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THE OMAHA DAILY BEE

THE WEATHER
Fair

VOL. XLV—NO. 120.

OMAHA, FRIDAY MORNING, NOVEMBER 5, 1915—TWELVE PAGES.

On Trains, at Hotel
News Stands, etc., So. SINGLE COPY TWO CENTS.

FEDERAL COURT KNOCKS OUT TWO CENT FARE LAW

Federal Judges Sanborn, Munger and Pollock Decide Missouri Pacific May Charge Three Cents a Mile.

STATE MAY NOT INTERFERE

To Put Up Fifty Thousand-Dollar Bond to Protect Passengers Till Final Hearing of Case.

RAISE GOES IN EFFECT AT ONCE

As soon as the tariffs can be prepared and distributed, the Missouri Pacific Railroad company will start charging passengers 3 cents per mile for riding over its lines in Nebraska. This will probably be within the next three days. The federal court has decided that the Missouri Pacific may legally charge this rate and has granted a temporary restraining order against the Nebraska State Railway commission, preventing that part of the state government from interfering in the putting in of the advanced rate.

Before Circuit Judge Sanborn and District Judges Munger and Pollock, J. A. C. Kennedy, general attorney for the Missouri Pacific in Nebraska, has won his suit against the Nebraska State Railway commission. The decision is based upon the contention of Mr. Kennedy that a 2-cent rate on the Missouri Pacific lines in Nebraska is not remunerative and is not a fair and reasonable rate for doing a passenger business within the state.

Road Secures Injunction. At the same time Mr. Kennedy secured an order from the three judges restraining the Nebraska commission from continuing the 2-cent rate in effect on the Missouri Pacific. This order also enjoins the commission from prosecuting the railroad company or any of its officers in the event they charge rates in Nebraska in excess of 2 cents per mile.

In other words, so far as the Missouri Pacific is concerned, the 2-cent per mile passenger rate is set aside and declared void until upon final hearing, when the case comes to trial on its merits, it may be held to be good.

As a result of the decision of the judges of the federal court, attorneys assert that all the railroads operating in Nebraska will attack the 2-cent per mile law, asking that the railroads be restrained from enforcing it. It is asserted that this was the understanding among the attorneys for the roads at the time when the Missouri Pacific brought its suit some months ago.

Was a Starter. It was the understanding that the test case should be made by the Missouri Pacific, it being considered one of the weak lines and one of the roads having the most mileage within the state.

That the Missouri Pacific intends to at once take advantage of the victory won by Mr. Kennedy is apparent, for as soon as the opinion of the court was placed on file officers of the road telegraphed to headquarters at St. Louis, instructing that a force of clerks be at once put at work preparing the tariffs for the 3-cent rate within Nebraska.

To protect travelers upon the Missouri Pacific in the event the court finally determines that a higher rate than 2 cents is not legal, the Missouri Pacific gives a bond of \$50,000, by which it guarantees to pay back the excess of 1 cent per mile. This bond has been filed.

Passengers Get Receipts. That the Missouri Pacific passengers may have a record of the extra 1 cent per mile paid each Missouri Pacific station agent and each train conductor will be provided with blank receipts. When a ticket is bought and paid for one of these receipts will be given for all money paid in excess of 2 cents per mile between stations. Then, at some time in the future, if the railroad should lose in the final determination of the suit, upon the presentation of the receipts the excess will be refunded.

Officers of the Missouri Pacific figure that the decision of the judges will increase the passenger revenue of the road, so far as Nebraska is concerned, fully \$100,000 within the next year.

The decision of the court has no bearing upon interstate rates, affecting only business within the state.

The Weather

Forecast till 7 p. m. Friday:
For Omaha, Central Butte and Vicinity
Fair, not much change in temperature.
Temperature at Omaha Yesterday:

| Hour | Deg. |
|----------|------|
| 5 a. m. | 47 |
| 6 a. m. | 47 |
| 7 a. m. | 48 |
| 8 a. m. | 49 |
| 9 a. m. | 50 |
| 10 a. m. | 51 |
| 11 a. m. | 52 |
| 12 m. | 53 |
| 1 p. m. | 54 |
| 2 p. m. | 54 |
| 3 p. m. | 54 |
| 4 p. m. | 54 |
| 5 p. m. | 54 |
| 6 p. m. | 54 |
| 7 p. m. | 54 |

