

CURRENT NEWS OF IOWA

COUNCIL BLUFFS

Office, 15 Scott St. Tel. 45.

MINOR MENTION.

Devils, drugs. Stockert sells carpets. Ed Rogers' Tony Faust beer. Fine engravings at Leffer's. See Schmidt's elegant new photos. Lewis Cutler, funeral director, phone 97. Woodring Undertaking company, Tel. 536. PETERSEN & SCHOENING BELL, RUGS. I. Macel, the ice cream man. Wholesale. All favors. Phone 284. DIAMONDS AS AN INVESTMENT. TALK TO LEFFERT ABOUT IT. New mahogany and rosewood photo frames. Alexander's, 32 Broadway. Wedding and engagement rings at the right price. O. Mauthe, 228 West Broadway.

JONES STILL FIRE CHIEF

Temporary Order Issued Restraining Commission from Ousting Him.

ORDER REINSTATES JONES IN OFFICE

Law Creating the Board of Fire and Police Commissioners is Attacked on Constitutional Grounds by His Attorneys.

The charges filed by O. P. McKesson against Chief Jones of the fire department were not heard by the newly created Fire and Police commission yesterday morning, and H. W. Jones is still chief of the fire department of Council Bluffs, despite the determination of certain parties to oust him from that position in order that the former chief, Charles M. Nicholson, may be installed in his place. The members of the Fire and Police commission received another setback yesterday morning when Deputy Sheriff McCaffrey served notice on them of the temporary restraining order granted by Judge Wheeler late Tuesday night.

The hearing on the application for a restraining order against the commission has been set by Judge Wheeler for Saturday morning, and in the meantime Hubert Tinley, H. M. Sargent and Louis Zuercher are enjoined from assuming or attempting to act as a Board of Fire and Police commissioners, so as in any way to interfere with Jones in the discharge of his duties as chief of the fire department, or from enforcing an order restraining Chief Jones, or from requiring him to deliver property of the city to the control of another, or to require him to cease to wear the uniform as chief of the department.

Judge Wheeler's order clearly reinstates Jones as chief of the fire department and annuls the order of the commission last Saturday night suspending him pending the hearing of the charges filed by McKesson.

Life of Commission at Stake. This temporary restraining order was issued by Judge Wheeler for the reason that State Senator Saunders, as counsel for Chief Jones, commenced quo warranto proceedings yesterday morning in the district court attacking the constitutionality of the law creating the Fire and Police commission.

In attacking the constitutionality of the law the following charges are made: That the provisions of the act are in contravention of section 6 of article 1 of the constitution of the state of Iowa as follows: "All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens."

That it is contravention of the constitution of the state of Iowa in that it requires a political test as a right to hold the office of member of the Board of Fire and Police commissioners, and denies to all persons excepting those holding certain political beliefs, and having certain political affiliations, the right to hold and enjoy the office referred to.

Another contravention of the state constitution charged is that the law limits the selection of members of the commission to citizens of the state who shall have been residents of the city in which they are appointed for more than five years next preceding their appointment, and thereby denies to such citizens who have not been residents that long the right to hold such office. Further, it is charged that the law is in contravention of the state constitution in that it limits the selection of the members of the commission from the two leading political parties and denies the right to all persons not members of such political parties.

The final result of the proceedings here will be watched with interest by seven other cities in the state in which the fire and police departments are now under control of a commission. They are Sioux City, Des Moines, Davenport, Clinton, Cedar Rapids, Burlington and Dubuque. Until the law was amended by the last legislature Des Moines was the only city having a fire and police commission.

See Office Moved. The Council Bluffs office of The Omaha Bee has been moved from No. 10 Pearl street, where it has been for the last ten years, to No. 15 Scott street. The new office is directly north of the Sapp block and opposite the Nebraska Telephone company's building.

