The Evening Newspaper of Kansas

The Topeka State Journal.

WEATHER FORECAST for Kansas: Fair tonight and Thursday.

HOME EDITION — TOPEKA, KANSAS, WEDNESDAY EVENING, FEBRUARY 11, 1920 —TEN PAGES. — FOUR CENTS

INDUSTRIAL LAW MAY PREVENT BIG STRIKE IN KANSAS

Railway Union Head in Conference With Governor.

Said Men Had No Desire to Violate State Orders.

SEND IN WAGE REQUEST LATER

Kansas Workmen May Await Return of the Railroads.

Industrial Court Determined to Prosecute a Walkout.

Strike orders by railroad union heads may not be sent to Kansas. Neither national officers nor heads of local organizations desire to face criminal prosecutions and prison sentences for violation of the Kansas law. In consequence railroad men are today expected to stay on the job in this state. They will take their wage troubles before the court of industrial relations as soon as operation of the railroads has been restored to private ownership.

In conferences today with Governor Allen and members of the court of industrial relations, A. H. Martin, of North Topeka, spoke for the railroad workers. Martin sought to feel the pulse of the court and state officials relative to the Kansas strike attitude. He was assured the state would enforce the law.

Telegrams were sent to Martin Tuesday night by national officers of the brotherhood of maintenance of way. Acting under instructions from his national officers, Martin spent the morning with the governor and court members. He was very frank in his discussion of the situation.

No Desire To Violate Law.

There is no desire, Martin assured state officials, to violate the Kansas law. Martin himself does not wish to face a prison sentence for merely communicating the strike orders to Kansas workers. Nor are the officers in Detroit anxious to face extradition and trial in Kansas courts on charges of violating the criminal section of the statutes affecting strikes. Martin is president of local No. 1307 and his organization includes most of the maintenance of way workers on the Union Pacific and Rock Island in Kansas. This afternoon Martin will confer with union officials of other roads.

Governor Allen made clear to Martin that the state is ready to proceed under the new law as soon as a strike order is issued affecting workers in this state. Any move to tie up or restrict production or transportation of essentials will call for arrest of officials and all persons conspiring to stop operations, the governor told the union official.

Victory for New Law.

Because of government control of railroads at this time the new court of industrial relations cannot take up the wage dispute of the unions. As a result of today's conferences, tho, there is a belief in state house departments that strike orders will not be issued for Kansas workers. This course will in a very large degree be a distinct victory for the new law, state officials feel, altho a test of the act will be delayed until later. In event the strike order is not made operative in this state, applications will be filed with the labor court for increases in wages as soon as control and operation of the railroads is returned to private owners. The roads will probably be released from government control March 1.

Martin's Good Impression.

Martin promised Governor Allen he would communicate at once with national officials in Detroit. He also stated he would confer with other union officers in this state. His frank, candid manner of discussing the situation and his apparent desire to sidestep trouble for himself and his associates, was commented upon favorably by the governor. Martin advised the governor that at present Rock Island maintenance of way men received 34 cents an hour while the Union Pacific pays 37 cents an hour. The union demand is for 50 cents an hour.

While Martin was in conference with state officials, Richard J. Hopkins, attorney general, prepared an opinion to be submitted to local union officials and members. He asserted the state would prosecute criminally all persons seeking to direct a strike in violation of the Kansas law. These prosecutions will be in district courts of the state. His opinion was given in response to a number of requests from union officials.

MAY APPEAL TO PRESIDENT.

War Department and Shipping Board in Row Over Hoboken Docks.

Washington, Feb. 11.—President Wilson may be called upon to decide the controversy between the war department and the shipping board as to which should have use of the former Hamburg-American and North German Lloyd docks at Hoboken now used by the army transport service. Chairman Payne of the board announced today that the offer of the war department to allot to the board available space for its ships has been refused on the ground that the piers should be permanently assigned to the board.

MOCK AIR BATTLE IS FATAL.

Two Planes Crash at 2,000 Feet—Both Pilots Killed.

San Antonio, Tex., Feb. 11.—It was during a mock battle in the clouds, 2,000 feet in the air that Lieutenants Harry D. Smith and Harry W. Brokaw met their death yesterday afternoon in a collision of their planes. In the opinion of army fliers who witnessed the crash, Brokaw, who was piloting a British pursuit plane, underestimated the speed of the Fokker machine of Smith.

