

ATTACK THE REVENUE LAW

Brief Filed in Supreme Court Raises Several New Points.

ASSERTS THAT THE BANKS ARE FAVORED

No Reference is Made in the Brief to Opinions Filed with the Court by the Three Commissioners.

(From a Staff Correspondent.)

LINCOLN, Nov. 25.—(Special.)—The brief in the revenue law case filed in the supreme court by Greene, Brockbridge & Kinsler on behalf of the insurance companies to compel Tax Commissioner Fleming of Omaha to enforce the provisions of the old revenue law, attacks the new law as to its constitutionality under four heads: The provisions for assessment upon a penalty; the discrimination in favor of banks and against all individuals and corporations; the incongruous and discriminatory provisions for the assessment of insurance companies; the proposition to levy an assessment upon interstate commerce by requiring express, telegraph and telephone companies to pay a local tax upon their gross earnings. The attorneys for the relators point out a number of other sections that they assert invalidate the law, but say that it would be impossible to discuss each of them, so therefore classify their attack under the four subheads named.

Upon these questions raised the three commissioners have already passed on in their opinions filed Monday afternoon, each of them holding that with the exception of the insurance sections, those attacked are unconstitutional, while one held that the insurance sections were unconstitutional. In Judge Duffie's opinion, however, the law was held to be invalid because he held the insurance sections were bad. The brief of the relators calls attention to the fact that the old revenue law was enacted in 1879 and that it had frequently been amended and had been the subject of many decisions of the supreme court and therefore it embodied the "wisdom of twenty-five years of legislation and as many years of judicial decisions." It states that the new revenue law was enacted because of sentiment worked up by parties in Omaha who desired the taxes on real estate be lowered by raising the taxes on personal property. The brief holds that the framers of the new law paid little heed to the requirements of the constitution. The greatest portion of it is filled with argument to prove that the insurance sections of the law are unconstitutional, which two of the commissioners have already concurred in. A number of other sections not heretofore touched on are also attacked briefly.

Other Sections Attacked.

The brief asserts that section 13 of the new law is void because it provides that the revenue for the state is to be raised by the taxation of property upon an assessment based upon a per cent of the valuation, when the constitution provides that the taxes shall be levied according to the valuation of the property taxable. Taken in connection with sections 12 and 13, which require certain corporations to pay their taxes into the state treasury, the brief claims, makes it void clearly apparent.

Section 16, it is held, is not germane to the act in that it creates a lien in favor of persons assessed and taxed in a representative capacity upon property which they may have in their possession belonging to an individual or corporation for whose taxes they have been made personally liable. The brief said this may be fair and constitutional, but not in a revenue act.

Section 25 provides for the assessment of shares of stock in joint stock or other companies when the capital stock of such company is not assessed in this state. The act makes no provision for the assessment of the capital stock of any corporation created under the laws of this state excepting only banks, loan and trust and investment companies.

Section 55 contains a provision requiring the county assessor to add 50 per cent penalty to the valuation made by the deputy assessor where the owner or taxpayer fails to return his property. The penalty clause is held to be unconstitutional because it provides for the assessment on a penalty to be added to the actual valuation of the property.

Section 65, which provides for the assessment and taxation of all individuals who are defined as grain brokers, regardless of the value of their property, is claimed by the brief to be class legislation because it singles out grain brokers and it violates the uniformity clause of the constitution.

The other sections mentioned in the brief are those upon which arguments were made before the supreme court commissioners. They include the insurance sections, sections 77 and 78 providing for the assessment upon the gross receipts of telegraph, express and telephone companies; section 123, providing for a forfeiture of \$500 to be recovered by the county in a civil action against any person who refuses to properly answer questions propounded by the county Board of Equalization. It is held that this creates a double penalty and is taking property without due process of law. The brief said "opinions may differ

UNION MEN TO RING FARES

Will Resume Their Places on Chicago Street Cars in Pace.

COMPACT IS RATIFIED AT NOON TODAY

New Wage Scale May Mean No More Money, but a Betterment of Working Hours and other Benefits.

(From a Staff Correspondent.)

