their action to be contrary to the intent of the legislative body making the laws. They have in fact usurped the functions of the legislative department of our government. The properly constituted legislative bodies are allowed to play at law making, but any time five supreme court judges see fit they can annul the work of congress or our state legislatures. Senator Ladd in his article says:

"It is becoming rather common thing now to hear the intimation that the supreme court is being filled with corporation lawyers and the representatives of big business. Even a stand-pat and reactionary senate has at times viewed with some hesitancy certain of the presidential appointments to the greatest court in the world. The question has been repeatedly raised as to how congress can respond to the will of the people by placing an act upon our statute books so that it may stand as the law of the land, unrepentable by the supreme court.

To my mind, as a layman who has given a great deal of thought to the subject, the remedy is not as difficult to obtain as our cautious lawmakers—awed by a sense of dominating power—are prone to believe. I believe we have the power to curb the undesirable tendencies of the court right in our grasp. It will take a little courage and determination to enforce the rights of the people, but if the supreme court has made any usurpations we can settle the matter definitely in a time no longer than

it takes to get a bill through both branches of congress and signed by the president. It has been done before and the supreme court has recognized the right of congress to do it.

There is no question in my mind that the supreme court has USURPED the power to declare an act of congress to be unconstitutional. Legislative enactments have been declared void by this great tribunal. I believe such an exercise of power to be a dangerous usurpation of a legislative function. Universal experience has been that power usurped in any branch of government has proved to be power dishonestly and corruptly used.

The federal constitution confers upon the federal government certain powers expressly enumerated; the constitutions of the states contain a general grant of powers not excepted or prohibited. The federal constitution is a grant of powers; the state constitutions are limitations of powers.

In the face of these well established rules of interpretation it is pretty hard to understand how the supreme court of the United States could take to itself the right to exercise a power not expressly conferred by the federal constitution. There is no question that the power is NOT expressly conferred, and it should be equally unquestionable that the power can not be derived by necessary implication. It strikes me as being somewhat pertinent that the power to declare an act of congress null and void by reason of its repugnancy to the constitution was not exercised during the 16 years that federalists had control of the government and that it was not until the republicans assumed control of the government that the federal judges ventured to proclaim the power and exercise it.

**COMMUNITY CHURCH
NOTES**

Sunday morning at the regular church service hour the Children's Day program will be given by the children of the Sunday school. The title of this program is "The Secret Whispered to the Children."

In the evening the old time hymns will be sung and as we sing each hymn a short history of the author of the hymn will be given telling when and where the hymn was written and under what circumstances the author was inspired to write it. What is your favorite hymn? See if one of the ten that will be sung Sunday night is the one you have picked out as your favorite.

Dance Big Bend Park June 15. Good music, floor and crowd. Come and bring your friends.—Adv.

Question?

Granting that Sunday is the Christian Sabbath, are Christians under compulsion to observe the day according to the fourth commandment? If this commandment may be disregarded by professing Christians, then why should church people insist on others observing the seventh, eighth or any other commandment? See Exodus 20:8-16.

Dance Big Bend Park June 15. Good music, floor and crowd. Come and bring your friends.—Adv.

Questions for Men's Bible Class. In the third chapter of Paul's Epistle to the Colossians, the apostle states that covetousness is idolatry. In the fifth of Ephesians he makes the statement that no covetous man who is an idolater has any inheritance in the Kingdom of God. Question—What is covetousness, and where would you draw the line between covetousness and a legitimate desire for possession?

Timothy 12:11 "Let the women learn in silence with all subjection," 1 Cor. 14:34 "Let your women keep silence in the churches; for it is not

permitted unto them to speak; but they are commanded to be under obedience, as also saith the law. And if they will learn anything, let them ask their husbands at home, for it is a shame for women to speak in the church."

Do these commands still hold good? If not, why not?

1 Tim 6:1 "Let as many servants as are under the yoke count their own masters worthy of all honor, that the name of God and his doctrine be not blasphemed."

What is blasphemy in the meaning of this verse? How could the name of God and his doctrine be blasphemed by violation of this command?

FOR TRADE

Ford roadster body, with extra delivery bed, for a Ford touring body. G. E. Schweiser, Nyssa, Or.

Dance Big Bend Park June 15. Good music, floor and crowd. Come and bring your friends.—Adv.

Each afternoon of this week this office has been highly entertained by the music proceeding from the Children's Day rehearsals in the nearby church. From what we hear we feel confident that any of our readers who attend the Children's Day exercises will be greatly pleased with the program.

Prospects for head lettuce in this vicinity are very favorable. With a few more days favorable weather harvesting of the crops will begin. It is expected that from 10 to 20 earloads will be shipped from Nyssa in the next month.

