

DEAF EAR TURNED TO SEARS

Court of Inquiry Rules Out Words of Schley's Flag Lieutenant.

LIMIT IS PUT TO ADMISSIBLE EVIDENCE

Witnesses Are Permitted to Extend or Correct Their Testimony, but No Trivial Conversations Will Be Repeated.

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the turn I saw no vessels at all, although I had a plain view out of the stern ports. I judge I could see about 300 yards distinctly.

In reply to questions from Mr. Rayner, he said he had seen Commodore Schley three times during the battle and that his bearing was "everything that the officers and crew could have expected."

The witness then related other incidents of the battle, saying: "The most vivid feature of the battle in my recollection occurred just after Brooklyn had made its turn. I had relieved the gun captain in charge of the starboard six-pounder gun and I fired at three ships inside of three minutes by a slight change in train. At that time I could see no other American ship."

On cross-examination the fact was brought out that during the turn Captain Borden had been in charge of guns in the stern of the ship and had not been able to see ahead.

Captain Borden was then excused and as he left the witness called Mr. Rayner said he would have no more witnesses to call. He said: "May it please the court, we have closed our case." This statement was made at 11:15 a. m. and the statement was made in such quiet tones that it is doubtful whether its purport was understood by half those present.

Schley's Report of Battle. Captain Parker then asked to have put in evidence a number of documents, including the report of the battle of July 3, which Admiral Schley made from Montevideo July 13, 1898. This report never has been printed. Following is an extract from it:

"In my judgment, from an unobstructed view of the entire field of action during the combat, Viscaya was not more than 1,000 yards distant. My flag lieutenant, standing at my elbow, reminded me that the distance between the leaders of the Spanish squadron and ourselves was approaching our tactical diameter. The stadiometer at this instant indicated 900 yards, and I swung to the right to meet what proved to be the last of the attempts to ram Brooklyn, for Viscaya then turned square to starboard and followed Maria Teresa until the latter's destruction. These facts admit of no contradiction, for they are based upon the independent judgment and observation of two or more persons, and upon the stadiometer in the hands of a person skilled in its use."

Ten minutes were consumed in presenting this report, which was admitted. Lieutenant Grant was then called as the first witness for the rebuttal. The witness was interrogated concerning the events of May 31, when Commodore Schley went aboard Massachusetts for the purpose of making a reconnaissance and bombarding Colon, especially to the conversation in which Lieutenant Sears, flag lieutenant of Brooklyn, who accompanied Commodore Schley on this occasion, was reported as urging that no obstacles be put in the way of letting the bombardment go on, because he was represented to have said it had been difficult enough to get the commodore up to the point of undertaking it.

In reply to questions Lieutenant Grant said he had seen Lieutenant Sears on board Massachusetts during the bombardment of Colon on May 31, and that he first met him on the quarterdeck about 10 o'clock of that day. "I had been below," continued the witness, "to get the powder division ready for action. Between 11 and 12 o'clock I went with Lieutenant Sears into the navigator's room while he was washing his hands previous to going in to breakfast in the ward room, and I had a conversation with him in that room and afterward at the ward room table."

Sears' Statement at Mesa. The witness said that the navigator was present part of the time during this conversation. At the conversation he thought about sixteen were present, practically the entire mess.

"I want you to state what the conversation in the state room of the navigator was." At this point the testimony was brought to a sudden stop by an emphatic remark by Mr. Hayden:

"An object." Addressing the court, Mr. Rayner made a vigorous speech, charging that the conversation in the ward room of Massachusetts was immaterial to the case; that as it was irrelevant to the issue and as Admiral Schley was not present, the conversation was clearly inadmissible. If this talk had been permitted any remark made by Lieutenant Sears at any other place could be introduced. Mr. Rayner quoted several authorities in support of his contention.

his feet with the question: "You are calling Captain Schley in rebuttal of course?" "Captain Lemly—I do not call it rebuttal; we called Captain Schley because he is wanted to testify."

