

EFFORT TO POSTPONE LEVY

Real Estate Exchange Seeks Restraining Order Against Council.

UNCERTAIN STANDING OF ASSESSMENT

Part of Tax Might Be Illegal if Council is Required by Supreme Court to Raise Corporation Valuations.

James H. McIntosh, attorney for the Real Estate exchange in the mandamus case sought to compel the city council to change the assessment placed upon the public service corporations, filed an application for an order restraining the mayor and city council from passing the tax levy ordinance. The order was issued by Judge Dickinson Saturday night, to become effective upon filing bond in the amount of \$500 by the applicants. This bond will be filed and the order made effective today.

Mr. McIntosh said: "If you will look at section 138 of the revised statutes it will be seen that the legislature has provided a limit for the amount of money which can be raised for certain purposes, and that the general fund is limited to \$250,000 and other funds to other amounts. It can be seen that if the contention of the realtors in the mandamus case are well-founded and the assessments on the public service corporations are raised, there will be approximately 10 per cent more property on which to raise the tax. The council at this time contemplates raising for some funds the limit specified by law, and should the levy ordinance be passed, and the council then compelled to raise the tax, the total value of the assessments in the city, there would be an excess in these funds."

Might Nullify the Levy.

"This being the case, there would be grave doubts as to the legality of the levy, thus jeopardizing the collection of any of the tax. Without discussing the extent to which the levy would be illegal, it is safe to say that the amount of money which the legal limit would be illegal and uncollectable. There would be the greatest confusion and possibly a multiplicity of law suits evolved from such conditions, and it is to avoid such a state of affairs that the order was requested.

DIETRICH FAVORS FORESTRY

Suggests that Nebraska Follow Germany's Example in Tree Planting on Arid Hills.

(From a Staff Correspondent.)

LINCOLN, Feb. 2.—(Special.)—Senator Dietrich is with the Department of Agriculture in its desire to establish three forest reserves in Nebraska. "I believe," said he, "that small trees could be grown on the sandhills of Nebraska so far as I can learn, they are of little value now but with trees planted thereon I believe they would be of considerable value to the generation which will come after us. I consider it our business to legislate for the future. I think it a part of wisdom that the legislators should look to the horizon which surrounds them and place upon the statute books laws which will stand the test of time.

BATTALION IN BLACK HILLS

Four Companies of Militia Organized for the New Second Regiment.

LEAD, S. D., Feb. 2.—Four companies of militia are being organized in the Black Hills, forming one battalion of the new second regiment of South Dakota state troops. They are at Custer, Rapid City, Spearhead and Hot Springs and ranking in that order.

ADJUTANT GENERAL CONKIN WRITES FROM WASHINGTON

South Dakota Cavalry, and Arms for Troop A, South Dakota Cavalry, of Deadwood will be shipped at once to replace the property that was destroyed by fire in Deadwood in December. The loss to the state by the fire in the storehouse of Troop A was about \$1,200, according to the report of the Board of Survey. General Conkin thinks the outlook is favorable for the militia to receive the new arms instead of the old Springfield.

South Dakota Subsoil Saturated.

PIERRE, S. D., Feb. 2.—(Special.)—A. C. Johnson, general agent of the Chicago & Northwestern railway, who has made a study of the crop conditions in South Dakota, while in this city a few days ago made the prediction that South Dakota will have a crop this year, regardless of weather conditions which may exist through the year; that the rains of last fall soaked up the whole state, and that in the eastern part the ground is frozen to a depth of five feet. This will furnish the outlook for the growth of a crop, and as it will be below the seed, the moisture will come from the source which grows the strongest root, and which will produce the strongest plant and grain. Spring rains will not damage the crop at all, but even if they should fall, the moisture is at hand to carry the crop through.

FILE IMPROVES SLIGHTLY.

HUBON, S. D., Feb. 2.—(Special.)—Attorney General Fyle is still in a feverish condition. The doctor gives out the statement that during yesterday there has been a slight improvement to the nervous system. The patient continues irrational.

Neon Lunch Today. Biks' palm garden.

PERSONAL PARAGRAPHS.

S. Harris, a capitalist of Fullerton, is at the Delta.

Dr. H. M. Lisle of York, Neb., was among Sunday arrivals at the Bellone.

Hon. Leonard Hahn of Hastings, former postmaster there, is at the Merchants.

R. P. Boyle of Wynmore arrived yesterday. He is in charge of the trade commission which has been in St. Joseph's hospital since he was recovered sufficiently to be taken home.

Thomas Hagness, who trades places with W. C. Barnes in the Missouri Pacific passenger agency, and who also trades headquarters with him, has arrived from Kansas City and taken apartments at the Millard.

Father Rosenwink, a missionary from Milwaukee, is a guest at Trighorn college. Friday he delivered an address on the students, in which he advised his hearers to prepare for some association, and work for a specific object.

Mrs. J. J. Balow, with Mrs. J. L. Stewart, will give a concert at the Grand hotel Thursday night at the Grand hotel. Dick Stewart, the latter formerly of St. Joseph, O., is a special car will be provided for Omaha guests, leaving Council Bluffs as late as 7 a. m.

DIRECTS VERDICT FOR CITY

Judge Asks Jury to Hold Fremont Not Liable for Action of Health Board.

