

USERS MUST PROTECT SELVES

Judge Baker Says Public Must Seek Its Own Redress.

PLEADS FOR CO-OPERATION

Says He Can See Nothing to Be Gained at This Time by Instituting Court Proceedings on Grievances.

Water rates higher than the law allows and in direct violation of a resolution establishing a maximum charge of 25 cents per 1,000 gallons are being collected by the Omaha Water Board. And, if a question raised by Corporation Counsel Ben S. Baker should be decided in favor of the people by the courts.

Judge Baker, reporting on a resolution by City Commissioner Thomas McGovern, which directed the city legal department to institute legal proceedings to test the power of the Water Board, declares it is not the province of the council, but of water consumers, to test such power and determine if the Water Board is exceeding its legal rights.

Concerning extortionate rates charged by the Water Board, Judge Baker says: "It seems that the Water Board, by a proper resolution before the taking over of the water plant, ordered a material reduction in the price of charges that should be made to the water consumer. Whether such resolution by the board, which at that time had charge of all matters concerning the rates to be fixed for water consumers, would be construed to be an ordinance, is an open question."

Rates Fixed by Ordinance. Referring to the statute, Judge Baker cited the provision of the law which gives the Water Board power to fix rates, provided such rates are not higher than the rates fixed by ordinance.

"The question is," continued the Judge, "whether this resolution is to all purposes an ordinance. The order itself was carried to the courts and declared illegal because it conflicted with an ordinance then in effect, which granted the water company power to charge 25 cents per 1,000 gallons. That ordinance went out when the city came into possession of the plant. If this resolution is an ordinance, the Water Board cannot charge to exceed 25 cents per 1,000 gallons for water."

For the welfare of the water plant Judge Baker, in his opinion, pleads for co-operation between the city council and the Water Board. "There is nothing to be gained," he says, "by embarrassing the Water Board with legal proceedings."

Meters Belong to Consumer. Judge Baker holds that water meters, purchased by the consumer and not removed or interfered with by the Water Board. The Water Board cannot, he holds further, fix an unreasonable price for meters. The consumer has the right to go to the courts and, after offering the Water Board a reasonable amount for water used, ask the court to protect him from extortion. Continuing, Judge Baker says: "It would seem that the Water Board is vested with the absolute power of fixing and regulating the water rates, and that the implied power would be that it could choose such method as is reasonable and fair, and that the use or requirement of the use of meters would not be unjust or unfair."

Not Private Speculation. "It is our opinion that the Water Board cannot arbitrarily fix an unreasonable price for meters or for the installation of same. It certainly is the policy of the statute creating the power to purchase and own a municipal water plant, was and is for the benefit of all the citizens and not for a private speculation."

Extensions. Judge Baker holds, may be made by the Water Board under proper restrictions, the city council having authority to grant or withhold permits. He further holds that the Water Board cannot arbitrarily assess property by the foot front for paying the cost of extensions.

"If the Water Board is charging ex-

cessive rates, the same would be unlawful," says Judge Baker, and advises consumers "to tender the Water Board a proper amount for water by him consumed, and if not accepted by the Water Board, to proceed in court to require it to furnish water at a proper charge."

Referring to the inquiry in the McGovern resolution concerning the duty of the Water Board to report regularly to the city council its state of finances and other operations, Judge Baker says:

To Report to Council. "The council has the right to require, and it is the duty of the water board to make, report of its doings to the council."

Concluding, Judge Baker says: "In our opinion we cannot see anything to be gained at this time by instituting proceedings in the courts upon any of the grievances referred to in the resolution. Primarily because the city council, as such, cannot maintain a suit on the several grievances as hereinbefore stated, and such a proceeding might tend to embarrass the Water Board in its work."

This opinion was concurred in by the other three members of the city legal department. Speaking of the opinion Judge Baker said:

Consumer Must Seek Redress. "We have not receded from any position we have taken. We believe the council as such cannot correct the grievances of private consumers, but that the right to obtain redress lies with the consumer. We do not care to harass the Water Board. If the Water Board is treating the consumers in a manner unfair and unjust the consumer has a right to go into court and ask for a proper remedy."

City Commissioner McGovern said it was not possible in many cases for a consumer to go to the expense of extended litigation to force the Water Board to treat him justly and that the city water plant being owned by the city, from a common sense point, he thought the city ought to see that the Water Board does not practice extortion in the name of the city.