For Sale—Two young cows with calves. Holstein 150, Jersey 855. Apply Journal office at once

For Sale—Grain binder, McCormick, nearly like new, cheap. A. P. Gibson.

NOTICE OF BOND SALE VALLEY VIEW DRAINAGE DISTRICT

Sealed proposals will be received by the Board of Supervisors of the Valley View Drainage District at their office in Ontario, Malheur County, Oregon, until the hour of 2 o'clock p.m. on Monday, the 2nd day of July, 1923, and immediately thereafter publicly opened for the purchase of bonds of said District in the sum of \$10,000 dated July 1, 1923, in denominations of \$500.00 and \$100.00 respectively, and maturing serially as follows:

Bond No. 1	For \$500.00 each	to mature July 1, 1923
Bonds Nos. 2 and 3	For \$100.00 each	to mature July 1, 1923
Bond No. 4	For \$500.00 each	to mature July 1, 1929
Bonds Nos. 5 and 6	For \$100.00 each	to mature July 1, 1929
Bond No. 7	For \$500.00 each	to mature July 1, 1930
Bonds Nos. 8 and 9	For \$100.00 each	to mature July 1, 1930
Bond No. 10	For \$500.00 each	to mature July 1, 1931
Bonds Nos. 11 and 12	For \$100.00 each	to mature July 1, 1931
Bond No. 13	For \$500.00 each	to mature July 1, 1932
Bonds Nos. 14 and 15	For \$100.00 each	to mature July 1, 1932
Bonds Nos. 16 and 17	For \$500.00 each	to mature July 1, 1932
Bonds Nos. 18 and 19	For \$100.00 each	to mature July 1, 1934
Bonds Nos. 20 and 21	For \$500.00 each	to mature July 1, 1935
Bonds Nos. 22 and 23	For \$100.00 each	to mature July 1, 1936
Bond No. 24	For \$500.00 each	to mature July 1, 1937
Bonds Nos. 25 to 28 inc.	For \$100.00 each	to mature July 1, 1937
Bond No. 29	For \$500.00 each	to mature July 1, 1938
Bonds Nos. 30, 31 and 32	For \$100.00 each	to mature July 1, 1938
Bond No. 33	For \$500.00 each	to mature July 1, 1939
Bonds Nos. 34, 35 and 36	For \$100.00 each	to mature July 1, 1939

Said bonds to bear interest at Six (6) per cent per annum, payable semi-annually on the first day of July and the 1st day of January, principal and interest payable in United States Gold Coin at the office of the County Treasurer of Malheur County, at Vale, Malheur County, Oregon, or at the fiscal agency of the State of Oregon in New York City at the option of the holder.

Said bids must be accompanied by certified check for five (5) per cent of the amount thereof, the same to be forfeited to the District as liquidated damages in event the successful bidder fails to pay for said bonds within ten (10) days after the award. Said bids to be made subject to the legality of said issue.

Said bonds to be certified by the Irrigation Securities Commission of the State of Oregon, and said sale to be subject to such certification. The Board reserves the right to reject any and all bids.

By order of the Board of Supervisors of the Valley View Drainage District. Dated the 15th day of May, 1923.

Date of first publication June 1, 1923
Date of last publication June 29, 1922

Free Scholarship

The editor of the Journal has again been asked to announce that the trustees of Gooding college have awarded a \$50 scholarship to the honor graduate of the local high school for the year beginning September 11, 1923. In case the valedictorian does not accept, the honor may be awarded to some other graduate on the recommendation of the superintendent or pastor of one of the local churches. The recipient will receive a check for \$25 the first semester. If he maintains his grade and his record as a student during the first semester, he will receive a similar check the second semester.

SUMMONS

IN THE CIRCUIT COURT OF THE STATE OREGON FOR THE COUNTY OF MALHEUR.

Henry B. Shippy Plaintiff, vs. Cora B. Coen, and Irwin Coen, Violet Coen and Iva Coen, minor heirs of Lester Coen, deceased, and Marshall H. Dryden, being one and the same person as M. H. Dryden, and Mary B. Bates, being one and the same person as Mary B. Dryden, and Mrs. Bell Dryden and Bell Bates, a widow, Defendants.

To Irvin Coen, one of the above-named defendants.

IN THE NAME OF THE STATE OF OREGON: You are hereby required to appear and answer the complaint filed against you in the above entitled suit on or before the expiration of six weeks from the date of the service of this summons upon you and if you fail to answer for want thereof the plaintiff above named will apply to the court for the relief prayed for in its complaint on file herein, to-wit: For an order and decree of the above entitled court correcting and reforming that certain deed made and executed and delivered by Harriett M.