FREMONT, Neb., Feb. 2.—(Special.)—

In the district court yesterday morning Judge Grimison directed the jury in the case of Legg against the City of Fremont to render a verdict for the defendant. The suit was brought to recover for rent of the DeWorson hotel, in this city, during the time the inmates were quarantined in the court of a case of smallpox breaking out there in March last; also for some property destroyed and damages to the premises.

Leg Declines White Moving Church.

FREMONT, Neb., Feb. 2.—(Special.)—J. Stutch of North Bend broke his right leg just below the knee while moving the Christian church. A chain slipped and the hook struck him on the leg. On account of the snow and size of the building the work of moving the church has progressed slowly. It is expected that the lot belonging to the church at Eighth and C streets.

Blair-Fremont School Debate.

FREMONT, Neb., Feb. 2.—(Special.)—At the High school yesterday evening a debate was held for the purpose of selecting a speaker to represent the Fremont High school in the contest with Blair. The subject was "Resolved, That the Indian Should Support Himself." The speakers selected were: Helen Gray, Marvin Wilcox, Milo Draemel, Nellie James and Alta Blewett.

Electric Line for Nebraska City.

NEBRASKA CITY, Neb., Feb. 2.—(Special.)—There is some prospect of the Nebraska City street car lines being connected with the up-to-date electric system. A representative of an eastern electric company has been here this week figuring with the owners of the line. A survey will soon be made of a proposed belt line around the city.

Ten Below at Nebraska City.

NEBRASKA CITY, Neb., Feb. 2.—(Special.)—The mercury fell to 10 degrees below zero this morning. Snow fell intermittently yesterday, accompanied by a heavy wind from the northwest. The ice men are busy harvesting.

New Building for Central City.

CENTRAL CITY, Neb., Feb. 2.—(Special.)—W. E. Desch is hauling the brick for a large business block.

Forge Sentenced to Penitentiary.

CENTRAL CITY, Neb., Feb. 2.—(Special.)—District court closed here last night with Judge S. H. Henshaw on the bench. Pearl Randolph, convicted of forgery, was sentenced to the penitentiary for two years.

To Try Murder Case.

NEBRASKA CITY, Neb., Feb. 2.—(Special.)—The case of John McCormick, who is charged with the murder of Mrs. Lindale, will be called in the district court this week.

Fine menu, popular prices, Eiks' fair.

At the outbreak of the war, the militia in the Black Hills has aroused new interest in the cavalry troop at Deadwood. The troop has a membership of thirty-five and is quartered in the ball building. The Business club of Deadwood is assisting in a movement to secure additional room in the same building for drill purposes.

ORIGIN OF SPACE TELEGRAPHY

French Academy of Science Takes All the Credit from Marconi.

DUBS HIM A PRACTICAL EXPERIMENTER

To Various Men of Several Nationalities Are Attributed the Real Origin of Wireless Telegraphy.

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PARIS, Feb. 2.—(New York World Telegram—Special Telegram.)—A remarkable session of the Academy of Science has been devoted to the discussion of the real origin of wireless telegraphy. If Marconi had been present he would have been most annoyed, for among the many French savants assembled of the English and German experts whose communications were read, none was disposed to credit him with the discovery, but they seemed to regard him as only a clever practical experimenter.

According to the documents produced, the real inventors are Feddeidon and Maxwell, both Englishmen, then Hertz of Germany, but principally Prof. Branly, a Frenchman, who conceived and constructed the receiver for electric waves, which is still used in the world.

Prof. Lodge, an Englishman, who read a paper before the electric congress of 1894, pointing out the possibility of transmitting telegraphic signals with the Hertz apparatus, and receiving them with the Branly tube of metallic filings, which possibility was actually put into practice by a Russian scientist named Popoff in 1895.

Marconi's experiments only began in 1896, it is said, and were first made public two years ago, together with Slaby's successful wireless transmission of telegrams over a distance of 100 miles in Germany by an altogether different apparatus. It was further asserted that the most of Marconi's patents are worthless owing to the foregoing alleged facts. Finally, it was pointed out that neither the French or the German navy nor the English navy is using the Marconi system, although the latter maintained equal to his exploits, except transmission across the ocean, which the scientists unanimously declared is yet unproved.

GILLETTE WINS ROYAL FAVOR

His Play Proves the Thing to Please the Fancy of the King.

LONDON, Feb. 2.—King Edward and Queen Alexandra with a large suite visited the Lyceum theater last night to witness the performance of "Sherlock Holmes." Their majesties' entrance was the signal for an enthusiastic demonstration on the part of the large audience, and the king and queen were apparently greatly pleased, the king bowing again and again. The royal party seemed delighted with the play and at the end of the third act, King Edward went to Mr. Gillette and complimented him upon the performance of his play, and of the play the king again summoned the actor and warmly shook him by the hand, thanking him for "a delightful evening."

Gillette has to vacate the Lyceum in the middle of February to make way for Sir Henry Irving. Mr. Gillette is not yet decided whether to take another London theater or play through the provinces. There is no doubt "Sherlock Holmes" would have run through the season here. Charles Frohman is expected in London at the end of the month when he will discuss his plans with Mr. Gillette. He is expected to return to America this season. He will appear in New York in "Sherlock Holmes" during the month of November and will then commence preparations for the production of "Hamlet."

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