Smoke Nuisance And The Law

(Exclusive Service The Survey Press Bureau.)

With the beginning of the use of soft coal as a fuel arose the problem of how to get rid of the disagreeable smoke. The question has grown more serious yearly in every growing city where bituminous coal is burned. The dweller in such a town needs no definition of the smoke nuisance and it has become a matter of real importance to every large community to rid itself as far as possible of this nuisance. Interest in the question is widespread. More than 1,500 patents have been granted by the United States Bureau of Patents to inventors of so-called "smoke consumers" and "smoke burners" and every where municipal governments have taken up seriously the abating of smoke.

Experience has demonstrated that objectionable smoke may be prevented even though soft of bituminous coal be used exclusively as fuel. By careful firing, either by hand or a mechanical stoker or feeder, fresh coal can be evenly distributed over the hot furnace bed. This with the aid of mechanical devices designed to perfect the draught and so cause a sufficient uniform degree of heat to reach all parts of the coal, avoids a "smothering" which produces a lower degree of heat favorable to the separation of the material which makes smoke from the body of the coal. Some times an entirely new furnace equipment is the only remedy.

In Chicago an estimate by the smoke inspector shows that smoke besides being a nuisance causes a loss to the citizens of $21,830,000 annually or about $10 per capita. The laundries, clothing merchants, dyers, house renovators and painters, and operators of vacuum cleaning machines are reaping a harvest. In St. Louis six hundred pupils in one of the public schools had to be dismissed at 11 o'clock on one of the darkest days while at other schools within the smoke belt the children were entertained with stories by their teacher during the time it was too dark to study.

In many cities special smoke abatement leagues exist because it is recognized that those who live in a smoke laden atmosphere are especially liable to diseases of the respiratory system. Frederick L. Hoffman, statistician of the Prudential Life Insurance Company, goes so far as to say that the dust and smoke problem underlies all deliberate efforts to improve the conditions which determine human life. Other things equal, the length of life will be in almost exact proportion to the degree and kind of dust and smoke exposure.

What is required today is effective public supervision for all matters of this kind involve the question of community responsibility. The control of the smoke nuisance must needs have its effect on real estate values which are now in many places depressed because of it.

Smoke abatement, which is simply complete combustion and utilization of all heat-producing parts of the coal, is economy to the consumer of fuel. In every case smoke is a preventable nuisance, and every smoking plant or locomotive is a sign of wastefulness and a disregard for the rights of the public. Creating dense smoke is a waste in itself, and its emission creates additional waste. Thus it follows that the interests of the private owner and the requirements for public health, comfort and convenience run in parallel lines.

Proper laws for the regulation, prevention and abatement of "dense" smoke are, therefore, just to the consumer of fuel and highly desirable to the public.

The source of governmental authority to abate the smoke nuisance is the police power of the state. This means the general right of the government to preserve and promote the public welfare by establishing such rules and regulations for the conduct of all persons and the management of all property as may be conducive to the comfort, safety and welfare of society.

The legislature frequently gives to the municipalities the power to declare what shall be deemed nuisances within city limits. Cities also have the power under the common law to cause the abatement of nuisances that are such in themselves without being specificially so declared. If the legislature gives the cities specific power to declare the emission of dense smoke within their limits to be a nuisance it must be exercised by ordinance and not committed to the discretion of municipal officers.

Some courts have held that the words "emission of dense black or gray smoke" are vague and uncertain but these decisions are outweighed by the trend of later verdicts throughout the country. Every one knows what is meant by "dense smoke." It is easily recognized by the sense of sight and leaves its mark wherever it falls. Convictions may be obtained by the ordinary prosaic manner of asking witnesses of what they have seen. Juries and courts will not pretend to be more ignorant than the rest of mankind. The jury decides as a question of fact whether smoke coming from a chimney is dense.