It was while Smith was pursuing Brokaw that the collision took place.

The Weather

MORE SPRING-LIKE WEATHER.

Clear Skies and Balmy Temperatures in Kansas.

WEATHER FORECAST FOR KANSAS: Fair tonight and Thursday; somewhat warmer Thursday west and north portions.

Shippers' forecast warns to protect 36 hour shipments north and west against a temperature of 30 degrees; east and south against 25 degrees.

TODAY'S TEMPERATURES.

7 o'clock	33	11 o'clock	39
8 o'clock	33	12 o'clock	41
9 o'clock	34	1 o'clock	41
10 o'clock	36	2 o'clock	44

A continuation of spring-like weather is promised for the next 24 hours by S. D. Flora, state meteorologist. Clear skies, lots of sunshine, rising temperatures and no chance of rain or snow are the features of the weather menu as given out by Flora this morning.

No precipitation has occurred in

(Continued on Page Two.)

ARE MOVING GRAIN

Railway Administration Gets Belated Cars to Farmers.

Sugar and Print Paper Only Given Preference.

Washington, Feb. 11.—Railroad administration regulations issued two weeks ago providing special equipment for movement of grain from the middle west are proving successful, officials said today, in remedying congestion occasioned by storage of heavy grain stocks in smaller cities.

Under the order, grain is given preference in movement over nearly all commodities, except sugar, print paper and wood pulp from the great grain producing area embracing fourteen states extending from the Canadian border to Texas and west from Illinois to the mountains.

Some complaint has been received from shippers of other commodities, who declare the order had resulted in losses because of delay in transporting their consignments, but officials today declared their determination to continue the order until February 18, the original date.

UP TO DEMOCRATS

G. O. P. Senators Anxious for Pact Ratification.

Lodge Makes New Reservations to Pact Mild.

Washington, Feb. 11.—Senator Lodge offered in the senate nine amendments to the Lodge reservations to the peace treaty today.

The amendments are those worked out in the bi-partisan treaty conference recently held in Lodge's office. They affect the preamble, withdrawal, domestic question, Shantung, naming of American representatives to the league, payment of the United States' share of the league expense, disarmament, status of foreign nationals under Article 16, and voting power.

Senators Change Front.

Irreconcilable Republican senators are about ready to concede that the senate will ratify the treaty as a result of the discussion which will begin next Monday, it was indicated today.

A canvass of the senate has shown the "bitter enders," they said, that "any loophole which can be squeezed thru will be used by some senators in changing front on the reservations and ratification.

The "irreconcilables" are convinced that Senator Lodge and his supporters do not want the treaty in the presidential campaign. One of the "irreconcilables" said today that the supporters of the Lodge reservations are willing to agree to any reservation on Article 10 which will save their faces. They have changed places with the Democrats in this respect, he declared, and are visibly weakening since President Wilson's letter to Senator Hitchcock became public.

Check Up to Democrats.

The plan of the Lodge program supporters, this senator said, is to offer proposals for compromise on Article 10 so mild that if the Democrats reject them, the responsibility for failure of the treaty will clearly be upon the Democrats. In that case and the treaty does become a campaign issue, Lodge can show by the record that he did all he could without actually surrendering, to agree with the Wilson forces, this senator said.

Lodge is understood to have a thoro knowledge of the situation among the Democrats and to know in a general way at least just how far they will go next week or later in meeting him on Article 10.

Rome Schools Close Because of Flu.

Rome, Feb. 11.—Schools in this city have been closed because of an increase in influenza. There are ninety deaths on the average every day from this disease in Rome.

One Reason Why Reporters "Age"

One of the reasons why reporters are either gray haired or bald prematurely:

Early this morning, telephone messages to the sheriff, police and newspaper offices announced that the body of W. S. Eskridge, missing Topeka grocer, had been found in the river near the spot where his car was turned over. Investigation revealed that the man reporting the finding of the body had been informed by his daughter that her husband had been told by his sister-in-law that a neighbor in Oakland had been told by a Santa Fe detective that he heard the body had been found.