Apparently Mr. Rayner was surprised. He said: "Have we the right, after we have closed the case, to recall witnesses except in rebuttal? That would lead to an interminable case. The rule of law is you can rebut anything new that we have brought out, but you cannot call witnesses to sustain former statements they have made. There is no objection to a witness in rebuttal."

Captain Lemly—Counsel is wrong when he says I closed the case. I did not close it. I simply said "we rest here," and I propose to call further witnesses hereafter. I am only going to call such witnesses as the court thinks necessary in order to have the facts before it.

He contended that this is an inquiry and not a prosecution and that the usual rules of opening and closing and of rebuttal and sur-rebuttal followed in ordinary courts of law were not to be followed in this case.

The court at 12:30 p. m. took a recess until 2 o'clock without deciding the point raised.

Full Liberty in Testimony. When the court reconvened after recess Admiral Dewey announced the decision of the court on the question of rebutting testimony, holding that witnesses may be called at any time, or recalled for the purpose of making corrections of former testimony, or additions in the nature of corrections. They cannot, however, reiterate former evidence.

The latter part of the decision was read by Captain Lemly to the witness, in order that he might confine himself in his answers to questions therewith. Captain Lemly then asked him to proceed to make such corrections of his testimony or such additions in the nature of corrections as he might desire.

Captain Schley answered as follows: "I have carefully read my testimony, and I have gone over all of my official documents, and of my private letters and the records of St. Paul. I have no correction to make in the testimony I then gave, so far as it was given, excepting that I said I could not recollect whether there were one or two assemblies of officers and crew on board the flying squadron there on May 25, and that if there were two visits, one must have been on board Yale. My log shows there were two assemblies, both on board Harvard, and that I went on the second visit with the captain of Yale, and from that I have come to the conclusion that the second visit was on board Yale. That is the only correction I desire to make."

Captain Lemly—You are likewise permitted at this time to make additions to the nature of your testimony. This I say not for the purpose of suggesting anything, but merely for the purpose of giving you the opportunity which the court intends you shall have.

"I desire to state that I informed Commodore Schley on the occasion of my visit to him on May 25 that I thought that St. Paul had been chased by a torpedo boat on the night of its arrival at the subsequent night; second, that I detailed to him the communication between Captain Goodrich of St. Louis and myself on board St. Paul as we passed each other, when I was bound from Cape Haytien to Santiago and St. Louis was bound from Santiago to Cape Haytien."

Press Boat is Warned. The witness said that since he was formerly on the stand he had recalled that he did see the press boat Somers N. Smith on May 25 and he also recalled that on that evening he had seen the press boat Premier and had warned those aboard against remaining there they then were because of the danger of being attacked by torpedo destroyers.

Continuing, he said that in his interview with Commodore Schley on board Brooklyn he was told by the commodore that St. Paul (Schley's boat) was to go with the flying squadron to Key West and on the following day was to take Texas to tow. The witness also recalled that he was almost no catechism at that time on the part of Commodore Schley. I volunteered almost everything that I said about Santiago and the Spanish fleet. His whole conversation was on the subject of coal and nothing but coal and, as far as coal judges, I had already made up his mind to return to Key West. He told me that he was going to Key West."

various dispatches on this subject, stating the dates on which they were received. He said the orders were not communicated to Commodore Schley.

Mr. Rayner questioned Captain Chadwick as to some details concerning the details of the conversation between Admiral Sampson and Commodore Schley at Key West on May 18, but the witness insisted that he had given in his previous testimony, in which he had said that Commodore Schley had professed absolute loyalty to Admiral Sampson, the only actual detail of the conversation which he could recall. He was sure, he said, that if anything had been said on that subject he would recall the fact.

The last witness concluded his testimony at 5:15 o'clock and the court adjourned until 11 o'clock tomorrow.

R. W. Breckenridge has returned from New York, Boston and Washington. In the latter city he spent some time at the Schley court of inquiry, concerning which he gives the impressions of a lawyer.

"Nothing in my life can compare with this court," said he "so much as a coroner's inquest. There are really no rules for the introduction of evidence, except as they are established by the judges of the court. People give their impressions and opinions on the witness stand as they testify. The only real proposition there is nothing like a court of inquiry on earth, but from the standpoint of a citizen it is extremely interesting."

