How Bill Dorgan Boodled Away \$20,000 of State Momey, With the Assistance of State Officers

SOME RICH AND RACY READING.

Part of the Testimony Taken by the Penitentiary Committee.—The Truth Pumped out of Unwilling Witnesses.

"There's something rotten in the state of Denmark."—Shakspere. Some republicans are setting up the clai & that the evidence in the penitentiery investigation does not support the findings of the committee. In order to sho w the falsity of fhe claim, the following review of part of the testimony is given.

Testimony in the Case.

The formal report of the committee to the house sets forth in a brief and condensed form some of the things which were uncovered by the investigation, but it is in the exhibits from the report of the expert, thereto attached, that are found the most interesting features in connection with the fraud steal and jobbery associated with the appropriation and the building of the new

The "reports" filed by Superintendent Dorgan with the board are five in number, out there are no vouchers for anything but on the fund by the consent of the board. there are no vouchers for \$5,151.77, and for the \$6,331.15 received by Hopkins from Dor-gan, no vouchers have ever been filed. The gan, ne vouchers have ever been filed. The swidence shows that before expending the money for material, Dorgan received bids for the furnishing of stone and sand, but notwithstanding this fact, he bought the material of an outsider, paying in nearly all cases two or three times as much, and in some cases four times as much as would have been the case had the material been furnished by the bidders, or by others at the prices bid by them.

A liberal estimate for the stone used is

prices bid by them.

A liberal estimate for the stone used is computed by capable authorities at \$2,820.02, while the rinip was compelled, through the extravagance of the superintendent, and the connivance of the board, to pay therefor \$3,777.33, an overchar e on that one item of mearly \$6,000. Sand was a lesser item, but in that particular there was an overcharge, as shown by the report of the expert, of \$256.49.

Labor cost the state \$12,297.25, while had a private contractor been leasing the same help from the same source, it would have cost but \$4,918.90. Here is a steal on these three items of nearly \$14,000 on a \$40,000 appropriation

It is further demonstrated that the appro-It is further demonstrated that the appropriation was much more than sufficient to rave completed the building, but, as it is, the appropriation is more than exhausted, the building has been barely enclosed, and there are debts as yet unsatisfied for work that has already been performed. The evidence shows that several other matters were allowed to figure as a part of the cell house lead at the expense of the state although deal, at the expense of the state, although they had no connection with it.

Herewith is reproduced some of the evi-dence submitted before the committee:

Ex-Treasurer Hill's Testimony. E. Hill testified that he had been a mber of the Board of Public Lands and Buildings for four years; that the board had had charge of the penitentiary under the law passed by the legislature two years ago and that it superintended the expenditures of that institution. He related in detail the of that institution. He related in detail the several improvements that had been made at the penitentiary under the supervision of the board, stating that the work had generally been put in the hands of some competent person. The work on the new wing authorized by the legislature two years ago was done by the day under the direction of William Dorgan. The board held that the provisions of the law precluded the necessity of advertising for bids or for a superintendent. When the board took up the matter of building the cell house Mr. Dorgan was employed as superintendent at a salary of \$50 per month. Mr. Hill stated that he was honest personally as far as the employment of Dorpersonally as far as the employment of Dor-gan was concerned, and that he believed that Dorgan was a straight man and would make the money go as far as possible. He could not tell whether any plans or specifications had ever been adopted by the board or act, but he saw what purported to be the plans for the new wing while visiting the penitentiary some time after the work on the building had been commenced. He had allowed that plants and the penitential of ways believed that plans and specifications of some sort had been filed with the commis-sioner of public lands and buildings.

Trusted to Dorgan's Integrity.

