

DORGAN'S DOINGS DETAILED

Uninteresting Rehash of the Alleged Asylum Coal Frauds.

HOW THE NUMEROUS CARS WERE HANDLED

Freight Agent Scott of the Burlington Related the Manner in Which the Coal Supplies Were Delivered to the State Institution.

LINCOLN, Oct. 25.—[Special to THE BEE.]

The trial of John Dorgan for alleged frauds perpetrated against the state in the matter of supplying coal to the Lincoln Asylum for the insane is proving a dry and comparatively uninteresting rehash of what has been done over in the public print several times since the frauds were uncovered. Attorney General Hastings was on the stand this forenoon to continue the line of testimony commenced yesterday afternoon by Assistant Moore and ex-Superintendent Knapp. He gave in detail the business methods in use by the Board of Public Lands and Buildings during the time when the frauds were perpetrated. At the close of his evidence the defense moved to strike out the whole of it on technical grounds.

The principal witness this afternoon was Freight Agent Scott of the B. & M. He related the manner in which the coal supplies for the Asylum for the insane were switched out to the institution and produced the books containing the records of the numbers of the cars, weights, dates of shipments, and the testimony involved a mass of facts and figures which have considerable bearing upon the case considered by the jury. The evidence which he gave was of a nature which was of little interest to the public. Deputy Treasurer Bartlett was placed upon the stand to identify certain warrants which had been presented to Dorgan and others in payment for coal delivered to the asylum. U. J. Imhoff of the Union Savings bank also took the stand to identify warrants.

From the Police Court.

Police Judge Waters entertained the notorious Harry Baxter at his regular morning reception today. Baxter, who is in a local saloon yesterday and promptly run in to keep him out of mischief. When arrested he gave the name of Oscar W. Kibicki, who has the reputation of being one of the smoothest all-around crooks and safe crackers in the west. He told the judge a story calculated to bring tears to the eyes of a factor on the Midway pliance, and as a result of his eloquence he was permitted to go on his promise to leave the city within twenty-four hours.

The Swedish quartet was short just one man when Axel Almqvist, Chris Anderson and John Johnson were lined up in front of the bar. Anderson had a bulbous protrusion in that part of his features usually occupied by his left eye and it would have taken the prize at any well regulated horticultural exhibit, for it beat the largest, bluest and juiciest California plum that was ever picked from a tree in Los Angeles county. In company with his companions they celebrated something or other last night and spent the night in jail in consequence. All three are tailors and paid their fines of \$5.70 each.

Frank Munday was lined up for vagrancy. He claimed to be a tailor of long sheets and said that he had disposed of 250 of them in this city since last Saturday night. He was only waiting for another supply before commencing his perambulations in the direction of the town of Hastings. After taking his affidavit that the long sheets contained no reference to "After the Ball" the judge permitted him to walk.

Lincoln in Brief.

E. G. Smith is the name of a young man who came to Lincoln from Greeley Center early in the week. It was his first experience with metropolitan life, and consequently the police were not surprised to learn this morning that he had lost his overcoat, gold watch and \$30 in cash while taking in the city by gaslight with a couple of friendly colored girls.

A man named Pronger is lying at his home under several disabilities incurred while falling from the roof of a house yesterday forenoon. He will recover. Judge Cunningham today sent young Orville Switzer to the reform school at Kearney for general all-around incorrigibility.

W. W. Raub, the independent nominee for constable, has declined to run for the office, and officially notified the county clerk to that effect this afternoon. The county clerk today decided that he had no authority for placing the names of the republican nominees for sanitary trustees on the official ballots. The candidates were not selected by the county convention, but were nominated by the county central committee. Mr. Raub's withdrawal means that the candidates would have to run on petition, and accordingly C. T. Boggs and Richard O'Neill were so nominated this afternoon. Major Bohannon was similarly nominated by the democrats.

