THE OMAHA DAILY BEE: SATURDAY, DECEMBER 13, 1902.

Lawyer for Union Pacific Railroad Raises it Bafors Board of Review. SAYS CITY MUST TAKE STATE'S FIGURES

OUESTION OF JURISDICTION

Denies Authority of Tax Commissioner or Board of Review to Assess

Railroad Property as Other Property is Assessed.

Yesterday was railroad day with the Board . of Review, and the entire morning was occupled with the affairs of those corporations ngalnet whose assessments complaints had been made by the tax committee of the Real Estate exchange; or, more properly

speaking, by George T. Morton of that body. In the response to the citations served upon them the railroad companies have appeared by their respective attorneys to object to the jurisdiction of the hoard, and was put up to John N. Baldwin, counsel for the Union Pacific, to make his position of railroad property. on that point very plain and emphatic when he was requested by Attorney J. H. McIntosh, for the Real Estate exchange, to be sworn and answer questions as to the present value of different portions of the railroad property as compared with its value in years past when sworn testimony was officers of the company. Mr. Baldwin consented to be sworn, but as each question was put to him he declined to answer it . on the ground that he was there simply to contest the authority of the board to fix the assessment of the railroad company.

When the appointed hour of 9:30 arrived Mr. Baldwin was on hand to represent the Interests of the Union Pacific company and B. T. White those of the Chicago, St. Paul, Minneapolis & Omaha road. When Mr. McIntosh arrived a few minutes later Mr. Baldwin stated that he had merely appeared specially to take exception to the jurisdiction of the board in the premises and filed two typewritten documents which he said he was willing to present without argument.

Contention of Railroads.

One of these documents was an objection to jurisdiction and the second an objection to jurisdiction and answer to the complaint in the case filed by George T. Morton. The first mentioned is addressed to William Fleming, tax commissioner of the city of Omaha, and the Board of Review and reads as follows:

 city of Omaha, and the Board of Review and reads follow:
Thiong Pacific Railroad company specially appearing for the seles and only purposed of the seles and the service of the seles and the second of the seles and the second of the seles and the second of the second and the second of the second second the second the second the second of the second second Union Pacific Railroad company speciall

to the properties of the Chicago, Burlington & Quincy Railway company, the Burlington & Missouri River Rallroad Company in Nebraska and Omaha & Southwestern railroad and Omaha & North Platte railroad, chal-lenges the attention of the board to its want of power and lack of jurisdiction to hear and determine the matters and things set forth and complained of in the complaint of George T. Morton, and then says:

This challenge to your jurisdiction is not based upon technical ground and is not, as you may suppose, asserted for the pur-pose of avoiding a just and equitable as-sessment of our properties in Omaha or of obstructing any investigation respecting them. We plead the constitution and the law of this state as a defense against the threatened confiscation of our property by those who do not know their provisions, or, knowing them, refuse arbitrarily to follow them.

McIntosh Submits Evidence.

When it was found that there was to be permitted to present his evidence in support of the complaint, which was almost

The complaint relating to the Union Pacific was first taken up, and Mr. McIntosh proceeded to set before the board the information upon which he had based his assertions incorporated in that complaint as to the value of the various properties in years past when sworn testimony was given in the United States courts by the the Chicago, Milwaukee & St. Paul road against the Union Pacific, tried in March, 1891, testimony of Thomas L. Kimball, then third vice president of the Union Pacific E. C. Smead, chief engineer, as to the cost and the value of the main line. Testimony from the same and other cases in the United States courts was read to show the value of the franchise and the value of the shops and other property appertaining to

> Finally Mr. McIntosh asked Mr. Baldwin to be sworn, and after hesitating a moment Mr. Baldwin consented to take the Mr. McIntosh then asked Mr. Baldoath. win if the terminals of the Union Pacific road were as valuable at this time as in 1894, but to that question Mr. Baldwin replied that he had only appeared before the board specially to object to the board's jurisdiction, and must decline to answer. Mr. McIntosh then asked Mr. Baldwin if the bridge was as valuable now as in 1890 and 1891, and received the same answer as before, and the dialogue continued through several further questions as to the value of the shops and of other prop-

stockholders regularly to keep it going,

The Peril of Our Time

YOUNG COING TO CHICAGO

Advertising Manager of the B. & M. to Have Charge of Headquarters.

