

CITY VS. RAILWAY FIGHT IN COURT

Corporation Counsel Asks Order Compelling Street Car Co. to Quit Property.

TELLS STORY OF CONTRACT

A judgment, and order requiring the turning over to the city of all the property, interest and rights of the street railway company which it acquired from the old Omaha Horse Railway company, either directly or indirectly, as well as all the increases in the value of the property, is asked by the city of Omaha in a suit just filed in district court against the Omaha & Council Bluffs Street Railway company.

Providing the court does not see fit to return such a judgment, the petition, filed by Corporation Counsel Lambert, seeks an accounting of the use of the property since the reversion to the city became effective. The physical valuation of the city's interests, as well as interest on whatever judgment may be found, is also sought.

The petition of thirteen pages was entered on page thirteen of the file clerk's records.

Reviews History.

It is set forth that the first charter of the Omaha Horse Railway company, by an act of the legislature of the territory of Nebraska, dated from January 1, 1867, and lasted fifty years, providing that at the end of this period the tracks, depots and other equipment should revert to the city. The company continued to develop, enlarge its system and add to its equipment, finally consolidating with the Omaha Cable Tramway company, according to the city. It is alleged that the development of the Omaha Horse Railway company was subject to the reversion as provided by the charter. On March 4, 1889, the consolidation was effected under the name of the Omaha Street Railway company. That this consolidation did not affect the city's interest in the company—the old horse car part of it—is contended.

Issuance of Stock.

The Omaha Street Railway company was a \$4,000,000 stock company, the petition states, the stock being issued in return for surrendered stock in the other two companies. According to the city counsel, it was estimated in the consolidation agreement that the horse car company had thirty-six miles of track, valued at \$2,000,000, and the tramway company four and a half miles of double track worth \$2,000,000.

It is next pointed out that on November 1, 1889, the Omaha Street Railway company purchased the franchise and holdings of the Omaha Motor Railway company. The petition alleged that as much of this property as was purchased as a result of contributions from the horse car company was effected by the interest of reversion.

The franchise and holdings of the Metropolitan Street Railway company were purchased on November 22, 1902, the petition says, and on November 11 of the same year the franchise and rights of the Metropolitan Cable Railway company.

Another purchase of rights and franchise was that of the Benson & Halcyon Heights Street Railway company on November 13, 1902, the allegations of the city being that the right of reversion followed the property whenever the old horse car company figured in the deals. In this part of the petition it is alleged that the first grant of the legislature to the horse car company remained necessary to the authority of the consolidated company to use the streets.

The present Omaha & Council Bluffs Street Railway company was formed on December 22, 1902, the city alleging that of the property involved in the last transfer much of it came from the old horse railway line.

Reversion Clause.

The city contends in its petition that the property coming to the Omaha & Council Bluffs Street Railway company from the Omaha Street Railway company is still subject to the reversion.

From December 22, 1902, till May 22, 1908, many improvements, extensions, etc., were made, according to the city, all obtained from operating the company or mortgaging it. The city alleges that the present company needed the right of the first grant in order to have the authority to operate.

Many extensions and other improvements made since May 22, 1908, have been made without authority, the petition alleges, adding that the company's right to use the streets terminated, except the right as provided in the territorial grant.

Setting forth that the fifty-year period of the territorial grant has

Loses His Nose and Doesn't Know It Until Newsie Tells Him

C. E. Neat of Roswell, N. M., came to town Monday with his nose. A negro cut it off before Neat had been here an hour and Neat did not know it was missing until Frank Odoriso, 1312 Dorcas street, a newsboy, told him about it.

"Where is your nose?" the newsie asked Neat as they met at Sixteenth and Howard streets.

Neat felt for his olfactory organ and replied: "I don't know where it is. I'm a stranger in town. But I had a fight down there," pointing down Howard street.

Odoriso grabbed the New Mexican and escorted him to the office of Dr. H. Hirschmann, 506 South Sixteenth street. The surgeon took one look at Neat and said: "Go back and get your nose."

The newsboy volunteered to hunt the nose. He followed a trail of blood from where he had met Neat right to the rear of the Waterloo Cream-

ery company's plant at 1617 Howard street.

"There I saw a piece of white meat," he says. "I picked it up and it looked as though it might be Neat's nose. Near the meat was a pair of broken scissors and a broken mirror. I ran back to the doctor's office, and there Neat was laid on a couch, and without an anesthetic, his nose (the piece of meat I found) was sewed back on his face."