Bank Wrecker Moshier in Lincoln. C. W. Moshier, who has been enjoying the hospitalities of the Douglas county jail since last June, is once more a citizen of Lincoln, although his residence here is of uncertain duration. He was brought to this city last night and placed in the Lancaster county jail, where he has a seat as a representative of THE BEE this forenoon.

The ex-bank president seemed in the best of health and spirits and greeted the reporter as cordially and as pleasantly as he did in the days when his crooked financial methods were still unsuspected by the people of this city. He freely admitted his incarceration in the Douglas county jail, of the many stories concerning his escapades on the streets of Omaha and Council Bluffs, of his visits to the theaters, his other places of amusement and of his connection with the affairs of the Capital National bank. He made light of the reports concerning his intimacy with Nellie Sayre, and declared that she is a total stranger to him. He never heard of her before, and did not know Mrs. Ingalls until the newspapers brought her name before the public, he declared. Then he met her at the jail. She said, he claimed, that if he ever visited her place she never would recall the fact that her place was visited by a great many men, and that she could not be expected to remember the faces or names of all of them who came.

The conversation then drifted to a discussion of the affairs of the Capital National bank. Moshier answered freely many questions put to him and declined to answer others.

Talked About Bank Business. "The whole affair has been particularly unfortunate," remarked Moshier, "in a manner which left some doubt as to whether the bank's failure was unfortunate for himself or for the unhappy creditors, but it is perhaps fair to state that he had the creditors in mind."

"I still believe," continued Moshier, "that it would have been best for all parties concerned had my trouble been compromised as I proposed. If a compromise had been made the depositors would have received every dollar due them and there would have been no necessity for an assessment upon the stockholders. A great deal of litigation that has followed the bank's failure would have been avoided, and everybody would have been better satisfied."

assets to pay off the rest of the depositors, not including the state, county and city. Then we proposed to say to the banks, eastern creditors and corporations that would give out personal notes for four or five years for the amounts due them and then let them wait for what they might get from the disposition of the rest of the available assets."

Did Not Protect the State.

"Did your plans embrace the payment of the claims of the state against the bank?" asked the reporter.

"No, we did not include the state, Lancaster county, the city of Lincoln or the fraudulent manufacturing notes."

"You speak of the fraudulent manufacturing notes. Why do you say fraudulent?"

"I say fraudulent for the reason that I do not consider the endorsement binding upon the bank. I do not believe the notes can be collected from the receiver."

"Do you expect to be called as a witness in any of the suits now pending against the bank or its officers and directors?"

"I am willing to take the stand and give my evidence on any point that will be of any assistance to the receiver. I will not testify in any other cases. In other words I will be a witness for the receiver if he wants me, but for no one else."

"What is your opinion of the case instituted against the bondsmen of ex-Treasurer Hill?"

"A cold wave struck the jailer's parlor at this instant and Moshier froze up so suddenly that he was unable to utter a word."

"One more question. Why were you brought to Lincoln in the first place?"

"Well," replied the financier, "I think I was getting to be too much of an issue in Douglas county politics."

Barrett Scott Asking for Habeas Corpus.

Important Insurance Decision. Lincoln, Oct. 25.—[Special to THE BEE.]—Barrett Scott, the defaulting treasurer of Holt county and under arrest for embezzlement, filed with the supreme court today an application for a writ of habeas corpus, asking that the sheriff of Holt county be required to bring him before the supreme court in order that his bail may be set at a reasonable amount. His petition is a voluminous one, and goes over the entire history of his case from the day of his indictment to the present time. He recites that he was indicted for embezzlement on September 9, 1893, on the charge of having taken funds belonging to the county of Holt and the state of Nebraska to the amount of \$70,000; that on October 7 he was taken before Judge Kibicki, one of the district judges in and for Holt county, and his bond fixed at the sum of \$24,000. The court adjourned until October 9, in order to give him an opportunity to furnish the bail. On that day he appeared in court with a bond signed by himself and the following sureties: Ben DeYarman, John Horvick, I. R. Smith, Emil Snages, Edward Grady, John Skirving, Gus Doyle, J. N. Menzie, Jackson Wiley, J. H. Meredith, Milo Pickering, Frank Darr, John Berry, John Hubby, William McWhorter and J. B. Berry. The court held that the sureties were not sufficient and again adjourned, this time until October 16, in order to give him time to find further security. On the 16th he again appeared with more names to his bond. This time, however, County Attorney Murphy appeared and filed a motion to increase the amount of the bond to \$100,000. Attorney Harrington, also representing the prosecution, filed an objection to a number of the names on the bond. Whereupon the court, without taking any testimony and without any showing other than that made in the motion of the county attorney, increased the amount of the bond to \$70,000.