Special Grand Jury May Be Called to "Doctors" Case

A special federal grand jury may be called to investigate the charges against "Doctor" Z. T. Wittman and wife and "Doctor" E. D. Brantley, the three alleged cure-all fakers who were arrested by the government Monday afternoon. Wittman and his wife will give bonds at Colorado Springs, where they were arrested, for their appearance in Omaha, Brantley is fighting his case at Memphis, where he was arrested. His case will come up for hearing May 21.

At present there are about seven cases, including the one against the alleged doctors, which, unless a special grand jury were called, would have to wait until the October term of court. But since the arrest of the fake doctors the federal authorities have about decided to hold a special session.

The three "doctors" are charged with using the mails to defraud, in that they inserted misleading advertising in newspapers, which were sent through the government mails. When the case is brought up for hearing before the federal grand jury the advertisements run by the newspapers will be used as evidence, and the advertising managers of the various Omaha newspapers will probably be put on the stand also.

In addition to this about fifteen witnesses, who were duped by the alleged doctors, will also be put on the stand. The penalty for this crime is five years imprisonment or a fine, or both.

Members of the Real Estate Exchange Ready to Offer Help

President Hastings of the Real Estate exchange will tender the services of that body to the Board of County Commissioners in handling the \$250,000 if the bond issue for the relief of tornado victims is passed. The exchange members voiced their sentiments as opposed to salaried officers to dispense or handle the funds. Members agreed that their services would be tendered and that no fees would be asked if the bond issue carries and the county commissioners need assistance in the handling of the funds.

At the next meeting of the exchange the question of taxing the property owner for paving, which has been laid for the second or third time or more, will be discussed. W. H. Green, who owns property in West Leavenworth street, told the body that the third paving of that street has amounted almost to a confiscation of the property. It is taxed \$5 a foot, he says, and three times that adds \$15 to the price of a front foot, an amount which cannot be returned to the property owner when he tries to sell.

The exchange will discuss the question that an agreement may be reached and the opinion of the organization given as a suggestion to the charter convention for incorporation into the new charter.

Following the meeting the exchange members were the guests of Harry Wolf on a tour of inspection through the new Carlton hotel, Fifteenth and Howard streets.

Wolfe to Ask for Smoke Inspector

R. U. Wolfe, city boiler inspector, will meet with a "smoke commission" to be appointed from the Commercial club to plan a campaign against the smoke evil. He has written a letter to Charles Harding, who is interested in the scheme to rid the city of the smoke nuisance, and together they will consider the advisability of asking the city to create the office of smoke inspector.

Wolfe says Des Moines' smoke inspector has shown that such an office can do a great deal of good in a city. Wolfe says the common causes of the smoke nuisances are: Faults in construction of furnaces, one or more of the principles of smokeless combustion having been discarded; insufficient draft, due to low stack; poorly designed breeching, air leaks; overfired boilers, inefficient air space in grates, insufficient air supply in boiler room, carelessness of operation. "Beginning June 1 we will strictly enforce the anti-smoke ordinance," said Inspector Wolfe. "Believing the smoke nuisance can be abated we will file charges against offenders and prosecute them to the full extent of the law. We have gathered evidence and if the offenders do not reform this evidence is sufficient to convict."

A Horrible Death. Cure may result from diseased lungs. Cure sought and won. More lung with Dr. King's New Discovery. See and Buy. For sale by Boston Drug Co.—Advertisement.