Reporters are constantly running down rumors of "dastardly crimes"—deeds usually developing from the noise made by a neighbor killing a wandering cat.

OVER HINES' HEAD

Rail Men Plan Appeal Direct to President Wilson.

Palmer Prepares to Act Thru Federal Courts.

SAYS STRIKE CALL IS ILLEGAL

Maintenance of Way Men Are in Defiant Mood.

Say They'll Not Pay Attention to Injunction.

Washington, Feb. 11.—Attorney General Palmer today was studying the railroad situation to be prepared to act in case he is asked to intervene in the controversy between the railroad administration and fourteen railroad unions demanding immediate wage increases.

The railroad administration regards as illegal the order sent to 300,000 maintenance of way workers to hold themselves in readiness to quit work February 17 unless their demands are met.

Officials of this union here today were planning an appeal to President Wilson over the head of Rail Director Hines as a last resort, they said, before putting the strike into effect.

Do Not Expect Strike.

Meanwhile Hines was to meet with officials of all the unions to give them an answer to their communication handed to him late yesterday.

Hines later was to have a separate conference with President W. G. Lee of the Brotherhood of Railway Trainmen, who refused to sign the communication. Altho he refused to discuss the details of the communication it is understood he objected to it on the ground that it might cause further delay in the negotiations.

According to L. E. Sheppard of the order of Railway Conductors, the unions are determined to act if their demands are not met.

Railroad administration officials say privately they do not believe the unions will strike. They are making every preparation, however, to meet a strike situation if it develops.

Hines's answer to the demands of the union will be delivered at a general conference late today, it is planned. Altho Hines has given no direct indication what the answer will be, the belief is entertained that the full demands of the workers will not be met.

Won't Wait for Wilson.

Director General Hines will make answer to the wage demands of the two million railroad workers on his own responsibility and from the standpoint of the railroad administration and will then report to the president, it was said today at the White House. Mr. Wilson then will approve or disapprove the decision.

Heretofore the president generally has passed upon wage decisions before the railroad administration's answer was given to the union representatives. No reason was assigned for the departure from the usual custom in this case. In the light of urgent demands of the trainmen and the strike issued by officers of the Brotherhood of Maintenance of Way Employes, both railroad administration and White House officials regard the situation as extremely grave. Mr. Hines has held a long conference with Secretary Tumulty, who has submitted a memorandum on the subject to the president. Mr. Wilson still has this memorandum before him.

Conferences between Mr. Hines and the brotherhood officers were to have been resumed this morning, but at the appointed hour neither side was ready to go ahead and the meeting was postponed until 3:30 o'clock this afternoon.

Won't Obey Any Injunction.

Detroit, Mich., Feb. 11.—Maintenance of way workers and railway shopmen will pay no attention to any injunction issued restraining them from striking, A. E. Barker, grand president of the brotherhood, declared today.

"The government, when it suits its purpose, tells us that the war is over and the Lever act does not apply. Also when it suits its purpose, it tells us the war is not over and that the act is effective.

"No injunction will deter us. The strike order has been issued and cannot be recalled," Barker said.

Barker placed little faith in the report from Kansas that the newly passed industrial relations law would be called into play in the case of a strike.

"I believe the law is unconstitutional. At any rate, they will need a lot of jails if they attempt to carry it out. We shall disregard any order which tells us we are not free to strike," he said.

HAIR TONIC KILLS DRINKER.

Fancy Name on Label Covered Poison Alcohol Contents, Say Police.

Ponca City, Okla, Feb. 11.—John T. Baker, a mechanic employed by the Marland Refining company, died yesterday after he is alleged to have purchased and drank a bottle containing nearly a pint of hair tonic.

The bottle, the contents of which caused his death, bears the label, "Lilac Lorraine," and on another small label is a warning that a "large portion of non-beverage alcohol is contained in the preparation and that it is poisonous when taken internally."

France Removes Wheat Restrictions.

Paris, Feb. 11.—Farmers are reported to be satisfied with the government's decision re-establishing freedom in the wheat trade, and it is believed this action will adjust the price of oats and wheat which after next spring will take about the same place they held before the war.

To Put Embargo on Mex Corn.