Referring to the employment of Dorgan as the superintendent of construction, Mr. Hill was asked if the fact that Dorgan was acting as Mosher's agent at the same time had not been considered by the board. He re-plied that the matter had been discussed afterward, but no steps were taken to rec-tify any mistake that had been made in the tify any mistake that had been made in the selection. He thought at the time that \$50 a month was a pretty small salary for the services required, but that he had at the time every confidence in Dorgan's business integrity. The matter of employing convicts on the work as well as the purchase of material had been left almost entirely to Dorgan, who from time to time would make reports to the board, accompanied by vouchers and receipts. The board examined these reports from time to time. The board examined the bills and vouchers for material, but never made any chers for material, but never made nquiries as to whether the material had ctually furnished or not. He admitted that there had been many items reported by Dorgan which had not been accompanied by vouchers. These items were placed on file to be considered in the final settlement, and few weeks before the board's term of office expired Dorgan was ordered to present the eccipts, but witness did not know whether

mr. Hill was then examined as to the as-Mr. Hill was then examined as to the assignment of the contract from Mosher to Dorgan. He said that the assignment had been made in February, 1892, and that the board at once discharged Dorgan as superintendent and employed Dan Hopkins, exwarden of the penitentiary, at a salary of \$150 per month, He thought the board took steps to require Dorgan to put up a bond under the assignment of the contract, but he could not say whether that individual had ever done so or not. He could not red ever done so or not. He could not re-ember the names of Mosher's bondsmen.

Took a Pleasant Trip.

Attorney General Hastings was examined as to the particulars of the junket made by several members of the board a year ago at the state's expense, the ostensible object being to examine the management of other state penal institutions. He testified that the party consisted of himself, Secretary Alien, Commissioner Humphrey and Warden Hopkins. Dorgan handed them \$500 the day they started and this amount was used for the expenses of the trip. They visited Leavenworth, Kan., Jefferson City, Mo., St. Louis, Chester, Ill., Chicaro and one or two of them went to Michigan City, Ind. They had transportation as far as St. Louis and some members of the party had passes from that city to Chicago. The others paid their fars. They were gone about two weeks. They made some investigation of the matter of ventilating cell houses, etc., and made some sort of a report to Dorgan when they returned, but the witness didn't know whether the ideas were adopted in the Nebraska cell house or not, He had never Took a Pleasant Trip. cell house or not, He had never

on the trie, out was positive that he had spent all the money that had been given to

General Hastings was then questioned closely as to his knowledge of the manner in which Dorgan had been permitted to draw money on the cell house fund from time to time, but his ideas were not very clear on the subject. He felt sure, however, that Dorgan was never allowed any money until after he got the bills for the work. He admitted that several thousand dollars of the fund might have been checked out for which no receipts had been presented, but he claimed that he had no knowledge of the fact. He asserted that the board was in the habit of going over the claims very carefully, but that he never gave the matter much attention himself.

"I think if you go to Mr. Allen or Mr. Humphrey," said the attorney general, "either one of them can give you very definite information as Mr. Allen is secretary and Mr. Humphrey is president, and my office is attached to it simply as a matter of ornament, I suppose. I was attending to making briefs in the supreme court and attending to the affairs of my office as attorney general."

He admitted that he probably did not give critical attention to the matter of expenditures, claiming that his duties as attorney general made it absolutely impossible for him to stay in the other offices and check over accounts. As an attorney he considered that a bond for \$10,000 was ressonably sufficient for a man who had to ex-pend \$40,000 of the state's money.

Coming to the matter of the assignment of Mosher's contract to Dorgan, the attorney general stated that the board heard of the ssignment as a rumor and did not consider it its duty to take any action in regard to it He rather held to the view that the original bond given by Mosher to the state had not been released. When shown the original bond the attorney general admitted that he had never seen it before.

Simply Took William's Word.

Secretary of State Allen took the witness stand and told the committee what he knew about the trip taken by several members of the board to the penitentiaries of several eastern states. His statements did not vary smuch from the ones made by the at-torney general. The party took \$500 and spent it. When they returned the amount was charged up to the state. Speaking of was charged up to the state. Speaking of the manner in which the money had been expended on the ceil house, Mr. Allen said that Dorgan would be given a warrant for a certain sum and that he would check against this amount until it was exhausted. Then he would be allowed to draw another sum. The only thing the board had to go by was Dorgan's statements of the amounts he had naid out. The board never got together paid out. The board never got together and figured up how much Dorgan had contracted or how much he ought to draw. many instances the board took Dorgan's statement without any vouchers.