Claims the Amount Excessive.

In the main body of the petition Scott's attorneys enter into what may be called an elaborate argument to prove that the amount of the bond is excessive. They cite the fact that when Scott was indicted for embezzlement he gave a bond for \$24,000, signed by twenty of the most prominent and influential citizens of Holt county; that since his arrest on the charge of embezzlement suit has been commenced against himself as well as against the twenty men upon his official bond, thus depriving him of the assistance of twenty of the best citizens of the county, who might otherwise be induced to go upon his bonds in the present case. In addition the petition urges the fact that in last July the Holt county bank failed and thus involved a great many other leading citizens and business men in disaster, thus making them unavailable as sureties in his present extremity. They cite the fact that, owing to the trouble experienced by the numerous citizens who are already involved in litigation by reason of the fact that they have been upon his and other bonds, there is now a general sentiment in Holt county against signing bonds of any kind. He cites the fact that most of the citizens of Holt county are, as a class, poor men, and most of them have their property encumbered by mortgage. He claims that it will be utterly impossible for him to secure bail to the amount of \$70,000 and that if the amount is kept at that figure he will be compelled to lie in jail until he can be brought to trial.

Wants a Change of Venue.

Another new and startling proposition made in the petition is Scott's claim that he will not be able to secure a fair and impartial trial in Holt county, and that he will be compelled to go to some other county in order to secure such a trial. He also denies the allegations in the indictment charging him with the embezzlement of any of the funds of the county. Wherefore he prays that a writ of habeas corpus be granted to bring him before the supreme court to be admitted to bail according to law.

The court gave the attorneys of Holt county until next Saturday in which to file an answer to the petition and set the case for hearing on November 8. J. J. King of O'Neill was appointed a referee to take any testimony bearing upon the case that may be offered. He will commence the work next week. Judge M. B. Reese of this city has been engaged to assist the county attorney of Holt county and is now at work upon the answer to the petition filed by Scott's attorneys today.

Important Insurance Decisions.

Three of the decisions rendered today were in relation to insurance matters. The syllabi are:

Key vs. County of Gage. Error from Gage county. Affirmed. Opinion by Mr. Chief Justice Maxwell.

The sheriff is ex-officio jailer of his county. He may if he so elect appoint a jailer, who shall be a deputy and take the oath required by law. The jailer is not paid a salary, but is allowed for the board and care of prisoners actually confined in the jail.

Hoveand vs. Hurstova. Error from Madison county. Reversed and remanded. Opinion by Mr. Chief Justice Maxwell.

A defendant has a right to set up his entire defense and where such defense consists of a series of acts, which together constitute parts of one transaction, a portion of the same cannot be stricken out against his objections.

German-American Insurance company vs. Buckstaff. Error from Lancaster county. Reversed and remanded. Opinion by Mr. Justice Norval.

Oral agreements of attorneys entered into out of court to submit matters in suit to arbitration will not be enforced when objection is made thereto. The only competent proof to establish an agreement made by an attorney in regard to the disposition of a case is the evidence of the attorney himself, his written agreement, signed and filed with the clerk, or an entry thereof upon the records of the court.