Washington, Feb. 11.—To prevent the entry of boll worms into this country in cottonseed mixed with corn imported from Mexico, the department of agriculture is considering the prohibition or limitation of corn imports from that country. It was announced today that hearings would be held here February 17.

Dr. S. J. Crumbine Backs Up City Board of Health in Flu Closing Orders Here

Points Out Sin of Attempting to Stimulate Business by Suppression of Publicity and Commends State Journal on Its Service to the Public During Epidemic.

BY DR. S. J. CRUMBINE
(Secretary State Board of Health.)

The increasing number of cases of influenza occurring in Topeka and thruout the state, with the mounting number of cases of complicating pneumonias and deaths, is occasion for serious consideration of putting into operation by local health authorities every reasonable measure that may give hope or promise for the control of the spread of influenza or the reduction of its complicating pneumonias or the virulence of the infecting organisms.

Among the means for the accomplishment of this latter purpose is that of publicity, by which means the people may be daily advised as to the real situation, that they may not thru ignorance of the facts, unnecessarily expose themselves to danger.

I believe The State Journal has given the people of Topeka and the state a conspicuous service along this line, and every citizen should feel grateful to the attitude of The State Journal in thus keeping the public advised of the true situation.

A number of years ago when Bubonic Plague appeared in San Francisco, an attempt was made by the city authorities thru their newspapers to suppress the facts, on the ground that it would injure the business of San Francisco. The suppression of the facts would necessarily curtail and minimize the efforts in the suppression of Bubonic Plague, with the result that the disease got firmly intrenched, and cost the city, eventually, millions of dollars to suppress the disease, and finally the whole country had to be apprised of the actual conditions.

Even if closing does not eventually reduce the influenza cases, yet it is a well known biological fact that any measure that will retard the rapid transmission of pathogenic organisms from person to person, reduces the virulence of those organisms, while on the other hand, if conditions favor the rapid transfer of these organisms from person to person, the virulence and, therefore, the deadliness of the organisms, are increased.

Board of Health Justified.

The boards of health are, therefore, justified in using any reasonable measure that promises hope for the prevention of dangerous disease and the consequent conservation of human life, and boards of health have the right to expect the support of every partiotic citizen, including the public press, in their efforts to bring about such results.

Those who are opposing closure are wont to quote Doctor Copeland, city health officer of New York City, when he declared at the Chicago conference last fall that he kept the schools and theaters of New York City open. This reminds me of the devil quoting Scripture, in that they only quote Doctor Copeland in part, and in a way to best suit their purposes. I happened to hear Doctor Copeland make this address in Chicago, and he said the reason why he did not close the schools was that out of the one million school children in the city of New York, 700,000 of them came from tenement houses or the tenement house districts, where the only opportunity they had for play or recreation is in the halls of these crowded tenements or in the dirty courts or back alleys, while on the other hand, the school buildings were modern, sanitary buildings, with trained nurses and medical inspectors, detailed to each building so that children had daily physical supervision.

Copeland Did Right In N. Y.

These conditions are quite unlike those in Kansas, where great open spaces and yards are available to the children, with almost entire absence of tenement houses on the one hand, and on the other the absence of physical inspection of the schools.

Beyond question, Doctor Copeland, under those conditions, did the right thing.

Concerning the theaters, Doctor Copeland said that as a matter of fact he was obliged to close a great many of the theaters in New York City, because they refused or neglected to obey the sanitary rules of the board of health. Only such theaters were permitted to operate that complied with some very definite and strict sanitary measures, laid down by the board. Theaters operated in accordance with the New York City sanitary code, is of course, more desirable than the mingling of people in the crowded tenements and equally crowded saloons and other places of vice, to which many might resort if the picture shows were not open.

In other words, the condition in New York City are so dissimilar to the conditions in Kansas, that they will not allow a fair comparison, nor can they be adopted as a precedent for the guide of health officers in Kansas.

$5,000,000 THEFT FOILED

New York Brokers Were To Be Looted by Messengers Was Plan.

New York, Feb. 11.—Arrest of two more conspirators in the alleged plot for theft of $5,000,000 in securities in the financial district today marked continuation of the investigation started late yesterday when police arrested three other alleged conspirators.

The two arrested today are Rudolph C. Bunora, 22, stock messenger, and his brother, Herbert, 19.