N. Y. Plumbing Co. Tel. 250. Night, L-694. See office removed to 15 Scott street, opposite Nebraska Telephone building.

Gun Club Settles Complaint. Councilmen Maloney, Hendrix and Smith went to Cut-Off yesterday to investigate the complaint of certain residents of that section of Council Bluffs that the Omaha Rod and Gun club had fenced off a part of Eighth street so as to shut off access to the lake front. The difficulty was settled.

When the weather gets warm the people want ice, so call the Council Bluffs Coal and Ice Co. Tel. 12.

See office removed to 15 Scott street, opposite Nebraska Telephone building.

Sender Gets His Damages. The Missouri state court of appeals has confirmed the verdict of the lower court in the suit of Thomas R. Sender against E. H. and F. C. Lougee of this city. Several years ago Sender was arrested, charged with securing a large sum of money from Lougee & Lougee on a forged deed. He was indicted and on trial acquitted. He was taken to Blue Earth, Minn., to answer a similar charge, and there was convicted, and after serving four years in the penitentiary was pardoned.

Lougee & Lougee had, in the meantime, attached a herd of sheep belonging to Sender in Missouri, and Sender retaliated by bringing suit for damages for unlawful attachment and false imprisonment. He secured a verdict for \$200 on the unlawful attachment suit, and this has now been confirmed by the Missouri supreme court. The suit in which Sender claims large damages for false imprisonment is still pending.

Gasoline Steves. Two-burner, full cabinet frame, brass standpipe stove, \$3, warranted satisfactory. J. Zoller Mer. Co., 100-102-104-106 Broadway, Both phones 330.

Need any lace curtains? Before you buy better come in and see us. We want to surprise you in price and quality. D. W. Keller, 102 S. Main.

See office removed to 15 Scott street, opposite Nebraska Telephone building.

CANNOT COLLECT FOR PASS

Iowa Court Lays Down Rule in Damages Suit from Carroll.

RAILROAD COMPANY LIABLE FOR BAGGAGE

Employee of Railroad Company Attacked by Tramps and Beaten So Severely He May Die—Tramps Under Arrest.

(From a Staff Correspondent.) DES MOINES, May 8.—(Special.)—A man riding on a pass, who brings suit for damages, cannot collect for his passenger fare, according to a decision of the supreme court today.

Ben L. Sallinger of Carroll county was in Milwaukee and telegraphed to a Carroll friend asking how soon he had to be back in Carroll to attend court. The friend wired him to be back by Wednesday noon, but the Western Union failed to deliver the message. Failing to get a message Sallinger claims to have come home two days earlier than necessary, thus leaving business uncompleted in Milwaukee and Chicago, and he brought suit against the Western Union to recover damages, including his expenses of travel. In the district court trial he was asked if he did not, in fact, ride on a pass, and the lower court held that he did not have to answer the question. The supreme court says that he must answer the question, and a man is entitled to collect what expenses he incurred and not what expense he might have incurred.

The court in its opinion says: "If plaintiff rode on a pass and paid nothing whatever for railroad transportation, he is not entitled to recover from the defendant what another passenger could have had to pay who was not so fortunate as to have a railroad pass. In short, plaintiff was not entitled to speculate on the defendant and charge up expenses which he did not in fact incur. A fundamental rule as to the recovery of compensatory damages is that such recovery is limited to reimbursement for actual expenses."

The court further holds that if a man chooses to ride in a day coach all night he cannot collect for sleeping car berth.

Draft Money Preferred.

In a case involving the failure of the Bank of Olin the supreme court today holds that money paid to a bank for a draft and money paid on a note is preferred and must be paid in full. In the case decided Frank W. Whitcomb bought a \$100 draft on a Chicago bank when the Bank of Olin had no funds on deposit there and the payment of the draft was refused. He also paid \$175 on a note to the bank that the bank had sold to a third party. The bank failed to turn the money over to the third party, however. A few days later the Bank of Olin failed and went into the hands of an assignee. Whitcomb brought suit to have his claim declared preferred and paid in full. The lower court decided against him and the supreme court reverses this.

Values in Baggage.