IMPORTANT CHANGE IN THE SERVICE

Second Promotion Within a Year Comes to Young Man Who Has Developed Special Talent in the Work.

Charles S. Young, advertising agent of the B. & M. railroad, has been rewarded with a very substantial promotion to a similar, but much more important position, that of assistant to J. R. Griffith, general manager no argument before the board as to the of the advertising department of the Chiquestion of jurisdiction, Mr. McIntosh was cago, Burfington & Quincy system at Chicage, which is one of the principal branches of business under the general supervision entirely in the form of reports of the pro-ceedings of the United States circuit court of the system. Mr. Young's appointment showing evidence of the railroad officers was announced by General Passenger Agent in suits at different times as to the value Francis, and will take effect between this

and the first of the year. The duties confronting Mr. Young in his new position will be more extensive than those of his present office. He will have special charge of all the newspaper and magazine advertising of the entire system, which means that the scope of his work will be amplified very materially.

The position vacated by Mr. Young will not be formally filled for the present. General Passenger Agent Francis will devote more of his time to some special parts of road, relating to the earnings of the bridge across the Minsouri river, and testimony of have been looked after here will be shifted to Mr. Young at Chicago, so that, it is be lieved, the regular office affairs can be handled by P. P. Fodrea, assistant advertising agent, and the remainder of the corps. Heretofore Mr. Francis says this department in Omaha has done a vast amount of advertising for the general system and arrangements have been made to

have this work done in Chicago. Charles Somers Young came to Omaha from Philadelphia seven years ago to enter the employ of The Bee as a "cub" re porter. He then knew but one man in Omaha, a collegemate at Cornell university. He was with The Bee three years. filling various reportorial capacities, but chiefly that of railroad reporter, in which he made a splendid record. His work in connection with the sale and reorganization of the Union Pacific was such as attracted general attention. On January 1899, he entered the service of the B. & M as assistant to J. M. Campbell, then ad-

few people working together can do wonders. Last night's work was a great im-Burlington's service, and one where he will provement on preceding performances.

ALL ART-NO ADVERTISING WATER-COLOR PORTRAITS OF

> MRS. THEODORE ROOSEVELT OUEEN ALEXANDRA QUEEN WILHELMINA and EMPRESS AUGUSTA VICTORIA

Painted by Leon Moran at Our Order, Are Reproduced in

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Exquisite Quaker Calendar

For 1903

Send 10 Cents in Coin Quaker Oats

CHICAGO

The edition is limited. If the edition is exhausted when your letter is received, we will return your monay.

CALIFORNIA?

No matter how you want to go, "Southern" or "Scenic" route, in a tourist sleeper or aboard the finest train in America, the Rock Island is the line to take. Don't make any mistake about that. Thro' tourist cars daily from Kansas City and once a week from Omaha to Los Angeles and San Francisco via El Paso. Tourist cars three times a week from Omaha to San Francisco and Los Angeles via the "Scenic" line through Colorado and Utah.

The second paper filed by Mr. Baldwin is

fundamentally similar to the one quoted above, but broader in its scope in the fact that it deals specifically and in regular or-ing the property of the company, exclusive der with the different complaints comprised in the petition of Mr. Morton.

Company Makes Some Desials.

The same line of argument is followed in regard to each of the six complaints of the petition of Mr. Morton, the return to the state board and assessment by that body being in each case specifically alleged and the authority of the Board of Review money and was compelled to call upon its in each case dealed. In dealing with the last complaint the company denies that and since its stock had no market value the value of its grounds, warehouses and machine shops referred to in that section not be assessed. is the sum of \$800,000, and states that the value of other property is not as stated in the complaint

Forther, the company "alleges that, notwithstanding the facts herein stated, the taxing officers of the city of Omaha valued and assessed the said grounds of Union Parille Railroad company at a valuation of \$360,000, which sum Union Pacific Railroad company alleges to be in excess of the fair value of said land. It is also set forth that the buildings have been assessed at \$200,000 and the tools and machinery at \$155,000, which is not less than their actual cash value."

Burlington Files Another Protest.

J. E. Kelby, as attorney of the Burlingcovery for Consumption, Coughs and Colds ton, filed a document in addition to the procures lung troubles or no pay. 50c, \$1. test already on file. This paper, referring For sale by Kuhn & Co.

in Iowa.