(Maxwell, chief justice.) The policy contains the appointment of arbitrators to determine the amount of the loss. This provision arbitrators were appointed by each of the parties, who examined the property and made a report as to the amount of the loss. The appointment was authorized by the policy and did not depend for its validity on the oral agreement of the attorneys. In my

view, therefore, the point decided is not applicable to the facts.

2. Where there is no competent evidence of an agreement of the parties to an action to submit their matters of difference to arbitration it is error to submit the question of the award to the jury.

3. Whether a building covered by a policy of insurance is or is not vacant, and the question of fact to be determined by the jury under proper instructions of the court, is a question of fact to be determined by the jury under proper instructions of the court.

The Fireman's Fund Insurance company vs. Buckstaff. Error from Lancaster county. Affirmed. Opinion by Mr. Justice Norval.

An insurance policy contained a condition that no action thereon shall be maintained unless brought within six months after the occurrence of the fire, and by another condition it was stipulated that the loss should not become payable until sixty days after the proofs of loss are received by the company. Held, that a suit upon the policy may be brought within six months from the expiration of the sixty day period.

2. Hold that the evidence is sufficient to sustain the judgment.

Liverpool, London and Globe Insurance company vs. Buckstaff. Error from Lancaster county. Affirmed. Opinion by Mr. Justice Norval.

A cause tried without a jury will not be reversed for the admission of incompetent testimony.

2. A policy of insurance, provided that it should be void if the premises become vacant or unoccupied, when the written consent of the company should be endorsed. The tenant occupying the premises thereupon moved out the day before the fire, leaving in the building a portion of his furniture. Held, that the premises were not vacant and unoccupied within the meaning of the policy.

THEIR GOLDEN WEDDING.

Interesting Social Event in Which York Pioneers Participated.

YORK, Neb., Oct. 25.—[Special to THE BEE.]—Last night at the home of J. A. Osborn occurred a very pleasant affair, in which a few people are ever permitted to participate—a golden wedding. A large tent was provided for the occasion, and at 7 o'clock about 200 old soldiers, their wives and children assembled. On October 24, 1843, Mr. J. A. Osborn and Barbara Barnett were married, the marriage certificate being signed by fourteen witnesses. Mr. Osborn led his bride of half a century under a beautiful arch, from which hung a "lover's knot" of oak leaves and holly, and the two were joined in the presence of a large company of friends. The bride and groom were the recipients of some very appropriate presents.

A beautiful repast was served at the bride's home. Colonel Osborn acted as toast master. Mrs. L. D. Stilson spoke on "Congratulations," and recited a poem of fifty lines. Other toasts were given by Rev. B. Long, "The Long and Short of It"; Mr. J. W. Stewart, "The Christian Soldier"; Mr. Osborn is an old soldier, and the affair was planned by the Women's Relief corps.

A. O. U. W. CELEBRATION.

Members of the Organization at York Turn Out in Force.

YORK, Oct. 25.—[Special Telegram to THE BEE.]—This has been Ancient Order of United Workmen day in York. The local order, assisted by lodges from several counties surrounding, have met appropriately celebrating the twenty-fifth anniversary of the Ancient Order of United Workmen. Great interest was manifested by the citizens, nearly every business house being decorated with flags in honor of the occasion.

Several banners of welcome were strung across the streets in different places and in front of the Ancient Order of United Workmen hall stood a large evergreen arch.

The parade, in which there were 400 members, led by the York military band, formed in front of the hall at 1 p. m. and marched through the arch to the Methodist church, where addresses were delivered by Grand Master J. G. Tate and F. G. Simmons. A very interesting program was carried out tonight, consisting of a musical number by Abbie Burns, addresses by Revs. Byron Beale and J. G. Tate and music by the Arion quartet of this city.

THEY WANT NEBRASKA HOMES.

Arrangements Being Made to Secure Five Hundred Citizens from Poland.