"From what I heard of the testimony I am firmly convinced that several of the officers who are referred to with the truth. No, I don't mean to say that they are honestly mistaken, but that, regardless of that, they set out to besmirch Admiral Schley, and I am convinced that they will fail in the attempt."

A personal friend of mine at Washington, who stands close to several of the older officers of the navy, told me what is the generally accepted opinion in naval circles outside of the clique which is opposing Schley, as to the cause of the actions of the officers whose criticisms have brought about the inquiry. According to his story, several years ago Admiral Schley, while captain, was at the head of a board whose duty it was to provide fittings and furniture for the ships. Some of the vessels had been fitted up regardless of expense, the chairs in the officers' quarters being upholstered with velvet. When the pile wore from the velvet the officers made requisition for new chairs. Their requisitions were honored, but when the chairs were received they were upholstered in material having no pile; something more respectable, but not so attractive. When the same class of officers made requisition for new portieres and hangings for their staterooms they received good material, but it was of a character which appealed to the sense of economy rather than to the eye. The officers felt personally insulted and appealed to the board for the material they had been given before. This appeal was met by an answer from Schley, who told them that as long as he remained at the head of the board, service and appearance would be the chief quality in the furnishings provided for vessels. This ended the incident for the time, but later some of these officers became powerful in naval affairs, and as soon as the opportunity offered they attempted to show their power to the officer who had been their superior, by having the material they had been given before. This appeal was met by an answer from Schley, who told them that as long as he remained at the head of the board, service and appearance would be the chief quality in the furnishings provided for vessels. This ended the incident for the time, but later some of these officers became powerful in naval affairs, and as soon as the opportunity offered they attempted to show their power to the officer who had been their superior, by having the material they had been given before.

When I left Washington they were telling a good story which shows the trouble President Roosevelt is having with office seekers who hope to obtain office through their alleged standing with President McKinley. As the story goes, a party from Illinois called with Senator Cullom to obtain for one of their number a consulate in Germany. The senator had coached the friend of the applicant and told him to tell the president and the senator to the talking. When the party was introduced the applicant seemed to make a favorable impression on the president and all went well until the friend of the applicant remarked: "Mr. President, my friend here had a positive assurance from President McKinley that he would be appointed." The president's face hardened, but he said nothing, and the subject was changed. Just before he left the friend again remarked: "Mr. President, you have not said that you would appoint my friend and I told you he had a positive promise of appointment from Mr. McKinley." The president snapped his teeth and arose from his seat, saying: "Your friend is a seventh man who has given me assurance that he had a personal promise from Mr. McKinley for this particular position. I have nothing more to say on the subject, and he turned his back upon the visitors as they left the room."

EXONERATE DETECTIVE JOYCE Jurors Return Verdict of Not Guilty to Defraud with Padded Accounts. CHICAGO, Oct. 31.—A jury in Judge Ball's court today returned a verdict of not guilty in the case of former Lieutenant Joyce of the detective bureau. Joyce was charged with conspiracy to defraud the state by means of an alleged padded expense account. The case was one of the ramifications of the police scandal now being investigated and in which Chief of Detectives Collier and a number of his men have been put on the defensive by the civil service commission.

Roosevelt Promises a Visit. WASHINGTON, Oct. 31.—To Representative Jones of Washington, who called upon President Roosevelt today to pay his respects, the president expressed his great interest in the northwest and said he expected to make a tour of that part of the United States next summer.

The Omaha Mothers' club held its weekly meeting at 2:30 o'clock Wednesday afternoon in the audience room of the public library. During the brief business session it was decided to continue holding the meetings in that place, as it was the most central and convenient location for the majority, rather than accept the invitation to hold the future meetings at the Winona. The reason consisted of the reading and discussion of a chapter from "The Study of Obedience" and was followed by the reading of Olive Thorne Miller's essay "A Talk with Mothers," by Mrs. C. B. Whitmer.