The elder Bunora is charged with receiving $21,000 in stolen securities last May and his brother is charged with stealing securities valued at $145,000 from the Crucible Steel company.

Part has been recovered, police said.

ARE RECOVERING RAPIDLY NOW

Four Hundred Flu Cases Terminated Daily in St. Louis.

St. Louis, Feb. 11.—One hundred and forty new influenza cases were reported to the health department today as compared with 165 yesterday and 757 new cases a week ago. The health authorities are convinced that the epidemic has been checked. The death list numbered 45 for the 24 hours, 37 succumbing to pneumonia and eighteen to influenza.

Termination of influenza and pneumonia cases are now being reported at the rate of more than 400 a day.

WOULD TRY OWN WAR GUILTY.

Allied List of Accused Is Turned Over to German Courts.

Berlin, Feb. 10.—Eugene Schiffer, minister of justice, today handed to the attorney general of the supreme court at Leipsic the list of accused Germans whose delivery by the allies is demanded, with instructions that the attorney general investigate the allied charges and prosecute where the evidence warrants.

TEACHERS DECLARE STRIKE

Lawton, Okla., School Force Sends Ultimatum to School Board.

Lawton, Okla., Feb. 11.—All teachers and principals of the high school and ward schools will "strike" Friday unless the board of education meets their demands.

The resignations of the teachers which were recently presented to the board have been accepted, according to a statement made by the board yesterday.

The teachers are asking for a 25 per cent increase retroactive to January 5 and another 25 per cent increase next year. The board of education claims there is no legal way in which the increase can be awarded. The teachers claim the board failed to take action on the matter at the proper time.

More than 20,000 children will be affected by the "walk out" which is scheduled for Friday afternoon.

TOPEKA PIONEER DEAD

Mrs. J. L. Penny Was Resident of City More Than Sixty Years.

Mrs. J. L. Penny, 304 West Eighth street, for more than sixty years a resident of Topeka, died at 1:10 o'clock this morning. She was a victim of pneumonia.

Mrs. Penny was the widow of the late J. L. Penny, proprietor of the Capital City Bottling works. Both were well known in Topeka. Mrs. Penny was born in Kingston, Canada, and came to Topeka in 1860. She is survived by four daughters, Mrs. C. S. Murray, Springfield, Mo.; Mrs. J. B. Sands, 1266 Topeka boulevard; Mrs. William Deines, 1915 Adams street; and Miss Josephine Penny, who lived at home; one granddaughter, Miss Mary Sands, and three grandsons, James, Joseph and Jack Deines.

CROWD HELD OUT OF NOVELTY THEATER

Photo by J. C. Wolcott

Scene in Front of Novelty-Vaudeville Theater, Tuesday Afternoon When Police Prevented Crowds from Entering Show House, Despite the Manager's Invitation to "Come In." The House Was Closed by the City Board of Health Under the Influenza Ban.

COVER FLU CASES

Local Officials Deceive Public, Health Board Asserts.

Decline in State Reports Today Leads to Belief.

WICHITA ONE OF OFFENDERS

Southern Kansas City Wants Conventions Badly.

State-Wide and Drastic Ban May Be Result.

KANSAS FLU RECORD.

Reported previous to Feb. 9	28,499
Reported Feb. 9	4,104
Reported Feb. 10	4,307
Reported to noon today	1,948
Grand total for state	38,858

Reports to the state board of health at noon today indicated a probable decline in new flu cases. The record at noon showed 1,948 new cases as against 2,702 new cases for the same period a week ago today and 3,440 cases reported to noon Tuesday.

State health officials, tho, found little comfort in the decline in new cases this morning. There is a feeling in state health circles that many cases are not reported and that in certain towns and cities the scope of the disease is purposely minimized in an effort to prevent disturbance of business conditions. This situation seems to be particularly true in Wichita. Reports from that city this morning showed only fifteen new flu cases. Yet thirteen pneumonia cases were reported and twelve deaths from pneumonia were recorded. Wichita is hot on the trail of conventions.

May Force State Ban.

Attempts of various communities to mislead the public as to true conditions may force a state-wide ban. There is a belief that several cities are avoiding closing orders thru deception of the public as to true conditions. This deception, it is feared, may lead to a greater spread of the disease and many deaths because of failure of officials and the press to perform its duty to the public.