Mr. Allen made the somewhat startling statement that there was no record of the board's account with Dorgan in the matter of the construction of the cell house, either in the books of his office or the books of the board. He did not consider that the board had as yet approved the accounts of Dorgan, and that no settlement had ever been made with that person. He "supposed" the board would pass upon the accounts and make a settlement when the cell house was com-

Knows Nothing of the Details.

A. R. Humphrey, commissioner of public lands and buildings, was next called to the stand. He also told the committee of the swing around the circle made by himself and other members of the board last year, and his story failed to place that memorable junket in any better light.

Regarding the board's contract with Dor-gan, he stated that no final settlement had yet been made. He had never made any examination as to the correctness of the vouchers presented by Dorgan for material furnished. Neither did he know anything about the manner in which convict labor had been employed on the new cell house. He never scrutinized the vouchers for material furnished and did not know whether the harges for such material were reasonable or not. He had asked the warden and the men employed on the work and they had informed him that the charges were reasonable. The money to meet the expense of the work was drawn in advance of the expenditures and was turned over to Dorgan, who used it fer the purchase of material. Dorgan took receipted checks, and these checks would be in the possession of the board when the final settlement was made. He remembered that some machinery had been purchased at about the time the work was commenced on the cell house, but he didn't know what the machinery was nor how much it cost.

Colonel Dorgan on the Stand.

One of the most entertaining witnesses be-fore the committee was Bill Dolgan, the uperintendent of construction, who acted as the agent of the prison contractor and at the same time drew \$50 a month to look after the interests of the state in the construction of the new cell house. He stated that he was t present the prison contractor, but that at the time he acted as superintendent of construction for the board he was simply the manager of the contract for Mosher and had charge of all his interests at the penitentiary. In letting out the convicts to sub contractors he charged as much as he could get. The state was charged \$1 per day. Private contractors were charged less, as a rule, and the average price received from private contractors was about 40 cents a day or each convict.

The number of convicts employed on the cell louse varied from time to time. The following dialogue between the committee and its witwill give an idea of the manner in which the time of this convict labor was kept and charged up to the state:

His Charges Always Worked. "Isn't it a fact, Mr. Dorgan, that all the

men who were employed and put into that gang were checked up and charged for unless they were in the hospital?"
"Yes sir, they ought to be." "And were charged up to the state

whether they worked or not?"
"Yes sir."

"And the state paid for them?" "Yes sir."

"How much time have you charged up to the state that they didn't work?"
"Oh, there might have been a day or two,

or something like that."
"Wasn't there about twenty days, from
January 10 till January 30, last year, that
they didn't work on the cell house at all?"
"There may have been; I wouldn't say." "That time was all checked up and charged to the state?"

"I suppose it was checked up and charged to the state."

His Little Deal With Atwood,

Leaving the question of the employment of onvicts on the cell house, the board turned its attention to the prices charged the state for the stone and sand used in that building. Dorgan stated that he had purchased the stone of S. H. Atwood & Co. of Plattsmouth. stone of S. H. Atwood & Co. of Plattsmouth. He met Atwood in Omaha and had been recommended to him by one of the general officers of the B. & M. railroad. He visited Atwood's quarry at Cedar Creek, and agreed upon the price to be paid for the stone. He consulted no other stone dealer and made no effort to ascertain the regular prices for the kind of stone to be used in the walls of the cell house. He denied that he had obtained any prices of J. L. Farthing of Plattsmouth, and said that he never heard of such a man. and said that he never heard of such a man. He knew the state paid 35 cents a foot for the stone, but didn't know how much the stone cost Atwood. He supposed 35 cents was the regular price for that class of stone, but didn't know much about it, as he didn't claim to be much of a stone man, anyway. He believed he had noticed in some circulars that stone was worth about 35 cents a feet that stone was worth about 35 cents a feet that stone was worth about 35 cents a foot. Then the following entertaining conversa-

tion took place: Densely Ignorant Regarding Stone. "Do you know as a matter of fact that

this stone you got only cost 10 cents a foat!"

