

# WAGNER TRIAL AT BUTTE

## FORMER NORFOLK MAN CHARGED WITH ARSON.

### WITNESSES WENT FROM HERE

The Case of Oscar Wagner, Who is Charged With Being Implicated in the Burning of a Monowi Saloon, is First up in Boyd Court.

The second trial of Oscar Wagner, formerly of Norfolk, who is charged with being implicated in the burning of a saloon at Monowi last year, will begin at Butte on Tuesday. The following Norfolk men, who are witnesses, were aroused from their Sunday morning slumbers by a deputy sheriff who came to serve summons upon them:

George B. Christoph, Julius Haase, Gus Kuhl, Herman Winter, William Sporn, Hugo Paul.

Wagner will be defended by Attorneys M. F. Harrington of O'Neill and G. A. Eberly of Stanton. This will be the first case called for trial and word was received in Norfolk Monday noon that a jury had already been selected.

There were three men included in the original charge for burning the saloon at Monowi. One of them has pleaded guilty and one of them was cleared at Center. He was defended by Attorney Barnhart of Norfolk. Once the jury in the Wagner case disagreed.

Wagner was formerly a farmhand near Norfolk and is well known here.

### SATURDAY SIFTINGS.

Harry Saffron is on the sick list. Guy McKee of Plainview is visiting in the city.

Louis Fechtner went to Stanton to spend Sunday.

Mrs. R. H. Harris of Lynch was in the city Saturday.

Miss Marguerite Bithell is visiting friends in Clearwater.

Miss Leona Morey returned to Pierce after a short visit here.

Mr. and Mrs. J. D. Sturgeon are visiting relatives in Creighton.

M. D. Tyler has returned from a short business trip to Wayne.

Mr. and Mrs. H. Howden and son of Creighton were in the city Saturday.

George D. Butterfield has gone to Omaha on a short business trip.

A. C. Peters of Stanton is visiting friends and relatives in this city.

Mrs. E. E. Gillette and Mrs. W. H. Bridge spent the day in Pierce.

O. E. Danielson of Emerson was in the city on business during the day.

Miss Lulu Cronk has returned from Tilden, where she has been visiting.

Miss Beth Sprecher left for Omaha, where she will visit for a short time.

J. C. Mann of Albion is visiting in the city.

C. S. Hayes is in Stanton today on business.

Leo Gietzer of Columbus is visiting in the city.

H. R. Witzell of Madison is visiting relatives here.

Wm. Hause of Wayne is visiting in the city today.

W. H. Butterfield has returned from a western trip.

R. P. Drake of Humphrey is in the city on business.

Burt Kummerer has returned from a trip to Omaha.

A. and H. Zanders of Stanton are city visitors today.

C. E. Hartford was in Wayne yesterday on business.

J. M. Lloyd of Wayne is a business visitor in the city.

Dr. Warner of Butte was in Norfolk during the morning.

J. H. Bacon was in the city from Atkinson yesterday.

F. E. Donnelly of St. James, Neb., is visiting in the city.

C. O. Clinex of Madison was a visitor in Norfolk Saturday.

J. T. Lingenfelter of Plainview is here on business today.

Swift Bear and Joe Labe of Spencer spent the night in the city.

Mrs. F. S. Marchant has gone to Lincoln to spend a few days.

I. Hammerley of Pierce came down this morning to spend the day.

S. W. Solomon passed through the city this morning from Bristow to Atkinson.

I. W. Bowersox of Plainview was a business visitor in the city today.

E. W. Vaught and R. C. Anderson of Genoa are in the city on business.

Mr. and Mrs. C. H. Gray of Randolph are visiting friends in Norfolk.

Geo. B. Christoph has returned from a short business trip to Battle Creek.

Mr. and Mrs. Frank Beltz of Stanton were shopping in the city yesterday.

Mrs. J. B. Sandle and Mrs. C. E. Hendricks are spending the day in Pierce.

Mrs. Olney is expected today from Louisville, Ky., to visit her daughter, Miss Olney.

Miss Bessie McFarland came up from Madison yesterday to attend the alumni reception.

Miss Goetsch of Stanton, who has been visiting at the home of Mrs. Scott returned home today.