The supreme court in the case of W. Bergstrom against the Rock Island railway today held that when a railroad receives through its baggage agent a trunk containing other than clothing and the agent is so informed it is liable for the damages if the trunk is lost. Bergstrom bought a ticket from Cedar Rapids to St. Paul and checked his baggage, paying excess. One trunk containing an oriental seal 4,000 years old, some art embroidery of the fourteenth and fifteenth centuries and other valuables of a total value of nearly \$4,000. The district court allowed damages for about one-tenth. The railroad appealed on the ground that it was not legitimate clothing. The supreme court holds that there is no law against a railroad receiving baggage other than clothing and that if it did receive it the road is liable.

Memorial University Objects.

Memorial university at Mason City has objected to being merged into the new Baptist college that is proposed to form out of the Des Moines college and the Central university of Pella and such others as can be induced to join. The efforts of the Baptist denomination of the state is to secure the formation of one strong Baptist college in the state. A committee of the state association is now working on the problem of selecting a suitable location. Assurance has been given that if support has been decided Memorial university to have nothing to do with the merger.

Fort Dodge Gets Viaduct.

By an agreement between the city and the railroads a viaduct is to be built in Fort Dodge over the Illinois Central and Minneapolis & St. Louis tracks.

Rate Hearing Postponed.

The railroad commission today convened for the purpose of taking up the question of arranging a joint rate schedule. Quite a number of railroad men and shippers were present. The commission briefly outlined its plan for beginning the work and then adjourned till May 22, at which time it will begin the hearing of witnesses on the rates.

Des Moines Wants Rates.

Traffic men of the railroads crossing Iowa are today in conference with businessmen and members of the booster committee of Des Moines in an endeavor on the part of the booster committee to induce the railroads to change some of their interstate freight schedules.

Railroad Man is Attacked.

Jerry Libby, a car inspector in the employ of the Rock Island railroad at Valley Junction, may die as the result of an assault of tramps in the yards at Valley Junction. Libby, in company with other railroad men, ordered a gang of tramps to leave the yards. Instead of leaving they attacked the railroad men and Libby was mortally injured, and there are fears that he may not recover. Railroad men boarded a switch engine and gave chase to the tramps and captured them and brought them back to Valley Junction, where they were lodged in jail.

Not to Hear McMillan.

Liston McMillan of Okaloosa will not be given a hearing before the Grant club. McMillan has started a boom for Foraker in Iowa and he requested an invitation to appear before the Grant club at its monthly meeting. The club officials state that it is not in the business of hearing advocates of any candidate. It may invite

Constipation deranges more lives with nervousness than any other abnormal condition.

DR. PRICES' WHEAT FLAKE CEREAL FOOD

Is made from the whole grain of the wheat, celery infused, making it nature's evacuant.

10 cents a package. For sale by all Grocers

Advertisement for N.K. Kellogg's Signature Means. Includes text: 'What This Signature Means', 'GENUINE TOASTED CORN FLAKES', and an image of a box of Sanitas Toasted Corn Flakes.