Records received at noon today showed 28 deaths as against 52 reported to noon Tuesday. Twelve of the deaths occurred in the city of Wichita and eleven in Kansas City. One death was reported in Topeka. A total of 58 new pneumonia cases had been reported.

Crawford county, including the city of Pittsburg, today reported 176 new flu cases, Coffey county 112, and Cowley county 108. All other communities were below the 100 mark.

Only 56 of 125 counties and cities presumed to make daily reports, had recorded new cases at noon. The light morning report indicated heavy afternoon returns.

Report From Counties.

New cases from counties and cities today were as follows:

COUNTIES: Bourbon, 10; Brown, 72; Butler, 56; Chase, 23; Cherokee, 70; Clay, 17; Cloud, 15; Coffey, 112; Cowley, 108; Crawford, 100; Douglas, 25; Ellsworth, 6; Geog, 14; Graham, 25; Grant, 6; Gray, 26; Greenwood, 22; Gresham, 41; Jefferson, 20; Jewell, 15; Kearney, 4; Kingman, 29; Kiowa, 22; Labette, 16; Leavenworth, 46; Linn, 7; Lyon, 21; Marion 70; Marshall 62; Miami 87; Mitchell, 23; Montgomery, 22; Morris, 12; Nemaha, 8; Neosho, 70; Osborne, 30; Pawnee, 12; Phillips, 13; Reno, 7; Riley, 18; Russell, 14; Saline, 14; Sedgwick, 10; Sherman, 30; Smith, 44; Stafford, 28; Wilson, 64.

CITIES: Fort Scott, 14; Pittsburg, 16; Lawrence, 30; Leavenworth, 25; Coffeyville, 26; Hutchinson, 8; Wichita, 15; Topeka, 33; Kansas City, 54.

KANSANS RAID DISTILLERY

Under Cover of Shot Gun Barrage Raiders Get Ten Barrels Booze.

Pittsburg, Kan., Feb. 11.—John Milnarich, owner of the Old Sam Kneck distillery three miles south of Minden, Mo., was attending to the wants of members of his family ill with the influenza last night. Suddenly a large number of motor cars, Milnarich says, appeared in his yard, surrounding the old distillery building. Men armed with shot guns got out of the cars and began discharging the guns—evidently firing a barrage.

"I looked out of the window and saw the cars and the men," Milnarich explained in Minden this morning. "I decided to stay in the house. I saw the men enter the distillery and roll out the ten barrels of whisky, all that I had left. They loaded them into the cars and left, driving west toward Kansas."

Milnarich reported the raid to revenue officers at Joplin and Kansas City this morning.

FORCED ROBBER TO CALL COP.

Denver Woman Holds Gun on Men Who Enters Her House.

Denver, Feb. 11.—Roused by a guest who said robbers were trying to enter his room, Mrs. Rena Lamborn, proprietress of a down town hotel, today held two alleged burglars at the point of a revolver and made one of them telephone the police. A third man escaped. Mrs. Lamborn caught a burglar in a similar fashion while conducting a hotel in Kansas City two years ago.

U. S. SUBMARINE IS MISSING.

Four of Convoy and Mother Ship Reported Safe by Navy.

Washington, Feb. 11.—After battling with the sea for nearly a week, four of the five American submarines that have been missing between the Bermuda Islands and this coast arrived at Hampton Roads this morning, according to a dispatch received by the navy department.

The submarine still missing is the N-2. Those that have arrived are the L-2, L-3, L-4 and L-11.

FLU PATIENTS DRIVEN OUT.

Blaze Near Provident Association Endangers Ortman Family.

Fire companies were called out at 3:10 o'clock this afternoon to put out a small roof fire at the home of C. W. Ortman, 214 West Fourth street. The house is directly behind the Provident association and a crowd gathered, thinking that building was afire.

Two members of the family had flu and they were taken from the smoke filled house to a hospital.

Deaf and Dumb Minister To Hold Service For Mute

Probably the first funeral in Topeka for a mute, conducted by a man also deaf and dumb, will be held tomorrow when the funeral of J. W. Kirkpatrick, of 106 East Sixth street, will be held at Penwell's chapel with the Rev. Harshman, of Lawrence, officiating.

