

The Cherokee Scout

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IT CAN BE DONE

Maintaining that convict gang bosses have no legal power to whip prisoners as a means of discipline, The Greensboro News says even the courts, Supreme, Superior and minor, have not the power. And therefore "What a Superior Court Judge can not do, what the Supreme Court bench itself may not do, a jailer, a chain gang boss, etc. can not do."

The News underestimates the resources of some of our Superior Court Judges and their ability to pass such sentences as please them despite the limitations of law. It discounts their skill in circumventing the Constitution and their adroitness in doing in a perfectly lawful way what the law forbids. The News overlooks their formidable weapon, the suspended sentence.

The Constitution designates certain forms of punishment as the only ones which may be inflicted—execution, imprisonment, removal from office, fines—and decrees that these latter shall go to the school fund. The Constitution does not allow a judge to punish one by banishing him from the State, or requiring him to pay some individual a sum of money, or to go to Sunday school.

But it is known of all men that Superior Court Judges do often inflict such inadmissible punishments—instances are not infrequently published in The News. A judge banishes a convicted defendant from the State—not as a formal sentence because that would violate the law and the judge is an upholder of the law. He sentences the defendant to serve a year in prison, and then casually remarks to him that process will be held up for 24 hours, but if he is within the State at the end of that time or returns here then he will go to jail.

The defendant, not being a fool, takes the hint and departs from North Carolina pronto. Behold the lawful achievement of an unlawful punishment! By the same method another defendant is induced to attend Sunday School. The judge remarks to the defendant that he will delay inflicting punishment for a year and that if at the end of that time the defendant shows that he has attended Sunday school regularly his will be considered a mitigating circumstance.

Another defendant has been convicted of burning the bar of a poor farmer who is thus left destitute. The law might properly permit the judge to punish by making the defendant pay the farmer for his loss, but it doesn't allow such sentence. But nevertheless the defendant does pay the farmer. The judge sternly excommunicates the defendant for his evil deed and then remarks that at the end of a year he contemplates sentencing him to five years in prison—but that if in the meantime the defendant has paid the farmer the judge is quite sure that he will not inflict any punishment.

Where there is a will there is a way. If a judge wishes to punish a defendant by having him whipped would it not be easy to intimate to the defendant that if he voluntarily submits to a whipping no punishment will be inflicted—that is no lawful punishment.

It can be done.—Asheville Citizen.

Dr. Frank Crane Says



THE SOUL HAS ITS WEATHERS

Sometimes all is bright and serene, and other times it is dark and cloudy. Sometimes it is clear weather and sometimes stormy.

As in the case of the winds, of which we know not whence they come nor whither they go, but take their blowing as an act of God beyond our control, so our moods and tempers seem to arise we know not how.

The best we can do is to maintain our poise as much as possible and turn toward our ideals when the winds of pessimism and doubt are upon us, and remain as equable as we can.

We speak of getting out of bed in the morning with the wrong foot foremost. It is another way of saying that we are in the grip of a mood that is beyond our control.

How many acts of our fellows that seem to us malicious are simply due to the prevalence of some uncontrol-

able mood in them?

There are some people, thanks be, that are always bright and cheery. One who has this sunny disposition is to be congratulated, and even more to be felicitated are those about him.

If one can be a point of sunshine in this storm-tossed world he has certainly added much to human well being.

The alternation of moods, however, is common to all of us. We should all expect some dark days and resist their influence as much as possible. We can do very much with our will.

Our judgment should tell us the danger of letting ourselves go when "the wind is from the east." We should wait until the times change and not give way to dark humors. It can be accomplished if we are but fixed in our determination to encourage cheerful moods and discourage untoward feelings.

We cannot control our feelings, it is true, but by a set purpose we can make them strengthen us.

Your Birthday Is it this Week?

JANUARY 16—22

If your birthday is this week you are exceedingly cool and self possessed—courteous and agreeable at all times. In fact, you are the personification of dignity and poise.

You are a brilliant conversationalist, very bright and witty. You are light-hearted, and joyous—with a genial personality that makes you extremely popular with everybody.

You are independent and self-reliant, honest and loyal, generous and sympathetic.

Your mind is inquisitive, active, and intuitive—and you have considerable more than ordinary intelligence.

Persons born during these dates are clean-minded and refined—idealistic

and artistic—romantic and imaginative.

Women born during these dates are real home-makers and home lovers. They make excellent wives and mothers. They also succeed as teachers of small children, writers, decorators, welfare workers, and musicians.

The men born during these dates become excellent business people—extremely clever and tactful in negotiations. They also become inventors, doctors, scientists and clergymen.

