

ENJOINS THE CITY COUNCIL

Judge Dickinson Holds that City Cannot Contract with an Official.

GIVES POWER CANAL EFFECTUAL SETBACK

Court intimates that Ordinance Passed First and Second Reading Last Tuesday Would Fail for Same Reason.

In district court yesterday Judge Dickinson held that if the city council should grant Andrew Rosewater city engineer, his desired electric power franchise it would be a violation of that provision of law which forbids a city to enter into contract with a city official and he (the court) therefore temporarily enjoined the council from passing ordinance 2247, as prayed for by the Thomson-Houston company through Stephen Rice, a freeholder in the employ of that corporation.

After the decision was announced City Attorney Connell asked if, in the event of Engineer Rosewater immediately resigning his office, the injunction order would prevent the city council passing the second franchise ordinance introduced for Rosewater last Tuesday night and now passed only its second reading.

The court replied that the order would be written to apply only to the original ordinance, which was the only one before the court, but intimated that in the view of the court Rosewater, if he should resign, should not properly seek a franchise and an ordinance which had its inception and was put through its initial steps while he was still in office. "It would hardly be right," the court remarked, "for him to resign one minute and be granted the next minute a franchise, the ordinance providing for which had been advanced through its various stages while he was still in office."

Makes Second Ordinance Uncertain.

In the opinion of City Attorney Connell this ruling and subsequent remark not only prevent the passage of the original ordinance, but probably make the destiny of the second two uncertain to warrant further efforts in its behalf. Though he had not yet had time to go over the matter fully, the city attorney now fears that there is no way out of the difficulty except a special election entailing an expense of from \$5,000 to \$10,000, as it is not thought that a new ordinance could be introduced, advertised the necessary two weeks, passed and be properly submitted to the people by the date of the regular election, even if Engineer Rosewater should resign today.

In making his ruling yesterday Judge Dickinson stated that he was passing upon the question entirely upon the record produced in court "without regard to outside matters;" that under the decision in the Moore's case, in his opinion the plaintiff had a right to institute proceedings to prevent the council's doing something it proposed to do, but that whether or not the injunction was granted lay in the discretion of the court; that as for the proposition that the council should be enjoined from passing the ordinance because amendments introduced were not advertised, he would hold that the original ordinance without such amendments could be passed; but that on the showing that Andrew Rosewater is as much an officer of the city as a councilman is, and the granting of a franchise to him would involve as close a contract as could exist between two individuals, the court would have to grant a temporary injunction forbidding the council to pass ordinance 2247.

The city attorney asked that the indemnity bond required of the plaintiffs in the suit be made \$5,000 or more, but the court fixed it at \$1,000.

City Engineer Talks.

City Engineer Andrew Rosewater was not disposed yesterday to comment at any length upon the Dickinson injunction. It was apparent that he is greatly disappointed, but not hopeless. According to City Attorney Connell the question is flung up to the city engineer as to whether he will resign and take his chance in securing the passage of a new ordinance. But, as the city attorney pointed out, there is no assurance that the council will pass the ordinance, even though the engineer does relinquish his position.

"I have not decided what my next step will be," said Mr. Rosewater. "The question is vital and I want to act with all deliberation and care. Concerning the injunction, I want to state merely that it is an injunction against the people—the source of all the power that courts, legislatures or councils possess. The people are prevented from exercising their judgment upon a vital question."

"As to my position having a possible influence over the city council, all I want to say is that all the influence I have with the council has not succeeded after six months in getting this body to pass the ordinance."

As to Damage to City.

"The theory of the plaintiff's action is that if I obtain the franchise it will damage the public, and on this pretext I am put off. I would ask how I am to damage the public by charging 21 per cent less for lighting and 100 per cent less for power than is now exacted, paying 2 per cent royalty on all the business done and bringing \$3,000,000 capital into this territory to develop this city?"

"I would be willing to resign as city engineer to go before the people and ask them for this franchise. But according to the decision any ordinance introduced while I am city engineer is no good. A new ordinance will require at least two weeks' time before it can be finally passed, and I am afraid the time is too short to get it before the people at the spring election, provided a new ordinance received the most favorable action at the hands of the council. It would have to be introduced at tonight's meeting, and Councilman Lobeck, one of my supporters, can hardly be present, as his mother has just died. A special election will cost thousands of dollars, which I would in all probability be called upon to pay."