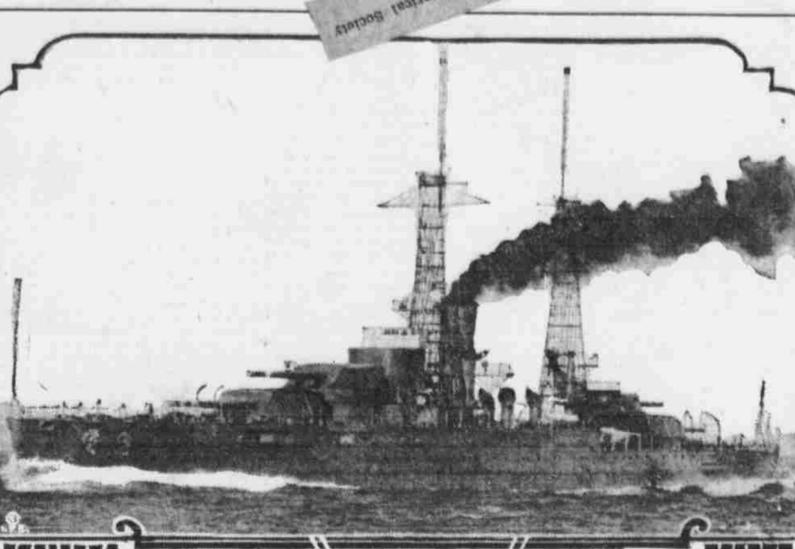
Comparative Local Record

| 1915, 1914, 1913, 1912 | 1911 | 1910 | 1909 | 1908 | 1907 | 1906 | 1905 | 1904 | 1903 | 1902 | 1901 | 1900 |
|--|------|------|------|------|------|------|------|------|------|------|------|------|
| Highest yesterday | 64 | 62 | 58 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 |
| Lowest yesterday | 44 | 45 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 |
| Mean temperature | 54 | 54 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 |
| Precipitation | .00 | .00 | .00 | .00 | .00 | .00 | .00 | .00 | .00 | .00 | .00 | .00 |
| Temperature and precipitation departures from the normal | | | | | | | | | | | | |
| Normal temperature | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 43 |
| Excess for the day | 11 | 11 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| Total deficiency since March 1 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 | 5.5 |
| Total precipitation since March 1 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 |
| Deficiency since March 1 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| Deficiency, cor. period 1912 | 2.18 | 2.18 | 2.18 | 2.18 | 2.18 | 2.18 | 2.18 | 2.18 | 2.18 | 2.18 | 2.18 | 2.18 |
| Deficiency, cor. period 1913 | 1.18 | 1.18 | 1.18 | 1.18 | 1.18 | 1.18 | 1.18 | 1.18 | 1.18 | 1.18 | 1.18 | 1.18 |

| Station and State | Temp. | High | Rain |
|----------------------|-------|------|------|
| Omaha, Neb. | 54 | 54 | .00 |
| Chicago, Ill. | 54 | 54 | .00 |
| Denver, Colo. | 54 | 54 | .00 |
| Des Moines, Ia. | 54 | 54 | .00 |
| Exeter, N. H. | 54 | 54 | .00 |
| LaSalle, Mo. | 54 | 54 | .00 |
| London, Eng. | 54 | 54 | .00 |
| Madison, Wis. | 54 | 54 | .00 |
| Minneapolis, Minn. | 54 | 54 | .00 |
| North Platte, Neb. | 54 | 54 | .00 |
| Omaha, Neb. | 54 | 54 | .00 |
| Rapid City, S. D. | 54 | 54 | .00 |
| St. Paul, Minn. | 54 | 54 | .00 |
| Salt Lake City, Utah | 54 | 54 | .00 |
| Sioux Falls, S. D. | 54 | 54 | .00 |
| Sheridan, Wyo. | 54 | 54 | .00 |
| Sioux City, Ia. | 54 | 54 | .00 |
| Valentine, Neb. | 54 | 54 | .00 |

L. A. WELSH, Soc. Forecast.

AMERICA'S MOST POWERFUL BATTLESHIP TRIAL TRIP—U. S. battleship Nevada, photographed off Rockland, Maine, before being taken over by the United States.



4,200 TEACHERS ARE REGISTERED

Registered Attendance of Last Year is Surpassed by Almost Two Hundred Persons.