Miss Bessie Mackin, who has been visiting at the home of J. F. Flynn, returned to her home in Platte Center this morning.

Miss Louise Mathewson and Miss Gertrude Watson expect to leave Monday for Peru, where they will teach during the summer term.

Mrs. F. F. Walker and Mrs. Mark Burk of Columbus, who have been visiting at the home of J. F. Flynn, returned to their home today.

Rev. Thos. Bithell left for a short

trip through the western part of the state.

Morris Adams of Creighton is visiting his parents, Mr. and Mrs. E. E. Adams.

The families of E. E. Adams and M. P. Ryan spent the day picnicking at the Elkhorn.

Miss Jessie Mart yof Creighton is visiting at the home of her sister, Mrs. M. P. Ryan.

Mrs. F. H. Anders of Long Pine is expected here today for a short visit with her daughter, Mrs. F. A. Blake-man.

Mrs. J. A. Shoemaker, who has been visiting at the home of E. P. Weather, returned to her home in Omaha today.

Word reached Norfolk of the death of the eldest son of Mr. and Mrs. W. E. Powers at Pierce. No details were received.

Fred Sprecher and family have moved their household goods to Ainsworth where they will make their future home.

Tilden has decided not to celebrate the Fourth of July. Meadow Grove will take advantage of the occasion and hold a rousing celebration.

The trap shoot of the Norfolk gun club, which was to have taken place yesterday, was postponed on account of the bad weather. It will probably take place a week from yesterday.

Vordigre will celebrate the Fourth of July in old fashioned style this year. Five hundred dollars was raised among the business men of that enterprising town within a short time for the purpose of defraying expenses connected with the celebration.

Dr. H. S. Overocker has opened a permanent headquarters at 417 Norfolk avenue, where he has very attractive and up-to-date optical consultation rooms and reception parlor. Dr. Overocker is a graduate of a well known college of ophthalmology.

The new tile floor is being installed in the west room of the Cotton block, which the Nebraska National bank is soon to occupy. There is a large map of Nebraska set in the tiling, which will make a unique name-plate. The bank expects to move into the new location about June 10.

Tilden Citizen: A movement is on foot to hold a matinee horse race in Tilden about the middle of June. Ten race horses are being kept and trained on the carnival grounds, and no difficulty should be experienced in getting up an interesting contest—especially if a good baseball game were added as an additional attraction.

Tilden Citizen: Contrary to all expectations, the fruit crop in this section does not seem to have been materially injured by the unseasonably severe frosts during this month. Cherries will be fairly plentiful and apple trees are laden with fruit. Berries of all kinds are showing up in good style and even peaches promise a good yield.

A great deal of excitement was caused on South Third street yesterday afternoon at about 3 o'clock by the finding of a supposed dead man lying by the side of the road. Chief Flynn was hurriedly summoned and he with the city physician, Dr. Bear, went immediately to the scene. They found the man lying across the sidewalk and after a short examination he was found not to be dead at all but only dead drunk. The doctor revived him in a very short time and the drunk went peacefully on his way.

Tilden Citizen: The Burnham 155-acre farm south of town was this week sold to Tilden parties. Tom McDonald secures the thirty-five acres remaining of the northeast quarter; Ed Smith his the southeast forty, and Egbert Winder is the owner of the west eighty. Tom McDonald has made an offer of one or two acres on the hill south of town for a stand-pipe site. The village board will meet on Saturday evening to consider the proposition and it is a safe prediction that an agreement as to price will be readily reached.

O'Neill Frontier: John Carton left Tuesday morning for Norfolk to spend the day visiting his daughter, Mrs. H. C. Sattler. On Wednesday morning, accompanied by Barney Hynes of Turner, he will leave for New York to take passage for Ireland where they will spend two or three months amidst the scenes of their youth, visiting friends and relatives. Mr. Carton has several relatives there while Mr. Hynes has three brothers and several cousins and nephews. Their Holt county friends wish them a pleasant voyage and a safe return.

Mrs. James R. Fain and daughter, who have been visiting at the home of Mrs. Fain's mother, Mrs. Luikart, for some weeks, expect to leave next Wednesday for Washington, D. C., to which city Mr. Fain has been transferred. Mrs. Fain will be accompanied to Washington by her sister, Miss Stella Luikart, who will spend a portion of the summer at the national capital. Mr. Fain will be remembered in Norfolk as having been superintendent of construction, representing the government, when the beautiful federal postoffice and court building was constructed here.

