MUNGER MAY DECIDE FRIDAY

Argument for Railroads' Temporary Injune tion is Concluded.

UNIT ASSESSMENT THE CONTENTION

Corporations' Attorneys Affirm and Meintosh Denies Right of State Board to Dictate Extent of Omaha Participation.

At the conclusion of the hearing of the ground for action was a void assessment. application of the Union Pacific and Burlington railroads for a temporary injunction restratoing the city officials of Omaha from making the tax levy for the year 1903, Judge Munger, in the United States circult court, yesterday afternoon announced that he would render a decision in the matter Friday morning if his opinion is to be oral. If he concludes to file a written opinion it will not be rendered until Monday morning, he said.

The arguments of the counsel for the railroads and the city consumed the entire day, and, aside from outlining dimly the positions which will be taken by the contending forces, was of little public interest, as the question before the court early came down to the point where the city contended, for the purpose of defeating the temporary injunction, that the railroad companies had filed their complaint prematurely, while the companies, for the same purpose maintained that they had acted in good time only.

Indicates Court's View. That this point will be the chief one considered by the judge was indicated by his remark to attorneys for the railroad during the afternoon, when he said: "The only question strongly urged by the city is whether you have or have not acted prematurely-whether or not you have waited until after the tax was levied."

While neither side presented its argument on the main issue fully, enough was said to show that Mr. McIntosh expects to attack the constitutionality of the law giving the State Board of Equalization power to assess the railroad property as a unit, and that the attorneys for the railroads will maintain that the constitution practically places no limit upon the power of the legislature, and that the provisions of the constitution referring to equality of taxation have no binding effect upon either the legislature or any board it may create beyond the equalizing of taxes between property

The morning session was taken up by Ralph W. Breckenridge, W. J. Connell and John N. Baldwin. Mr. Breckenridge dwelt at length upon the merits of the case.

Argues for the Burlington.

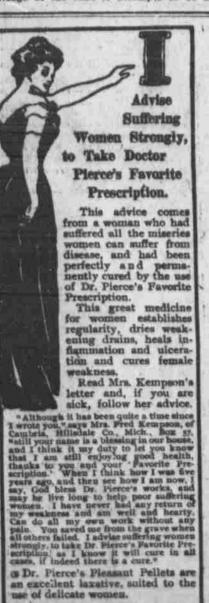
He insisted that the action now brought | full length north of Cuming street. by the railroads is to avoid a multiplicity of suits, as action might be brought later at Thirty-fourth and Franklin and at Thirto restrain the collection of the taxes, or ty-first and Thirty-second streets, on Sewto force a restoration after they had been ard, was referred to the crossing commitpaid under protest, but he believed less tee, headed by John Butler. damage would result to all parties concerned by this action. The authorities he the council from the Ninth ward, was presquoted were all in line with the proposi- ent, and spoke on the subject of improvetion that the unit system of taxation is the ment clubs and their work. He said he only fair and equitable one for railroads. favored municipal ownership of public

the action of the railroads upon their pleadings is premature, as it is not shown by the bill that the property of the roads is city money where it will do the most to be damaged or taken by the city au- good." thorities, and that the assessment does This brought out several short talks by no damage to them, because, if it is members of the club, in which they said void, as they maintain, they have ac- that it would be men rather than party tions at law to set the levy saide, and candidates who will receive their votes this no damage can be done anyone by a year, and that each man must show him-void levy or assessment. He said the injunction, if issued, would place the city W. H. Wilbur spoke on the work of the authorities in a difficult position, as the club briefly, congratulating the organizalevy upon the basis asked by rallroads M. O. Cunningham and Charles Unitt. and it is afterward found that the contenamount upon the railroads, as all funds will be filled to their legal amount and the railroads will escape taxation in that de-

John N. Baldwin, for the Union Pacific, devoted himself almost exclusively to citing cases dealing with the issues of this case, 22, 1857. The birthday of the famous Hoswaiving aside the contention of the city tetter's Stomach Bitters was fifty years attorney as to the prematureness of the ac- ago, and because of its wonderful curative tion. He said that if the contention of the city is correct the railroads will have to contest the collection of taxes in every dyspepsia, constipation, biliousness, incounty of the state, as they would have already paid a large part of that tax in and ague. If you are a sufferer you will Omahs. When his argument had concluded the court adjourned for noon.

