

# THE DAILY BEE.

COUNCIL BLUFFS.  
TUESDAY MORNING, NOV. 10.  
OFFICE: No. 12 Pearl Street.  
Published by charter in any part of the city at  
twenty cents per week.  
H. W. TILTON, Manager.

## MINOR MENTION.

Relter, the tailor, for fall goods.  
Shugart, Waite & Wells are putting in a  
new front.

John McKinney was yesterday fined  
for disturbing the peace.  
The board of education is to meet this  
afternoon at 3 o'clock, at Dr. Macne's  
office.

One of the Saunders boys was arrested  
last night for stealing a sack of flour  
from Robert Mullis's store.

Clark Wallace, C. B. Pickersel and  
John Bell were yesterday fined by Judge  
Aylesworth for being too drunk.

Jerry Ritchie, who recently created  
such a sensation here, was seen here  
yesterday driving through the streets.

It is rumored that one of the lady  
clerks in the People's store is shortly to  
be married. "The blue has arrived."

The revival at the Methodist church  
will continue this week out, although  
Harrison has been called to a new  
field.

There were twenty-five trains over the  
Northwestern alone yesterday, a straw  
showing what sort of a railway center  
Council Bluffs is.

The county board were in session yester-  
day, discussing the report of the  
commissioner, with no practical change in the  
result as already announced.

It is stated that some of those who  
have been buying up city warrants at 75  
cents on the dollar are acting in the in-  
terest of a syndicate which is getting 50  
cents for them.

It is now said that Fred Nugent, having  
satisfied himself and the public that his  
career as a journalist cannot be made  
any brighter by longer service, is to ac-  
cept a position on the Council Bluffs po-  
lice force.

The great sensation here yesterday  
was the appearance of a man who ac-  
tually went to work cleaning the mud of  
one of the crossings. If it would only  
become the rage here the city would be  
coming to the front of something of a  
metropolis.

The paving of Bryant street is going  
right along. There seems to be a good  
many more inspectors than are needed,  
but as they are serving without cost, it  
is not likely that they will be dispensed  
with.

Justice Schurz had his time occupied  
yesterday marrying people, in which he  
seems to be taking the lead over all the  
magistrates in the city. One of the  
couples was Alonzo Arnold and Eliza  
Mow, both of Macedonia. Another was  
William Rodman and Leona Anderson,  
both of Honey Creek.

Officer Towns is said to be the next  
police to take on his star. Just as  
fast as the men find any sort of an open-  
ing to do anything else at a fair salary,  
there is little temptation to stay with the  
city and get their pay in warrants which  
are to be sold at twenty-five per cent dis-  
count, and especially as the force is at  
present organized, or rather disorganized.

Be sure and ask your grocer for the  
bread made at Smith & Locke's bakery,  
No. 23 Main street. It is the very best  
made. Try it and be convinced.

The very latest New York styles re-  
ceived today at Mrs. O. A. Rogers.

**Personal Paragraphs.**  
Charles Heisles is confined to his room  
with fever.  
J. L. Watson, of Sac City, was at the  
Ogden yesterday.

Mrs. Durrah has returned home from  
a visit to St. Louis.  
B. C. Harris, of Lewis, Iowa, was yester-  
day a sightseer.

W. P. Christy, of Des Moines, arrived at  
the Hechtle yesterday.  
Matt B. Kelly and J. H. McNamara,  
both of LeMars, were at the Pacific yester-  
day.

William B. Porter and wife, of Platte-  
mouth, Neb., are in the city visiting  
relatives.  
D. E. Moran, of the Rock Island freight  
office, has engaged with Cooke & Morgan  
as bookkeeper.

Dr. Paulsen now goes to Kansas to see  
his brother, who is in ill health, and the  
two may conclude to take a southern trip.  
Simon Bamberger, a Salt Lake banker,  
and brother-in-law to William Mass, of  
the People's store, is a Council Bluffs  
visitor.

Henry Rothert, wife and son, of Keokuk,  
and Edward H. Rothert, of Cheyenne,  
were among those at the Ogden  
yesterday.

E. C. Swan and wife, of Cheyenne, who  
have been visiting Mrs. Swan's parents,  
Mr. and Mrs. Kirkland in this city,  
have gone home.

