SHOTWELL SAYS ISSUE OF COUNTY BONDS IS LEGAL

County Commissioner Neble Also Believes State Will Buy Them If Bond Companies Won't.

County Attorney Shotwell issued a statement yesterday, declaring his opinion to be unshaken concerning the validity of the $822,000 court house repair bonds which were held to be invalid Monday in a written opinion from Charles B. Wood of the firm of Wood & Oakley, Chicago, attorneys for the Harris Trust & Savings Co., Chicago, which purchased the bonds and will reject them now on the opinion of its attorneys.

"The special session of the Nebraska legislature which authorized these bonds passed an act with an emergency to enable counties of 150,000 population or more to issue and sell bonds without a vote of the people, to raise funds to repair county buildings damaged by riot," says the written statement of Mr. Shotwell.

"The act authorizes the county board to levy taxes not exceeding 15 mills on the dollar on the actual or full market value of the property in the county."

The county attorney underscores the words "actual or full market value."

Based Upon "Misapprehension."

"Up to 1903," the statement continues, "taxes in this state were levied on the full or market value. In 1903 the legislature enacted what now appears as Section 6,300, Revised Statutes of Nebraska, for 1913, which provides that property shall be assessed at one-fifth of its market or actual value.

"The opinion rendered by Charles B. Wood against the court house repair bonds is based upon a misapprehension of these enactments.

"I am satisfied at this time, after carefully reconsidering the matter that our conclusions were correct. They were reached by myself in consultation with John P. Breen, Ben S. Baker, Mr. Ayres of the attorney general's office, and other eminent attorneys.

"Besides, since this special legislation was procured, two district judges in this state have held in litigation which presented similar questions, that the legislature could authorize the levy of taxes on the actual and full market value in this state.

"No court has decreed this bond issue invalid, and I think if the matter is presented in litigation the validity of the bonds will be sustained."

Suggests a Way Out.

Mr. Shotwell probably will go to Chicago this week to take up the question personally with Mr. Wood and Mr. Oakley, the bond company attorneys.

Another way out of the difficulty has been suggested by Sophus Neble, county commissioner. This is that the state of Nebraska buy the bonds.

"I believe the state will buy them if the bond companies don't want them," said Mr. Neble. "The state has the power to invest its surplus funds in these bonds."

County Attorney Shotwell says the state has the right to buy the bonds.

"Of course it would not pay a premium for them. They were sold at a little more than $101 per $100 to the bond companies. The state would pay par for them, if it bought them. I believe, however, that we will clear up the matter and convince the bond companies that the bonds are legal."

Little Girl Burned by Bucket of Hot Lard

Little Columbia Cisuno, 6 years old, 815 South Twenty-fourth street, was severely burned late yesterday afternoon in her home when her sister, Gresa, walking across the room with a bucket of hot lard, stumbled against the child, spilling the fiery grease upon her. Police surgeons pronounced the burns not fatal.

Brief City News

Have Root Print It—Beacon Press Library & Silk Shade Lamps, 25 pct. redu'n. Burgess-Granden Co.—Adv.

Dr. Mabel Wesson, Osteopathic—Moved to 211 Baird Bldg., 171 Doug.

Ford for Sale—1918 chassis, used 6 months, $300.00. Carey Cleaning Co., 24th & Lake Sts. Web. 392.—Adv.

For Sale—1918 Ford chassis, $300; Kelly-Springfield tires all around. Carey Cleaning Co., Twenty-fourth and Lake streets. Webster 392.

Army Sergeant Ill—Sergt. A. C. Rogers, who is in charge of the publicity bureau at the Army building, is suffering with an attack of the influenza.

Personal Injury Suit—Lloyd Dickson filed suit against the Chicago, Burlington & Quincy railroad in district court for $3,000, alleging that his hand was crushed while he was working as a freight handler in the local freight depot, December 16, 1919.

Petitions Circulated—Petitions are being circulated in behalf of H. H. Baldrige and Harry S. Byrne to have their names appear on the April primary ballots as candidates for delegate-at-large and alternate delegate, respectively, to the republican national convention.

W. S. Dickson Dies—Wayne S. Dickson, 27 years old, traffic manager for the Lyman-Richie Sand company died of pneumonia yesterday at his home, 5004 Cass street. Mr. Dickson, who came here recently from Plattsmouth, Neb., is survived by his wife and one child.

