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**325 BROADWAY**  
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sold at less than cost. Service pipes put in at actual cost of pipe and labor. Stoves connected and meter set free of charge to every purchaser of a gas stove.  
**C. B. Gas and Electric Light Co.,**  
 20 Pearl St., Council Bluffs, Ia.

# COUNCIL BLUFFS.

**BUMP'S SUIT IS THROWN OUT**  
 Demurrer of the Motor Company to the Action Sustained.

**JUDGE THORNELL ON THE PROCEDURE**  
 Court of Equity Has No Jurisdiction in the Premises, but Suggests that Another Action Would Secure Consideration.

Judge Thornell yesterday announced his decision in the case of C. C. Bump against the city, in which the Omaha & Council Bluffs Railway and Bridge company is the principal defendant. The case was instituted immediately after the passage by the city council of the franchise extension of the motor company. Bump, in his petition, claimed the ordinance was null and void, for the reason that it would increase his taxes and also for the reason that the operation of the railway line in front of his business property on Broadway would depreciate its value. The defendant railway company demurred to his petition on the ground that he was not entitled to any relief under the law, for the reason that a single taxpayer could not maintain such an action. The demurrer only was passed upon, the question of the validity of the franchise not being considered, and not an issue.

In his opinion Judge Thornell said: "The only question to me is whether the ordinance and the declaring of it to be invalid and the setting of it aside can be done by a court of equity. One ground is that it interferes or is in conflict with interstate commerce law, but it is not shown that Mr. Bump has any way injured by that. In fact, from the reading of the ordinance I would suppose that the citizens of Council Bluffs would scarcely raise the question, as ordinarily one must be injured, must be damaged, in order to be entitled to relief, and the fact that outside people are charged 10 cents and Mr. Bump 5 cents would not seem to me to be a very great injury to him. I think, possibly, the judge of this court might raise the question if he sought to buy a ticket for 5 cents and was refused on the grounds that he was not a resident of Council Bluffs, but I do not think Mr. Bump can raise the question. The other question, as to whether he might be entitled to a future day, it seems to me is rather speculative in its character; that is, it may happen and it may not happen, and really the very thing that the court is called upon to declare here, as a court of equity, is that the ordinance is invalid. That is the object and purpose of the whole matter. I would not have any doubt if there was a franchise with no life in this corporation aside from what there is in this amended ordinance, and they were proceeding to lay down their tracks and run their cars upon the street that this court would have the power to say whether that could be done or not as a court of equity, but that is not the proposition. The company has fourteen years of life in which to run its cars. This is a mere amendment or extension to the ordinance, to the life of the company, and it can go on and run its cars irrespective of what I am saying about this ordinance. It is purely speculative as to whether Mr. Bump will own this property fourteen years from now, whether he will be alive fourteen years from now. It is entirely a matter of conjecture whether he will have to pay these taxes or not. It was held in the case of Dodge against Water Works company that a court of equity did not have the power to determine these matters. The fact that this ordinance may grant powers that would be beyond the power of the city to grant would not arise here, and some liability company should attack it, and

**A NEW FIRM**  
 In the Millinery business. Centrally located. The ladies of Council Bluffs and vicinity are invited to call and see us. Our styles are up to date and our prices to suit the times.

**THE MISSES READ & MILLER**  
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**OUR HOBBY**  
 Is to keep our customers well satisfied . . . .  
 Only one way to do this, and that is to sell them good, fresh Groceries—sell as low as anyone else, and if possible a little lower—then when an order is left get it out on time. We are cranks on these three things, and we believe the public appreciates such cranks.

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 Are interested in  
 Art Needle Work  
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 We give free lessons and keep a full supply of materials on hand.  
 Especial attention given to mail orders from out of the city.

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 That's the way we buy our cattle. One more carload of fine two-year-old Herefords just received and placed on sale. You get home dressed meats at our market and every pound you buy of us is warranted. The finest meats and the lowest prices make our market the leader.  
 We give the premium stamps.

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 Fresh Pork Loin . . . . . 5 1-2c  
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 Sirloin Steak . . . . . 12 1-2c  
 Porterhouse Steak . . . . . 12 1-2c  
 Holling Beef . . . . . 4c and 5c  
 Turkeys, Geese, Chickens and Ducks at away down prices.  
 A full line of Lunch Meats, Hams, Bacon, Lard and Salt Pork, Oysters, Fish and Game in season.