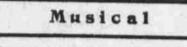
cision



Ayer's Hair Vigor is a hair food. It feeds, nourishes, invigorates the hair. That's why it makes the hair grow, stops falling hair, and keeps the scalp free from dandruff. It always restores color to gray hair, all the deep, rich color of early life. And it is an elegant dressing. \$1.00 a bottle. S. C. ATER CO., Lowell, Mass. "Aver's Hair Viger stopped my hair from failing when it was so bad you could see my scalp, and it made new hair some in, thick and heavy," - Mins. W. G. HAUGH, Uniter, Ohio.

down to the sheath in which the hair is fed this property was valued at \$15,000 per in the scalp. Before long the hair root is mile, and this had been increased by the shriveled up and the hair drops out. If the work of the germ is not destroyed hair of its rest estate, at \$79,290. Beside this keeps thinning till baldness comes. The only way to cure dandruff is to kill the there is \$1.2,000 of real estate entirely outserm, and until now there has been no hair side of the right-of-way which is assessed preparation that would do it; but today just as other real estate. It was on the question of the value of

dandruff is easily eradicated by Newbro's the franchise that the members of the Herpleide, which makes hair glossy and board and the officers of the company difsoft as slik. fered most widely, Mr. Webster contending that since the company was not making



the franchise was worth nothing and should The second and third appearance of the Gordon-Shay Grand Opera company showed The sale of \$1,000,000 of bonds some a great improvement in detail, ensemble years ago was discussed and Mr. Webster and individual work over the first night said that the earnings of the company production.

with the \$60,000 per year paid by the Illi-At the matinee, the audience, which was nois Central road had not been enough fair and much interested, listoned to the in the past ten years to pay more than old, old story of Manrico and Leonora, and half the interest on the bonds. He said sighed again on account of the tenderness the company had lost from \$15,000 to \$50,000 of the prison scene, so familiar to even the per year. Mr. Webster said that the comband concert adherents who rejoice in that pany was assessed on \$189,000 of property The board did not announce any dethis generation lasts, Verdi will be remembered by many, because he wrote "Il

Trovatore," and say what they may, those who find fault with it, it is still a fount of Is lung disease. Dr. King's New Disflowing melody-all too rare in many of the

great modernities. The part of Leonora gave an opportunity to hear Mme Noldi for the first time since she was here with the Innes grand opera scenes, in conjunction with his famous band. Mme. Noldi has gained wonderfully since she was here then. Her voice is much fresher, much more unrestrained and her upper tones have become exquisitely beautiful. Strong adjectives, no doubt, but thoroughly warranted, as will be at once admitted by those who heard her at the matince, as well as by those who listened spellbound to the allver thread of tone which she spun out in the "Michaela" aria in the fourth act of "Carmen" at night. Mme.

Noldi is doing some remarkable work. Of Eloise Bishop, who took the part of Azucena in the afternoon, and a lesser part in "Carmen," there is much good to say Her voice is of a pleasing quality and is placed well. Her acting was clever.

Another singer who was not included in the cast the first night was Mr. Wheatley, tenor. His voice is rich, very resonant and very convincing and he scored an instant SUCCESS.

Of the artists whose work has already been reviewed in this column. It must be said that Miss Rose Cecella Shay is a Carmen to the life. She holds the interest of the audience intensely. Miss Shay was an actual Carmen, musically as well as histrionically. Her singing was luncious, and she is so at home in the part that the audience has a feeling of absolute security in the outcome of the phrase. The voice is certainly a glorious organ and she uses tone colors lavishly, but always artistically and in keeping with the character. Mr. Alberti vitalized the entire stage, as usual, when he appeared, and the swarthy gipsy impersonated by Mr. Dunsmure was

decidedly enrapport with the surroundings The audience was wildly enthusiastic in many places and curtain calls were numerous. It is highly gratifying for a critic to be able to record this of a local audience. An Omaha musician might have well been Nebraska.

Saturday at half price. Orchard & helm. SNOW GENERAL IN NEBRASKA Street Railway and Railroads Not Seriously Inconvenienced

by It.

the second, and "Curmen" the third. Last season's toys will be closed out

proud of Omaha last night, for two reasons. first the gratifying appearance of a large audience, and, second, the expressed satis-

A word to the chorus. There is good material there. All that is needed is a little

enthusiasm. It does not come from the conductor, why not generate it on the stage. A

The company will play a return engagement-next Tuesday and Wednesday, with

matines on Wednesday. "Pagliacco" and "Cavalleria Rusticana" will be put on as a double bill, first performance; "Trovatore"

faction.