Concerning John Lemley, jr., well known in Norfolk and the son of Mr. and Mrs. John Lemley of this city, the Tilden Citizen says: After five years of continuous service in the Tilden State bank, John Lemley has severed his connection with that institution to take the assistant cashiership in the state bank of Madison. Mr. Lemley has proven a faithful employee and a competent business man. He has a wide circle of friends in Tilden who will miss him and his popular young wife at social functions. The whole community will wish him abundant success in his new position and his intimate friends feel sure that these wishes will be realized.

# STORY OF NORFOLK BIRDS

## AN HOUR'S RAMBLE AMONG THE SONGSTERS.

### DESCRIBED BY G. B. SALTER

A Paper That Delighted its Hearers and Which Gave an Excellent Lesson in Observance, Was Read at Men's Club Meeting.

How many Norfolk men walk the length of their avenue without catching the sweet note or the dainty wing of some song bird?

The Men's club held a May meeting last Saturday in the parlors of the First Congregational church. It was the last meeting of the club before the summer adjournment and in touch with the spring season the program dwelt on birds and nature.

A paper which delighted the members of the club and which, without pretension, furnished a lesson in observance was read by G. B. Salter.

Under the caption, "An hour's ramble on Koenigstein avenue with the program for my entertainment provided by a few of our bird neighbors," Mr. Salter said:

The first birds to greet me, right in my own yard, were two golden-crowned kinglets, brilliant little fellows, creeping and flitting along the branches and about the terminal twigs of the elms and searching eagerly for tiny insects. They appeared to have an unusually good appetite, caused no doubt by the long journey from the southern states where they have their winter home. Here they merely pause long enough to rest and partake of a few hearty meals before continuing their flight northward to their summer home. I can find no evidence of their nesting in Nebraska.

Just around the corner a bird called to me, "see-see see-see." Up in the tree tops sat a black and white warbler, busily engaged in exterminating some of our insect pests. The black and white warbler's dress is, true to the name, plain black and white streaked. He is a summer resident.

In the branches of a soft maple on the corner of Eleventh street a rose-breasted grosbeak awaited my coming. He gave me ample time to thoroughly admire his rose-colored breast and his other distinguishing markings. Then to my delight he dashed straight away, thus displaying his white tipped tail feathers and white primaries, a quartette of white spots that readily identifies this lovely bird when on the wing.

To the lovers of the grosbeak—and to know them is to love them—what a satisfaction it is to believe that they are increasing rapidly in the groves of our city! Several pairs nested last year on Koenigstein avenue and Thirteenth street. How happy should those citizens of ours be who have for their neighbors the rosebreasted grosbeak. I can imagine no happier strains of bird music than his joyous carol on a May morning.

After being so regally entertained by the grosbeak I crossed the avenue where my attention was called to the nest of an American robin in a box elder on the lawn of one of our citizens. Evidently the robins knew that the owner of the property was a lover of birds for they selected the tree nearest the front door. I was at a loss to determine which was the happier, the man or the birds. Certainly they were thoroughly satisfied with the arrangements. The man so expressed himself and the birds by their loving trust declared that benefits were mutual.

Robin Says "Cheer Up."

Every one is familiar with the marking of the robin—known to many as "robin redbreast." The only difference in the coloring between the father and mother is a slightly deeper tinge of red on the father's breast. The robin is among the first arrivals in early spring. Frequently when the weather is cold, backward and disagreeable, when we are in a despondent mood and inclined to be dissatisfied with everything in general, we may look out of the window to see across the street high on a tree top in the drizzling rain and sleet Mr. Robin, calling "Cheer up! Cheer up! Cheer up!" I usually feel like exclaiming: "All right, Mr. Preacher, I will heed your admonition."

What a pleasure it is in the early morning to watch a pair of nesting robins take their breakfast. First the male goes for the early worm, in fact for many early worms. Filling his mouth more than full he carries them with delightful dispatch to his sitting mate. He then goes back for his own breakfast, returning as quickly as possible to the nest, where he takes the mother's place while she goes out for a morning's outing. What a model husband she has! He not only assists his wife in the incubation but also in the many other little duties pertaining to their housekeeping.

