

CONNELL TO JUDGE IF EPIDEMIC EXISTS

No Showing of One at Saratoga, So Could Only Keep Children from School.

COUNCIL TO BROADEN LAW

Judge Leslie sustained Health Commissioner Connell in the main points of a suit brought by residents of the Saratoga school district, in connection with posting "exposed to smallpox" signs and excluding children from school because of refusal to submit to the scarification method of vaccination.

The judge, however, expressed his opinion that the "exposed" signs should not be posted except in case of an epidemic, which he ruled was not shown to exist in this instance. He recognized the broad powers of the health commissioner in protecting the health of the city.

Corporation Counsel Lambert will prepare an ordinance to authorize the health commissioner to post "exposed" signs whenever in his judgment such signs are in the interest of the health of the city, and to cover such cases as recently caused the trouble in the Saratoga school district.

Recognizes Scarification.

Judge Leslie recognized that the scarification method of vaccination is generally accepted and he conceded to the health commissioner the right to insist upon that form of vaccination.

In view of the fact that the time for removing the "exposed to smallpox" signs from the homes of the complainants will expire on Thursday, the judge said he would not issue a writ asked for by the plaintiffs.

During his oral opinion on the case the judge said:

"I don't think anybody is contending that we have a compulsory vaccination law in this city. The health physician does not take that position himself and does not take the position that he has a right to compel anyone to submit to vaccination. The position taken is that after a pupil in school has been exposed to smallpox, that he may require that pupil either be vaccinated or absent himself from school during the time within which he could take the disease from that exposure, and I think he says that that period is about twenty-one days. He has held that they must take the vaccination that is known as the scarification method, whether on the arm, or leg or some other place on the body. I am inclined to think, in fact I feel very sure that the legislature and the city council have conferred power upon the city physician and the head of the health department to make rules to prevent the spread of contagious diseases in the city, and I think that Dr. Connell has authority to enact and adopt such a rule as that requiring pupils who have been exposed to smallpox to either be vaccinated or absent themselves from school during the incubation period."

The judge's written order, which was entered in the court records, reads as follows:

There is no compulsory vaccination law in this state. The city health department has never contended that there was, and has never undertaken to compel children or adults to be vaccinated. What they have insisted upon is that after a child attending school has been exposed to smallpox that he must either be vaccinated or absent himself from school during what is called the incubation period, that is to say, the time which he might take the disease on account of exposure. This is not an unreasonable rule. Were the city physician to do less, I think he would be derelict in the performance of his duties. The legislature and the city council have, in my judgment, conferred upon the head of the department of health authority to make and execute reasonable rules to prevent the spread of contagious, and in making and enforcing this rule requiring pupils either to be vaccinated or absent themselves from school during the incubation period, the city physician is acting clearly within his authority.

As to the signs "Exposed to Smallpox" that have been posted upon houses where children reside who have been exposed, I am inclined to think that the health department has no authority to place such signs upon houses in which such children reside. The city council, by ordinance, has provided that whenever notice is given to the city physician of a case of scarlet fever, diphtheria, membranous croup, smallpox or other contagious or infectious disease, he shall cause a placard with the name of the disease to be placed in a conspicuous place on the outside of the house, which placard shall not be removed except by order of the commissioner of health. Since the council has by ordinance provided that only houses within which these diseases actually exist shall be placarded, I think it was clearly intended by them that none other should be; and, therefore, I should hold, with regard to the placing of these placards "Exposed to Smallpox" on houses in which there are no cases of smallpox, unlawful.

Sacrifices New Suit to Return to His Regiment

This is the story of Ray Bitney, a young man with a million dollars worth of patriotism.

Bitney came to this city February 1 and was living at 1138 North Nineteenth street. He is 21 years old and his home is in Hudson, Wis. Tuesday he received a call from his old regiment, Company C, Third Infantry, of Wisconsin National Guard, ordering him to report within seventy-two hours. He had with him a \$50 check which he couldn't cash because he was practically unknown here. He also had a \$15 suit of clothes which he had recently bought and had never worn. He brought this to the merchant from whom he had bought it and asked him to refund the money that he might have cash enough to buy a ticket back to his home and regiment. The merchant refused to refund any part of the money.