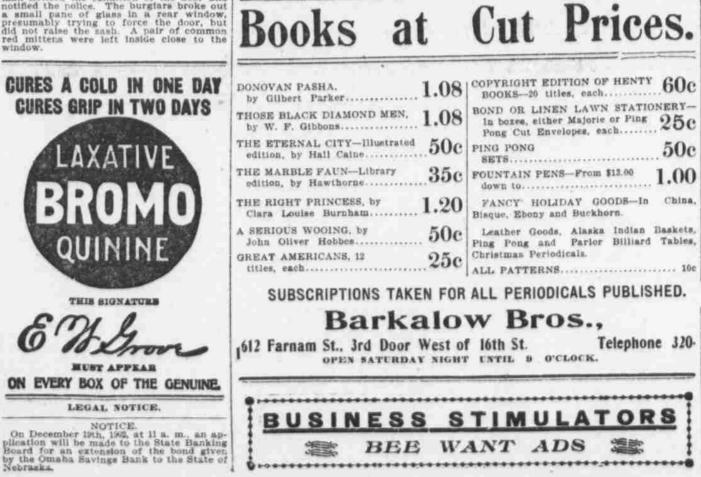
Another three-inch snow blanket was added yesterday afternoon and last evening to the amount already on the ground in Omaha and vicinity. Reports from the western stations of the weather bureau last evening showed that snow was falling at Chevenne, Valentine and North Platte, It was partly cloudy at Denver, Pueblo, Lander, Wyo., and Santa Fe; cloudy at Modina, Utah, Grand Junction, Colo., Dodge City, Kan., and Rapid City, S. D.; clear at Salt Lake.

Preparations were so well made in advance of the storm that it interfered but little with either railroad or street car traffic. Snow sweepers were started out by the local street railway company at 4:45 yesterday afternoon and with this assistance until the storm stopped there was but little trouble in keeping the cars up to schedule. The Burlington reported all trains on time last night. Number 5 on the Northwestern was tardy about thirty minutes and the Union Pacific No. 2 was three hours late.

The report last evening that the packing houses would be forced to close in the event of a storm on account of a coal famine was without foundation. While the packing houses are short on coal in the music, with Mile. Corneto as Leonora and same proportion as is everyone else, there Mons. Trombono as Manrico. Well, while is plenty on hand to meet any immediate emergency.

Steal Plated Chains.

A burglary was committed, presumably by two persons, as yet at liberty, in the jewelry shop of Solomon Bergman in the Ramge building yesterday evening about 9 o'clock. Entrance was gained by prying out the casing of the front door sufficiently to force the bolt out of the socket. Be-tween two and three dozen gold-plated watchchains, which were hanging on hooks in the case back of a counter, were taken watchchains, which were hanging on hooks in the case back of a counter, were taken. The American District Telegraph watch-man noticed the condition of the door and notified the police. The burgiars broke out a small pane of glass in a rear window, presumably trying to force the door, but did not raise the sash. A pair of common red mittens were left inside close to the window.



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R	MEN ONLY 27 Years Experience 17 Years in Omaha
	His remarkable suo

equaled and every day brings many flatter-ing reports of the good he is doing, or the relief he has siven.

1.00 Hot Springs Treatment for Syphilis And all Blood Poisons. NO "BREAKING OUT" on the skin of face and all external signs of the disease disappear at once.

BLOOD DISEASE the the Bo Days. UYER SU.UUD cases cured of nerv-ous debility, loss of Unset, claney and Biadder Diseases, Hy-

GUICK CURES-LOW CHARGES. Treatment by mall. P. O. Box 756 Office over Dis 5. Mth street, between Farmen and Douglas streets, OMAMA, NEB.

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T'LN	NYROYAL PILLS
211-10	MAFE. Destreliable. Ladice. and Dreast
AR	Dungerons Subetitutions and Imite
15.7	"Same Buy of your Draggiet, er went de. I "sampe for Particulars, Testimoutel and "Raitof fur Lacing," in letter, br me
Bestand this a	Turn Hall. 10,000 Yostimesials. Sold's di Droggiese. Chick seter Chamioni Ca