Receivership is Asked—A receivership was asked for the American Transfer company in district court by Clara Bond, a stockholder, who charges in her peition that Fred Busch and his wife are diverting the profits to themselves and their associates. Mrs. Bond proposes George N. Meacham to be appointed receiver.

Railroad Engineer Succumbs—The body of A. K. Gault, Northwestern engineer for 30 years, who died Sunday at the Nicholas Senn hospital, was taken to St. Peter, Minn., for burial. He was 59 years old and is survived by his wife and two sons. One son, Norman C. Gault, is an Omaha attorney. The other is a St. Peter banker.

Medical Examiner Arrives—Capt. H. S. Chase, medical examiner for the United States army, arrived in Omaha Monday from Fort Logan, Colo., and will be in charge of the examination of all of the recruits who join the army in Omaha during the nation-wide drive for additional troops, which ends in March. Omaha's quota has been fixed at 2,006.

Open Testing Laboratories—W. H. Campen announces the opening of the Omaha Testing Laboratories, 713 South Twenty-fourth street, with himself as manager. "We are equipped to test and analyze wheat, flour and feed, mineral and vegetable oils, packing house products, milk, coal, steel, paving materials and other commercial products," Mr. Campen stated.

Alleged Rioters Fined—James Brazoc, John Yoch and James Maschek were fined $200 each in district court by District Judge Estelle. They were found guilty by a jury two weeks ago of conspiracy to break and enter various stores the night of the court house riot. They said their homes are in Chicago. An attorney from Chicago was here to help defend them.

Funeral of "Flu" Victim—Funeral services for Mrs. Nellie Bring, 31 years old, who died Monday of influenza at the Ford hospital, will be held at 8:30 Wednesday morning at the home, 3520 Poppleton avenue, and at 9 at St. Peters church. Burial will be in St. Joseph cemetery in Council Bluffs. She is survived by her husband, Alfred I. Bring; her mother, Mrs. Anna Bender, and two brothers, Frank Bender and Leonard Bender.

Civil War Veteran Dies—Dr. Robert S. Knode, 77 years old, a Civil war veteran who lived in Omaha since 1889, died Monday nigh at his home, 3726 Mason street. He was born at Brownsville, Ill. Dr. Knode is survived by his wife; two sons, Dr. A. R. Knode of Omaha, and O. M. Knode of Chicago, and two daughters, Mrs. O. B. English of Kankakee, Ill., and Mrs. C. L. Ross of West Orange, N. J.

Vacates Injunction Against Change in Bee Building Name

In district court yesterday Judge Troup dissolved the temporary restraining order against a change in the name of the Bee building, which order stopped workmen who had begun to tear out the name at the top of the Farnam street side of the building, and announced he would not have time to hear arguments on the merits of the contention for a permanent injunction because of the change of dockets to be made shortly in the Douglas county district courts. The matter will now have to be set for a hearing before some other judge. In the meantime, if the name on the building is torn out, and the Bee Building company is successful in its suit, it will have to be replaced, said Stanley Rosewater of Rosewater, Cotner and Peasinger, attorneys for the Bee Building company.

Funeral Services are Held For Peter Iler Pioneer of Omaha

Peter E. Iler, pioneer resident and prominent in business many years previous to the time of his retirement eight years ago, was buried yesterday afternoon in Prospect Hill cemetery.

Services were conducted at the Iler residence, 1248 South Tenth street, by Dean J. A. Tancock of Trinity cathedral. Services at the cemetery were private. Many prominent citizens called at the Iler residence.

The pallbearers were:

Active—Joseph Barker, Charles D. Beaton, Frank Kennedy, A. L. Reed, H. M. Rogers and Wayland Magee.

Honorary—J. A. Munroe, T. C. Byrne, I. E. Congdon, Dr. Robert Gilmore, J. L. McCague, C. T. Kountze, Gould Dietz and Paul W. Kuhns.

Henry Pollack Is Appointed Chairman Relief Committee

Henry Pollack has received notice of his appointment as chairman of the Omaha committee to serve in connection with the American Relief committee for Hungarian sufferers. The appointment was made by S. Ray Kaufman, director, New York City. Mr. Pollack will call a meeting to be held in the Swedish auditorium Sunday afternoon, February 8, to consider aid from this city.

