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PROPERTY OWNERS COMBINE, WILL RESIST TAX PAYMENT

City May Never Collect Warrants Issued to Fund Grading On the West Side

VIOLATION OF STATUTES WILL BE CLAIMED

Dramatic Climax to Alleged Improper Handling of Streets, Which, It Is Said, Ruined Property of Scores of Citizens, Who Now Seek to Evade Payment by Injunction Proceedings

The city of Butte is threatened with the grave possibility of never collecting, or collecting only a part of the $50,000 assessment to repay it for the extensive street grading done in the last year and a half. Such is the purpose of papers now being prepared in the office of Breen & Hogevoll, at the instance of some half hundred property owners, that are smarting under the injustice they feel has been done them by the methods employed by the city in prosecuting the improvements.

An injunction will be sought to restrain the city from collecting the assessment for the work. Court action may not be instituted at once, but will be by the first of next month, say Breen & Hogevoll.

Will Withhold Payment.

They have instructed their clients not to pay the assessment, feeling confident of ability to prove that in the establishment of improvement districts by the city council during the Corby administration, the law governing such cases was violated. Should the injunction sought be made permanent, every property owner in the city likewise taxed for street grading, will likely take steps to escape the assessment.

Should the result sought be obtained, the city would face the serious predicament of having issued special improvement warrants, with which to pay the contractors for the work, such warrants having been sold where and how they could be disposed of. That the purchasers may wait long for the redemption of the warrants is not beyond the pale of impossibility. In the meantime the city must pay interest on them.

Will Mean Fight.

That a bitter fight will be made against the threatened injunction is a foregone conclusion. If it is granted by the district court the matter will, doubtless, go to the highest tribunal.

In the meantime interest, at the rate of 10 per cent, will pile up on the unpaid assessments. Sould the city finally win, the property holders would be compelled to pay it, on top of the original special tax.

Outside of the possibility of the city's inability to collect the assessment for the grading, come the damage suits piling up daily on its account. A large number have already been instituted, and many more are predicted. To date none of them tried have been won by the city.

The grading, owners allege, has injured residence property through whole blocks in the face of improvements. Complaints come insistently from the West Side, along Emmet, Lewisohn, Woolman, Henry, Antimony and Waukesha streets in particular. Many of the residents in this section are of moderate means, who are expending ever energy to complete payment that they may call their homes their own. On these the burden of the grading assessment rests heavily. The fact that the newly established grade of the street does not conform with that of their property is the more galling.

So it was that a meeting of the concerned property holders in Breen & Hogevoll's office last Friday night assumed the complexion of a protesting delegation. Many present felt that the special assessment is exorbitant. A majority have not incomes that will meet it inside the required limit specified.

Harry M. Pedlar, of 701 Henry street, stated his assessment on two lots was $800, one of them being on a corner, and, in consequence, was taxed according to the frontage on the two streets. Beyond the heavy tax imposed, he stands in the

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STATEMENT IN REGARD TO

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