McIntosh Shows the Difference

Mr. McIntosh opened the argument at the afternoon session. He began by calling attention to the great discrepancy between the amount of tax paid by the railroads upon property in Omaha and the amount paid by other people owning property of in the musical class, which, by the way, equal value. He then said that of the cases has been prominent this season for forcited by Mr. Baldwin none came under the nishing some really brilliant artists that is peculiar terms of the Nebranka constitution, one section of which provides that the ated, and that is Miss Edith Heiena, whose legislature shall not remit or reduce the beautiful seprano voice is a vreat to hear taxes due the county or municipality, and Not only is her work notable for the exthat when the legislature, through the traordinary high range of voice, but it is Platte and the Omaha & Southwestern are being understood that a meeting place distribute the value of the property in favorites as "The Last Rose of Summer" Omaha or any other city over the entire and "Coming Through the Rye" are kindly Pacific total. The state board credited the owning" plan of E. A. Benson asked for mileage of the road it attempts to do an



act unconstitutional, in that it contravenes this section of the organic law of the state. He then dwelt upon the decisions of courts to the effect that in opposing the collection of taxes the complainant shall be required to pay the taxing body that portion of the

tax which is not contested. C. J. Greene, for the Burlington, said that the object of bringing the action at this DIFFERS FROM STATE BOARD'S "TOTALS" time was to enjoin the placing of the assessment on the tax rolls, where it would stand as a cloud upon the title of the property of the railroads and that it would be impossible for the companies to pay the tax at this time, as it had not been levied. and maintained that the complainants did not have to make a tender where the

White Injects Ginger.

Ben T. White, for the Northwestern, made the most enlivening talk of the day and devoted himself almost entirely to the points raised by Mr. McIntosh. He said that the total taxes paid by three railroads, the Union Pacific, Burlington and Northwestern, for municipal purposes in the state aggregated about \$462,000, and insisted that should the legislature permit the different taxing bodies to levy taxes for local purposes it must be upon the actual value of the physical property, taking into consideration no value of franchise. 'The main line," said he, "has a value, regardless of the terminals, but the terminals | ble, compiled by the surveyor: have no value aside from their connection with the main line."

John N. Baldwin closed the argument saying the roads insist that they have shown their right to the injunction by showing that the proposed levy would place a cloud upon their real estate; that this case failing, there would be a multiplicity of suits, both of which grounds, he said, are sufficient for the issuance of the injunction. Dramatically, he said: "I want to brand as false the statement that any officer of the Union Pacific ever testified that the terminal property at Omaha was worth \$15,000,000. Mr. Bogue said that the property in Omaha, at South Omaha and at stations in the county were worth that, but never that the property in the city was worth that much.'

PROSPECT HILL IMPROVERS Opening of Streets, Building of Crossings and Politics Discunsed.

Opening Thirtieth street, from Cuming to Lake, was the chief subject of discussion at the meeting of the Prospect Hill Improvement club last night. The difficulty in the way of this work is that part of Thirtieth street, between Cuming and Hamilton. A profile of the proposed street was shown, and it was decided to appear before the council at its next meeting to insist upon the opening of the street for its

The proposed construction of a crossing

A. G. Edwards, presumptive candidate for Mr. Connell, in his argument, urged that utilities, but said: "I do not care to say what I would do, except to say that as a member of the council I will spend the

funds are limited by specific amounts, so tion upon what it has accomplished. He that if the mayor and council make the was followed by John Erickson, J. P. Dally, A resolution, was introduced looking to tion of the city is correct, it will be im- the change of the meeting night from possible to make a levy of the correct Wednesday to Tuesday night and a vote on the question will be taken next week.

Washington's Birthday.

Washington's birthday was made a legal holiday by the Massachusetts legislature in 1856, the first one observed being February properties is today recognized as the best medicine in the world to cure indegestion. sompia, liver troubles or malaria, fever make no mistake in giving it a trial. It will cure you.

Announcements of the Theaters.

At the Orpheum, where the regular midweek matinee will be given this afternoon, the admixture of vaudeville diversions is serving to draw and please goodsized audiences, and there is one feature scoring heavily and is deservedly appreci-Board of Equalization, undertakes to also pleasing, and the singing of such old included in the B. & M. total, and the audience thoroughly appreciate.