Cities may provide by ordinance for abating the smoke caused by tugs and locomotive engines. Although these may engage in interstate commerce, congress has not yet acted and it is only repugnant and interfering local legislation that must give way to the paramount laws of congress constitutionally enacted. Therefore an ordinance providing for the abatement of dense smoke does not impose any restraint on the use of boats and locomotives, although engaged in genral commerce, other than is consistent with law.

Some recent decisions such as Harmon vs. Chicago have held that "dense smoke in a city is a nuisance even though not specifically so named by any law and this doctrine enables municipal corporations to abate "dense" smoke without specific authority from the legislature.

Courts have taken judicial notice of the fact that the discharge of dense smoke into the atmosphere in a large city is of itself a nuisance to the general public. It is injurious to vegetation, to many kinds of goods and annoying to the people. The courts therefore confer upon municipal corporations ample power to prevent a nuisance which of recent years has greatly interfered with the health, comfort and convenience of citizens. In view of the advanced legislation and judicial decisions in recent years, we may well say that the law pertaining to the smoke nuisance is progressive, and will keep pace with the popular sentiment regarding the emission of "dense" smoke into the air in large centers population.

SENATOR STONE ON THE MEXICAN SITUATION

By Associated Press.

Washington, April 20.—A positive declaration in favor of giving the president authority to prevent a repetition of the killing of American citizens by Mexican belligerents was made in the senate today by Senator William J. Stone, of Missouri, a democrat and a minority member of the senate committee on foreign relations.

Mr. Stone commended the president for sending the American troops to the zone of disturbance, contended for the right of the United States to protect the lives and property of American citizens and condemned the landing of the British bluejackets from the Sheerwater as an act of war.

"Congress," he said, "should at once and without delay authorize the president to employ whatever force may be necessary to prevent a repetition of the bloody outrage committed at Douglas, Ariz., and a repetition of which is threatened at El Paso."

His authority in this behalf should be sufficient fully to warrant him in using the military forces in whatever way he might deem expedient and necessary to accomplish the desired end, even though it should lead to an intrusion upon Mexican territory.

"Moreover, if any act done under this authority by the president for the proper protection of our own people on our own soil should lead to hostile demonstrations against American citizens resident in the interior of Mexico," he continued, "the president should be authorized either now or later on to use the military forces of the United States if that is found to be necessary to protect the lives and liberty of peaceable American citizens wherever domiciled in any quarter of Mexico.

"If without fault of ours the Mexican people themselves create a condition that makes it necessary for this government to assume an offensive attitude, they cannot complain," he said.

Mr. Stone would not agree that Japan is in any way involved in the Mexican situation, nor would he concede to the Japanese or any other world power any right to interference in the Mexican situation. Agreeing that the Monroe doctrine was not directly involved, he argued that nevertheless this country should stand jealously against any encroachment by European or Asiatic nation.

"We have not yet," he said, "assumed the office of a policeman patrolling these American republics and even if other countries insist upon thrusting that situation with its responsibilities upon us, we will at least object to those countries exercising a supervising and directing police power over us."

Senator Stone declared that the landing of the British mariues at San Quentin "was not necessary to enable the three men in question (an Englishman ad two Americans seeking to escape the dager zone) to board the vessel and hence if the marines were landed merely to prevent a Mexican force attached to the revolutionary movement in Mexico taking possession of this Mexican town, the act was arbitrary, and, being a hostile demonstration on Mexican territory, was in effect an act of war if authorized or approved by the British government.

"It will be generally regarded with disapproval by the American people."

Charging that there is some powerful interest behind the effort to stir up strife between the United States and Japan, Senator Stone said that every effort should be made to discover and expose the identity of such interest. He said that the president had assured him in the most positive terms that he had no information whatever connecting Japan with Mexican affairs.

Said Mr. Stone:

"In emergencies of this kind, involving grave international complications, partisanship has no business in our councils. As a democrat, esteemed by some friends on both sides of this chamber as being sometimes somewhat artisan, I wish unqualifiedly to indorse this action of President Taft in ordering troops to the Mexican border."