Foraker himself to talk on something besides politics. Hard-to-Fit Noses. Your nose may be Roman, Grecian, pug, long, full or slim, it does not matter to us, but if you wear glasses you want them to be easy fitting, and that is just what we promise or your money refunded. If your glasses fall off, pinch, bind, wiggle or are in any way uncomfortable come in and let us show you what it is to be easy-fitted. LEFFERT, Popular Jeweler, 409 Broadway. Shriners' Temple for Sioux City. SIOUX CITY, Ia., May 8.—(Special Telegram.)—Sioux City Shriners this evening received word from Los Angeles that the National Shriners' convention had given Sioux City Shriners the right to establish the Abu Bekr temple here. Petersen & Schoening sells matting. Iowa News Notes. PELLA.—The eleventh annual reunion of the Thirty-third Iowa volunteer infantry will be held here September 19-22. ONAWA.—The first installment of about \$200,000 drainage bonds on the big Monona-Harrison ditch were sold today to the Trowbridge-Nevens company of Chicago for a premium of \$7.75. The bonds run fifteen years and draw 6 per cent interest. REINBECK.—Because Miss Lillian Smith, a plucky 19-year-old teacher in the Yodha school, had the nerve to drive William M. Albright, father of one of her pupils, out of the school with a stove poker, the citizens of the town have raised her salary from \$30 to \$50 a month and given her a \$100 diamond ring. Albright went to the school in response to the teacher's note concerning the conduct of his boy, and it is said became abusive, whereupon Miss Smith routed him with the poker. ONAWA.—The joint board of supervisors of Monona and Harrison counties, in session here, appointed P. S. Holbrook of Centerville, Ill., permanent engineer on the big Monona-Harrison drainage ditch, and work is expected to proceed as fast as possible. This ditch, or canal, is one of the largest drainage propositions ever attempted in the west, and with branches, laterals and cut-offs of the Little Sioux river already in sight will cost over \$1,000,000, and is expected to drain and reclaim about 70,000 acres of Missouri bottom land now subject to overflow and too wet for cultivation some years. Greatest ice saver on the market—the Alaska refrigerator. Petersen & Schoening. Complete line of Victor base ball goods Petersen & Schoening. "Elijah" tonight at Boyd's. Soloists, chorus and orchestra. Robbers Not Captured. BUTTE, Mont., May 8.—Inquiry at the Great Northern office last night elicited denial of the report from Helena of the capture of the train robbers at Basin, north of here.

Advertisement for California Fig Syrup. Includes text: 'THE VALUE OF PERSONAL KNOWLEDGE', 'Personal knowledge is the winning factor in the culminating contests of this competitive age...', and an image of a woman in classical attire.

Graduation Time

Will be here very soon. Have you thought of the gift you are going to give to your boy or girl to commemorate this eventful day of their life? If not a visit to our store will give you many valuable suggestions. We have recently re-enforced our stock of watches, jewelry and silverware and can show you many acceptable articles suitable for graduation, and at prices that are sure to please. LEFFERT, Popular Jeweler, 409 Broadway.

Upholstering, mattresses made to order.

All mattresses made over, feather beds re-covered, feather and mattress made and all kinds of upholstering a specialty. George W. Kline, Bell phone 58, Ind. phone 710 black, 19 South Main street.

Give us your order for that spring carpet.

We do the rest—see, lay and fit it right to your room. D. W. Keller, 102 S. Main.

Meade Comes to High School.

Prof. F. L. Meade of the Iowa City High school probably will be elected a member of the Council Bluffs High school faculty to succeed Prof. Robert Swaine. Prof. Meade has resigned his position at Iowa City and was in the city recently in consultation with Superintendent Clifford and members of the Board of Education. It is understood he will be elected at the meeting of the board on May 21.

Learn Your Baby to Walk.

We have just received a shipment of baby walkers, \$2.50 to \$3.50 each. Get one and learn your baby to walk. D. W. Keller, 102 South Main.

Lace curtains, Stockert Carpet Co.

I haul dead animals, 11¢ per head. Garbage, ashes, manure and all rubbish; clean vaults and cesspools. All work done in a sanitary and efficient manner. Calls promptly attended to. Ind. Phone 1223 Y. Bell Red 1873 J. B. SHERLOCK

City Scavenger

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Is the joy of the household, for without it no happiness can be complete.

How sweet the picture of mother and babe, angels smile at and commend the thoughts and aspirations of the mother bending over the cradle. The ordeal through which the expectant mother must pass, however, is so full of danger and suffering that she looks forward to the hour when she shall feel the exquisite thrill of motherhood with indescribable dread and fear. Every woman should know that the danger, pain and horror of child-birth can be entirely avoided by the use of Mother's Friend, a scientific liniment for external use only, which toughens and renders pliable all the parts, and assists nature in its sublime work. By its aid thousands of women have passed this great crisis in perfect safety and without pain. Sold at \$1.00 per bottle by druggists. Our book of priceless value to all women sent free. Address BRADY & LOEWENSON CO., Atlanta, Ga.

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