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**Real Estate**  
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 402 Broadway, IOWA.

**We're Blue**  
 But it was the painter's brush that made us so. We're not only blue—but we're new and everything about us is new—Even the faces of our customers—But we are easy to get acquainted with.  
 Come in and let us put up a fine roast or steak for you. No better meat ever sold in the city than we have.  
**Blue Front**  
**Meat Market**  
 136 Broadway, Council Bluffs, Ia.  
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**Company,**  
 Council Bluffs, - Iowa.  
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**and Waldorf Pianos.**

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 (Established 1859.)

Our prices are right. We can save you money and do you good.

**TRANS-MISSISSIPPI AND INTERNATIONAL EXPOSITION, Omaha, 1898**



**The Iron Chancellor**  
 WATCH FOR IT.  
 Will be out next Tuesday.  
**WAIT TILL TUESDAY.**

**PROPOSED IOWA BUILDING.**

**COUNCIL BLUFFS**  
**STEAM DYE WORKS**  
 1013 BROADWAY,  
 Council Bluffs, - Iowa.  
**Gentlemen's Clothing**  
 Cleaned, Dyed and Repaired.  
**LADIES' DRESSES**  
 Cleaned - and - Dyed.  
 Send for Price List.  
**C. A. MACHAN, Proprietor.**

**A Dainty, Palatable Sauce—**  
**Elmodena Dried Fruits.**  
 Pitted Plums,  
 Apricots, Peaches,  
 Pears and Prunes.  
 They are the choicest in the market.  
 We have the Paxton & Gallagher's Gas-Roasted Coffee.

**JOHN OLSON**  
 (Successor to Johnson & Olson.)  
**STAPLE AND FANCY GROCERIES**  
 739-741 Broadway—  
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 SUCCESSORS TO  
**Western Lumber Co.,**  
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**LUMBER**  
 and General Building Material  
**COUNCIL BLUFFS, - - - IOWA.**  
**D. A. HAMILTON, Manager.**

**ANHEUSER - BUSCH BEER,**  
**Pale Lager and Budweiser**  
**ON DRAUGHT.**  
 These are the finest beers made.  
 My Canada Rye Whiskey can't be excelled.  
 Orders filled promptly.  
**LUNCH DAY AND NIGHT.**

**JACK O'NEIL, Proprietor,**  
 164 BROADWAY,  
 Opposite Ogden House—

**How Unpleasant**  
 To be without teeth—  
 and it's inconvenient, too.  
 There is no necessity for it in these modern days. You can get a good set of teeth for \$5.00 and the work is guaranteed.  
 Painless extraction of teeth.  
**See Dr. A. O. MUDGE,**  
 Up Stairs. 319 BROADWAY.

he had stolen from Taylor. He was also detected in this. Carter is 22 years of age, and his mother, now a widow, made an eloquent appeal to Judge Thornell for clemency for her son. The young man has already served a term of three years in prison.  
**RADICAL CURE FOR KLONDIKITES.**  
**War Department Puts a Damper on Our Man's Enthusiasm.**

Chris Jensen, a member of the contracting firm of Jensen Brothers, has been suffering with the Klondike fever, and was shaping his affairs to leave for the north in the early spring. As an act of prudent caution he concluded to make an effort to get some reliable information from the government, and for this purpose addressed a letter to the secretary of war. An answer was received yesterday that placed an effectual damper on Jensen's ambition to hunt for gold in the Alaskan fields. The letter from the War Department is of considerable length and cost disburse upon about all of the published reports of extraordinary gold finds in the last few months. The letter said that reports from the Yukon are to the effect that all of the reported finds in new fields are pure fabrications, and that there had been no new discoveries in the territory for the last eight months. It is further stated that not more than 7 per cent of the people who are already in the territory will be able to find employment sufficient to maintain themselves. The letter intimates that the transportation companies and speculators at the outfitting points are the chief boomers of all of the Alaskan gold fields and are making the money. Captain Ray, the entertainment and dance given on Thursday evening by the younger society girls who compose the Flower Mission club was one of the social events of the week.