Ramsay to the plaintiff on the first day of March, 1915, and recorded in Book 7 of Deeds, page 184, in the office of the County Clerk of Malheur County, Oregon, so as to conform to the intention of the parties thereto by describing the property therein conveyed as:

Lot 1 of Section 4, Township 21 South, Range 46 E. W. M., and all lands south of the Owyhee river in the South half of the Southeast Quarter of Section 33, Township 29 South, Range 46 E. W. M., Malheur county, Oregon, together with an undivided one-eighth interest in the Collins Irrigation Ditch, lying west and above what is known as Collins Ranch in Section 3, Township 21 South, Range 46 E. W. M.

And for a further order and decree of the Court that you and each of you have no claim, right, title, lien or interest in and to said real property or any part thereof, and for a further order and decree quieting plaintiff's title against each and all of you in and to said premises, and that each and all of you be forever barred and enjoined from claiming any right, title, claim, lien or interest in and to said real property or any part or parcel thereof, and for such other and further relief as to the Court may seem just and equitable.

This summons is published and served upon you under and by virtue of and pursuant to an order of the Honorable Dalton Biggs, Judge of the Circuit Court in and for the County aforesaid, which said order was made and entered by said Judge of said Court on the 17th day of May, 1923, and directing that summons here in be published for six successive weeks, including seven publications thereof, in the Gate City Journal, a weekly newspaper published at Nyssa, Malheur County, State of Oregon, and having a general circulation therein, and ordering a copy hereof and a copy of the complaint duly verified, as required by law, be forthwith mailed to the defendant, Irvin Coen, at his last known place of residence and post-office address. The date of the first publication hereof is the 1st day of June, 1923, and the last publication is the 18th day of July, 1923.

E. M. BLODGETT,
Attorney for plaintiff, residence and postoffice address, Nyssa, Oregon.

Notice of Hearing of Final Report.

IN THE COUNTY COURT OF THE STATE OF OREGON, FOR THE COUNTY OF MALHEUR.

In the Matter of the Estate of Ernest A. Atwood, Deceased.

Notice is hereby given that the undersigned, Myron A. Patch, administrator with the will annexed of the Estate of Ernest A. Atwood, deceased, has filed in this court and cause his final report and account, and that the Court has set Monday, the 18th day of June, 1923, at the hour of 11 o'clock a. m. at the County Court room in the County Court house at Vale, Malheur County, Oregon, as the time and place at which said final report will be heard, and any parties or persons interested in said Estate may, on or before said date, file any objections in writing to the allowance of said final report and account.

Dated this 16th day of May, 1923.
MYRON A. PATCH,
Administrator with the Will annexed of the Estate of Ernest A. Atwood, deceased.
Date of first publication May 18, 1923.
Date of last publication June 15, 1923.

Notice of Annual School Meeting.

Notice is hereby given to the legal voters of School District No. 28, of Malheur County, State of Oregon, that the Annual School Meeting of said District will be held at the school house; to begin at the hour of 2:30 o'clock P. M. on the third Monday of June, being the 18th day of June, A. D. 1923.

This meeting is called for the purpose of electing a director and a clerk and the transaction of business usual at such meeting.

Dated this 31st day of May, 1923.
Mrs. H. R. Sherwood,
District Clerk
E. M. BLODGETT,
Chairman Board of Directors.

SUMMONS

IN THE CIRCUIT COURT OF THE STATE OF OREGON, FOR THE COUNTY OF MALHEUR.

Ross Jenkins, Plaintiff, vs. Catherine Jenkins, Defendant.

TO KATHURINE JENKINS, the above-named defendant:

IN THE NAME OF THE STATE OF OREGON, you are hereby required to appear and answer the Complaint filed against you in the above entitled suit on or before the expiration of six weeks from the date of the first publication of this Summons, and in the event of your failure so to do, for want thereof, the plaintiff will apply to the Court for the relief prayed for in his Complaint on file herein, to-wit: For judgment and decree of this Court forever dissolving the bonds of matrimony existing between plaintiff and defendant, and for such other and further relief as to the Court may seem just and equitable.

This summons is published under and by virtue of an order of the Hon. Dalton Biggs, Circuit Judge, duly made and entered on the 7th day of June, 1923, authorizing and directing publication of summons against you by publication for six consecutive weeks and seven publications in the Gate City Journal.

R. W. SWAGLER,
Attorney for Plaintiff, residing at Ontario, Oregon.
Date of first publication June 8, 1923.
Date of last publication July 20, 1923.

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