Bitney went to Attorney W. H. Shackelford, who pleaded in vain with the business man to buy back the suit. Then the attorney, who gave his legal services gratis, went to City Prosecutor McGuire. The merchant eventually returned to Bitney \$10, arguing that he had made \$5 worth of alterations in the suit. The militia man took the \$10, bought his railroad ticket, and is now speeding homeward with a queer idea of a clothier's patriotism.

Apple Trees Are to Be Planted in the Streets

Byrd Nursery company has sold H. H. Harper & Co. 900 apple trees, to be planted in the streets of the garden land that they are selling on West Q street. This is a new idea to reduce the high cost of living, as maple trees are usually used for this purpose.

H. H. Harper & Co. announce that the sale has been an exceptionally good one and that the sale will continue all week.

Suit is Filed to Have 1,000 Sacks Of Beans Destroyed

Suit was filed in the federal court by the United States against 1,000 sacks of beans, the action being to get possession of the beans and destroy them.

They were shipped from West Hammond, Ind., and Edmore, Mich., consigned to Post Bros. and are now in possession of the Pacific Storage and Warehouse company.

They have been examined and pronounced unfit for food and even probably for seed purposes. Chief Inspector Kemble of the State Food commission and James R. Garner and William H. Hartigan of Kansas City, federal food inspectors, are working on the case.

The actual owners of the beans have not yet been unearthed. Criminal prosecution may follow if it develops that these beans were allowed to spoil purposely and as a part of a gigantic food conspiracy. The price of beans such as these has trebled in the last year, and this, together with stories of large fields of potatoes bought up and the potatoes allowed to rot on the ground, supplies important outside indications of reasons for the advancing cost of even the plainest foods.

Young Men Interested In Reserve Corps to Meet

Young men interested in the army officers' reserve corps will assemble at the army building next Wednesday evening, April 4, to hear a talk by a regular army officer, Captain Bower of Fort Omaha will probably be the speaker.

About forty local men are said to be interested in the reserve officers' corps. A. C. Potter and others, who attended to Plattsburg training camp last summer, are arranging the meeting.

John H. Caldwell, secretary of the Nebraska Military Training Camps association, has already received applications from Omahians who desire to attend a vacation camp for military training during the coming summer at Fort Riley.

There has been much talk among prospective reserve officers and military training campers concerning the proposition to organize a volunteer company here for possible service in case of war. At present, however, the promoters of this idea are waiting action by congress on the universal training idea.

Body of Man Found in Pappio Creek Identified

The body of the man found on the bank of Pappio creek early Tuesday morning by a Union Pacific train crew has been identified as that of Frank Gevort, a laborer, who had been working for V. L. Peterson, a railroad contractor of Des Moines, Ia. Mr. Peterson, who is in Omaha, told the county attorney and ex-officio coroner that he would endeavor to locate Gevort's relatives.

Gevort was last seen alive at Modale, Ia., where he was employed by the railroad contractor. His body was found near Omaha partly submerged in frozen mud. Though no marks of violence were discovered on the body, mystery surrounds the case and the county attorney will probably make an investigation. He will talk with relatives before deciding on whether or not to order an inquest held.

Mother Gives Only Child Permission to Join Navy

With broken voice and tears in her eyes, Mrs. John M. Cochran of Lincoln said goodbye to her only child, John M. Cochran, 17, whom she has granted permission to join the first line defense of his country. "I shall be all alone now," she told recruiting officers. "My husband has been dead eleven years and now my only child is gone. But he has been wanting to join the colors ever since the Mexican border call, so I have at last agreed to let him serve his country."

She lives at 1826 Q street, Lincoln. The lad, in spite of his age, was a junior in the state university when he withdrew to volunteer.

Electric Sign to Flash Facsimile of Old Glory

Sixteenth and Farnam streets is soon to have even more recruiting banners than at present. At that prominent corner now two navy and one National Guard recruiting stations have flags, banners and other patriotic decorations to attract prospective recruits.