Drs. Judd & Smith's Electro-Magnetic  
Insoles. Only fifty cents. No. 30 Fourth  
St., Council Bluffs, Iowa. Agents  
wanted.

For hardware and house furnishings  
get prices of Cooper & Metcalf, No. 41  
Main street.

**The City Council.**  
At a meeting of the city council last  
evening John Short complained bitterly  
of the treatment which he had received  
at the hands of the city marshal and  
others in regard to a chicken coop in  
front of his store. Referred to committee.

A resolution was passed ordering  
Grand street graded from Broadway to  
Indiana creek.

The city attorney was instructed to  
begin suit against property owners to  
open the alley between the original plat  
and Jackson's addition.

The resignation of Pat Eicher as chief  
of the fire department was received and  
accepted.

Charles Sanderson was appointed to  
act as fire chief, he to receive \$10 per  
month in addition to his present salary  
as fireman.

A sidewalk was ordered on Broadway,  
from the Northwestern railway depot to  
the creek.

The rest of the evening was spent in  
reading up the back minutes.

Finest display of merchandise and  
makers' goods for holiday gifts. T. D.  
King & Co., Cigars and Tobaccos, 543  
Broadway.

Correct Abstracts of Title and Real  
Estate Loans at McMahon & Co's, No. 4  
Pearl street.

**Royal Arcanum.**  
All members of Fidelity lodge, No. 156,  
R. A., are urgently requested to assemble  
at their hall on Main street, at 1 o'clock  
this afternoon, preparatory to attending  
the funeral services of our late brother,  
J. A. Kintz. H. J. RISENBERRY,  
Secretary.

The best regulator of digestive organs  
and the best aperient known is Angostura  
Bitters. Try it but beware of imitations.  
Get from your grocer or druggist the genuine  
article, manufactured by Dr. J. G. B. SIEGERT  
& SONS.

## CONTEST ABOUT FIRE LIMITS.

An Interesting Decision by Iowa's Supreme  
Court.

### THE OFFICIAL COUNT OF VOTES.

A Railway Passenger Robbed of a Big  
Roll—Death of John Kintz—  
Stolen Clothes Found  
At Last.

### The Fire Limits.

The supreme court of Iowa has just  
rendered a decision which is of interest  
and importance to all cities in the state  
seeking to maintain fire limits. The  
case is that of Gilchrist Bros., the lumber  
men of Des Moines, who were charged  
with violating the city ordinance by  
erecting wooden buildings, and main-  
taining a lumber yard within the fire  
limits. In the district court they were  
convicted of erecting wooden buildings,  
and acquitted of the charge of maintain-  
ing a lumber yard upon the ground that  
the city council had no power under the  
statutes to prohibit the establishing and  
maintaining of lumber yards within  
the fire limits. From this decision both  
parties appealed and the supreme court  
has rendered the following decision, sus-  
taining Gilchrist, and against the city on  
both counts.

Rothrock, J.—Section 182 of the code  
is as follows:

"Municipal corporations shall have  
power to make and publish from time to  
time ordinances not inconsistent with the  
laws of the state for carrying into effect  
or discharging the powers and duties  
conferred by this chapter, and such as  
shall seem necessary and proper to pro-  
vide for the safety, preserve the health,  
promote the prosperity, improve the  
moral, order, comfort and convenience  
of said corporation and the inhabitants  
thereof, and to enforce obedience to such  
ordinance by fine not exceeding one hun-  
dred dollars or by imprisonment not ex-  
ceeding thirty days."

It is further provided by statute that  
cities "shall have power to make regula-  
tions against danger from accidents by  
fire, to establish fire districts, and on peti-  
tion of the owners of two-thirds of the  
grounds included in any square or block,  
to prohibit the erection thereon of any  
building or addition to any building, un-  
less the same shall be made of brick  
and mortar, or of iron and stone, and  
to enforce obedience to such regula-  
tions by fine not exceeding one hundred  
dollars or by imprisonment not exceed-  
ing thirty days."

The ordinance under which the prosecu-  
tion against the defendants is sought  
to be maintained provides that it shall be  
unlawful for any person within certain  
limits to "erect any building or addition  
to any building not made and built with  
outer walls composed of iron, stone, brick  
and mortar, or all persons are hereby for-  
bidden to erect any building or addition  
to any building within said limits, the  
outer walls of which are composed of  
wood or other combustible material, or  
from keeping or maintaining any lumber  
yard or wood shed within said limits."