In one of the tall cottonwood trees on Twelfth street a pair of those gaily attired birds known as the Baltimore oriole were seen flitting backward and forward seeking a suitable branch from which to suspend their pouch-like nest. They were in the vicinity of an old nest of a previous year. It may have been their old home of last year or perhaps the childhood home of one of them. It is wonderful how these old nests withstand the storms of wind and snow. The female oriole is considered by some authorities as among the best architects in the bird world. When the nest is first constructed it is so skillfully woven as to be impervious to rain.

The Baltimore oriole is a charming whistler. His notes are as sweet and varied as any bird I know. His love-notes are surprisingly suggestive. Harken to him calling in the early dawn: "Here's a bird! Here's a bird! Here! Here! Here!"

The groves to the south of the avenue and west of Thirteenth street were alive with summer residents, some of the more important being the brown thrush (or brown thrasher), the wood thrush, and Wilson's thrush.

The brown thrasher is easily distinguished from the others by his reddish brown back and the two whitish bands on his wings. With his long tail he out-measures the wood thrush and sways by three or four inches.

The singing qualities of these thrushes are of the highest order of bird music and are given by bird lovers as nearly equal. Unfortunately we seldom have an opportunity to hear them at or near the same time and cannot retain in our memories the exquisite strains to make a comparison.

For gorgeously rich and unadorned music and for pure heavenly song, commend me to our bird neighbors.

In addition to the birds already enumerated I was very pleasantly entertained for a few minutes in visiting with the following friends through my field glass: Flicker, wood pecker, towhee, house wren, barn swallow, meadow lark, chickadee.

TO KNOCK OUT 2-CENT FARE.

The Burlington Railroad Will Bring a Suit in Nebraska.

James E. Kelby, general solicitor for the Burlington railroad, has given notice of a suit the road will bring to knock out the 2-cent passenger fare law as enacted by the last session of the Nebraska legislature.

Statistics are being compiled by Burlington agents which, it is said, will show that a 2-cent rate in Nebraska is unremunerative.

"There is no question the figures will show that the rate is unremunerative when you compare the amount of traffic in this state against that of others," Mr. Kelby said in Omaha.

"In Nebraska there are only fourteen people to the square mile, as against 50 in Iowa, 100 in Illinois, 400 in Ohio, Pennsylvania, New York, Rhode Island, Massachusetts and several others.

"It stands to reason with that number of people to the square mile the passenger traffic is not sufficient to justify a 2-cent local rate.

"I think it will be about August 1 before the figures showing comparative earnings of the Burlington this year and of previous years can be obtained, and if they show a loss, which I am sure they will, the suit will be started as soon after that date as possible," concluded Mr. Kelby.

A. K. BARNES ADMITTED TO BAR

Supreme Judge Barnes Administers Oath to Class.

A Kimball Barnes, youngest son of Supreme Judge and Mrs. J. B. Barnes of this city, has been admitted to the practice of law in Nebraska and was among a class of ten young attorneys, successful in passing the examinations, to whom the oath of the profession was administered by Supreme Judge Barnes of Norfolk Wednesday night.

Seven of the new attorneys were graduates in the three-year law course at the law college in Creighton university, Omaha. Mr. Barnes, however, took the examination on the strength of studying that he has done for himself while acting as official stenographer to supreme court commissioners Oldham and Good during several years. All of the ten new attorneys passed excellent examinations.

M. D. Tyler of this city was one of the commission who conducted the examinations.

Neligh Marshal Problem.

Neligh, Neb., June 3.—Special to The News: The city council met in regular session Saturday evening and transacted an unusual amount of business, being detained until nearly the mid-night hour. The principal part of the meeting was the looked-for appointment of marshal, water commissioner and street commissioner.

Mayor Kay was determined to make a change, and a change he made. He appointed I. E. Atkins to the position and was upheld by two of the councilmen in his selection.

F. P. Coker was tendered the position of marshal for the ensuing year, but he absolutely refused to accept. The council adjourned to meet again tomorrow evening.

Niobrara Commencement.