"The Girl With the Auburn Hair" is being featured as a big card at the Orpheum

as that which pertains to the visit of Wil-Boyd's theater, which commences tonight last appearance in Omaha in this play, a communication calling their attention to Some decidedly unique and interesting elec-Some decidedly unique and interesting electrical and scenic effects are promised, and the cast which Charles Frohman has se- first table above, was commenced the first Elien cured to support Mr. Gillette is an exceptionally strong one. It includes Ralph Del- of the records, has been in progress ever more, Herbert Percy, Quinton McPherson, Harry McArdle, Miss Ida Conquest, Miss Alida Cortelyou, a cousin of the president's maps aggregating in length one-sixteenth secretary, and Miss Margaret Gordon.

On Monday afternoon Kocian, the won- through the county 400 feet to the inch. derful violinist, will give a concert at Tracings of nearly all the maps have been the Boyd. He will be assisted by Miss Julie Geyer, solo pianoforte, and Mr. Franz Spindler, accompanist. Kocian has created wards, precincts and school districts. The a furore wherever he has appeared. Not approximate cost of the survey is \$1,600, even Kubelik, the greatest prior to this and of this expense the city has borne young man's visit to America, could arouse his audiences as does this prodigy. While Koclan is in Omaha he will be tendered a reception by the Bohemian residents.

Publish your legal notices in The Weekly Bee. Telephone 238.

Captain Hobson of Merrimac Fame. Although Omaha has welcomed during the last few years nearly all of the heroes of the Spanish-American war, Captain Richmond P. Hobson of Merrimac fame has never visited Omaha. As an extra number of the Young Men's Caristian association course, he will lecture at Kountze Memorial church, Tuesday night February 24, on "United States as a World Power." Captain Hobson is on his way to the coast with his mother and sister and is booked solld for every night available. He is in great demand as a platform speaker and is filling successful engagements on the largest entertainment courses of the country.

DOUGLAS COUNTY MILEAGE

County Surveyor Edquist Reports His Survey of Trackage.

Shows How Largely Sidings Figure in the Company's Holdings-Boyd Cites Omision of One Large Assessment.

County Surveyor Edquist has finally com pleted his tabulation of railroad mileage in Douglas county. He shows that in Omahs the total main line mileage is 26.87 and the sidetrack mileage is 139.57, a total mileage for the city of 166.44. In South Omaha the main line mileage is 9.49 and the sidetrack mileage is 67.78, a total mileage of 77.27. In the county outside of Omaha and South Omaha the main line mileage is 69.13 and the sidetrack mileage 31.23, a total of 100.36. The total for Douglas county is: Main line, 195.49; sidetracks

238.58; total mileage, 344.07. The extent to which each road shares is these totals is shown in the following ta-

Cit	NAME OF RAILROAD.	pion Pacific Railroad 5.76 Surlington & Missouri River Railroad 5.93 Termont, Eikhorn & Missouri Valley Rd 5.93 St. Paul Minn, & Omaha Railway 4.75 maha Belt Line Railway 6.79 maha Bridge and Terminal Railway 6.79 hicago, Rock Island & Pacific Railway nion Stock Yards Company for Railway	Totals 26.87
City of Omaha	ebig esparT	参加の22.00 2.00 0.00 0.00 0.00 0.00 0.00 0.00	139.67
aha.	Total	**************************************	166.44
801	Main	0.77 0.84 0.77	9.49
City of µth Oma	ebia Tracka	1200 1055 1256 258E	67.78
tha.	Total	10 10 10 10 10 10 10 10 10 10 10 10 10 1	77.27
and So	Main	25 25 25 25 25 25 25 25 25 25 25 25 25 25 25 25 25 2	69.13
South Or	Side	5.88	31.23
maha.	Total	7.823.62 7.822.63	100.36
	Main Line	0 118819	105.40
Total	Bide Tracks	8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 8011012 80110 8010 80110 80110 80110 80110 80110 80110 8010 80110 80110 80	238.58
	lateT	2012年10日日本日日日日日日日日日日日日日日日日日日日日日日日日日日日日日日日日日日	344.00

Not What It Purports to Be.

If one accepted at face value the certification of the State Board of Equalization that it has assessed each company's "miles of railroad and telegraph lines, including roadbed, right-of-way, main and sidetracks and turnouts, depot grounds and buildings. section and toolhouses, repair shops and warehouses," the discrepancy between the surveyor's total and the total of the stato board's returns would be startling, but in considering the following table which shows what that discrepancy is, it should be borne in mind that in reality the state board considers only the lineal measurement of the main line, and does not include the sidings as has the surveyor.