GRAND ISLAND, Oct. 25.—[Special to THE BEE.]—Count H. Lubinski of Warsaw, Poland; J. Wozenski of Chicago, and M. A. Lunn of Lincoln were in the city today, and this afternoon were the guests of Mr. Oxnard. The sugar factory was the scene of the two eminent Polish gentlemen took a trip into the surrounding country and to St. Paul this morning. The object of their visit, said Mr. Lunn, was to take in the country with a view toward the location of a colony of well-to-do Poles, who were already in this country. Mr. Lunn is an indefatigable worker for the best sugar interest, and considers it in its true sense as a national question. He informed THE BEE correspondents that the gentlemen whom he is accompanying are delighted with this state. He is productive soil, and declare that the half had not been told them. The party left this evening for a visit to the mountains.

DOMESTIC INFELICITY.

Hymen Takes a Day Off to Grind the Divorce Mill.

Hymen took a day off yesterday and quite a respectable stack of petitions in divorce suits were filed in the district court during the week. The first to be filed was Emma C. Scherer, who had a long tale of woe to recite in connection with her experiences with her husband, Louis Scherer. According to her petition the couple were married in this city in September, 1892, and for a brief time enjoyed all the blessings of conjugal felicity. But in time Louis began to treat his wife after a manner not in accord with his marital vows, and she was repeatedly compelled to leave him with her children to escape his cruelty.

Her husband, she avers, was in the habit of calling her vile names before the family and strangers and accusing her of falsity to her marriage in a manner not in accord with variations until December last, when he came home intoxicated and fired a revolver in the house to frighten her and then proceeded to knock her down and drag her about the room by the hair. For these reasons she asks to be relieved from her marital bonds and to have the custody of the two children. She also demands alimony to the amount of \$25 a month.

Caroline Schlicht was married to Jerome Schlicht in May, 1890, and according to her petition her husband deserted her after six months of wedded happiness. She therefore wants to have the marriage set aside. Patrick Moran wants to be divorced from his wife, Anna, for a similar reason.

The Advertising

Of Hood's Sarsaparilla is always within the bounds of reason because it is true; it always appeals to the sober, common sense of thinking people because it is true; and it is a safety fully substantiated by endorsements which, in the financial world, would be accepted without a moment's hesitation.

Hood's pills cure liver ills, constipation, biliousness, jaundice, sick headache, indigestion.

Will Sit in Omaha.

Judge Caldwell of the United States appellate court at St. Paul, Minn., will arrive in Omaha next month to hold court.

Wedded at Wisner.

WISNER, Neb., Oct. 25.—[Special Telegram to THE BEE.]—Mr. Henry Kinsel and Miss Ida Annin, two very prominent young people of this place, were married at the home of the bride's parents, Mr. and Mrs. Stark

Business Men Eat



QUAKER CHALK TALKS

Business men work like race horses now-a-days, therefore need the nerve and stamina of the racer. No other food furnishes these qualities like Quaker Oats.

Sold Only in Quaker Oats Packages.

MORSE'S Thursday's Sale.

Special values in Dress Goods, Silks, Trimmings, Yarns, Notions, Ribbons, Hosiery, Underwear.

Dress Goods.

2 GRAND BARGAINS. A counter of all wool goods, mixed plaids, cords, fancy weaves, being the balance of broken assortments, single pieces of a kind, &c., 45 to 52 inches wide. We have sold them at \$1.25, \$1.50 and \$1.75. They are very cheap.

BARGAIN NO. 2.—We offer 20 pieces of handsome silk and wool novelties, new style, 45 to 50 inch goods, which have been \$2.50 a yard. We are closing them out for \$1.50.

Silks.

Some of these elegant brocades left from the big sale. Velvet brocades 25c, made to sell at \$1. Striped, figured brocades and changeable velvets 75c, made to sell at \$2.75. Changeable novelties \$1, made to sell at \$3. Elegant brocades \$1.25, made to sell at \$3.

Trimmings.