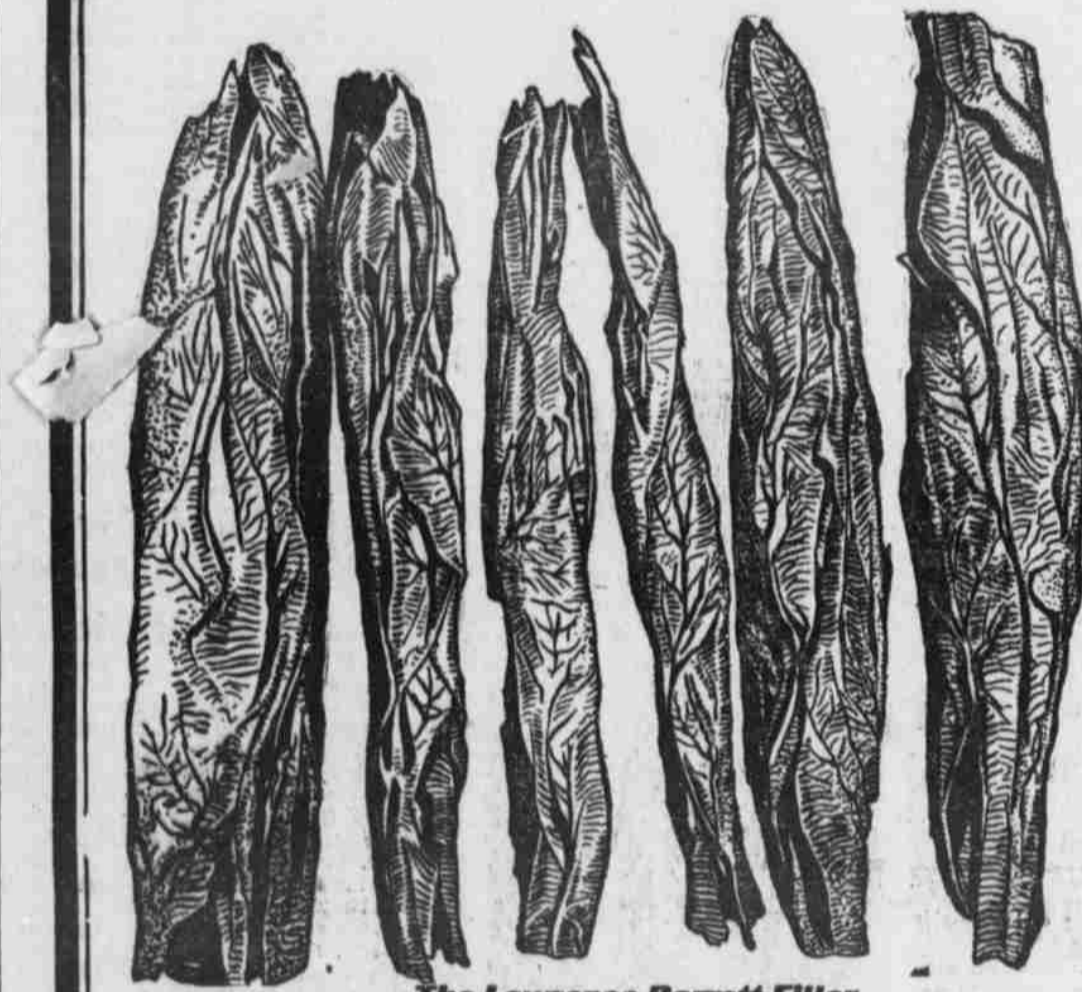
INSIDE FACTS

The public have been educated along nearly every line of thought—but did it ever strike you as peculiar that cigar manufacturers either don't care to, or are afraid to tell the public the inside facts about the cigars they make—about all you ever get is "display" signs with "catch lines"—that don't catch.

We have one cigar we are proud of—built to please men who really want a high grade, mild Havana smoke and we will try by actual photographs and explanations, couched in language so every smoker can understand, to tell exactly how and why.

Lawrence Barretts—

are combined from tobaccos to satisfy the smoker who wants a high-grade, MILD HAVANA CIGAR.