	Burveyors' Totals for County,			State	Differ
	Main Line	Side Tracks	Total	Board's	епсе
Union Pacific. H. & M. F., E. & M. V. C. St.P., M.&O. Omaha Belt C., R. I. & P.	31.59 14.08 28.78 13.09 17.28 0.77	36,22 11,17 22,39	39.95	35.69 14.03 28.88 11.08 16.54 0.93	96.80 36.22 11.07 24.46 28.38 1.89
Totals	105.49	195.27	300.86	107.09	193.77

presented by Will M. Cressey and but it is not included in this table because Blanch Dayne, is another number that the the surveyor incorporated that company's holdings in the Belt line entry.

Boyd Cites an Omission

In this connection it may be well to call attention again to the statement of Thomas Boyd, clerk of the county tax department No announcement of a coming theatrical who said yesterday: "The Omaha Bridge event has carried with it so much interest and Terminal company has not been assessed at all this year. The state board liam Gillette in "Sherlock Holmes" at held that it should be assessed as local property, but the commissioners neglected for three nights with a Saturday matinee. to do so. When the commissioners meet This visit will be Mr. Gillette's first and again this coming spring I shall send them

> The Edquist survey, represented in the day of last June and, with the compilation since. It is the first complete record the county ever has bad and covers fourteen of a mile. In cities and villages the scale is 100 feet to the inch, and elsewhere made so that blue prints may be secured easily. The records show the mileage by about one-eighth.

THE PURE **GRAIN COFFEE**

Even children drink Grain-O because they like it and the doctors say it is good for them. Why not? It contains all of the nourishment of the pure grain and none of the poisons of coffee.

TRY IT TO-DAY. At grocers everywhere ; 150, and 160, per package

Clething

TODAY OUR GREAT

The interest created by the news of our shirt and waist fac-

tory stock sale is enormous. Although the excessive cold made it impossible for many shoppers to leave their homes, we received call after call over the telephone asking about the sale. By reason of the general interest in the sale and the inability of such a number to see these fine goods we will continue this sale tomorrow. The stock goes at just about one-fourth its real value.

25c Percales go at 5c a yard All the printed percales, printed cambrics, etc., many of which are real imported French goods, in all fancy stripes, little dot fig-

wide-tomorrow at, a yard \$1.00 Silk Waisting at 39c

ures, etc., with white satin stripes and cords; some of them

worth 25c, none less than 15c-over 10,000 gards, 36 inches

The entire stock on hand of silk and cotton and silk and linen gingham waistings, fancy dots, silk ring dots, fancy satin and lace stripes in plain and varied colored stripes-generally sell for \$1.00 a yard-tomorrow at......

50c White Shirtings and Waistings at 15c The entire stock on hand of double fold imported white madras from the same manufacturers, in dainty dimity cords, white satin stripes, cluster cords, etc., in white and black and white stripes—they 15C

59c, 75c, \$1 KID GLOVES AT 10c PAIR

All of our odd lots of ladies' and children's kid gloves left from previous sales. They are sold at 50c, 75c and \$1 -now slightly damaged, mussed or soiled-in blacks, whites and colors, mostly small sizes, all go on bargain square, choice, a pair.

50c Lined Mittens and Golf Gloves at 15c

All of our odd lots of ladies, 'misses' and children's all wool gelf 15C and styles-worth up to 50c, at a pair

\$2 Puffings at 50c yard All of the all white puffings in this stock of lace tuckings, hemstitched and beading shearings and plain all over shearings and puffinge, worth up to \$2 a 50c yard, on bargain square..

20c Pearl Buttons at 6c Doz All of the small and medium sized pearl shirt and waist buttons of this 6c stock, worth up to 20c, go at, a dozen.....

Imported White Waistings

Immense line of imported white waistings, including those very stylish mercerized damask patterns in large white overcast plaids and dainty white illuminated mercerized figures. Absolutely new and the largest assortment ,in Omaha-on sale at-

29c-39c-49c-59c Watch

Our

REALTY EXCHANGE MAY BUILD O. T. & C. CO.

Organization Contemplates Large Office - Structure in Business District.