To justify American intervention Mr. Stone detailed many acts and expressions unfriendly toward the people of this country and said that in many places the Mexican authorities are unable to control the situation producing a state of anarchy.

When David killed Goliath he probably had never heard that people who live in glass houses shouldn't throw stones.

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THOMPSONS

KITCHIN-GUDGER DEBATE CAUSES MUCH COMMENT

NEWS BUREAU,
Congress Hall.

(By H. E. C. BRYANT.)

Washington, April 21.—The Kitchin-Gudger debate has caused considerable comment here. North Carolina has been in the limelight. The mountaineers have egged their congressman on until one can small blood. However, it makes it interesting for the Tarheel newspaper men, and recently the state has developed so many good dailies that the town is full of scribes, there being one for every two congressmen. This marks the progress of the Old North State. Five years ago two papers dominated the news field. That is not true now for North Carolina has many excellent progressive papers. The local paper is growing everywhere. It is almost as interesting, therefore, to watch the North Carolina newspaper in Washington as it is to watch the congressmen.

Representative Kitchin's speech on the Canadian reciprocity bill was more than an advocacy of the measure. It will be used as a campaign document in North Carolina.

Mr. Kitchin, who in my opinion is the most attractive speaker in the house, spoke with great force. Being large, well proportioned and handsome, he is pleasing to look upon. Therefore, towering above the ordinary congressman as he does, he carries the house, floor, galleries and all with him. In places his argument is faulty and vulnerable, but as a rule plausible and logical, and his admirers so idolize him that the holes in his armor shrink into insignificance during the performance to reappear after it is over.

Some persons, among them a few of Mr. Kitchin's real friends, are criticising him for using the party lash so vigorously, especially on North Carolina democrats who do not agree with him. Others excuse him on the ground that he had a right to get even with Senator Simmons who is a rival of Brother Will for sending anti-reciprocity literature—a Simmons speech—to the state and giving out an interview against House Leaders Clark and Underwood.

Regardless of what is said or what was intended the Kitchin speech hit harder in the state than it did here.

North Carolina political differences crop out here so often that the average newspaper man in the press galleries knows all about the Kitchin and Simmons factions. But, after all, Tarheel politicians are not unlike other politicians. The Texas delegation is divided into hostile camps. So is that of Georgia. Boil it all down and you will find the leaders of one party in the way of the leaders of the other. Carried to its final analysis you will find more pie than patriotism.

As was predicted in this correspondence some time ago, North Carolina is on the eve of a bitter campaign between opposing candidates for the U. S. senate. The Kitchin and Simmons schools will fight over their difference, which in short, is the highest office within the gift of the people, while the ordinary citizen grins and bears it. Thousands of men who do not care a tinker's dam about either Senator Simmons or Governor Kitchin, and would like a rest from both, are going to be forced into a personal, partisan controversy, which will not be edifying or harmonizing. There is no way to stop it. Individual ambitions weep on. The democratic party must suffer for it. Two men cannot occupy one and the same office at one and the same time.

The reciprocity speech and the Simmons interviews and the Kitchin speech are a part of the game. The men are armed to the teeth and the battle lines are forming. Senator Simmons has declared in favor of a primary. This is a call to arms. The little warrior must be ready.

But this will be the last battle between the Simmonses and the Kitchins of the present generation. It is almost time to change. Soon Senator Simmons and Governor Kitchin will be has-beens. Fifteen years is about as long as one man can stay in the lime light in North Carolina now-a-days. The Outs are eager to get in and the Ins will have to get out. It is the same old story. In North Carolina the situation is interesting. There are no issues. The negro is out of politics. Prohibition seems fixed. The "progressive" humbuggery is not taking. The rank and file of the voters are not enthusing much over the non-partisan Canadian reciprocity measure. The referendum, the initiative and the recall might be propagated at Raleigh if those interested were not afraid somebody might dig up one of Mary Ann Butler's old campaign books and accuse them, as Bryan does Roosevelt, of stealing old clothes. There is nothing left for the North Carolina agitators but whirlwind movements. The only real thing in sight is the coming battle between that pugnacious "reactionary," whatever that means, and Brother Bill. Last summer it was Carl Duncan and Mot Morehead. Now it is F. M. Simmons and W. W. Kitchin. Choose your partners and all promenade.