GERMAN TEACHERS HEAR TALK

With practically 4,200 teachers registered for the convention of the Nebraska State Teachers' association, last year's attendance is far exceeded. The total attendance last year was 4,005.

More than 500 of the teachers registered this year are teaching in western Iowa. They are allowed the option of attending the association at Omaha or the Iowa association convention at Des Moines.

The big attendance means that the executive committee will have even more ballots to count in the primary this year than last. Treasurer Mathews estimates, however, that the counting can be completed by the middle of Saturday afternoon, as the committee will go to work on it with a corps of assistants early Saturday morning.

The county superintendents of the state held a special meeting at the Douglas county court house Thursday afternoon with State Superintendent A. O. Thomas presiding. There are ninety-three superintendents in the state and about eighty of them attended the meeting. They voted to take up professional study of lines of supervision work this year under the direction of State Superintendent Thomas. There are few or no text books that cover the particular field into which they are launching, but the state superintendent intends to outline a course of study and research work for them.

Should Leave Out Politics. That the county superintendent's office is an office of service and one that should not be shifted for political reasons, was pointed out in a talk by State Superintendent Thomas. "The county superintendent should be wise enough," he said, "not to mix politics with his service."

Before the German section at the Young Men's Christian association rooms in the forenoon, Dr. Max Griebach of the (Continued on Page Four, Column Two.)

SIoux CITY MAKES BIG GAIN IN POPULATION

DES MOINES, Ia., Nov. 4.—Sioux City has had a greater proportionate gain in population since 1910 than any other city in Iowa, according to the annual report of the state department of finance and municipal accounts, made public today. Since 1910 Sioux City has increased in population from 47,825 to 61,787, the report states. Des Moines made the largest straight gain, increasing from 86,985 to 108,582. The report shows the incorporation of four new cities, or a total of 101.

TIBER OVERFLOWS AND INTERRUPTS TRAFFIC

ROME, Nov. 4.—(Via Paris.)—The floods caused by the overflowing of the Tiber have interrupted railroad traffic, uprooted trees and drowned cattle. Many peasant families have been rescued from areas surrounded by water. No loss of life has been reported. Fine weather has set in and it is hoped that the floods will soon subside.

King Peter Goes to the Front to Encourage the Serbian Soldiers

—AMSTERDAM, Nov. 4.—(Via London.)—An official Bulgarian statement received here today from Sofia says King Peter of Serbia has gone to the front to encourage his soldiers and take them the news that French and British forces are hastening to their assistance.

King Peter, one of the most picturesque figures of the war has again gone to the front as he did last year in the hour of his country's supreme need. The venerable ruler—he is 71 years old—has been at Topola, the cradle of the Karageorgevitch dynasty, ill and weak, and, according to last accounts, was waiting to retire with the rear guard of his troops, menaced on three sides by the invading armies.

Suit Against Rock Island Officials is Ruled Out of Court

NEW YORK, Nov. 4.—Supreme Court Justice Pendleton today virtually ruled out of court three important motions for judgment made by Francis E. Hibben and others in a suit to recover \$120,000 from the Chicago, Rock Island & Pacific Railroad company, the Chicago, Rock Island & Pacific Railroad company and several directors of the two companies. The court ruled that the plaintiffs' "causes of action are not properly joined."

Although this ruling leaves the plaintiffs without a cause before the court, Justice Pendleton granted them twenty days in which to amend their complaint.

Hibben, a bondholder of the Chicago, Rock Island & Pacific Railroad company, and other bondholders brought suit to recover \$120,000, which was loaned to the railroad company had loaned to the plaintiffs "causes of action are not properly joined."

Porter Draws First Prize in Homestead Lottery at Minot

MINOT, N. D., Nov. 4.—Charles R. Porter of Anoka, Minn., won the right of first choice of a 100-acre tract of land from the 799 homesteads to be opened to entry next May at the Fort Berthold land drawing here today. The first envelope drawn by a little girl from a large wooden box on the stage of a local theater contained Porter's name.

The next eight winners follow in the order in which their names were drawn.

H. L. Dundall, North Dakota, G. A. Oberg, Minneapolis, Minn., Jacob Lernatz, New Rockford, N. D., G. E. Henningson, Minneapolis, Minn., F. E. Hirsch, St. Paul, Minn., A. McGrath, Keokuk, Ia., John Paulsen, Minneapolis, N. D., John Pollett, Roseburg, N. D.

