

THE BOARD GUARANTEES THE RAISED ORDER OF FEDERAL COURT



FREE AT LAST..

THE fake quarantine that has been maintained by the local Board of Health around Chinatown during the past two weeks was raised shortly before 2 o'clock yesterday afternoon, in accordance with an order issued by United States Circuit Judge Morrow a few hours before. There was great rejoicing in Chinatown. Within an hour after the ropes had been taken down by order of Captain of Police Wittman, the recently quarantined section was crowded with curious white people, men and women, who showed their utter contempt for the reports of a mysterious plague by mingling freely with the grinning Chinese. Many hands rolled through the narrow streets and before dark the quarter had its old-time busy appearance.



It never was a more scathing rebuke administered to any branch of the municipal government than was contained in the opinion rendered by Judge Morrow in his decision to grant the petition of the Chinese for a restraining order against the Board of Health to compel it to raise the fake quarantine. He declared that the board had administered law with "an evil eye and an unequal hand" in assuming that a deadly disease existed in certain districts, when there was no proof that it did exist, and then in blocking off a large and populous section of the city, within which no effort had been made to protect the residents from contact with the disease, thereby increasing and not diminishing the danger of contagion, if any danger or disease had existed.

Following closely upon the official denial of Governor Gage of the existence of the plague in this city, the decision of Judge Morrow left the local board without a leg to stand on and a complete surrender to the decision of the court was possible after the decision of the court had been rendered. The members of the board were summoned and furnished and given to abandon the quarantine. No provision was made for the maintenance of the quarantine upon the houses where it is alleged that plague victims died, although the court decided that they had a right to maintain such a quarantine, but the whole of Chinatown was opened up and no restrictions placed upon any one. The members of the board were given the decision with apparent complaisance. They say that they will obey the injunction of the court, but they say it will not deter them from doing all in their power to cleanse Chinatown, and the board will continue to keep track even of the living in an infected house, so the board that the "marks" of the disease.

Preparing Damage Suits.

The Chinese are now talking of bringing heavy damage suits against the city on account of the quarantine, and the personal inconvenience they suffered as a result of the unwarranted quarantine placed on them by the Board of Health. Many Chinese citizens will join in the general movement and it is believed that the aggregate suits will amount to millions of dollars.

The Japanese seem to have taken the initiative in the matter, by having their Minister at Washington formally protest against the discrimination shown by the health authorities against the Chinese. The opinion seems to prevail, both at Washington and in this city, that they have a cause for which suits will be heard by the Federal courts.

As soon as Judge Morrow had concluded his decision, the attorneys for the Chinese secured a restraining order, which was placed in the hands of Marshal Shine for service on the Board of Health. The order until after luncheon that the writ was served. Chief Sullivan at once called upon President Williamson of the Board of Health, who had been called to the members of the board together at 2 p. m. No comment was made upon the decision by any of the members present, and when asked by the president how the board should proceed merely advised that the order should be followed to the letter. A formal resolution of surrender was then drawn up and received the approval of every member of the board.

News of Judge Morrow's decision spread with amazing rapidity, thousands of grins and jokes were being crowded against the ropes, particularly at the vicinity of Portsmouth Square, looking especially toward the United States Appraiser's building. A crowd of almost equal proportions of Chinese and other races gathered outside of the ropes along Kearny street, waiting to see the ropes taken down. The patrol wagon followed in the hour fixed for removing the ropes and the Chinese quietly retired, but a few commenced to open their stores and set out their wares on display.

Captain Wittman Acts.

At 2:30 p. m. a patrol wagon from the central station and Kearny streets and Captain Wittman, attired in citizen's clothes, got out and issued some quick orders to the policemen on guard there. Immediately the ropes were taken down and a dozen or more Chinese waiting inside faces displaying broad smiles. People on the outside and a number of hacks and wagons started into Chinatown. There was no excitement, and in twenty minutes the complete removal of the ropes. The patrol wagon followed in the hour fixed for removing the ropes and the Chinese quietly retired, but a few commenced to open their stores and set out their wares on display.

Board Showed Weakness.

United States District Judge de Haven was not present in court when United States Circuit Judge Morrow delivered the opinion in the case of Jew Ho against the Board of Health, business having called him out of the city. But he concurred in the findings and in the opinion, which was delivered orally. With reference to the averment of the board that it had no knowledge or belief as to whether Jew Ho had or had not been exposed to the plague, Judge Morrow said: "The board must take notice of the

HEALTH BOARD ACTS.

WHEREAS, on the morning of this present day, June 15, 1900, the Circuit Court of the United States, in the cause entitled Jew Ho vs. Williamson et al., decided that the present general quarantine now pending in the Chinese quarter of this city was improperly established and is being improperly maintained, etc.; now therefore be it RESOLVED, this June 15, 1900, by this Board of Health as follows:

1. That the present general quarantine now pending in the Chinese quarter of this city be and the same is hereby terminated.
2. That physicians in attendance upon Chinese patients shall in no wise be interfered with or hindered in their attendance upon such patients.
3. That in all cases of future autopsies of Chinese persons who may die under suspicion of bubonic plague duly accredited representatives of the Chinese company or companies to which such deceased may have belonged shall be permitted to attend. And be it further

RESOLVED, That this resolution go into effect forthwith; that a copy thereof be forthwith transmitted to the Board of Supervisors of said city and county of San Francisco, and that said Board of Supervisors be requested forthwith to repeal all ordinances of their establishing or authorizing, or purporting to establish or authorize, the quarantine hereinabove referred to.

strong that the plague has not existed and does not exist in this city," said the court, "and it follows from the remarks that I have made that this quarantine should not continue by reason of the fact that it is unjust and contrary to the laws limiting the police powers of the State. Secondly, that it is discriminating in its character and contrary to the provisions of the fourteenth amendment to the constitution of the United States. Counsel for the plaintiff will prepare an injunction which will permit the board to maintain a quarantine around such places as they may have reason to believe have contained infectious or contagious diseases, but the general quarantine must not be maintained. The court also made an order that the Board of Health should permit physicians employed by the Chinese to examine and assist at the examination of the bodies of persons who may have died from suspected plague, and to permit them to visit their patients in Chinatown. The quarantine, said the court, should be placed only upon particular houses, in which case the attending physician will be allowed to continue his visits. The privilege of attending autopsies was also granted by the court to the physicians by the Chinese, with the proviso that the privilege must not be abused through curiosity or other unworthy motives.

Chinatown Squad Changed.

A change has been made in the Chinatown squad. Sergeant Pat Mahoney will still be in charge, but none of his old officers will go back. Among the men who will compose the new squad are John J. Conners, J. McEntee and Mike Hurley. The fifth has not yet been named.

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