"If that was what it cost, would you say 35 cents was the regular price of stone "I would not, because I am not a stone

"Do you know as a matter of fact that the price you paid for the stone was three times ular price for stone in this country? "As a matter of fact, I don't know."

"With whom did you talk to ascertain the price of stone! "I told you I didn't talk with anyone but

"I understood you to say you talked with ersons who understood the price of stone!"
"I told you that I had circulars of stone." "Whose circulars did you have at that

"I had some from Joliet." "Well, was stone worth 35 cents a foot at Joliet at that time?" "I think that was the price on the circu-

are for that kind of stone."
"What kind of stone was it?" "The kind I used down there."
"What kind was that?"
"I told you I was not a stone man."
"How do you know if it was the same kind of stone if you don't know?"

"I suppose; I don't know very much about

"There were a great many stone men here

in town that you were acquainted with at that time, were there not?" "I don't know of a stone man in Lincoln." "You don't know of any that handle and

"There may be a hundred, but I don't know one man in Lincoln who handles

Some Whaling Big Carloads.

The committee then called Dorgan's attention to the manner in which the state had been charged for stone that had never been been charged for stone that had never been delivered, but on this subject he was as ignorant as upon the price of the stone he had purchased of Atwood. One car of stone had been charged up to the state as containing 403 feet of stone. This would make a weight of 66,000 pounds of stone on one car. There was a difference of 23,000 pounds between the amount Dorgan charged the state of the state are trially refor and the amount the state actually re-ceived. Dorgan didn't know anything about this item. He claimed that there were many cars in use on the B. &. M. which had a capacity of 64,000 pounds. He had never made any estimate of the amount of stone he had purchased of Atwood or of the amount he put into the cell house. He had purchased derricks. hoisting tackle and tools to be used in erecting the cell house. He was asked: Made the State Pay for All.

"Did you purchase them out of the state's

"I aimed to make the state pay for every-thing. If I didn't I overlooked it. I aimed to make the state pay for everything I used in connection with the building."

He stated that he had made no agreement

with the Board of Public Lands and Build-ings as to the kind of a cell house to be built under his direction. He employed an architect to draw him some plans and specifica-tions. He claimed that all the board asked him to do was to put up a good building, and he asserted with sublime confidence that there wasn't a better building in the state, if he did say it himself.

Hopkins Had No Limit.

Ex-Warden Dan Hopkins, who succeeded Dorgan as superintendent of construction of the cell house, took the stand to tell the committee just what he didn't know of the business methods adopted in doing the work. He testified that when he took up the work where Dorgan left off nothing had been completed but the inside wall. There was no material on hand, and he purchased some twenty-seven car loads of stone of Atwood at the same price paid by Dorgan. He had also purchased large quantities of sand, ce-ment, lumber and material for the roof and ceiling. He had no agreement with the Board of Public Lands and Buildings except that he was to go ahead and put up as good a building as he could for the money. No limit had been placed upon his expenditures. He claimed that he had talked with men who were and had been told that the prices he paid were reasonable enough. He also told of the he had taken with the members of the state board to other states, ostensibly to investigate cell houses in other penitentiaries, and also related the details of a trip taken by himself and Chaplain Howe when they attended the prison congress at Pittsburg, Pa., last November at the This trip cost the state \$300. last November at the state's expense

Testimony of a Stone Salesman.

One of the witnesses who was able to some light upon the peculiar business methods of Dorgan and his associates was J. L. Farthing, a traveling salesman for Patterson & Cc., stone dealers at Plattsmouth. He testified that when the matter of furnishing stone for the new cell house was under consideration he called at Dorgan's office in Lincoln. He put in a bid for supplying the stone, and the prices he quoted Dorgan were 75 cents a yard for crushed stone, \$1.90 per yard on rubble stone, and sand 65 cents per yard, all delivered at the prison. He fur-nished stone for the construction of the Lincoln asylum at these figures. Dorgan, he claimed, agreed to give him the contract at these figures, but afterward informed him that the contract would have to go to