Cardinal Farley Officiates at the Ridder Funeral

NEW YORK, Nov. 4.—The funeral of Herman Ridder, publisher of the New York Staats Zeitung, was held today in the church of the Blessed Sacrament in the presence of many former associates and friends. Cardinal Farley took part in the ceremonies. The publishers' association of New York City today sent to Mr. Ridder's relatives a resolution paying tribute to his memory, his "stern integrity and upright life."

Von Hindenburg Retakes Part of the Ground Abandoned

BERLIN, Nov. 4.—(By Wireless to Sayville.)—The German war office report given out today announced that the town of Mikulachki, between Lake Swenton and Lake Ilsen, which was captured by the Russians on Tuesday, has been reconquered by the Germans. It was added that further success on the eastern front general von Bothmer had taken 3,000 Russian prisoners near Sienkowce.

VON BUELOW DENIES ALL TALK OF PEACE

Prince Says He is Not Conducting Negotiations with Papal Delegate or Anyone Else.

"WAR MUST BE FOUGHT OUT"

LUCERNE, Switzerland, Nov. 4.—(Via Paris.)—Prince von Buelow, former German chancellor, informed the Associated Press today that he had not come to Switzerland on a peace mission. He declared Germany was resolved to continue the war to its conclusion by arms.

The prince made it clear that he is not going to Washington to see President Wilson or to Madrid to see King Alfonso in relation to terms on which Germany might be willing to discuss peace. Nor is he engaged in such discussions with a papal delegate or anyone else.

In addition to disposing of these reports Prince von Buelow said to the correspondent today:

"The war must be fought out. Germany is united. Germany is united and possesses every resource in material and above all in unity and resolve to continue the war to its conclusion by arms."

The prince talked of various aspects of the war with considerable freedom, albeit retirement here to put the war to its conclusion by arms.

IOWA FACULTY MEMBER JOINS CADET REGIMENT

IOWA CITY, Ia., Nov. 4.—(Special Telegram.)—Prof. R. L. Henry, prominent member of the law faculty of the University of Iowa, joined the university's cadet regiment here this week. He announces that he believes in preparedness for war and that every civilian should come to that realization. He states that it was such a reason that guided him to become a member of the cadet regiment and drill with the rest of the university students.

The Day's War News

IN SOUTHERN SERBIA the Bulgarians who are marching on Monastir are being held in check near Philipp, about twenty-five miles northwest of Monastir, a Solonki dispatch states.

PREMIER ZAIMIS of Greece, after the defeat of his government in the chamber by a vote of 147 to 114, asked a suspension of the chamber's work until a new cabinet was formed.

PRINCE VON BUELOW, former German chancellor, is not in Switzerland on a peace mission, he declared today in Lucerne. He also stated he will not visit Madrid or Washington on a peace errand, as had been reported. He declared Germany was united and was determined to put the war to a conclusion by force of arms.

FIELD MARSHAL Von Hindenburg's troops have pushed their way back to the line in the lake district southwest of Dvinsk, from which they were obliged to withdraw recently under Russian pressure, the German war office announced.

BULGAR TROOPS have stormed the town of Kalafat, thus reaching a point only about six miles from Nish.

KING PETER of SERBIA is reported in a message from Sofia to have gone to the front to encourage his troops.

REVOLT OF ALBANIANS in southwestern Serbia is reported through Rome.

TEUTONIC TROOPS pressing the Serbians southwest are marching on Kriljevo, about twenty miles southeast of Cacak, along the railroad which runs from northwest to Serbia to Nish, and approximately the same distance southwest of Kruguevatz.

BEIJING REPORTS the capture of 800 yards of a French trench near Massiges, in the Champagne district. The current French report claims that the major portion of the ground gained by the Germans in the Massiges sector was regained in counter attacks.

Wilson Makes Clear His Program of Preparedness

NEW YORK, Nov. 4.—President Wilson in his address at the anniversary dinner of the Manhattan club here tonight said:

A year and a half ago our thought would have been almost altogether of great domestic questions. They are many and of vital consequence. We must and shall address ourselves to their solution with diligence, firmness and self-possession, notwithstanding we find ourselves in the midst of a world disturbed by great disaster and ablaze with terrible war; but our thought is now inevitably of new things about which formerly we gave ourselves little concern. We are thinking now chiefly of our relations with the rest of the world—not our commercial relations—about those we have thought and planned always—but about our political relations, our duties as an individual and independent force in the world to ourselves, our neighbors and the world itself.