CHICAGO, Nov. 25.—The Chicago street car men's strike was brought to a close today by the ratification by the men of a compact agreed upon by their leaders and representatives of the company. After thirteen days of turmoil, service on the various lines of the Chicago City Railway company covering an area of twenty-five square miles, was resumed. The strikers met in Federation hall, which has been their headquarters and the place was crowded when President Buckley, of the local organization called the meeting to order. The first act was to exclude newspaper men from the hall, and for nearly two hours thereafter the public was ignorant of the details of the proceedings. Sounds indicating that speeches were being made and frequent cheering gave evidence that the terms suggested by the strike leaders were acceptable. The first news from the hall was that by a practically unanimous vote the men had accepted the proposition in the matter of wages, the scale to be based on wages paid in other cities. Soon after a second announcement proclaimed the acceptance of the whole compact.

Back to the Barns.

With this announcement came the statement that the union men had been ordered to report to the various barns ready to take out cars immediately. The agreement as ratified by the men and previously accepted by representatives of the company provides for the settlement of the wage question by a board of arbitration. Their present wages are not to figure in the calculations, but instead the new scale is to be based on the market value of the men's services. As the company claims to pay the best wages, the new arrangement, it is thought, may not result in an advance in the pay of the employees.

Lineman Killed by Train

Engineer Sounds Warning, but Victim Evidently Did Not Hear It.

GRAND ISLAND, Neb., Nov. 25.—(Special Telegram)—Robert Cowan, lineman for Shelton on his railroad, was killed, was struck by an extra freight train at the Union stock yards one mile west of this city and instantly killed, about 6 o'clock this evening. The accident was witnessed by a number of people besides the train crew. The extra freight was coming from the west and if the engineer whistled, as is stated, Cowan evidently did not hear it or thought it was the whistle of a train on the other side of the yard. It is supposed that Cowan was looking out for passenger train No. 2 and was not advised of the extra. Coroner Rooder has charge of the remains and will hold an inquest tomorrow morning. Cowan leaves a wife and five children, the oldest of which is 13 and the youngest 2 years.

Contests Commissioner's Election.

LINCOLN, Neb., Nov. 25.—(Special.)—At the recent election in Dawson county the republicans elected eight of the ten candidates for county offices, all but the sheriff and county assessor. The candidate for county commissioner in the Third district, Samuel Atkinson, had a majority, according to the official canvass, of eight votes. His fusion opponent, John H. O'Kane, who is the present commissioner from that district, has decided to contest. On Monday filed his petition in the county court, alleging that in all the precincts the judges failed in certain cases to place their names on the official ballot, as required by law, and that votes cast for the contestant were thrown out by judges in various precincts, sufficient to change the result. The hearing of the contest has been set by Judge Burton for December 7.

Move to Forfeit Franchise.

FREMONT, Neb., Nov. 25.—(Special.)—The city council last evening took another round at the telephone question. Councilman Franklin introduced a resolution reciting the grant of a franchise to Cassius Reynolds and others, and the assignment of the same to the Fremont Telephone company, and instructing the ordinance committee and the city attorney to prepare an ordinance forfeiting the franchise on account of the failure of the company to comply with the sections limiting the rents of 'phones. The resolution was adopted, and the matter will come up again at a special meeting. The increase of rates made by the Fremont company went into effect November 1. There has been very few instruments taken out, but a good many residence 'phones have been put on party lines.

Could Not Make Charge Stick.

FREMONT, Neb., Nov. 25.—(Special.)—William Ryder, who was charged with aiding a 14-year-old daughter of John Stockhorst of Cuming township, had his preliminary examination in justice court yesterday afternoon, and the case against him was dismissed. The girl proved to be an unwilling and unsatisfactory witness, and her father was opposed to sending the young man to the penitentiary. Both parties seemed much chagrined at the failure of the elopement.

EXPENSIVE SMILES IN BLAIR

Woman with a Thirst and a Winning Way Gets Large Donation.