COMMITTEE TO PROMOTE THE PROJECT

Plan is to Devote One Floor to the Use of the Exchange and Rent Remainder of the Building.

A building to be owned by the Omaha Real Estate exchange was projected by the organization at its meeting yesterday, and the proposition referred to a committee of seven, of which C. F. Harrison, the president, is chairman, with power to select the other members. The matter was first suggested by W. H. Thomas, who asked that it be referred to the executive committee. W. H. Green added to the motion the proposition that the scope of the membership be increased to include not only real estate agents, but owners of geal estate, saying that with a number of these real estate owners in the organization no difficulty would be experienced in selling stock in the building, which can be made to pay

expenses from the first. The plan contemplates an office building in the central part of the city, with club rooms on one floor for the exchange, and it is expected the rentals will maintain the building and bring good return upon the investment, in addition to giving the exchange a permanent home.

The question of quarters is still unsettled, and the executive committee asked In the above table the Omaha & North further time in which to make a report, it would be secured before next Wednesday. Omaha & Republican Valley in the Union The committee in charge of the "homereceived. A sketch entitled "Bill Biffin's Missouris Pacific with having 16.54 miles, time in which to complete a report, which was granted, and the same course was taken with the tax committee, which reported progress.

> goods are offered, you want Cook's Imperial Extra Dry Champagne. It is pure. Marriage Licenses.

Marriage licenses have been issued to the following:
Name and Residence.
Name and Residence.
Lydia S. Helme, Anderson, Ia.....
Lydia S. Helme, Anderson, Ia......

In this age, when so many adulterated

Fred L. Meaker, Omaha... Hanna McCabe, Omaha... William Junk, Cass county, Iowa. Ruby Watson, Cass county, Iowa. William L. Graham, Omaha..... Jennie R. Dennis, South Omaha. Samuel L. Winters, South Omaha. Ellen M. Hynes, South Omaha..... Louis E. Adams, Omaba...... Emma M. Frost, Omaba..... August Ludwig, South Omaba... Katie Young, South Omaba... John J. Scott, Omaha.... Adelia Pratt, Omaha.... John E. Norberg, Oakland, Neb. Ellen L. Lunberg, Oakland, Neb. LOCAL BREVITIES.

s. W. Lindsay's optician is a specialist No expense to you unless you order masses. 1016 Douglas street. M. A. Decamp of Clearwater, Neb., one of the leading entile feeders of that section, was in Omaha with stock yesterday.

L. Harding is in county court with a petition for \$455.47 judgment against B. Meyers for alleged breach of a contract to sell Harding junk. Harding Junk.

In county court there is being tried the suit of Lizzie M. Nixon against the Nebraska Cycle company for \$160 because of an alleged illegal selate of her \$100 sewing machine and the consequent loss of \$60 in

work.
Simon P. and Maud L. Cassell have instituted forcible entry and detainer proceedings against William R. Harding, Mrs.
Cella Harding and Addle McCleiland, the
property in control ersy being a dwelling at
1871 Douglas street.

In Judge Slabaugh's court a jury is hearing the evidence in the suit of eBrnard Robinson against Arthur B. Adair, whom he
accusses of having assaulted him and mutilated his general exterior to the extent of
\$2,000. Adair pleads self-defense.

Judge Day has given Myriam V. Levison

For Thursday, Friday and Saturday

we offer the following specials. Telephone orders will receive our prompt

Porterico Coffee in pound packages. 25c This is the best coffee ever sold in Omaha for this price. Prunes California Raisin at . Lard Leaf Lard for Rendering, Flour Reliance, Gold Medal, Blue Bell, Golden Sheaf, 48-lb sk. 98c Corn Good quality Canned Rice Large Fancy Japan 4+C Beans Hand Picked Soap Good Laundry, Home Brand, 8 bars for Oranges Fancy Navel, 25c size 25c FOR THURSDAY ONLY

Uneeda Bsicuit, per package 4c FOR FRIDAY ONLY Fresh Smelts at, pound10c Something new-Deep Sea Turkeys-for Friday.

THE OMAHA TEA & COFFEE CO 1407 DOUGLAS ST.

轉件并與於公司於於公司以外以外以外有其所以與於於於於公司 On the Wing. Reputation travels like the wind.

Over the Continent the Ameri-

can Gentleman's Whiskey-

Telephone your orders, Nos. 164 and 726.



passes from lip to lip.