Liberty for Men and Peoples. Our principles are well known. It is not necessary to avow them again. We believe in political liberty and founded our great government to obtain it, the liberty of men and of people—of men to choose

their own lives and of people to choose their own allegiance. Our ambition, also, all the world has knowledge of. It is not only to be free and prosperous ourselves, but also to be the friend and thoughtful partisan of those who are free or who desire freedom the world over. If we have had aggressive purposes and covetous ambitions, they were the fruit of our thoughtless youth as a nation and we have put them aside. We shall, I confidently believe, never again take another foot of territory by conquest. We shall never in any circumstance seek to make an independent people subject to our dominion; because we believe, we passionately believe, in the right of every people to choose their own allegiance and be free of masters altogether. For ourselves we wish nothing but the full liberty of self-development; and with ourselves in this great matter we associate all the people of our own hemisphere. We wish not only for the United States but for them the fullest freedom of independent growth and of action, for we know that throughout this hemisphere the same aspirations are everywhere being worked out, under diverse conditions, but with

(Continued on Page Two, Column Two.)

FOUR AMERICANS SLAIN AT BORDER

Killed Near Agua Prieta by Shrapnel Bomb, it is Reported at Naco.

VILLA ESTABLISHES CAPITAL

BULLETIN. NACO, Ariz., Nov. 4.—Four Americans, who left here with hospital supplies for Villa's army, were killed yesterday near Agua Prieta by a shrapnel shell, it was reported here today. The men were Dr. R. H. Thigpen and Dr. Miller of the Cananea Consolidated Copper company hospital staff, and their chauffeurs, Joseph Pylant and A. L. Wilson of Naco. Their bodies will be brought here.

NACO, Ariz., Nov. 4.—Naco, Senora, just across the border, was declared today to be the capital of Mexico by General Francisco Villa, who arrived there with the vanguard of his army in their withdrawal from attacks on Agua Prieta. Naco will be made a base of supplies and troops will rest here for thirty days, it was said.

Several thousand Villa soldiers have arrived at the Mexican town and many of them have made camp within a few hundred feet of homes on the American side. Other columns of troops were reported on their way there.

Vacant store rooms were turned into hospitals today and prepared to receive a large number of wounded. Four officers and seven privates died today soon after their arrival. Death, it was said, was caused more by exposure and privation than by their wounds.

Two troops of United States cavalry are stationed here to patrol the border. Carranza Agent Makes Kick. DOUGLAS, Ariz., Nov. 4.—Carranza agents at Naco, Ariz., reported that 200 Villa wounded had arrived in the Mexican town.

Colonel Goodier Tells of Injury to Number of Aviators

SAN FRANCISCO, Cal., Nov. 4.—At his own request Lieutenant Colonel Lewis E. Goodier told the witness stand today in his court martial on charges of influencing junior officers of the San Diego aviation school of the army to prefer charges against their superior officer Captain A. S. Cowan. His preliminary testimony was mostly rehearsal of details leading to the charges brought last April against Captain Cowan.

He said that he advised Lieutenant Roy Kirtland, who wrote to Colonel Goodier's injured son here about the pending charges, to gather the facts in the Cowan case before initiating any action, and having made certain of them to let him know what had been done.

Kirtland left San Diego before the charges were preferred. The accused officer referred to the number of men injured in flying at the San Diego school, one of whom was his son, still incapacitated by a fall a year ago.

Serbs Forced to Flee Before Teutons Without Seeing Them

ROME (via Paris), Nov. 3.—The war correspondent of the Messagero, in an undated dispatch from Kruguevatz, Serbia, says: "The Austro-German forces employed against Serbia have been obliged to remedy the weakness of their infantry by powerful artillery abundantly supplied with ammunition. They were able to advance into Serbia only by deluges of shells."

"Undiscouraged by the seriousness of the situation, however, the Serbian troops are effecting their retreat calmly and in good order. There are no signs of a panic among the people, who are departing from their homes in long columns, sad and resigned, but with certain hope that they will return eventually."