The Kitchin speech did not set well with any of the members who voted for a duty on lumber in 1909. When asked by Davis of Minnesota if he voted for a tariff on lumber he answered in the negative. "How did others in your delegation vote?" he was asked. Whereupon he turned, smiling from ear to ear, and said: "Boys, I am ashamed to tell him."

This was in a jocular spirit but it has been converted into an attack. The blow that struck to the heart was the charge that the North Carolinians who voted to retain a duty on lumber were hand in glove with John Dalzell and the one of them that would not vote for the Canadian reciprocity bill was still with the standpat republicans. This riled Mr. Webb. However the gentleman from the Ninth does not believe that any democrat in the district will believe that he is a republican.

"Generally debilitated for years. Had sick headache, lacked ambition, was worn-out and all run-down. Burdock Blood Bitters made me a well woman."—Mrs. Chas. Freitoy, Moosup, Conn.

Bilious? Feel heavy after dinner? Tongue coated? Bitter taste? Complexion sallow? Liver needs waking up. Doan's Regulets cure bilious attacks. 25 cents at any drug store.

Don't think that piles can't be cured. Thousands of obstinate cases have been cured by Doan's Ointment. 50 cents at any drug store.

Farmers, mechanics, railroaders, laborers rely on Dr. Thomas' Eclectic Oil. Takes the sting out of cuts, burns or bruises at once. Pain cannot stay where it is used.

Baraca-Philathia First Convention

Greensboro is ready to entertain the Philatheas and Baracas who are to assemble there tomorrow in their first separate North Carolina state convention, says the Greensboro Telegram:

"About 600 delegates to the first separate North Carolina state convention of the Baracas and Philatheas are expected in Greensboro on the afternoon of next Saturday, and the big, broad Greensboro spirit of hospitality is to be extended to this band of active, energetic Christian workers.

"Owing to the unusually large number of delegates who are coming it is necessary to promptly secure homes for at least 200 more and the people of the city are urged to communicate at once with Miss Araminta Hester, 'phone 1369, or Miss Myrtie Ham, 'phone 92, or W. L. Carter, 'phone 680 and indicate the number of delegates they will take care of from Saturday noon until Monday night.

"Greensboro should be, and is, especially proud to have been selected as the first convention place of this noble body, which represents probably the most active element in the religious work of today and whose mofto is "Young People at Work for Young People." They really work for each other, and there are more than fifty classes of them in this city and about 600 classes in the state, and every class alive and active.

"Their coming will be a great thing for Greensboro. They have received letters of welcome from Mayor Stafford, the chamber of commerce, the Merchants' Association and others, and every courtesy is to be shown them while here.

"Greensboro's reputation as a convention city of the first class still stands unchallenged and all citizens are urged to take an active part in caring for and entertaining these visitors, who will begin arriving Saturday morning.

"The Baraca and Philathea unions are nondenominational. The classes flourish in most of the Protestant denominations."

Is Mars Inhabited?

By Associated Press.

Berkeley, Cal., April 21.—Prof. Robert D. Aiken, one of the astronomers of Lick Observatory, does not believe that there is human life in the planet Mars. In a lecture delivered at the University of California last night he expressed the opinion that the markings seen on the surface of the planet and supposed by some scientists to be canals constructed by intelligent beings for irrigation purposes, are nothing more than earthquake fissures. They are too rough and too wide for canal service, he said. He exhibited photographs in support of this belief.