Neat is in St. Joseph hospital. He said he walked into a shed in back of the creamery company and there saw a negro shaving. Without warning, the negro jumped on him. Neat says the colored man first took \$77 and his watch away from him. Neat began to fight then and his assailant lopped his nose off with the razor.

Doctors says Neat has a fair chance of saving his face, even though his nose lay in the rubbish pile thirty minutes or more.

Potatoes Not Yet Equal to Cash for Buying an Auto

Even in the auto business the kingly spud is threatening to displace the almighty dollar as a standard medium of exchange.

"I'll give you a bushel and a half of potatoes for that town car," a prosperous prospect from Broken Bow proposed to Guy L. Smith at the Hudson super-six booth at the Auto show.

Smith gave immediate heed to the offer, but declared that even with the lordly tuber worth its weight in gold, his classy super-six town car, listed at \$3,100, was worth a few more spuds than a bushel and a half.

But that didn't deter the potato magnate. As he raised loads of spuds he had the coin in bundles. Also, he had his heart set on that particular make of car, so it was not long before Smith had the tuber king signed up for a super-six.

Thus it is seen how auto dealers can sometimes afford to eat a banquet that includes real potatoes.

Religious Education Association in Session

Boston, Feb. 27.—Educators and religious leaders gathered here today for the fourteenth annual convention of the Religious Education association. The meetings will be extended over three days. Preliminary sessions will be held today, with the first general session set for tonight.

The underlying subject of this year's convention is the question: "How should the youth be trained to meet the needs and demands of the great changes that are sure to follow the war?"

The speakers will include several bishops, college presidents and professors.

Fair Weather Promised For the Automobile Show

Colonel Welsh, high potentate of local weather manufacturing does not profess to be a demonologist; he doesn't even own a flivver, but he seems to be strong for the Omaha automobile men. The colonel promises pleasant weather for the auto men through three days of the show at least. Fair, with no change in temperature, is prediction for Wednesday, and, as no alarming disturbances are in sight, the colonel may be able to extend the period of gentle sunshine until the show comes to a close.

ORDER NEW LIGHTS IN BUSINESS OMAHA

Ornamental Iron Posts, With Two Lights On Each, for Down Town District.

MORE FOR HOME SECTIONS

The city council adopted resolutions directing the Omaha Electric Light and Power company to install new lights in the downtown ornamental district as follows:

Farnam, Tenth to Twenty-fourth; Douglas, from Missouri river bridge to Twentieth; Sixteenth, Leavenworth to Cumming; Harney, Tenth to Twentieth; Fifteenth, Howard to Dodge; Fourteenth, Howard to Dodge; Tenth, Mason to Farnam; Dodge, Fourteenth to Seventeenth.

The contract with the light company provides for the following installation in the downtown ornamental district:

"Two lamps will be mounted on each ornamental iron post, four posts to the block, placed on opposite sides of the street so as to produce the most efficient illumination and supplied with current from conductors laid in underground conduits."

The lamps will be 400-candle power Mazda type and there will be nearly 200 additional units in the improved downtown district.

More Residence Lights.

The following new electric lamps were ordered placed in residence sections:

- Arbor and 18th. Pinkney and 14th.
- Arbor and 20th Ave. Capitol Ave. and 35th
- Arbor and 22d. Pratt and 16th.
- Arbor and 24th. Burdette and 15th
- Arbor and 26th. 11th-Lefflore Ave. and
- Woolworth Ave. and 42d.
- 22d.
- Hickory and 22d. Farnam, on 34th.
- Kansas Ave. and 55th St. and 17th.
- Burdette and 15th. Seward and 24th.
- Jackson and 30th. Rugles and 27th.
- Spalding and 27th. Crown Point Ave.
- Harney and 21st. and 30th.
- Bahler and 35th. Bet. Elliston and Lau-
- Sahler and 30th. 7th, on 30th.
- California and 29th. Bristol and 28th Ave.
- Emmet and 14th Ave. Camden Ave. and
- Mason and 52d. 24th Ave.
- Walnut and 31st. Camden Ave. and 24th
- Elmwood park (two-lamp) and 30th.
- (lights). Humboldt Ave. and 29th
- and 40th. 27th Ave.
- Elm and 23d. Indiana Av. and 29th
- Grace and 21st. Saratoga and 42d.

The name of the firm has not yet been decided upon, but it will not conflict with the company of Benson & Thorne, located at 1520 Farnam

Give your Want Ad a chance to make good. Run it in The Bee.