A large electric facsimile of Old Glory has been loaned to the navy recruiters by the Omaha Sign company and will probably be ready tonight to flash out patriotism to the people. A thirty-foot recruiting banner will also be stretched between the Paxton and United States National Bank buildings.

Score Join Guard After Hearing Mayor's Appeal

Over a score of young men applied at the National Guard recruiting station following patriotic appeals by Mayor Dahlman, City Solicitor Fleharty and Attorney Robert Patrick. The men spoke from an auto truck at Sixteenth and Farnam streets Wednesday noon. Over 2,000 men and women on their way to and from lunch are estimated to have heard the appeals.

Struck by Automobile As He Steps from Car

George E. Brown, who resides at 2423 Broadway, Council Bluffs, suffered a sprained back and body injuries when he was struck by an automobile driven by A. L. Spiker of Griswold, Ia., as the former was stepping off a street car at Ninth and Douglas streets. Spiker is being held by the police on a charge of reckless driving.

Receive Bids for New Hoagland Storage House

Bids are now being taken at the office of Architect Kimball for the construction of the \$200,000 warehouse for the Hoagland Lumber company at Ninth and Douglas streets. This is to be 132 feet by 132 feet in dimensions, of reinforced concrete, brick and stone. Bids will be received up to April 20.

WRIT DENIED ON NORTH SIDE DUMP

Judge Leslie Opines Alleged Nuisance No More Pungent Than Fair Dundee.

MAKES OWN INSPECTION

Judge Leslie ruled that the dumping place at Twenty-second street and Meredith avenue is not as pungent as some places he has observed out in fair Dundee where he abides.

Tuesday evening the judge visited the Meredith avenue dump, adjusted his spectacles carefully and tilted his nose to a proper angle.

Residents of that neighborhood brought suit to compel the health commissioner to abate this alleged nuisance.

"I recently found a dead cat on a corner where I live in Dundee and I found a dead dog on another corner," said the judge when he announced that he did not believe it would be necessary to issue a writ asked for by the complainants.

"I do not believe the dump is a nuisance," said the judge, in his opinion on the Meredith avenue dump, "in fact it hasn't been used for any purpose that would be obnoxious, and I don't think there is any likelihood that it will be used for such purpose. It is simply a depression that has been filled with refuse left there, and perhaps at certain times of the year water does accumulate there. I don't think it is a dumping place for refuse matter in the sense that Mr. Field would have us believe."

The judge admitted that it is not a beautiful spot, but after making a personal visit he failed to find "matters and stuffs from which obnoxious odors arise."

Bill Devereese to Quit Police Force After Twenty Years

After twenty-two years of continuous service in the Omaha police department, "Bill" Devereese, head of the bureau of identification and assistant chief of detectives, is going to quit to become chief of police at the Armour packing plant on the South Side. On Saturday he will begin a thirty-day leave of absence, which, friends say, is merely a preface to his final resignation.

Devereese was the first man in the local police department to master the intricacies of the Bertillon system of labeling criminals. His early proficiency in the finger-print system and the art of "mugging" bad men of this territory won for him the position of chief of that bureau. His "prints" of men and their records have repeatedly earned commendation from the police chiefs of other cities.

To Start Work Soon On Belt Line Elevation

Active operations will begin within the next few days on the elevation of the Missouri Pacific Belt line tracks. The announcement comes from the general offices of the company in St. Louis that material for the elevation is being assembled preparatory to shipment and that the contractors are getting their men together for beginning work.

In the elevation work the second track will be constructed and it elevated on trestle, afterward to be filled in with earth. The old track will be used while the elevation of the second track proceeds. When it is completed and ready for traffic, attention will be turned to the old tracks now in use and they will be elevated and filled in around the trestle.

Ornamental concrete arches will be constructed over all street crossings, leaving these crossings at grade.

Prize Ship Appam Is Returned to Its Owners

Norfolk, Va., March 28.—The United States district court here today on order of the supreme court turned over the prize ship Appam to Floyd Hughes, representing the British African Steamship Navigation company, owners of the vessel prior to its capture by the Germans.