"One sees long files of wagons filled with children and women and the sick, the oxen led by old men, for all the abled are with the army. The wounded speak with awe of the terrible artillery battles, from the effects of which they are still stunned. They express regret that they are obliged to abandon their positions without even seeing the enemy."

"The Germans advance slowly, protected by their artillery. The Serbian officers are continuing greatly on the mud which was a precious ally in the last campaign against the Austrians. The continuous rains are making the country more and more impracticable for the German artillery and the Serbians feel that if they could get within striking distance of the German artillery the situation would take on an entirely different aspect."

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ALLIES MAKING PRESENCE FELT IN MACEDONIA

Franco-British Contingent is Reported to Have Gained Considerable Success on the Istip Front.

SERBIANS STEADILY RETREAT

Fighting Qualities of Army Apparently Not Seriously Impaired by Invaders' Battering.

RUSSIANS MAY RAID BULGARIA

LONDON, Nov. 4.—While the Serbians are fighting doggedly to keep the way open for their retreat into Montenegro, their Franco-British allies are beginning to make their presence felt in Macedonia, where, according to unofficial reports, they have gained a success on the Istip front.

The Serbian army is retreating steadily toward its central defenses, but its fighting qualities apparently have not been seriously impaired by the tremendous battering it has received from the invaders.

The only success for the Serbians admitted by Berlin is one along the Nishava river, where the Bulgarians have been thrown back toward Palanka by "superior forces," but the invaders now are only twelve and a half miles from the temporary Serbian capital and a check along the Nishava is not likely to give the harassed defenders much respite.

Russia Preparing for Invasion. From Bucharest comes a report that the Russians are concentrating great forces at the port of Reni, in Bessarabia, from which place they are expected to make a direct landing on Bulgarian territory if Roumania gives an interpretation of the internationalization of the River Danube friendly to Russia, by which men and munitions may be conveyed by the river into Bulgaria.

Along the eastern front Russia continues to claim a series of successful attacks on the Austro-German positions. From the most northerly point along the eastern border comes a report which has a Russian source, that the German commander, Field Marshal von Hindenburg, despairing of the capture of Riga and Dvinsk, is preparing winter quarters near his present position along that front.

The government revelations relative to British shipping are exciting great interest in trade circles, where the policy already has encountered considerable opposition.

Man Acquitted of Murder Charge Held for Embezzlement

WASHINGTON, D. C., Nov. 4.—William V. Cleary, former town clerk of Haverstraw, N. Y., acquitted last January of the murder of his son-in-law, Eugene M. Newman, after a sensational trial, was arrested here today on a warrant charging larceny of \$10,000 from the town of Haverstraw.

Cleary has been missing from Haverstraw since an investigation of the manner in which the murder trial was conducted disclosed alleged irregularities in his office.

Cleary consented to return to New York without extradition proceedings and left Washington a prisoner at noon today to be turned over to the sheriff of Rockland county.

Wilson Will Speak on National Defense

WASHINGTON, D. C., Nov. 4.—President Wilson will speak on national defense before the Manhattan club in New York tonight.

The speech, which marks the first public utterance of the president since the scope of the administration's national defense program became known, was awaited today with keen interest in official circles here. He was to set forth the reasons which caused him to approve plans for navy.

President Wilson left early today for New York, accompanied by Secretary Tumulty. He will be the guest there of his friend, Colonel E. M. House. The president will return to Washington tomorrow.

Coke Production is Nearly Doubled

CONNELLSVILLE, Pa., Nov. 4.—Coke production in the Connellsville region has practically doubled since the first of the year in the face of the most pronounced labor shortage the industry has ever known. This week's tonnage, 420,000 tons, was not enough to meet the demand. About 300 ovens were added to the active list and more could be fired if the labor were available.

THE WANT-AD-WAY

HERE'S SOME MORE FOR ME BILL

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What man has a bank account?
For years we had been trying to
make his business larger.
So more money had to be earned.
Will at last he find a means
to make his business larger?
The method that we speak of
is the well-known WANT-AD-WAY.

When your bank account gets smaller
and your customers you lose,
you can make your bank account larger
if a WANT-AD-WAY is used.

Your business can be very profitably
advertised by a liberal use of
BEE WANT-ADS.

Try a classified campaign for the
fall season and watch the results.
You will be more than pleased with
your venture. Telephone Tyler 1000
and

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