It is conceded that the ordinance estab-  
lishing fire limits was passed without the  
petition of the owners of two-thirds of the  
ground included in squares or blocks  
of the city, and that the ordinance is at  
the same time in violation of the statute,  
and the important question in the case is,  
was such petition necessary to give the  
city council authority to fix fire limits?

It is claimed by counsel for the plaintiff  
that the power is given in the statute  
above cited which authorizes the  
council to make regulations against  
danger from accidents by fire, and  
to establish "fire districts."

And it is thought to construe the  
term "fire districts" the same as if the  
words "fire limits" were used. We do  
not think any such construction can fairly  
be placed upon the law. These terms are  
not convertible nor interchangeable.

The words fire districts are used to  
authorize the division of the city into  
districts for the better and more efficient  
service of the fire department in the ex-  
tinguishment of fires. That it was under-  
stood by the council of the city of Des  
Moines is made manifest by the fact that  
the council established two fire districts  
and fixed their boundaries. Another and  
very good reason why the words "fire  
districts" are not to be construed as "fire  
limits" is that in the same section of the  
statute the manner in which fire limits  
are to be established is especially design-  
ated—that is by petition of the owners  
of two-thirds of the grounds in the re-  
spective blocks.

It is further claimed that the city council  
is authorized to fix fire limits under  
the general provisions of section 182 of  
the code. It may be that the point would  
be well taken if it were not for the pro-  
vision in section 182 prescribing the re-  
quirements necessary to the exercise of  
the power. It is a general principle of  
law that the specific design of the  
manner of exercising a power granted  
operates as a limitation upon the general  
power conferred, or, as is said in the case  
of Keokuk vs. Scraggs, 39 Iowa, 437.  
"When a thing is directed to be done  
through certain means or in any particu-  
lar manner, there is implied an inhibition  
upon doing it through other means  
or in a different manner." In Rye vs.  
Peterson, 46 Texas, 321 (23 American  
reports, 608), it was held that a city cannot,  
without express authority, in either its  
charter or its statutes, establish fire limits  
and declare wooden buildings within  
such limits to be nuisances. That case is  
in its facts very much like the case at bar,  
so far as it relates to the erection of the  
wooden buildings by the defendants.

We think upon this branch of the case the  
court erred in holding the defendants  
liable for the erection of the buildings at  
their lumber yard.

It is further held that the defend-  
ants were not liable to punishment  
under the order for the erection and  
maintenance of a lumber yard within the  
city. This ruling doubtless was made  
upon the authority of the case of Keokuk  
vs. Scraggs, above cited.

It appears to us that the case is decisive  
of this question. The city of Keokuk was  
organized under a special charter. Its  
general powers were as broad and full as  
the power granted to cities under section  
482 of the code. There was an amend-  
ment to the charter granting specific  
powers for the purpose of guarding  
against calamities by fire. The city  
passed an ordinance for the prevention  
of fires, in which it prohibited certain  
acts not enumerated in the special pro-  
visions in the amendment. It was held  
that the ordinance was void. It seems to  
us that case is identical with the one  
in principle. We are content to follow it  
without further elaboration.

Our conclusion is that the judgment of  
the court below should be affirmed on  
plaintiff's appeal, and reversed on de-  
fendant's appeal.

Pleat Ribbs in the latest color a  
Mrs. Rogers.

Short Hand work and Type Writing.  
All kinds. Ed Wright, 531 Mills-st.

The county board of supervisors met  
yesterday, and made an official canvass  
of the vote of the recent election. The  
figures thus gained do not change the re-  
sult in any respect, although they show  
that some errors crept into the reports of  
majorities as given from the official  
sources. The democrats carried the

county on the state ticket by nearly 600  
majority, the vote on governor being,  
Whiting, 4,341, Lathrop, 3,845, giving  
Whiting a majority of 496, and the other  
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ing far from that. The following shows  
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# CARPETS.

Council Bluffs Carpet Co.  
Our stock is now complete in every depart-  
ment and contains all the latest styles and effects  
in Carpets, Curtains, Shades, Upholstery Goods,  
Etc., Etc.

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