Benjamin Franklin was born January 17.

Olga Nethersole (actress) was born January 18.

MARBLE

Mr. and Mrs. W. B. Neal is spending some time with Mr. Neal's parents, Mr. and Mrs. G. W. Neal.

Mr. and Mrs. B. H. Mintz announce the arrival of a son, James Jackson.

Miss Julia DeHart left Sunday to visit her sister, Mrs. Carl Breedlove, at Needmore, N. C.

Mrs. Alice Christopher, of W. Va., is visiting her niece, Mrs. W. B. Mulkey.

Mr. Fred Lance of Copperhill, Tenn., was in town Sunday.

Mr. and Mrs. S. S. Coffey announce the birth of a daughter, she has been given the name of Vesta.

Mr. H. L. McHan has opened an up-to-date feed and grocery store here, he is also carrying a line of dry-goods, and his prices are very reasonable.

Mrs. J. F. Palmer wishes to announce that she has been using a torrent automatic washer for some weeks and finds it a long needed necessity.

WOLF CREEK

It looked Tuesday morning like real winter weather had come on with two inches of snow and mercury around 20.

Mr. and Mrs. Riley Morgan and son, Charles, visited another son, Elbert, at Newtown, a suburb of Ducktown, Sunday.

Mr. A. E. Cloer has been logging for Mr. J. T. Westmoreland for several days. Mr. Westmoreland is planning a new residence just over in the edge of Georgia.

There was recently born to Mr. and Mrs. Lum Bryant a boy and to Mr. and Mrs. Oscar Ballew a girl.

Mr. Harvey Gaddis, whose wife died several weeks ago, has moved his family from Mrs. Mat Withrow's to Isabella.

There has been a lot of moving about here for the last several weeks, below are a few of them: John Henry Simonds has moved to Bell Hill; Barney Panter to Lower Belltown; Guard Harper to John Cook's; and Theodore Ledford to William Ballew's place.

Several of our citizens attended Court at Ducktown, last week.

Mr. and Mrs. Fred Davis and children visited Mrs. Davis' parents at Blue Ridge, Sunday.

The holidays passed off very quietly here, and so far as the writer knows,

no one had to be arrested because of being intoxicated or had to have a doctor because of over-eating.

The Public School here will come to a close this week, but the church school conducted by the Seventh-Day-Adventists will continue for about four months yet. It will be an eight months school.

LETTIA

We are having some snow at present, after several days beautiful weather.

Messrs. Isaac Taylor, Poley Wilcox and Allen Wright are engaged in trapping. They have caught several muskrats.

Mr. B. O. Taylor of this section who is teaching at Patrick made a business trip to Murphy Saturday.

Mr. C. L. Price of Murphy is doing organ repair work in this section.

Mr. T. D. Hickey was called to the bedside of his brother at Chattanooga one day last week.

Mrs. T. S. Runion is on the sick list at this writing.

Mr. W. W. Barton closed his school at Suit, Friday, January 7.

Mr. D. T. McNabb made a business trip to Murphy one day last week.

Mrs. A. C. Barton of Birch, spent the week-end with her son, W. W. Barton.

Mr. Deveroak Stiles is selling his property and is contemplating moving to Asheville where he expects to work.

Mrs. T. D. Hickey and son made a business trip to Murphy Saturday.

Mr. W. W. Barton has purchased a new David Bradley Feed grinder and is now ready to serve the people.

Mr. R. L. Keenum passed through this section Sunday enroute to his school at Unaka.

Everybody come to Sunday School next Sunday at Oak Grove and let's have a good Sunday School.

About Your Health

Things You Should Know



by John Joseph Gaines, M. D.

A FIRESIDE CHAT.

"Keep the feet warm, the head cool, and, the bowels open." I was told by the old college professor, that strict obedience to this command would insure a healthy body at all times.

I can think of at least fifty serious disorders, including fatal disease of the kidneys, and dangerous liver disorders, that have their origin in constipation. From ordinary auto-intoxication we go from bad to worse; the kidneys break down in their futile attempts to carry away the body-poisons; the gall-bladder becomes infected; the stomach rebels; the blood becomes more vitiated; the heart finally weakens dangerously,—and all because of neglected bowels. A stitch in time is worth nine applied too late.

The question of cold feet is increasingly evident in these winter days. The low-pattern shoe is the correct thing in fashion; but I am yet unconvinced that the low shoe is not a shortener of life, and I know it is a menace to health; especially for women. The silk stocking, the "goose pimples" beneath and the congested lung make the thoughtful physician wonder if the added attractiveness is worth the price!