WM. LANAHAF & SUN, Baltimore, Md.

non-support, and has given her custody o Judge Baxter has issued an order en-joining John Urban from going upon the premises at 1215 South Second street, occu-pled by Urban's wife and child, and from accosting her in any place or "in any man-ner laying hands upon her," until the case can come on for a hearing on its merits. Simon P, and Maud L. Cassell have instituted forcible entry and detainer proceedings against William R. Harding, Mrs. Celia Harding and Addle McCleiland, the property in control ersy being a dwelling at Mr. There was a generous response to the last appeal for castoff clothing and other articles to be distributed to the needy poor of Omaha by the Salvation Army. This was several weeks ago and the recent cold spelling the evidence in the suit of eBrnard Robinson against Arthur B. Adair, whom he accuses of having assaulted him and mutiliated his general exterior to the citaribution store on Eleventh street of the distribution store on Eleventh is now exhausted and those persons who destreet to help the army in this work are invited to drop a post card to till Bee building or phone 228, and the Salvation Army relief wagon will call.

OUR "Nebraska Special" Hat for Men.



The Rebraska Special

Our spring showing of hats is now ready. Our famous "Nebraska Special" that we are offering this season is better than ever. It seems strange that men will think of going to a hat store and pay \$2.50 for a hat when we give you absolutely the same style and quality hat for \$1.50.

Think that over. We know you wouldn't do it if you knew. We are trying to make you knew, so you won't. "Nebraska Specials" come in all the new, snappy shapes in both stiff and soft. In all the new shades and colors. If you wear one it guarantees that you are wearing the best hat in the country for \$1.50, and we positively claim, that they are equal to any hat store hat that sells for \$2.50.



ALBERT EDHOLM, JEWELER,

107 North 16th Street. Opp. P. O. Watch Inspector for U. P. R. R. Co. BROKEN SETS OF SILVER

Some odd prices of best makes of silver tea, and toilet sets; and Hawkes blue, white cut glass, we offer at a liberal discount. Just ask to see some of them. Gorham sterling silver tea spoons, \$3.50. Stering silver thimbles, 25c. Try our watch repairing department.



A. Mayer, Manf., 512 Bee Bldg., Omaha. Phone 1716. Try Re-No-May Blackhead Lotion, Skin Food and Face Powder d Complexion Cream. (Strictly Pure and Hygienic.)



JEWELERS AND WATCHMAKERS

tham. Hamilton, Howard and other movements of all grades. If you are in need of a watch or want yours repaired, give us a call and we guarnise you satisfaction. We sell on very small margin and can assure you that we can save you money by purchasing anything in the jewelry line from us.

P. E. FLODMAN & CO., JEWELERS.

1514 Capitol Ave. Phone 1574.

10 he Best for Howell's Anti-Grip Capsules For Sale by Howell Drug Co., 16th and Capitol Avenue.



Omaha Made Shoes

We carry a full line of the shoes made by Kirkendall's Omaha Shoe Factory by Omaha workmen. We never recommend a shoe that

does not have the value in it, and we know these shoes have a \$3.00 value equaled by few and surpassed by Box Calf, uppers with a heavy

houble or single sole, an ideal shoe, for winter and spring wear. If you haven't seen this Omaha made shoe stop at the store and let our salesman show them to you-all sizes, all widths, at \$3.00.

DREXEL SHOE CO. Omaha's Up-to-Date Shoe Hous: 1419 FARNAM STREET



FEET COM-FORTABLE? If pot perhaps it's because you are wearing a pair of ill-

fitting shoes. Or, if they fit

alright, perhaps they are poorly made and therefore uncomfort In either case we can help you if you will let us. We will sell you shoes that are properly made, correctly shaped and finely finished-high grade shoes that rae made to

fit well, look well and wear We will fit your foot with the right shoe for it and fit it perfectly and comfortably, will sell them to you at the

16 EDOUGLAS ONAHA



HAY FEVER, CATARRH PROMPTLY OURED BY Espic's Cigarettes, or Powder E. FOUGERA & CO., New York, and all Druggists

THE MAY TERM

right prices.

REMEMBER SCHAFER'S SELL IT

SCHAEFER'S CUT PRICE Two Phones-747 and 707. S. W. Cor. 18th and Chicago Sta.