Farthing explained that all 'quarries sold stone by the yard, but that he would be willing to sell the stone by the foot if anyone wanted to buy it that way. A yard of stone contained twenty-seven cubic feet and the price for a cubic foot of stone would be just one-twenty-seventh of the price of a cubic yarn. The price of a cubic foot of stone under these figures would be 15 cents, and that was the price they always sold it at. The price of rubble stone would be 3 cents a foot. The price he quoted Dorgan was 41/4

ents a foot, delivered at the prison. He testified further that the maximum ca-pacity of a flat car upon which stone is shipped is from 30,000 to 40,000 pounds, and that there was no such thing as a car with a capacity of 60,000. He stated that the rail road companies would refuse to haul more than 40,000 of stone on a car, and if they found that the car contained more they would haul it back into the quarries and have the surplus removed.

Sold the Stone to Atwood.

J. W. Zook of Nemaha county was placed on the stand. He was the owner of the quarry from which Atwood bought a large amount of the stone that went into the cell louse. He sold the stone to Atwood for 10 cents a foot, and considered that he was getting a good price for it. At the time he made the contract with Atwood he did not know what the stone was to be used for, but he found out three weeks afterward that it was going into the penitentiary. He stated that he never received pay for a car that contained more than 235 feet. It would be impossible, he said, to put 400 feet of stone on a single car. He considered 35 cents a foot for stone robbery, and said he would have been willing under the circumstances to have taken the contract to furnish the stone at 8 cents a foot. He had sold lots of stone in Lincoln at 12½ cents a foot delivered, and made money at it.

Their Time Always Charged.

V. H. Hainer was the next witness. He testified that he had been principal keeper at the penitentiary during the time that the cell house was being constructed under Dor-gan's supervision, and he had charge of all the convicts working under the prison con-tract. He stated that about twenty-five convicts had been employed on the cell house, and that the state had been charged house, and that the state had been charged for their services whether they worked or not. On rainy days, when the men could not work on the cell house, they worked in the yards for the prison contractor, but their time was charged up to the state just the same. When convicts employed on the cell house were in the hospital they were charged to the state. One man had worked in the boiler room from some time in December, 1891, until some time in February, 1892, and his time had also been charged to the state, although the work in the boiler room had nothing to do with the cell house. Dorgan Had Zook's Prices.

Mrs. Zook, wife of the J. W. Zook who Mrs. Zaok, wife of the J. W. Zook who sold the Joheson quarry stone to Atwood, testified that she attended to most of her husband's correspondence. She had received a letter from Dorgan a short time before her nusband made the contract with Atwood, asking the prices on stone. She answered the letter and gave the prices, but she could not remember the price she quoted, but was received that it was not as help as out was positive that it was not as high as

One of the Prison's Curiosities.

Ex-Warden Hopkins was recalled to give the committee some information in regard to the chapel built by direction of the legisla-ture several years previous. He testified that the room at present used as a chapel had always been used as such to the best of nis knowledge. The building erected for chapel purposes had always been used by arivate corporations for workshops. Warden Hopkins corroborated his testimony. He estified that the building erected for a chapel was not at all suited for that purposes.

Was the building that was erected and which you have described built in such a manner as to be suitable for a chapel?" asked

"It was not," replied Warden Mallon.
"What would you say it was erected for?" "I pass."
"Well, give us your best judgment."

"I would consider it was created for a grange hall," and the warden stepped aside Boss Stout Built It.

Ex-Attorney General Leese was placed on the stand to tell what he knew about the erection of the chapel. He testified that the building had been built according to plans and specifications and under a regular contract with W. N. B. Stout, who employed citizen labor exclusively. He believed the buildly had been shonestly constructed. He testified further that the Board of Public Lands and Buildings had received no notice of the assignment of the prison contract from Stout to Mosher, and that he was the first to discover the fact. The board then

\$100,000. Ex-State Treasurer Willard gave his tes-timony in regard to the chapel building. He remembered that the building had been built y Stout under contract, and believed that he work had been honestly done.

compelled Mosher to put up a bond for

Ex-Warden Hyers also testified in regard to the chapel building, and to the condition in which the sanitary arrangements of the prison were kept under his administration. He asserted that everything had been kept as clean as a whistle. The ventilation of the cell house, he said, was something awful. When the prison contractor had to furnish he labor to keep the cell house clean the work was rarely done in a proper manner. In the morning after the cell house had been shut up all night the air was almost unendurable.