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A CASE OF BAD BOWELS. Are you happy? Not if your liver and bowels don't work. Happiness depends on the bowels. Every time you eat, you put into your body not only good material for repairs and fuel, but a mass of useless stuff that has to be removed promptly or it will clog your machinery, poison your blood, throw your liver out of gear, and make you act mean to those you love. Your stomach is sour, your skin yellow, your breath offensive, and you hate yourself and all mankind. Winter or summer it's all the same, when you are unclean inside, you are unhappy and so is everybody near you. The cure is pleasant, quick, easy, cheap, never fails. Cascarets, the world's greatest bowel cleaner and liver tonic. Cascarets are guaranteed to cure constipation, lazy liver, bad blood, bad breath, sour stomach, biliousness, and all summer and winter bowel troubles. Don't be unhappy—buy a box today. All druggists, 10c, 25c, 50c. Write for health booklet and free sample. Address Sterling Remedy Company, Chicago or New York.

DOORS OPEN TO THE PRESS

Newspaper Men Admitted to Congress After Spirited Debate. PERSONAL ENCOUNTER BARELY AVERTED. Peruvian Delegate is Rebuffed, but Chili's Proffer Goes Through—President's Intervention Checks the Colloquy.

MEXICO CITY, Oct. 31.—The Pan-American congress has received from the Spanish colony at Buenos Ayres a cablegram congratulating it on the sentiments favorable to Spain, expressed by General Rafael Reyes, delegate of Colombia, at the municipal banquet.

The session this morning, which finally resulted in the admission of the members of the press to the sessions of the congress, was very interesting. The first proposition submitted was that of Peru, whose delegates asked that as many of the press, representing the press, would hold be admitted, their number being left to the discretion of the president of the congress. This proposition was rejected by the votes of Chile, Colombia, Uruguay, the United States, Mexico, Brazil, Haiti, Guatemala, Honduras, Salvador, Nicaragua and Costa Rica, twelve votes against seven.

ROSE TELEGRAPHS THE FOLKS Grandson of Late Bishop Whipple Reveals His Whereabouts to His Wandering Parents.

WEATHER EYE WELL PLEASED Two Days of Clear Skies Are Promised by the Anagnor for Nebraska.

WASHINGTON, Oct. 31.—Weather forecast: For Nebraska, Iowa, South Dakota and Kansas—Fair Friday and Saturday; warmer Saturday; variable winds. For Missouri—Fair and cooler Friday; Saturday fair with warmer in northwest portion; variable winds.

OFFICE OF THE WEATHER BUREAU. OMAHA, Oct. 31.—Official record of temperature and precipitation compared with corresponding day of the last three years.

AILING WOMEN made healthy and happy by using MULL'S GRAPE TONIC. A Pleasant and Palative Crushed Fruit Laxative. Delloious to the Taste. Gentle in Action. It is a blood maker and a blood purifier. Its purity commends it to invalid women, especially mothers. No home should be without it. It prevents ennui, lassitude, torpidity, despondency, and produces energy, active vitality, firm nerve tissues and cheerful mentality. It strengthens, soothes, stimulates and sustains the system, builds up the impoverished blood vessels and worn out nerve centers. Good for everybody—sick, half-sick or well; it imparts new Life and Vigor. It will pay you to purchase a bottle today before your case gets beyond aid. Get a bottle for 50c as large as those you are accustomed to pay \$1.00 for. At all drug stores or sent upon application to THE LIGHTNING MEDICINE CO., Rock Island, Ill.

PENSIONS FOR WESTERN VETERANS.

War Survivors Remembered by the General Government. WASHINGTON, Oct. 31.—(Special.)—The following western pensions have been granted: Issue of October 12: Nebraska: Original—Samson Allen, Eagle, 86; Lucius J. Peterson, Pikesburg, 86; Frank Hutchinson, Hebron, 86; Tristram P. Mitchell (deceased), Fairmont, 82; Iowa: Original—James L. Hole, Waterloo, 86; Daniel Kelly, West Bend, 86; Indiana: Original—John A. Dwyer, 86; David B. Long, Creston, 86; Henry B. Clark, Rhody, 82; Charles H. Campbell, Scotia, 81; Henry Pearson, Glenwood, 81; Davenport, Bartlett, 81; Original widows—Special accrued October 15, Lucretia J. Miller, Washington, 81; Wyoming: Original—Michael McHugh, Gretna, 81; Colorado: Original—William N. Kerr, Soldiers Home, Monte Vista, 86; Calvin T. Ritchey, Lovell, 82; Montana: Original widows, etc.—Special accrued October 15, Martha Myers, Bozeman, 81.