COMMERCE BODY APPOINTS HEADS OF COMMITTEES

W. E. Rhoades Is Made Chairman of Finances—Large Number of Traffic Committeemen Named.

Chairmen and members of many committees of the Chamber of Commerce were appointed for the ensuing year at a meeting of the executive committee yesterday. Harley G. Conant was appointed chairman of the aerial transportation committee; C. C. George, public affairs and legislation; Guy L. Smith, good roads; A. E. Stryker, live stock; W. D. Hosford, agricultural bureau; Paul Kuhns, industrial bureau; H. G. Hoel, trade extension; J. L. McCague, waterways and oil pipe line; C. H. Pickens, wholesale department; L. C. Nash, retail trades; H. E. Milliken, publicity bureau; Clarke Powell, automobile and accessories; E. Buckingham, South Side activities, and F. P. Manchester, grain interests.

W. E. Rhoades was named chairman of the finance committee, and F. A. Brogan, Robert S. Trimble, and Thomas Fry appointed members.

Members of the traffic bureau governing committee were named as follows: F. S. Knapp, chairman; W. D. Hosford, vice chairman; C. Abbott, jr.; O. H. Barmettler, E. Buckingham, J. Clarke Coit, O. W. Dunn, D. H. Farrell, T A. Fry, W. Boyd Smith, M. J. Hyland, P. C. Hyson, G. C. Kiddoo, F S. Martin, J. E. Ludlow, R. W. Moore, M. C. Peters, C. H. Pickens, George Rasmussen, J. A. Sunderland, C. G. Trimble, G. W. Van Brunt, A. B. Warren, H. S. Weller and C. M. Wilhelm.

Old Time Pedagogue Gone, Boston Editor Tells Omaha Teachers

A. E. Winship of Boston, editor of "The Journal of Education," told public school teachers yesterday afternoon in the auditorium of Central High school, that the day of the conventional teacher has passed.

He told of attending an educational convention in Washington several decades ago when the pioneers of manual training and domestic science in schools were opposed.

"We now know that we must learn by doing things, and that book learning is not all that is to be desired in the school room," he said. "We are learning that pedagogy is a real profession, and we have also learned what child study means."

Dr. Winship reviewed the progress of education, from the days when the teacher's vision was limited to book learning, to the present-day system with its broadening opportunities for the child, and urged teachers to be progressive.

OUTBREAK OF "FLU" HERE WON'T LAST LONG, PREDICTION

Health Commissioner Says People of Omaha More Careful This Season.

Seventy new cases of influenza were reported to the health department yesterday before 1 p. m. Two deaths from influenza were reported during the last 24 hours as follows:

Olga H. Stout, 21 years old, 1129 South Twenty-ninth street.

Mrs. Nellie Bring, 31 years old, 3520 Poppleton avenue.

One hundred and thirty-eight cases of influenza have been reported this week, as against a total of 101 for last week. The total Monday was 66.

Nine influenza victims were reported from 4411 Evans street, where Mr. and Mrs. J. Barnell and six children and a visitor are all ill.

The demand for nurses exceeds the supply. The Nurses' exchange reported Monday that it had 75 calls for nurses which it was unable to fill.

The health commissioner conferred Monday with the theater managers, who promised to co-operate in every way they could. Dr. Edwards urged proper ventilation and fumigation.

As a result of a series of precautions against disease, not a single case of influenza has developed either at Fort Omaha or Fort Crook.

Frank Bandle Files for Nomination for County Job

Frank Bandle filed yesterday in the office of Election Commissioner Moorhead for the republican nomination for clerk of the district court. He will lock horns with Robert Smith for the nomination, as he did four years ago, when Mr. Smith defeated him.

Richard S. Horton filed for reelection as public defender on the democratic ticket. This is one of the easiest jobs in the county, paying $3,600 a year, with little work to do.

Peter E. Elsasser, formerly county commissioner, will try for the democratic nomination as clerk of the district court. He also filed yesterday.

Peter Dillon Promoted To Captain of Police To Succeed Heitfeld

Sergeant of Police Peter Dillon has been promoted to the position of police captain left vacant by the resignation of Police Captain Henry Heitfeld two weeks ago, Chief of Police Eberstein announced yesterday. The appointment will take effect February 1. Sergeant of Police Russell has been acting police captain since Captain Heitfeld's resignation.

Another police captain and two more sergeants will be made shortly, Chief Eberstein declared, to fill vacancies that have been left in the promotion of other police officers during the past month.

Though past the retiring age, Sergeant Dillon is active in police affairs and is one of the oldest men on the department, having served for nearly 30 years, 11 of which he has been a sergeant of police.

"The appointment of Sergeant Dillon to captain has been made in recognition of his long service, an enviable record and his qualifications for the position," Chief of Police Eberstein said.