MANY AFTER OEST'S PLACE

Several Patriots Anxious to Become Superintendent of the County Poor Farm.

Though the resignation of Superintendent J. Henry Oest of the county hospital was not acted upon by the Board of County Commissioners at Monday's meeting, but merely referred to committee of the whole, applicants for the place, which will not be vacant until May 1, are putting in appearance. One commissioner has received five applications during the past two days, but declines to give names. H. H. Jones, a traveling salesman, and City Inspector Lindo, resident at 2129 Ames avenue, are known to be among the ambitious, and it is understood, also, that others who are after the position are Thomas McCleughan, a deputy county jailer; W. H. Olmstead, who was superintendent at the poor farm prior to Dan Cannon, whom Oest succeeded, and also former Commissioner Thomas Hector, now on the county payroll as assistant auditor.

That Commissioner Connolly, aspirant for nomination as mayor, is not sleeping is amply shown by the announcement that the board, which usually meets Saturdays, will not meet again until Monday, April 13, or four days after the democratic primaries. Until then, of course, Connolly plans to command the support of all who want Oest's job.



GRAND EASTER OPENING

The event of the season in the retail center of Omaha

A gorgeous display of all the new styles, many noted designers being represented. Unreservedly we state that it will be the most authoritative as well as extensive style-show that will be held in Omaha this season.

Our past success has inspired us to reach the highest possible results. Grand as all our openings in the past have been, none can be compared with this one, and we ask you to accept this as a personal invitation to attend Wednesday and Thursday, April 1st and 2nd.



Music-Souvenirs-Flowers



A MOST ELABORATE DISPLAY of all that is chic and stunning in Ladies' Headwear. The creations of the world's artists in Millinery await your inspection in our new, enlarged, bright and airy Millinery Departments.

Hundreds of Original Pattern Hats and hundreds more of our own creation, together with all the dashing designs of the season in Walking Hats forming in all a magnificent display of the milliner's art.

Our prices will please you.



Dress and Walking Skirts

UNQUESTIONABLY the most extensive and beautiful display of dress and walking suits ever made in Omaha—and at prices so attractive that to look means to buy. We have never before shown so complete and comprehensive assortments of stylish, perfectly made suits as we are displaying at this time. We shall be pleased to show these beautiful garments to you.

To ladies appreciating a combination of excellence of quality with style and workmanship—our waist department will prove very interesting. Our desire is to cater to every woman in Omaha. We have made arrangements with the best Eastern shirt waist houses for the sale of their makes in this city, thus giving our customers exclusive designs. We are ready to give you a few price surprises, and you will find here the qualities and assortments to suit you.

200 specials in dress and walking skirts made of Etamines, Volles, cheviots, Tweed and Novelty cloths, at \$12.50.

500 all silk crepe de chine waists—colors, blue, pink, white and black, beautifully trimmed in leaf design, yoke and sleeves shirred. These handsome waists during our opening will be sold at \$6.00 each.

Silk shirt waist suits—perfect beauties, just received, very handsomely made, will be sold as a special offering during our opening at \$18.00 a suit.



Music
Afternoon
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Souvenirs
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Gorgeous
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FURNITURE

THE Greatest exposition of furniture ever shown in Omaha. Our stock includes goods for all tastes and all purses. You will be well repaid by looking through, even if you do not intend to buy. Everything for the parlor, bedroom, dining-room and kitchen—all styles, all grades.

BE Sure and visit our display of Queensware. Nothing so appeals to a woman as beautiful china. We have put forth every effort toward making this a model crockery store. French china, German china, Austrian china, English semi-porcelain, and a big assortment of domestic goods. All styles and grades of lamps, and a vast assortment of silverware. We feel sure you will like this department.



CARPETS

WE are very proud of our Carpet and Drapery Departments. We show here everything desirable in floor Coverings and Draperies. An endless assortment of Moquettes, Axminsters, Velvets, Wiltons, Brussels and Ingrains. An Extraordinary line of room size rugs. Our Drapery department includes all the Spring Novelties in Lace Curtains, Tapestry Curtains, Rope Portiers, etc. Be sure and visit these departments.