Croup Conqueed

Every Mother Should Read and Remember This.

In any home where a child has a tendency to croup, a bottle of HYOMEI (pronounce it High-o-me) should be kept constantly on hand.

A sudden attack of croup with difficult breathing and extreme distress is apt to come on at any time.

The course to be pursued is plain. Send for your doctor at once, and in the meantime drop 30 drops of HYOMEI into a bowl of boiling water, and hold the child's head over it, cover with a towel or cloth, so that only the air filled with Hyomei vapor is breathed.

This method of treatment has saved many a child's life, and mothers of croupy children should see to it that HYOMEI is always on hand. Full instructions for prompt relief of croup is in each package.

A 50c bottle of HYOMEI is all you need in treating croup. This is known in all drug stores as Extra Bottle Hyomei Inhalent. Duggists everywhere and R. H. Jordan & Co. sell it. Breathe HYOMEI. It is guaranteed to cure catarrh, croup, sore throat, bronchitis, coughs and colds, or money back.

Batch Of Live Atlanta News

Atlanta, April 22.—Shall the poor man have his locker club in Georgia, where he can sit down and take his drink just as the rich or well-to-do citizen takes his?

That in its finality seems to be the real question at issue in the fight now on by the city council of Atlanta, to close the Union and Mechanics' Club of this city.

While the U. and M. club isn't strictly speaking a "poor man's club," it amounts practically to that, for its dues and initiation fees are put so low that almost anybody can afford to join, whereas in most of the leading social locker clubs in Atlanta, the high dues make the clubs more or less exclusive.

A short time ago the city council closed the Union & Mechanics' club on the ground that it was not in the true spirit a social club, but was run primarily for the sale of liquor, and set forth as an objection further that women visited the club and drank whiskey there.

The club secured a temporary injunction against the city, re-opened its doors, and the hearing for a permanent injunction is now on in the superior court.

The club has carried the fight into the enemy's grounds, in a sense, by summoning as witnesses John W. Grant, and a half dozen other prominent citizens who are members of council and at the same time members of either the Capitol City or the Piedmont Driving club, two of Atlanta's leading social clubs which have the locker feature. The attorneys for the U. and M. club insist on asking these gentlemen whether it is not a fact the women visit those two clubs regularly and take drinks there when they are minded to.

These gentlemen have refused to answer the questions, not because thy are ashamed to admit that drinks are served to ladies in the clubs, for that is done in every reputable social club of that kind in the land, but because they say it is irrelevant to the case in hand.

The attorneys for the U. and M. club say it is no sin for the poor to do as the rich do, and there you are.

But the city insists that the difference lies in the fact that the Capitol City and other clubs which are permitted to run unmolested are in reality primarily social clubs, with the locker feature as incidental, whereas the locker feature is the principal if not the whole reason for the existence of the U. and M. The outcome of the case will be watched with intense interest. Judge Bell has not yet decided whether the members of the Capitol City and Driving clubs will be forced to tell about women's drinking in those two places.

Rev. and Mrs. S. E. P. Wells, of Alpharetta, Ga., were seriously hurt yesterday afternoon near Decatur, when a collision occurred between a trolley car and their horse and buggy. The road ran parallel to the car tracks where the accident happened. The horse became frightened by the oncoming car and dashed onto the tracks. Both horse and buggy were struck. The horse was actually cut in two, while the buggy was dragged some thirty yards, the occupants being thrown out. Both were picked up and hurried to at Atlanta hospital. It is believed they will recover.

It is whispered here that a site for the new governor's mansion may be selected as far out as Druid Hills, the beautiful residence section, which is by far the loveliest of Atlanta, but unfortunately is all of four miles distant from the capitol. "What difference does that make in these days of the telephone and automobile?" inquire advocates of the plan.

Hardy Ulm, private secretary to Governor Brown, of Georgia, says that the old proverb of the "hit dog howling" fits Gov. Cole L. Blease, of South Carolina, excellently well.