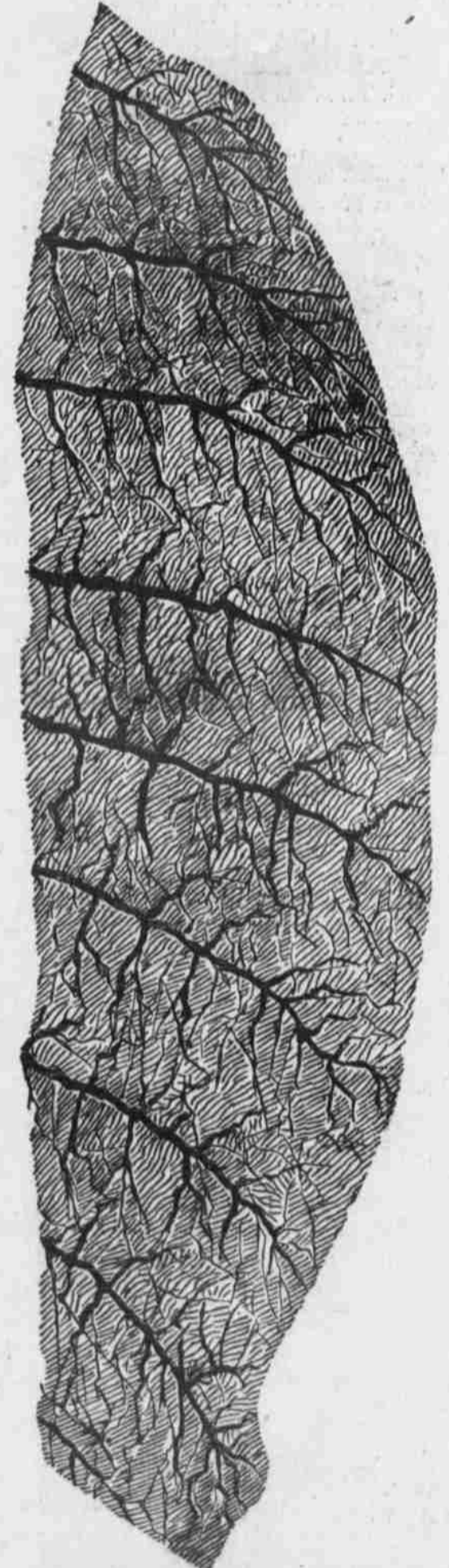


The Lawrence Barrett Filler

Actual photo of filler of a Lawrence Barrett which is selected from Cuban Leaf grown in Santa Clara Province, Cuba, and is noted for its delightful mild aroma.

A Very Important Feature

Actual photo of the finest imported Sumatra grown, used exclusively as wrappers on Lawrence Barretts. If you will remove this wrapper you will find it is absolutely tasteless—therefore, it is used only to dress and finish the cigar with the result that you can enjoy—unmolested—the full benefit of the delightful, mild aroma of the fine Santa Clara filler—and you actually have a Real Mild Havana Cigar.



The Lawrence Barrett Wrapper

Lawrence Barretts are made in several shapes—but if you want a good full smoke, we suggest you try the O. K. Perfecto shape at 10c straight—At all first class dealers—ask for a fresh one. PEREGOY & MOORE, Council Bluffs and Omaha.

P.S.—In later issues we will publish other interesting facts and illustrations.

Superintendent to Censor High School Monthly Publication

In the future the business manager of the High School Register will be compelled to submit all contracts for advertising to the superintendent of instruction for his approval. It is thought by which the board intends to prohibit the publication of a "wild-cat" paper, which has been rumored to have been organized. By preventing the paper getting any advertisements, they would virtually stamp it out, since the success of the paper depends mostly upon the advertising.

A second edict of the board which has long been expected is that in view of the fact that there is no supervision of social functions is undertaken by school authorities,

FLOOD WATER IMPROVES MISSISSIPPI VALLEY

Commercial Agent Carper, commercial agent at Memphis, Tenn., of the New Orleans, Mobile & Chicago railroad, who is in the city looking after the movement of grain and other commodities to the south, declares that the Mississippi river valley is entirely out from under the floods and that the high water has been beneficial to the country inundated. Mr. Carper says that the floods brought down from one to three inches of silt and that since this has dried farmers

TAKES FIGHT FOR CUP TO STATE SUPREME COURT

The fight for the possession of the trophy cup won by H. E. Fredrickson in 1906 has been carried to the state supreme court. Through a change of conditions regarding its subsequent ownership, the Omaha Speedway association has been suing for it. Fredrickson, however, refuses to recognize the change and a legal fight has ensued. He has won his case in both the justice and district courts and will now be obliged to take his stand in a still higher tribunal. Persistent Advertising is the Road to Big Returns

WEAR EARL & WILSON SHIRTS

\$1.50 to \$10.00 THE SAME HIGH STANDARD THAT MADE RED-MAN COLLARS FAMOUS. EARL & WILSON

If you are looking for a house to rent, or a house to buy, you will find just what you want in the real estate columns of today's want Want Ad Section. Look and you shall see.

Advertisement for METZ BEER, 'THE OLD RELIABLE', featuring a logo and contact information for W. J. BERNHOFF, RETAIL DEALER, PHONE DOUGLAS 119.

Advertisement for FRENCH LINE, Compagnie Generale Transatlantique, The 6 1/2 Day Route, NEW YORK - HAVRE - PARIS, with shipping schedules and agent information.

Advertisement for THE SHORTEST ROUTE, featuring a map and text about transatlantic service from Montreal to Quebec.