Kirkpatrick died in a local hospital on January 12. He had number of relatives scattered about the United States. During the time his body has been held, a search has been made to locate relatives.

Reverend Harshman is one of a few mute ministers in the middlewest. He will arrive in Topeka Thursday morning to conduct the funeral service that will be held at 2 o'clock at Penwell's chapel. Two services will be held. The first will be in sign language. An ordinary funeral service will follow the very unusual mute service.

LIFT BAN MONDAY

Dr. Brown Optimistic, But Makes No Promises.

Sunshine and Quarantine Cut New Cases Today.

TOPEKA FLU RECORD

Reported to Feb. 9	765
Reported Feb. 9	157
Reported Feb. 10	76
Reported to noon today	83
Total	971

Dr. Earle G. Brown, city health officer, said today the board of health hoped to raise the influenza ban Monday, but could make no promises to that effect.

The epidemic was not so virulent in the city today, due perhaps to the warm, sunshiny weather and the general quarantine regulations. Thirty-three new cases had been reported at noon, however, and Brown reaffirmed his previous assertions that the epidemic was by no means over.

One new flu death was reported today. The victim was Louise Rodell, 726 Taylor street. Her age was given as six.

The emergency hospital becomes more crowded every day. At present there are seventy-five patients being cared for there, according to Health Commissioner Robert D. McGiffert, who is in charge at the hospital. McGiffert said more could be "squeezed in."

Close in County.

A closing order has been placed on the county restricted district by Dr. C. C. Lull, county health officer. The order follows:

Be it ordered by the Board of Health of Shawnee county, Kansas, that:

1.—For the better protection of the public health, and as the result of an increasing number of cases daily of influenza, which have been reported to the county health officer and owing to the prevalence of the disease in the city of Topeka, it is deemed wise to safeguard the health of the community about the incorporated limits of Topeka.

2.—To accomplish this protection, it is ordered that in the district adjoining the incorporated limits of the city of Topeka, and within five miles of said city limits after twelve o'clock, noon, February 10th, 1920, all dance halls, pool halls, schools and churches shall be closed. It is further ordered that all social gatherings, parties, lodge meetings and public or private gatherings of any nature shall be prohibited this date.

3.—Children under the age of sixteen years shall not be permitted to leave their premises.

4.—This order shall be in effect until rescinded by the county health officer.

C. C. LULL, M. D.,
County Health Officer.

CLEVELAND PARTY TONIGHT.

Fifty From Ohio C. of C. Will Arrive on Santa Fe.

The Cleveland delegation of fifty men and thirty of their wives, from the Cleveland Chamber of Commerce, will arrive in Topeka at 10:20 o'clock this evening on the Santa Fe, according to late changes in the schedule announced this morning.

The party will come to Topeka from St. Joseph. It is their plan to stay in their Pullmans for the night. Members of the entertainment committee will go to the station to meet them tonight. Tired of remaining so long in the coaches, there will probably be some of the party desirous of going up town to a hotel.

According to W. W. Eden, chairman of the entertainment committee, the schedule for tomorrow has been arranged. On Thursday morning, the Cleveland business men will be taken on a tour of the principal industrial and manufacturing plants of Topeka. Plans for a tea party or entertainment for the women of the party were given up on account of the flu ban. In the afternoon the entire party will be taken on a motor trip thruout the entire city of Topeka. The visitors will be entertained with a luncheon at the Chamber of Commerce Thursday noon.

Spirit Honesty Distrusted by Medium Tester

New York, Feb. 11.—Joseph F. Rinn today explained on what conditions Mrs. John H. Curran of St. Louis, medium for "Patience Worth," can win the $5,000 he has offered for proof of spiritual communication.

"I have received no word from Mrs. Curran and only thru press reports see that she has agreed to accept my challenge," said Rinn.

"The conditions I will make in order to be convinced are these:

"Arrangements of letters on Mrs. Curran's ouija board must be changed.

"The board must be covered with paper, upon which a number will be placed corresponding to the letter beneath.

"The key to the board will be placed on a table behind Mrs. Curran so her 'spirit friends' can see it.