BLAIR, Neb., Nov. 25.—(Special.)—The business men, city and county officials of Blair have been "worked" by a nice and dignified appearing woman of perhaps 45 or 50 summers, whose successful graft was to make each person to whom she appealed for help think he was the only one in the city who would be made acquainted with her circumstances. This little woman, who is a native of Blair, has a charm, and the dollars were handed out to the tune of 100 or more. She said she wished to reach Duluth from her home in Kansas City, and was bankrupt. She would enter an office or business house and tell the proprietor she wished to speak with him in private a few minutes, and then present her appeal for money. She evidently has started in to work the towns of this state, as she took an early afternoon train for the west. Some of those who so generously donated to this charity fund are now scratching their heads and trying to find some way to explain what she did with their Thanksgiving turkey money. She was offered a drink of whisky by the proprietor of one of the business houses, and emptied the contents of a half pint flask without taking it from her lips.

PROGRAM FOR THE UNVEILING

Table Rock Committee Announces Exercises that Will Bore the Monument There.

TABLE ROCK, Neb., Nov. 25.—(Special.)—For the unveiling of Table Rock's new monument to the unknown dead of the civil war December 5 this program has been announced: Musical Children; Hand Song—"Oh, Let Me Sleep Beneath the Flag"; Invocation—Chaplain J. D. Longwell; Recitation—Mrs. M. A. Marble; Song—"On by One They Are Dropping"; Dedication—Governor Mickey; Address—Comrade Johnson; Song—America; Governor Mickey's Address; Band; Grand Army of the Republic, Old Soldiers, Soldiers of Spanish and Philippine Wars; Woman's Relief Corps; School Children; Citizens on Foot and in Carriages; John Layman, marshal of the day. All public schools and teachers especially invited. Exercise will be held in the weather is favorable; if not, at the opera house.

Memorable Doling at Osceola.

OSCEOLA, Neb., Nov. 25.—(Special.)—Yesterday was a big day for the old soldiers here, as the members of the Osceola post of the Grand Army of the Republic held a picnic for their comrades, Frederick Timm, and it was successful. The comrades lived about four miles from town, and the "old boys and girls" chartered teams and busses and went out to the picnic. Comrade Timm was out in the cornfield, hunking, and returned at noon to find the crowd in possession. He immediately threw up his hands and surrendered, and the crowd had everything their own way. In behalf of the post, the comrades presented Comrade Timm with a very nice armchair. The judge was at his best, and then that Philippine soldier, Comrade R. A. Douglass, editor of the Osceola Record, took the floor and talked as only editors can talk, and presented the comrades in behalf of the post. The comrades in their stores. The boycott of the grocers was caused by the telephone company advancing the rate for business 'phones, and the grocers refused to stand for the rate. There were a few grocers who did not join forces with the others, and during the time they have secured a great deal of the patronage which was before given to the association. The telephone people claimed that the improvement of their service made the rise in rates justifiable, and the residence subscribers of the company seemed to take this view of the matter as they refused to have the Bell 'phones removed from their residences, and as a matter of course gave their orders to grocers having the same 'phone. It is expected that all of the grocers will now have the Bell service, as well as the Independent.

Nebraska City Grocers Give In.

NEBRASKA CITY, Neb., Nov. 25.—(Special.)—The telephone war that has been waged here during the past two months between the Nebraska Telephone company and the local grocers' association was probably broken today by three of the local grocers placing the Bell 'phone in their stores. The boycott of the grocers was caused by the telephone company advancing the rate for business 'phones, and the grocers refused to stand for the rate. There were a few grocers who did not join forces with the others, and during the time they have secured a great deal of the patronage which was before given to the association. The telephone people claimed that the improvement of their service made the rise in rates justifiable, and the residence subscribers of the company seemed to take this view of the matter as they refused to have the Bell 'phones removed from their residences, and as a matter of course gave their orders to grocers having the same 'phone. It is expected that all of the grocers will now have the Bell service, as well as the Independent.

Mallet Railroad for Damages.

PLATTSBURGH, Neb., Nov. 25.—(Special.)—In the case of William Sporer, an administrator of the estate of Henry Hennings, deceased, against the Rock Island Railroad company, claiming the sum of \$5,300 damages for the killing of Hennings, the case was given to the jury about 5:30 o'clock Tuesday evening. This morning in the district court the sealed verdict was opened and read. It found for the plaintiff and fixed the amount of damage at \$5,300. A verdict matter was called before Judge Jensen today, and the jury was excused and court adjourned until next Monday morning.