The court ordered that \$590,000, the proceeds of the sale of the cargo, be paid to the English owners. The money is in Norfolk and Richmond banks. The unsold portion of the cargo, consisting of ore, is ordered restored to the owners. The German defendants are ordered to pay all costs in connection with the case.

When We Need the Navy

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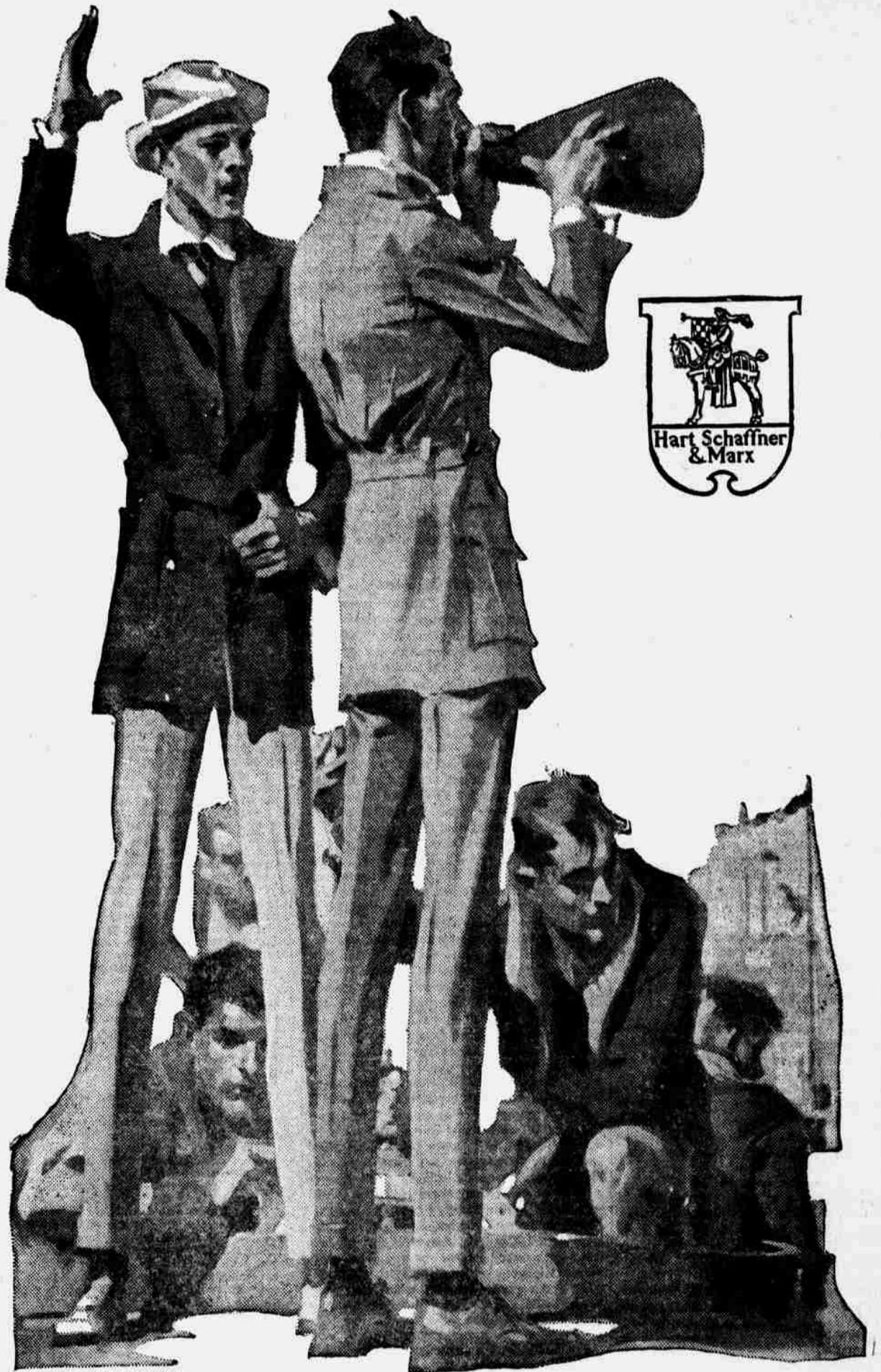
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