Yaguas Raiding Ranches.

TUCSON, Ariz., Oct. 31.—Joe Ramasco, the owner of a large ranch near Guadalupe, was assaulted by a band of Yaguas Indians and killed. The Yaguas raided the ranch, stealing the horses and calves. They also visited other ranches. Almost every day during the past week raids have been made and the ranches along the river are almost deserted.

"Garland" Stoves and Ranges.

Awarded first prize, Paris exposition, 1900.

Contagious Blood Poison. There is no poison so highly contagious, so deceptive and so destructive. Don't be too sure you are cured because all external signs of the disease have disappeared, and the doctor says you are well. Many persons have been dosed with Mercury and Potash for months or years, and pronounced cured—only to realize when too late that the disease was only covered up. Like Bogies Like. driven from the surface to break out again, and to their sorrow and mortification find those nearest and dearest to them have been infected by this loathsome disease, for no other poison is so surely transmitted from parent to child as this. Often a bad case of Rheumatism, Catarrh, Scrofula or severe skin disease, an old sore or ulcer developing in middle life, can be traced to blood poison contracted in early life. The Sin of the Parent. life, for it remains smoldering in the system forever, unless properly treated and driven out in the beginning. S. S. S. is the only antidote for this peculiar virus, the only remedy known that can overcome it and drive it out of the blood, and it does this so thoroughly and effectually that there is never a return of the disease to embarrass or humiliate you afterwards. SSS cures Contagious Blood Poison in any and all stages; contains no mineral to break down your constitution; it is purely vegetable and the only blood purifier known that cleanses the blood at the same time builds up the general health. Our little book on contagious blood poison is the most complete and instructive ever issued; it not only tells all about this disease, but also how to cure yourself at home. It is free and should be in the hands of everyone seeking a cure. Send for it. THE SWIFT SPECIFIC CO., ATLANTA, GA.

Worn Out? TRY MINI TRY MARIANI World Famous Mariani Tonic A Restorer of the Vital Forces. Vin Mariani is a perfectly safe and reliable diffusible tonic and stimulant; it gives strength and vigor to body, brain and nerves. All Druggists. Refuse Substitutes.

JOBBER & MANUFACTURERS OF OMAHA. MACHINERY AND FOUNDRY. Davis & Cowgill Iron Works. MANUFACTURERS AND JOBBERS OF BRASSERY. GENERAL REPAIRING A SPECIALTY. IRON AND BRASS FOUNDRY. 1501, 1508 and 1508 Jackson Street, Omaha, Neb. Tel. 638. B. Zabritske Agent. J. B. Cowgill, Mgr.

CRANE CO. Manufacturers and Jobbers of Steam and Water Supplies of All Kinds. 1014 and 1016 DOUGLAS ST.

ELECTRICAL SUPPLIES. Western Electrical Company. Electrical Supplies. Electric Wiring Bells and Gas Lighting. G. W. JOHNSTON, Mgr. 1110 Howard St.

WHEN IN OMAHA VISIT Byrne-Hammer Dry Goods Co. HOWARD STREET, OMAHA'S GREAT NEW HOUSE.

TENTS AND AWNINGS. Omaha Tent & Awning Co., OMAHA, NEB. TENTS FOR RENT. TENTS AND CANVAS GOODS. SEND FOR CATALOGUE NUMBER 28.

MISS ZELMA RAWLSTON

Most Successful Male Impersonator of the American Stage. Cough and Keeps Her Throat and Voice in Perfect Condition with DR. BULL'S COUGH SYRUP.

DR. BULL'S COUGH SYRUP.