OUTPUT OF PACKING HOUSES

Receipts Show a Decided Gain as Compared with Previous Week.

CINCINNATI, O., Nov. 25.—(Special Telegram)—Pork: Current says: There is some time here of hog the past week with considerable gain over previous receipts. Total western packing was 540,000, compared with 485,000 the preceding week and 545,000 last week. Since November 1 the total of 1,820,000, against 1,800,000 a year ago. Prominent places compare as follows:

Table with columns for location, current week, and previous week. Locations include Chicago, Kansas, Omaha, St. Louis, Cincinnati, Indianapolis, St. Paul, and Sioux Falls.

Sioux Falls to Get Headquarters.

SIoux FALLS, S. D., Nov. 25.—(Special.)—It is probable the headquarters of a new general or grand secretary of the Order of Railway Telegraphers for the Chicago & Northwestern railroad system will be established here before long. Agent Paulsen, who represents the railroad system referred to at Centerville, has been informed that the new office will soon be created and that it is intended to elect him to the position. The order has over 1,500 members.

Dies from Injuries.

FAIRBURY, Neb., Nov. 25.—(Special.)—Fred Busing, who was hit yesterday by the falling cornice at the new Steel opera house building, died at 1 o'clock this morning. His skull was fractured. Mr. Busing had resided in this county for about thirty-five years, and leaves a widow and four or

SATISFIES APACHE INDIANS

Industrial Teacher Thought to Practice Witchcraft Sent to Colorado.

POLLOCK DISTRICT JUDGE IN KANSAS

President Settles Matter Which Kansas Delegation Could Not Agree Upon, Although Many Conferences Were Held.

(From a Staff Correspondent.)

WASHINGTON, Nov. 25.—In accordance with the request of Superintendent Johnson, of the Jicarilla Apache Indian school of New Mexico, the commissioner of Indian affairs has ordered the transfer of industrial teacher Philip H. Sayles from that institution to the Grand Junction, Colo., Indian school in order to pacify the excited Indians, who threaten trouble over the accidental death of two pupils. The superintendent wired today that the transfer was necessary to quell the excitement of the Indians and that he expected good results.

Pollock Made District Judge.

Justice John C. Pollock, of the supreme court of Kansas, has been selected as the successor to United States District Judge Hook, who recently was appointed United States circuit judge for Kansas. The selection of Judge Hook's successor narrowed down to Chief Justice Johnston of the supreme court of Kansas and Justice Pollock, the latter finally being selected. The appointment is understood to give satisfaction to the congressional delegation from Kansas. The nomination of Judge Pollock was sent to the senate today by the president.

Fire Fighters for White House.

Colonel Symons, superintendent of public buildings and grounds, Chief Belt and Marshall Beaver, of the Washington fire department, today made a thorough inspection of the White house with a view of perfecting the arrangement of the grounds and the buildings for fighting fire. It has been decided by Colonel Symons to organize the White house employee and policemen into a fire brigade to supplement the work of the fire department. Facilities are now provided for fighting fire at the White house, but today's action was taken owing to the fact that much of the apparatus is out of date.

Wants Doctor on Commission.

Dr. William O'Neil of John Hopkins university, accompanied by a delegation representing the Medical association, urged the president today to appoint as a member of the International Canal commission a member of the association. They argued that the services of an eminent practitioner on the commission would be invaluable to the government. The president did not indicate what he might do regarding the suggestion.

Desires of Postal Clerks.

Frank T. Rogers, president, and John T. Shannahan and Thomas C. Cannon, members of the postoffice clerks' organization, today presented to Postmaster General Payne and First Assistant Wynne recommendations for legislation in the interest of postoffice clerks. They submitted a draft of a proposed bill for the classification of postoffice clerks in first and second-class postoffices providing for promotions based on seniority of service. The committee called attention to the inequality of the rates for bonding clerks and objected to having the bond of one company arbitrarily apply to the whole term of service, thus preventing clerks obtaining the benefit of possibly cheaper rates. The committee also recommended a bill for a forty-eight-hour week instead of a specified eight-hour day. The question of the disposition to be made of the cruisers Cleveland and Denver, which, after being given trial trips, were found lacking in construction speed, has been considered for some time by Secretary Moody, who has decided to recommend to congress at the regular session a remission of the penalties.