Small Bill for Repairs.

Dan Hopkins was recalled. He testified that the south wall of the penitentiary inclosure, which was thrown down by a wind storm last year, was repaired with stone taken from the material being used in the construction of the new cell house. The cell house was on the northeast corner of the vard. The cell house had nothing to do with the repairs on the wall and there was a sufficient amount of money in the maintenance fund. The voucher for the work was \$3,899. The board instructed him to charge the stone used in the cell house to the south wall to offset some work and material furnished in repairing that wall.

Mr. Atwood Details His Snap.

S. H. Atwood, the man who furnished the stone for the new cell house, was placed on he stand. He testified that he had never met Dorgan but once before he made the con-tract with him, and that was in Omaha. He aid that Dorgan visited his quarry and there the contract was made. He was to receive 35 cents a foot for the dimension stone, plugged to size, and 16 cents a foot for the stone in the rough. He did not furnish all the stone from his own quarry. Some of it was furnished by Zook, and the rest of it by Van Court of Omaha. He paid Van Court 10 cents a foot for what he got of him, and familiar with the prices of building material he paid Zook the same. In making and had been told that the prices he paid out his bills he charged at the rate of 100 pounds a foot. If a car contained 40,0000 pounds, he charged for 400 feet, although his stone weighed 165 pounds to the foot. The cars were billed at their capacity, whether they were loaded to the capacity or not. He paid Zook 41/4 cents per 100 pounds delivered in Lincoln, so that if he paid him at that rate for a car billed 40,000 pounds, he paid \$18 for the amount and collected \$64 from Dorgan. He admitted that every car of stone would fall short, but explained that that was the general rule which prevailed in shipping stone

John Dorgan Didn't Know, John Dorgan was put on the stand to tell the committee what he knew of the cement that he had furnished his brother to be used in the erection of the cell house, but his memory always failed him at the interesting point and the committee was able to get but little information from him. He had a faint recollection of selling his brother some cement, but didn't know where the cement went to. He took it for granted that it went to the penitentiary. He didn't have any original books of entry in which he recorded the items. He had no books that contained the items of cement sold to his brother in May, 1891. He kept some books at the time, but didn't know where they were. He didn't know whether he dealt personally with his brother or not.

His Idea on Boilers. The final witness was W. H. Dorgan, who was recalled. He was asked by the committee as to the fire brick and fire clay charged up to the state. He said this material was used for setting the boilers. He had to set two boilers belonging to the state. When he took charge of the prison contract there were four boilers in use, and these two extra ones not set up. The boilers were scattered over the place, and he conceived the idea of setting the boilers all in one battery. After the state's boilers had been set, he used them to supply steam to his subcontractors. When Stout held the prison contract he had to heat the buildings for the state at his own expense, and when he sublet any portion of the contract the subcontractors furnished their own power. The work necessary to reset the boilers was done by the convicts and their time charged up to the state.

Took the Colonel's Temper. "Do you remember what time you started this gang of men at work on the cell house?" asked the committee. "I don't remember. Some time in May

I think it was." "When was it you commenced keeping regular track of their work in general?" "I think it was the 1st of June. Prior to that they just run in the yard gang, as I explained to you before and as you understand.

And I want to tell you that I am under indictment and you are taking rather an unfair

advantage of me."
"Have you given any bond to the state since the contract of Mosher has been assigned to you?"

(Witness hesitates.) "No, sir."
"Has one ever been requested of you!"

"The assignment that Mosher makes to you recites that it is in pursuance or accord-ing to the terms and agreements of a certain agreement between you and Mosher?"

"On the theory that there were other bids put in, as testified by witnesses, what have you to say?"
"I want to say it is a d-d lie, for I never put out any bids, and the man who came here and swore that I did swore to a d—d lie, and if he can produce where I advertised, or can produce anything of the kind I will put up a bond of \$100,000 that he is a

With this pyrotechnic outburst the wit

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