"If, under these conditions, she can produce understandable communications from a person or persons in the next world, I will admit she has some psychic or telepathic power and she wins the $5,000. Until then, I will continue to believe the 'Patience Worth' poems and writings are the result of her own personality."

THEATERS MUST STAY CLOSED IS ORDER OF COURT

Judge McClure Denies Flu Ban Injunction.

Holds Health Board Right in Its Quarantine.

DISCRIMINATION WAS CHARGED

Showmen Took Plea to Court After Police Action.

McKeever, in Argument, Belittles Dr. Brown's Order.

Topeka theaters must stay closed until the flu ban is lifted by city health officials, Judge McClure ruled in the district court late today. Judge McClure refused to enjoin city officials from interfering with performances as asked by Topeka showmen. He upheld the right of the health department in putting on the ban.

Arguments on a petition brought by theatrical managers for an injunction against the city board of health, mayor and commissioners continued at a late hour this afternoon before Judge James A. McClure in the first division of the district court. The showmen asked to be permitted to open their theaters despite the flu ban which they are fighting.

The action was brought by E. D. McKeever and J. B. Larimer, attorneys, in the name of the Kansas Amusement company owned by L. M. and Roy Crawford. It cited the case of the Novelty theater only, but involved all theaters in the city. It was alleged that the closing order of the city health board was discriminatory, unjust and unconstitutional in that it closed only theaters, schools, churches and similar gatherings while the Santa Fe shops, offices, the department stores, the street cars and other institutions where large crowds congregate were allowed to go unmolested.

In his argument D. H. Branaman, city attorney, declared the closing order was made in the interest of public health and that a "few paltry dollars" should not be allowed to stand in the way of its proper execution. He declared that if necessary, the city board would close up every institution in the city to prevent the spread of the disease.

Brown Tells of Policy.

Dr. Earle G. Brown, city health officer, later endorsed the statement on the witness stand. In explaining why he had not closed the stores, shops and other institutions, Brown said the board had not considered it necessary.

"How many people must die before you consider it necessary?" asked McKeever. Counsel objected and the objection was sustained.

Brown said that while there is danger of infection where even two persons are together, the danger is not so great in stores as in a theater because the people are spread over a larger area and for a shorter time. This is especially true in the Santa Fe shops, where there is an excess of ventilation and life shop, he said. In the Santa Fe offices, he pointed out, the employes are spread over a large floor space, while in a theater they sit side by side for an houf and a half and inhale each other's breath.

Branaman read the state law concerning the authority of city boards of health issuing closing orders and it was observed that the ordinance created by the city commissioners followed the statute very closely. The police power of a municipality has jurisdiction over the health, morals and safety of the public, he insisted, and cannot be enjoined from exercising this authority in a lawful manner.

McKeever denounced the closing decree as a "lop-sided order," inefficient, unlawful and discrimatory.

Churches Incentive for Bathing.

"This injunction," he said, "is sought for the reason that this law discriminates against the plaintiff in favor of dozens of other businesses in the city where the danger of infection is greater than in the Novelty theater: where more persons congregate for a longer time and with more flu germs than in the Novelty."

He humorously stated that closing the churches is unnecessary, as they furnish an incentive for most persons to take a bath Saturday night, put on a clean shirt and collar in the morning and sleep peacefully and without disturbance thru the services. Moreover, the churches are not crowded, he asserted.

Citations purporting to uphold and to denounce the action of the city

(Continued on Page Two.)

JUST BEAUTIFUL GESTURE

Crown Prince's Offer to Surrender Not Taken Seriously by Newspapers of Holland.

Amsterdam, Feb. 11.—Former Crown Prince Wilhelm of Germany sent his telegram to the heads of the allied governments offering to surrender in place of Germans demanded in allied extradition list, almost on the impulse of the moment, according to an interview with Major von Hulrheim, the former crown prince's adjutant, published in the Telegraaf.

"The foreign heir to the German throne," said the major after confirming reports that a telegram had been sent, "took his resolution without thinking long about. The return of Baron von Lersner from Paris and the serious situation which has arisen in Berlin in consequence, prompted the prince to send his telegram. He hopes by this to avert serious difficulties for Germany."

Dutch newspapers describe William's action as a "beautiful gesture."