Indiana Want Delegate.

Representative Curtis of Kansas introduced to the president today C. E. Foley of Eufaula, I. T., who recently was designated by a convention of the inhabitants of the territory to come to Washington and lay before congress their desires to be represented in congress by a delegate. The president promised Mr. Foley to give the matter careful consideration, and to discuss it with others. It is recognized that some obstacles may be in the way of acceding to the request, but they may be surmounted.

President's Son is Better.

Quentin Roosevelt, the youngest son of the president and Mrs. Roosevelt, is convalescing from a severe attack of malaria, coupled with a bad cold. The lad now is quite out of danger.

Carter to Be Released Saturday.

By a decision reached by Attorney General Knox today Captain Oberlin M. Carter will be released from the Fort Leavenworth, Kan., prison on November 28, if he is not sooner released from the question whether or not the six months during which Captain Carter was incarcerated at Governor's Island, when he sought to obtain release through habeas corpus proceedings, should be counted as a portion of the five years term in prison to which he was sentenced. The attorney-general holds that this six months should be so counted, and this, with the remission of time granted on account of good behavior, will secure Captain Carter's release on November 28.

I HEARTILY ENDORSE SWAMP-ROOT.

I had tried so many remedies without having benefited me that I was about discouraged, but in a few days after taking

THOUSANDS OWE THEIR HEALTH TO SWAMP-ROOT

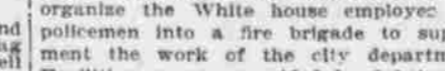
What This Wonderful New Discovery Will Do For You.

Every drop of blood in the body must pass through and be filtered by the kidneys thousands of times every day.

How can your kidneys do their work well if they are weak or diseased? Stop and think of it for a moment! Do you realize the importance—nay, the vital necessity, of keeping the kidneys in order? When you are sick, then, no matter what you think the name of your disease is, the first thing you should do is to attend to your kidneys. In talking Dr. Kilmer's Swamp-Root you afford natural help to Nature, for Swamp-Root is the most perfect healer and gentle aid to the kidneys that has ever been discovered. Dr. Kilmer's Swamp-Root is purely vegetable, pleasant to take, and cures when other prescriptions and medicines fail.

SWAMP-ROOT COMPLETELY CURED ME

About a year ago I was suffering from what I supposed was rheumatism. I became so bad that I could hardly get on my feet from a sitting position. I just in weight from 150 lbs. to 140 lbs. I tried different kinds of medicines, but received little or no help. I had no idea my kidneys were affected, however, until I was told to try Dr. Kilmer's Swamp-Root and see what



MRS. A. L. WALKER.

your wonderful Swamp-Root I began to feel better.

I was out of health and run down generally, had no appetite, was dizzy and suffered with headache most of the time. I did not know that my kidneys were the cause of my trouble, but somehow felt they might be, and I began taking Swamp-Root, as above stated, there is such a pleasant taste to Swamp-Root, and it goes right to the spot and drives disease out of the system. It has cured me, and I cheerfully recommend it to all sufferers.

Gratefully yours, MRS. M. M. WALKER, 46 West Linden St., Atlanta, Ga.

Are you as well, strong and vigorous as you used to be? Are you sometimes discouraged, and think you'll never be any better?

Can you tell the cause of your trouble, or what makes you sick?

Do you know that about nine-tenths of all sickness is caused by kidney trouble? Have you ever stopped to think that your kidneys may be the CAUSE OF YOUR poor health?

Most people do not realize how much work the kidneys are required to do every day.

To Prove What SWAMP-ROOT, the Great Kidney, Liver and Bladder Remedy Will do for YOU, Every Reader of the Bee May Have a Sample Bottle FREE by Mail.

EDITORIAL NOTICE—If you have the slightest symptoms of kidney or bladder trouble, or if there is a trace of it in your family history, send at once to Dr. Kilmer & Co., Binghamton, N. Y., who will gladly send you by mail, immediately, without cost to you, a sample bottle of Swamp-Root, and a book that tells all about it and its wonderful cures. In writing to Dr. Kilmer & Co., Binghamton, N. Y., be sure to say that you read this generous offer in The Omaha Daily Bee.