Fine silk braids and gimps, in cluding all 15c and 25c goods at 10c. Fancy worsted braids, all 25c and 35c goods, at 15c. Fine silk gimps, all colors, 30c to 50c goods, at 25c. A line of fancy gimps, sold as high as \$1.50, for 75c.

Notions.

Darning Cotton, regular price 3c, 1c. Hornbone Dress Stays, doz., regular price 15c, 9c. Covered Dress Stays, regular price 15c, 7c. Watch Spring Stays, doz., regular price 10c, 5c. Ventilating Elastic Web, regular price 10c, 5c. Silk Elastic Web, regular price 25c, 10c. Whalebone Casings, regular price 6c, 3c. Stockinet Dress Shields, regular price 15c, 9c. Kid Curlers, regular price 15c, 10c. Electric Curlers, regular price 25c, 15c. Curling Irons, regular price 10c, 5c. Whisk brooms, regular price 15c, 9c. Coats' thread, per doz., 45c. Hooks and Eyes, two cards for, 5c. English Hair Pins, two papers for, 5c. Good quality pins, per paper, 5c. Pears Unscented Soap, 10c. Cuticura Soap, 17c. Three cakes Honey, Castile or Rose Soap, worth 10c a cake, three for, 10c.

Ribbons.

All Silk Ribbons with Satin edge, Nos. 5, 7 and 9, 5c yard. Nos. 12, 16 and 22, 12c yard.

Underwear, Etc.

Ladies' woolen underwear, jersey knit, in natural and white, a 50c garment everywhere, sale price, 25c. Ladies' pure Egyptian fleeced lined Jersey ribbed vests, regular 75c goods, at 50c.

DAMAGED.

A lot of Ladies' Natural all wool union suits, regular \$2.50 goods, we will close for only \$1. Ladies' New Brittain Merino union suits, regular \$3.00 goods, for \$1.50.

Ladies' nonshrinking underdresses and drawers, considered good value at \$1.25, will sell on Thursday at 75c. Ladies' all wool hose, remarkable value, Thursday only 25c. Children's all wool ribbed hose, all sizes, well worth 50c, for 25c.

A lot of children's fine underwear, English merino, some are all wool. This is an odd lot and must be closed, none worth less than \$1, Thursday's clearing price is 25c. Secure this bargain early. Ladies' black silk seersucker hose, regular 75c goods, for 50c. Ladies' muslin night dress, with yoke of hemstitching and sailor collar and cuffs, a 75c gown, at 49c. Ladies' corset covers, nicely trimmed, that are worth 50c, price for Thursday, 35c. Ladies' muslin drawers, nicely trimmed and worth \$1, Thursday's price 63c.

Orchard & Wilhelm Carpet Co.

1414-16-18 Douglas St.

THE MORSE DRY GOODS CO.

GITTIN' SETTLED

It'll all be in shape Friday morning. Friday is fish day and if there is anybody who wants to fish out some of the most marvelous, mighty values ever seen in clothing in Omaha, he'd better be on hand.

Dress Goods.

It doesn't matter whether you eat fish, roast beef or Weiner wurst, you want to get in line with your fish line Friday and see what is offered on the opening day of this great sale. Some of these garments have been in stock a year. That doesn't hurt 'em any for wear, they haven't got the latest kinks in cut, but at the prices, you will be well and tastily clothed at about one third regular prices. All our new fall stock goes in this sale. Watch for it.

Prices will be given tomorrow. Boys' suits, boys' pants; boys' overcoats. Men's suits, men's pants, men's overcoats. All this present stock must be sold. See prices tomorrow.

HAYDEN BROS. Clothing Department.

Trimmings.

Fine silk braids and gimps, in cluding all 15c and 25c goods at 10c. Fancy worsted braids, all 25c and 35c goods, at 15c. Fine silk gimps, all colors, 30c to 50c goods, at 25c. A line of fancy gimps, sold as high as \$1.50, for 75c.

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