MISS ZELMA RAWLSTON. Many letters are received daily similar to the following one, from Miss Rawlston, from prominent singers and artists who use nothing but DR. BULL'S COUGH SYRUP to prevent hoarseness and cure coughs. "Whenever I have had a cough or been troubled with hoarseness during my professional career, I have always used DR. BULL'S COUGH SYRUP, which has worked like magic. It cures my hoarseness and my coughs almost instantly. This is the kind of medicine I must have so as to keep my voice in condition, as you know my work as a male impersonator is very hard on the voice and throat. I have never found anything else so quick and as thoroughly an affection of the throat as DR. BULL'S COUGH SYRUP. Very truly, ZELMA RAWLSTON. 14 W. 38th St., New York City, Aug. 9, 1901. For fifty years singers, actors, public speakers and clergymen have used DR. BULL'S COUGH SYRUP to prevent hoarseness and to cure coughs and colds and all affections of the throat on account of the absolute security they feel in its curative qualities. Thousands of doctors prescribe DR. BULL'S COUGH SYRUP and many of the prominent hospitals use it exclusively for hoarseness, influenza, bronchitis, coughs, colds, grip, influenza and consumption. Be sure you get the genuine. See that the trade-mark, 'Bull's Head,' is on the package. Cheap substitutes are injurious. Large bottles 50c at all druggists. DR. BULL'S A Beautiful Calendar and Medical Booklet free to anyone who will write A. C. Meyer & Co., Baltimore, Md., and mention this paper.

Woman's Work in Club and Charity

The following schedule has been arranged for classes at Tenth Street City mission, under the supervision of Miss Magee: Sunday school at 9 o'clock; temperance clubs boys and girls at 10 o'clock; Tuesday at 8 o'clock; mothers' meetings, Wednesdays at 2 o'clock; Jewish industrial classes, Thursdays at 4 o'clock; boys' and girls' temperance clubs, Fridays at 4 o'clock, and industrial classes after 3 o'clock on Saturdays. Gospel meetings are held every evening at 7 o'clock. Other industrial classes are to open next week at the mission at Twelfth and Nicholas streets and probably another in the basement of Trinity cathedral. Miss Magee has sent out an urgent appeal for warm clothing suitable for children to wear to school. There are some ten or twelve families in the Cass Street school district whose children are out of school for want of clothing and Miss Magee asks that clothing be sent to Tenth Street mission and she will personally attend to the fitting of these children and then notify the truant officer and see that they are kept in school. The outlook for the mission work is bright this fall. A few tons of coal having already been contributed. Miss Magee has been promised ample assistance with the class work. Good Will mission, also between Dodge

and Capitol avenue on Tenth street, conducted for rescue work by Mother Lee of Hancock home, is again extending its work. Beginning next week gospel meetings will be held there every evening for women. The women of the First Methodist church have postponed the work of Mr. Keiser's stereopticon illustrated lectures, which was to have been given Saturday afternoon, until Saturday evening, November 2. The subject is to be "The Cathedrals and Abbeys of Great Britain." It being the first of a series of five lectures. An appropriate musical program has been arranged for each, Mr. McCreary being the soloist for Saturday evening.

will begin next week and all members wishing to join are requested to register at once. The noon meetings of the young women of the factories have been most interesting of late. Sixty-five members and friends of the Sunshine club enjoyed the social on Saturday afternoon and after the program of music and recitations refreshments were served. The Margaret Fuller literary having recently voted to purchase apparatus for gymnasium classes, the work is expected to open this week. It was also decided that beginning November 4 the literary should meet on Monday evenings. The sewing classes have recently been presented with a sewing machine, which has proved a valuable addition to that department. The Omaha Mothers' club held its weekly meeting at 2:30 o'clock Wednesday afternoon in the audience room of the public library. During the brief business session it was decided to continue holding the meetings in that place, as it was the most central and convenient location for the majority, rather than accept the invitation to hold the future meetings at the Winona. The reason consisted of the reading and discussion of a chapter from "The Study of Obedience" and was followed by the reading of Olive Thorne Miller's essay "A Talk with Mothers," by Mrs. C. B. Whitmer.