**COURT HOLDS AGAINST THE STATE.**  
**Decides the Collateral Inheritance Tax Law Unconstitutional.**  
 Judge Thornell yesterday rendered a decision declaring unconstitutional the new collateral inheritance law that went into effect with the new code. The case was tried in the district court here a week or more ago and taken under advisement. It was the case of the state treasurer against the administrator in the estate of Frank C. Stewart of Carson, a wealthy farmer who died last fall, leaving an estate of about \$50,000, the greatest part of which was willed to collateral heirs. It came before the court on a demurrer filed by the defendant, alleging that the law itself was not only unjust and against public policy, but was unconstitutional for the reason that it failed to provide for any notice being given to the heirs or the administrator of the intentions of the state to take without recourse to law an amount equal to 5 per cent of the entire estate less the debts. Judge Thornell sustained the demurrer and every contention raised by the defendant. He declared the law is unconstitutional in that it confiscates the rights of the individual to dispose of his property in the way he sees fit, and gives the owner of the property no opportunity to appear and question the appraisement or to be present when the appraisement is being made or have any part in any of the proceedings, all of which affect his rights and property. There are over 500 cases in the state affected by this decision, and the 5 per cent tax involved in suits now filed or ready to be filed approximate nearly \$100,000.

**Baptist Revival.**  
 The revival meetings at the First Baptist church have not been well attended, owing largely to the unfavorable condition of the weather and walks, but will be continued the week and possibly next. Rev. R. Ventling, who conducts the services, has had much experience both in England and in

Don't Be Bluffed  
 We are not talking nonsense. We will duplicate any offer made by any other Laundry, in regard to being easy on goods. We guarantee goods laundered by us to last longer by our process than by any other. We call these plain facts.

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**S. F. Henry,**  
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**Manhattan**  
 SALOON AND LUNCH ROOM  
 "Only the Best" Wines, Liquors and Cigars served to our customers. Oysters and short orders at moderate prices. Open day and night.

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**FARM LOANS,**  
**FIRE INSURANCE,**  
**SURETY BONDS**  
**LOWE & CO.**  
 Resident Assistant Secretary,  
**NATIONAL SURETY CO. N. Y.**  
 Capital and surplus over One and One-Half Million Dollars.  
 All bonds executed at my office.  
**JAS. N. CASADY, JR.,**  
 236 Main Street. . . . Council Bluffs.

**SPECIAL NOTICES**  
**COUNCIL BLUFFS WANTS**  
 DWELLINGS, FRUIT, FARM AND GARDEN LANDS for sale or rent. Day & Even. 25 Pearl Street.  
**FINE FRUIT FARM OF 11 ACRES** Two miles from center of city. 500 fine bearing trees, 25 acres of grapes and other fruit; 1000 cash down, balance on long time at 6 per cent. Johnson & Kerr, Council Bluffs.  
**FOR SALE—A CHOICE FARM OF 40 ACRES** in Wayne Co., Neb., 5 miles west of county seat; all under cultivation, no waste or inferior land. Fair improvements, abundance of water, 40 acres of tame meadow, school house on land. Terms, \$27.50 per acre, part cash, balance on time. Address H. Green, 205 Fourth Street, Council Bluffs, Ia., or O. Lawson, Living Springs, Ia.  
**FOR SALE—60-ACRE IMPROVED FARM** IN Mills Co., Iowa, 20 acres in cultivation, balance in timber and pasture; a bargain if sold soon. Address X 15, Rice Office, Council Bluffs, Iowa.  
**60-ACRE IOWA FARM, WELL IMPROVED,** near railway, only \$25 per acre. Johnston & Kerr, Council Bluffs.

**VIOLIN**  
 Instructions. Albin Huster, student, 283 Broadway, German method of Dresden Conservatory.  
 (Continued on Seventh Page.)

**DOHANY THEATRE**  
 ONE WEEK AND SATURDAY MATINEE.  
**Commencing Sunday, February 13**

Opening Bill—The beautiful frontier five act drama  
**Young Lochinvar**

**By the Redmond Dramatic Company.**  
 16 PEOPLE IN CAST 16

New Songs and Dances—A Musical and Dramatic Treat.  
 Matinee prices 10c and 20c—Night prices 10c, 20c and 30c.  
 Monday night ladies free with one paid 30c ticket.  
 Seats now on sale.

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 And a general cleaning up will be the result. If you want your—

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