Light head dressing should be worn, summer or winter. Tight-fitting hats are conducive to bald heads, which are perhaps minor effects of head-wrapping; both scalp and face are freshened and invigorated by contact with winter air. The idea of enveloping the neck and head in fur and feathers, and the lower third of the person in thin silk, carries little appeal from the healthy race standpoint.

The Judge's Joke

THE YOUNG FOLKS' LIFE— IS JUST ONE ROUND 'O' PLEASURE— DAY IN AN' NIGHT OUT!



CLEVER TRAMP

The tramp paused outside the gate. "Clear out!" shouted the lady of the house. "I ain't got no wood to chop. There ain't nothing you could do here."

"But, madam, there is," retorted the wayfarer, with dignity. "I could give you a few lessons in grammar."

LATE NEWS

He who sells ribbons: "Did you say 'This is so sudden' when Mr. Kussman proposed?"

She (leaving to be married): "I didn't have the audacity."

He who sells, etc.: "Why?"

She: "Well, you know how Kussman stutters."

TRADE SECRETS

Lady (to butcher boy): "Do you know Mrs. Upperton in this road, my lad?"

Boy: "Upperton? Let me see. 'Tain't pork and no fat—that's No. 2. And it ain't two pound of rum and jucq—that's No. 7. I know where 'tis. It's top side and tender, an' don't pay—No. 5, that's it, mum!"

SECRETS OF THE OFFICE-BOY TRADE

Brown: "How's your new office-boy getting along?"

Grey: "Fine! He's got things so mixed up that I couldn't get along without him."

SOME DAY IT MAY BE A WHALE

Tommy: "Do fish grow very fast?"

Billy: "I should think so! Father caught one once and it grows six inches bigger each time he mentions

This Week



By Arthur Brisbane

A DR. WORK WHO WORKS. BE PATIENT WITH STATIC. 'XMAS' A SACRILEGE. CHRISTIANITY A FAILURE?

Dr. Work, Secretary of the Interior, says of the 1927 outlook: "There is not a single distress sign on the whole economic horizon."

Secretary Work doesn't sit at his desk, guessing. He travels over the country constantly, studying opportunities for national improvement. He knows conditions, and his opinion is important and encouraging.

Should millions of women read of the death of Sir Oliver Lodge, Marconi, Millikin and a dozen other great scientists the majority would say, "That's too bad," and be not much interested.

Every one of millions will be interested to hear that Jean Philippe Worth, the famous dressmaker, has gone to a land where there is no sewing.

His house dressed queens and empresses of state and finance, also young ladies with whom their sons ran around in Paris. His word meant more in real authority to the world's women than all the decisions of a thousand high judges.

Be patient with static, when it interferes with jazz music or prize fight news coming sweetly over your radio. Professor Pupin, of Columbia College, says static and "fading," enemies of radio enthusiasts, really indicate that other planets are trying to talk to us. They send powerful messages that interfere with our feeble radio, and Pupin thinks we shall understand those messages within twenty-five years.

Our age listens indifferently to that news, but no man can exaggerate its importance.

If planets millions of years older than our earth could tell us what they know, our science might jump ahead as rapidly as a child advances in knowledge after it has learned to talk and read.

We light little bonfires, heat steam, and thus obtain power. Mars might teach us to harness the power of the sun, and transmit energy without wires, which would do away with engines or fuel on flying machines, and give us unlimited power.

It is said that in this country there is more commercial "flying mileage" than in any other.

For that thanks are due to President Coolidge and Postmaster General New, who have encouraged air mail routes. But flying back and forth by mail carriers, most desirable, does not mean building up national aerial defense.

And for our commercial flying we depend on private initiative, citizens building planes that will "get by" and enable them to make money carrying mail. That isn't a Government programme for promoting aviation.

Clergymen are protesting against the abbreviated "Xmas," which reduces the name of Christ to "X."

The abbreviation is disrespectful to the most beautiful word in history, and it is disrespectful to the English language. Anybody who was in too much of a hurry to write out "Christmas" should not use the word.

Wise men in Milwaukee will devote three days to discussing high questions, including this, "Can Christianity be of any parotical use in changing existing conditions?"

Christianity has been changing existing conditions for about nineteen hundred years, there is no reason why it should break down now. To "love thy neighbor as thyself," trying to help him, instead of trying to rob him, will always improve conditions if men mean it.

Another suggestion before Congress is to forbid experiment with a scientific study of poison gases.

The peak of absurdity is to suggest that we must not KNOW about poison gases. Can we not trust ourselves. Is it not idiocy to say that our scientists shall not keep this country informed about important warlike weapons?

We are not planning to gas anybody, but we should be ready to answer gas with gas. To tie our hands would be idiotic.