Ulm has felt it his Christian and official duty to say some mighty plain things about the governor of South Carolina recently. The gentlemen at the executive office of the state of Georgia were not entirely charmed when Governor Blease wrote some time ago in response to their respectful request for a portrait of the South Carolina statesman, Langdon Cheves, that he "had never heard of such a person."

Still less was Major Ulm pleased when Governor Blease recently refused to honor a Georgia requisition and gratuitously insulted Governor Brown by declaring he was using his executive power to help collect debts. At that time Ulm opined that Blease knew "just about as much about the law of requisition as he did about the history of South Carolina," and said it was the kind of action that might be expected from a man who had answered of the late Langdon Cheves, "I don't know Cheves, or where he is now at."

So Governor Blease has said that what Ulm said was a "lie." Ulm just chuckles and says the letter written by Governor Blease speaks for itself, and shows plainly enough who is the liar.

Wanted. A half dozen likely and intelligent geese with musical voices, to sing in grand opera, in Atlanta. They don't have to be such geese as saved Rome, but they must be a little better than the ordinary barnyard variety. And when the right ones are found they will actually appear on the grand opera stage here, side by side with Geraldine Farrar, Otto Goritz and the other great stars, and (who knows?) may furnish just as much pleasure to many of the people who have paid their good money to hear the music.

Geraldine Farrar sings in Atlanta this year in the role of the Goose Girl who was beloved by a king, in Humperdinck's new opera, "Koenigskinder." The presence of the live geese on the stage is absolutely necessary to make the scene realistic, and there the geese will be.

The Printers' Cost Congress of the Southeastern states, with over 100 employing printers in attendance from all parts of the south, is now in session in Atlanta, and will remain in session through Saturday. It is strictly a business organization, gathered to discuss business.

A remarkably heroic campaign has just been made and crowned with success among the students of the Georgia Tech to raise money for a school hospital. It is one of the few instances in the history of this country where the students have banded together and given their own money for such an enterprise. Many of the boys denied themselves spending money in order to contribute. Some gave as much as $25, and few gave less than $5.

The result of the campaign has been to draw the students closer together in the spirit of unity and loyalty to the Tech. In fact they have recently organized a "Tech Spirit club," the immediate object of which is to unite the student body in its support of the baseball team, and to bring about, on the whole, a strong, aggressive loyalty for the school that will last not only through college life, but for the years to come.

The question of intra-terminal rates is now being argued before the state railroad commission, and the hearings are being attended by hundreds of interested shippers and railroad men.

All Quiet at Juarez.

By Associated Press.

El Paso, Texas, April 21.—Early this morning all is quiet at Juarez. The insurrectos, camped in the hills surrounding the city, slept on their arms, confident that their superior numbers precluded the possibility of a federal sortie.

In Juarez the federals likewise spelt in more or less security, protected by the 24 hour interval allowed by the insurrecto commander in his demand for the surrender of the city.

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¶ What more could you ask, except, perhaps, the matter of terms, and these you can make to suit yourself.

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Seaboard Air Line Railway Official Route Mecklenburg Camp Confederate Veterans, to Little Rock, Arkansas, May, 1911.

The Mecklenburg Camp has selected the Seaboard Air Line as the official route of the camp to the re-union at Little Rock, Ark., leaving here Monday May 15th, 7:30 a. m. Special Pullmans, the rate for the round trip to Little Rock and return will be $17.15; tickets on sale May 13-14 and 15th, good to return until May 23rd, subject to extension until June 14th by payment of 50 cents at Little Rock. There will be side trips on sale to all points west from Little Rock at one far plus $2.00 for the round trip, for sleeping car reservations and further information call on or address,

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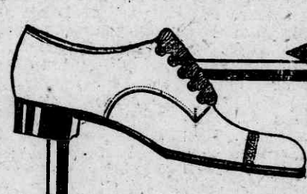

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