Niobrara, Neb., June 3.—Special to The News: The commencement exercises of the Niobrara high school brought out a large audience and the program went off without a flaw. The hall was handsomely decorated with appropriate class colors of pink and green, the background of the stage being trimmed with twigs of evergreen through which the pink shone out modestly. The Morningside college quartet, comprising the Misses Bunting, Wheeler, Howard and Dahl added much to the interest of the exercises, and each number received an encore. There were nine graduates, as follows: George L. Vlasnik, salutatorian; Gladys Rock, Walter B. Stark, Marie Hathaway, Orange F. Etter, Ruth LaM. Hiles, Clara M. Johnson, J. Maud Marshall and Gray A. Yantis, valedictorian. Prof. J. M. Stinson, who will be the principal of the Scriber school next year, in presenting the class their diplomas, made a most fitting address, in which he manifested deep interest and pride in his work. It was indeed the consensus of opinion that it was the best class that has been turned out of the Niobrara high school in ten years. The alumni gave a banquet to the graduates after the exercises.

Tetter, Salt Rheum and Eczema.

These are diseases for which Chamberlain's Salve is especially valuable. It quickly allays the itching and smarting and soon effects a cure. Price, 25 cents. For sale by Leonard the druggist.

If it's a "want-ad. matter," don't postpone it too long!

# PEEPING TOM AT FAIRFAX

## STRANGE MAN WOKE UP THREE CHILDREN AT NIGHT.

### HE ASKED THEM TO BE QUIET

#### A Few Nights Later the Stranger Was Found Trying to Look Into a Young Lady's Room—A Warm Reception Awaits Him Next Time.

Fairfax, S. D., June 4.—Special to The News: Fairfax has a "Jack the Peeper."

A few nights ago while Mr. and Mrs. Dewer were in Bonesteel, somebody entered their home where three children were sleeping and awoke the little people at 11 o'clock at night. The man, who was a stranger to the children, told them to keep quiet but they shouted and made so much noise that the fellow was frightened away.

The children went to the home of a neighbor and when Mr. and Mrs. Dewer arrived home at 1:30 they found all the doors open. No trace of the man could be found, however.

A couple of nights later Miss Mildred Fletcher, a young lady of Fairfax, was startled by finding a strange man attempting to look into her room. Calling to her mother, Miss Fletcher frightened the man away.

People are now watching for the fellow and a repetition of his act will probably give him a "warm" reception

TUESDAY TOPICS.

P. J. Peterson of Lindsay is in Norfolk today.

E. M. Vaught of Genoa is a Norfolk visitor today.

W. R. Locke of Stanton was in the city last evening.

George Krumm of Tilden spent yesterday in Norfolk.

C. O. Campbell of Creighton is in the city on business.

Henry Schwartz of Winnetoon spent yesterday in Norfolk.

Charles Hoffmann, the Hooper baker, is in the city today.

C. H. Bartlett of Creighton is in the city today on business.

John Windt of Hoskins was in Norfolk on business yesterday.

H. H. Reid and family of Syracuse were in Norfolk yesterday.

Mrs. Sadie Curtis of Wood River visited in Norfolk yesterday.

Carl and Wendle Baker were Wayne visitors in Norfolk yesterday.

Ray H. Cain of University Place stopped in Norfolk yesterday.

Attorney James Nicholas of Madison was in Norfolk over night.

M. L. Adams of Niobrara was in Norfolk yesterday between trains.

Mr. and Mrs. Fred Sprecher returned yesterday from a visit at Ainsworth.

D. E. Nellor, editor of the Hoskins Headlight, was in Norfolk yesterday.

Mr. and Mrs. James Blohoveck of Battle Creek spent yesterday in Norfolk.

Misses Rena and Opal Olmsted returned to Norfolk yesterday from Wayne.

Peter Kautz of Hoskins was in the city over night, leaving this morning for Omaha.

W. K. Green and M. B. Smith of York were in the city yesterday between trains.

Bret McCullough left yesterday on a week's business visit to Chicago.

Miss Ina Dibble of Plainview was in Norfolk over Monday, the guest of Miss Margaret Hamilton.

Mrs. L. M. Keene of Fremont visited over Sunday at the home of her parents, Mr. and Mrs. J. S. McClary.

Mrs. George Becker of St. Louis is expected in Norfolk this evening on a visit with her daughter, Mrs. P. A. Shultz.