If you are already convinced that Swamp-Root is what you need, you can purchase the regular fifty-cent and one-dollar size bottles at the drug stores everywhere. Don't make any mistake, but remember the name, Swamp-Root, Dr. Kilmer's Swamp-Root, and the address, Binghamton, N. Y., on every bottle.

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It is noted for the excellence of its janitor service. In fact, the best any other Omaha office building can claim is that "it is as good as the service in The Bee Building." The Bee Building is the standard of office excellence in Omaha.

An office here is a continuous source of satisfaction.

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ROOM 218—Pleasant room with good light and was recently decorated. This room is a very pleasant office both winter and summer. The rent includes light, heat, water and janitor service. Rental price per month.....\$17.50

ROOM 206—This is the only large room in the building vacant. It faces Farnam street and is handsome and airy. There is a waiting room and two private offices, so that it would be actually getting for two professional men. It has a large, comfortable sitting room and is a most desirable office for a law firm. Rental price per month.....\$30.00

R. C. PETERS & CO., Rental Agents, Ground Floor, The Bee Building.

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Come to our office and I will make a thorough and scientific examination of your ailments free of charge. An examination that will disclose your physical condition, without a knowledge of which you are groping in the dark. If you have taken treatment without success, I will show you why I fail. We want all ailing men to feel that they can come to our office freely for examination and explanation of their condition, without being bound by any obligation to take treatment unless they so desire. Every man who contemplates the possibility of contemplating same, should take advantage of this opportunity to learn his true condition, as I will advise him how best to regain his health and strength, and preserve the powers of manhood until ripe old age.

I WILL CURE YOU.

WE MAKE NO MISLEADING STATEMENTS or unsubstantiated propositions to the afflicted, neither do we promise a cure in a FEW DAYS in order to secure their patronage, but we guarantee a PERMANENT, SAFE and LASTING cure in the QUICKEST POSSIBLE TIME, without leaving injurious after effects in the system, and at the lowest cost possible for HONEST, SKILLFUL and SUCCESSFUL SERVICES. We cure

STRICTURE, VARICOCELE, NERVO-SEXUAL DEBILITY, EMISSIONS, IMPOTENCY, BLOOD POISON (Syphilis), RECTAL, KIDNEY and URINARY DISEASES and all diseases and weaknesses due to evil habits, excess, or the result of specific disease. Special home treatment for patients who cannot call. Consultation free. Office hours: 8 a. m. to 8 p. m.; Sundays 10 to 1 only. 1408 Farnam St., Bet. 13th and 14th Sts., OMAHA, NEB.

BUSINESS STIMULATORS

WANT ADS

Woman's Nature Mother's Friend. Is to love children, and no home can be completely happy without them, yet the ordeal through which the expectant mother must pass usually is so full of suffering, danger and fear that she looks forward to the critical hour with apprehension and dread. Mother's friend, by its penetrating and soothing properties, always nausea, nervousness, and all unpleasant feelings, and so prepares the system for the ordeal that she passes through the event safely and with but little suffering, as numbers have testified and said, "it is worth its weight in gold." \$1.00 per bottle of druggists. Book containing valuable information mailed free. THE BRADFORD REGULATOR CO., Atlanta, Ga.

IF YOU DON'T LIKE THE ROOM YOU HAVE. If your room is not warm—move—you will find an interesting directory of rumes—all parts of town—all prices in The Bee want ad pages. Tel. 238. Want Ad Dept.

Feel Your Pulse. If it beats fast, then slow—skips beats, your heart is weak and should be treated at once. Dr. Miles' Heart Cure is the best and safest remedy. Sold on guarantee. Send for book on the heart. DR. MILES' MEDICAL CO., Elkhart, Ind.

DR. MCGREW SPECIALIST. Treats all forms of DISEASES OF MEN ONLY. A Medical Expert 25 Years' Experience. 16 Years in Omaha Near 30,000 Cases Cured. Venereal, Gonorrhea, Blood Poison, Stricture, Syphilis, Nervous Debility, Loss of Strength and Vitality and all forms of chronic diseases. Send for book on the heart. Office over 2nd & 14th Sts., Omaha, Neb.

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