JAIL NUISANCE IS ORDERED ABATED

Health Commissioner Tells His Superiors to Get Busy at "Early Convenience."

RELIEF IS EXPECTED SOON

Health Commissioner Connell ordered the mayor and city commissioners to abate a nuisance maintained at Eleventh and Dodge streets, commonly known as the city jail.

In a communication addressed to the city officials the health officer said the jail is "unsanitary, unhealthy and unfit in every way from a health standpoint."

"I order you to abate this nuisance at your early convenience," wrote the health commissioner.

"There was a little bit of humor in this communication when it is considered that the health commissioner is the creature of the city council in general and of the superintendent of police, public safety and sanitation in particular.

Dr. Connell's orders applied to his boss, Commissioner Kugel, as much as the other members of the city council.

Nothing is left for the city officials to do but to obey the orders of the health commissioner, who may cause the arrest of the mayor and commissioners if they do not comply.

The city council expects that within a few weeks the legislature will have passed a charter amendment which will give the city officials authority to sell bonds for a new city jail.

A. T. Benson Returns from An Eastern Buying Trip

A. T. Benson, just returned from a buying trip to New York for the new uptown Farnam street store, is very enthusiastic over the unusual spring styles he has seen. "To the eyes of a mere man they are certainly pretty, in addition to being very practical," Mr. Benson says. Mr. Thorne, formerly associated with Mr. Benson, has returned from the west and will again join forces with his old partner.

The name of the firm has not yet been decided upon, but it will not conflict with the company of Benson & Thorne, located at 1520 Farnam

Auto Men Fight Wheel Tax; Would Enjoin Officials

An effort is to be made to enjoin the city officials from putting into effect the wheel tax ordinance which has recently been passed, and which is scheduled to go into effect March 7.

Francis A. Brogan has been engaged as the attorney to prepare the case to go before the court for the injunction.

Back of the movement are many organizations in the city, including the Automobile club, the Auto Dealers' association, the Motor Truck association, the Team Owners' association, the retailers and other organizations.

From this resulted the meeting held Monday at the office of the J. T. Stewart Motor company, when representatives of these various organizations were present. It was decided to retain Francis A. Brogan, who is now preparing the necessary legal papers to make a fight for an injunction.

Give your Want Ad a chance to make good. Run it in The Bee.

Various associations have opposed the wheel tax from the start, and when it was passed decided to oppose it in the courts. When it was found that so many organizations opposed it, each and every one willing to engage an attorney by itself and fight the matter, someone conceived the idea of calling representatives of the various associations together and working the fight out jointly.

This Simple Laxative a Household Necessity

Dr. Caldwell's Syrup Pepsin
Should Have a Place in
Every Home



Constipation, or inaction of the bowels, a condition that nearly everyone experiences with more or less frequency, is the direct cause of much disease. When the bowels become clogged with refuse from the stomach, foul gases and poisons are generated, and unless the congestion is quickly relieved the system becomes weakened and most susceptible to attack.

Various remedies to relieve constipation are prescribed, but many of these contain cathartic or purgative agents that are harsh and violent in their action and shock the system. The most effective remedy is the combination of simple laxative herbs with pepsin that is sold in drug stores under the name of Dr. Caldwell's Syrup Pepsin.

The Hon. John D. Keister of Brandywine, W. Va., who has represented his district in the state legislature for six years, writes that he uses Dr. Caldwell's Syrup Pepsin and finds it a splendid laxative, easy to take and mild, yet positive in its action, and that it should be in every household for use when needed.

Dr. Caldwell's Syrup Pepsin is sold by druggists in all parts of the United States and costs only fifty cents a bottle. It contains no opiate or narcotic drug, does not gripe and is recommended as a family laxative, mild enough for the tiniest babe, yet sufficiently powerful to act easily on the strongest constitution.

To avoid imitations and ineffective substitutes be sure to get Dr. Caldwell's Syrup Pepsin. See that a facsimile of Dr. Caldwell's signature and his portrait appear on the yellow carton in which the bottle is packed. A trial bottle, free of charge, can be obtained by writing to Dr. W. B. Caldwell, 455 Washington St., Monticello, Illinois.

"what would you do
if you only got \$5.00 a week?"

Both sisters longed for what they could not afford. Janet wanted power and position—Lise merely fun and finery.

Both determined to have what they wanted. But one got \$5.00 a week—the other only a little more.

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