L. F. Farnsworth, a Grand Island druggist, was in Norfolk over night returning from a western Nebraska business trip.

Anoka Herald: Mrs. Whitla and children expect to leave Monday for a two weeks' visit with relatives at Emporia, Kansas.

J. W. Spice of Columbus was in Norfolk yesterday returning from Rapid City, S. D., where he has completed a course at a mining school.

E. C. Leggett of Minneapolis, a special representative for several states with the Hunts Perfect Baking Powder company, visited with his sister, Mrs. W. N. Huse, yesterday. He will be in northern Nebraska for a week.

Misses Margaret Hamilton, Anna Mueller, Agnes Flynn, Nellie Flynn and Eleanor Mueller of Norfolk and Miss Ina Dibble of Plainview left this morning for Peru to attend the summer session of the Peru state normal.

Friends and relatives joined with Mrs. Gottlieb Pribbenow in celebrating her birth anniversary Sunday at her home north of the city.

George Kendall, chief clerk in Superintendent C. H. Reynolds' office at Northwestern headquarters, has been ill this week with tonsillitis.

Miss Edna Loucks leaves tomorrow for Schuyler, where she will be the guest of her aunt, Mrs. Fred Kenny, during the coming summer.

Two Norfolk teachers, Miss Fleming and Miss Louise Mathewson, have been elected to positions in the city schools of Lincoln for the coming year.

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Miss Mino McNeely will spend next week in Lincoln and Bellevue, attending the commencement exercises at Bellevue college. Miss McNeely was president of the college class of '07 in the freshman year at Bellevue.

A sale of the farm machinery and property belonging to Henry Kneis, the Hoskins murderer and suicide, was advertised for today at the Charles Falk farm. The widow was appointed

special administrator for the purpose of the sale.

A birthday surprise party in honor of Mrs. H. M. Luebbe was arranged Monday evening by members of the Ben Hur lodge. A pleasant evening was spent at the Luebbe home on South Sixth street.

August J. Huebner of west of Hadar, one of the first pioneers of this vicinity, was in Norfolk yesterday making arrangements to build a home in Hadar. Mr. Huebner is to retire from his farm after the present season.

Charles McMinder, for several years foreman of the cream department of the National Biscuit company's plant at St. Joseph, is in Norfolk, having accepted a position with the local candy factory as superintendent over the cream department.

A week from next Sunday the Sunday school of St. Paul Ev. Lutheran church is planning to hold a big picnic at Freythal's grove. Services will be held in the morning at the grove, to be followed in the afternoon by the Sunday school picnic.

The Norfolk postoffice sold \$790.66 worth of stamps in May this year as against \$735.88 in May 1906 and \$681.01 in May, 1905. The May sale of postal cards at the same time increased from \$24.11 in 1905 and \$31.60 in 1906 to \$46.10 in 1907.

B. R. Ramer, a Norfolk traveling man, has purchased the Charles Flores property on Eleventh street and Nebraska avenue and will have the home remodeled preparatory to his marriage to a young lady of Omaha on the fifteenth of the month.

The new cooling plant at the Faucett-Carney candy factory will be installed during the coming week. This will again give employment to the girls engaged in chocolate dipping, forced to suspend work with the arrival of the first real hot weather.

Arthur Pilger, formerly of Norfolk and who has been assistant cashier at the Madison state bank, this week entered into his new work with the First National bank at Stanton. Mr. Pilger's title with the Stanton bank will be determined at the next meeting of the board of directors.

The sum of \$133 is asked from the city by John H. Weatherholt of Hoskins in a damage suit filed against the city in Justice Lambert's court. Mr. Weatherholt, through his attorneys, Barnhart & Koenigstein, sets up a claim for damages as a result of one of his horses being injured by running into a piece of tiling set up to protect an open culvert on First street.

"Our Old Kentucky Home," said to be a thrilling melo-drama built upon a story of home ties in the blue grass state, will be seen at the Auditorium tonight. Popular prices will prevail for the attraction, children being admitted to any part of the house for 25 cents and adults for 50 cents. The company carries a band and orchestra and the music is said to be good.

After July 1 it will not be necessary to visit the postoffice in order to have letters sent by "special delivery." After that date the addition of