

# GLASH OVER NEW SEWER

### CONTRACTOR HERRICK SAYS HE WILL SUE CITY.

### THE PLOT SEEMS TO THICKEN

As a Result of Wednesday Night's Council Meeting, the City and Contractor Herrick and Farther Apart on Sewer Price Than Ever.

The city council has accepted the new sewer system but Contractor Herrick has not accepted the city's acceptance. He left Norfolk Thursday noon declaring that he would not gaze at the warrant waiting him in the city treasurer's office until it reached bigger dimensions than authorized by the city council. Moreover the contractor said that he was arranging to have his lining in court and when he talked of the threatened suit against the city it was in generous figures.

Here are some of the items on which Mr. Herrick in Norfolk yesterday declared that he was going to sue the city: First he would sue for the full amount of the contract price, \$32,570.08, not deducting the \$3,200 bond discount he had authorized by wire; he would sue for \$443 interest on account of delayed payment; he would sue for \$502 for extra construction; he would sue for \$1,885 as profits which he would have secured if he had laid a drain tile in connection with the sewer as originally contemplated; he would sue for \$756 as profits which he would have made in making private connections with the sewer if the city had not prevented him from fulfilling the contracts.

This is the way the sewer complication reduces itself to figures: It is agreed that the contract price of the sewer is \$32,570.08. From this sum the council deducted \$3,922.47, \$3,200 of the reduction being authorized by Herrick when the city was forced to discount the sewer bonds for \$3,800 and the remainder representing city bills for water and labor. Contractor Herrick before the council wanted the reduction limited to the \$3,200 discounted and wanted \$502 added for "extras" and \$652 for six month bond interest alleged to be due from the city. In his threatened suit the contractor would wipe out all reduction of the contract price and add \$3,586, thus extracting from the Norfolk treasury \$36,156.08. This would also necessitate the city standing for the \$3,800 bond discount if the suit flourished. Contractor Herrick received a warrant for \$24,696.06 from the city as a partial payment during the past month.

An open break between the city council and O. P. Herrick of Des Moines, sewer contractor, occurred at the council meeting Wednesday evening. The meeting, adjourned from Tuesday night's session, left the council and the man who has built the new sewer system farther apart than ever. The council voted to accept the sewer system, completed last week, allowing the contractor the contract price according to the city engineer's figures but deducting a city water bill of \$567.82, a city labor bill of \$39.90 and a bill of \$114.75 for raising water mains where they blocked the progress of the sewer mains. Contractor Herrick's bill of \$502 for extras and a claim for some six hundred dollars accrued interest were not recognized by the council.

Contractor Herrick, present at the Wednesday meeting, protested against the action of the council, declared that he would not accept the council's offer for a settlement but would institute a suit in the courts against the city. He declared, and the councilmen denied, that the city was not keeping faith in regard to an oral agreement whereby he was to have received six months back interest on the bonds, which he had agreed to take instead of cash. Councilmen said that when Herrick authorized the sale of the bonds he also sold his back interest claims which appear never to have been made a matter of record. Contractor Herrick then said that the council having, as he claimed, violated an oral agreement with him, he would proceed to jump away from all modifications of the original contract.

When the council assembled Wednesday evening from their adjourned session of Tuesday night, the conference committee reported that it had been unable to reach an agreement with the contractor as to the items in dispute. The discussion of the evening previous before was recounted. City Engineer Salmen said the \$502 bill for "extras" was covered in the contract, Contractor Herrick said it wasn't. The contractor admitted that his bond interest claim would not have any standing in law, councilmen did not think that it had any moral support either. When Herrick spoke of the bills against him from the water department there was grief in his voice. Compromise offers did not bring the parties together.

The councilmen, holding that their position was correct and being informed by the city attorney that it was also legal, took unanimous action in support of their position, adopting the following resolution:

It appearing from the final report of the city engineer and estimate of the work and material furnished by O. P. Herrick, contractor, that said sewer has been completed and inspected and from the evidence now before the council that said sewer has been completed according to contract and that the same should be accepted, therefore be it

and constructed by O. P. Herrick be accepted, subject however, to the conditions of said contract and that settlement be made with O. P. Herrick as follows:

Balance due O. P. Herrick as per final report and estimate of city engineer, \$6,170.07  
Be it further Resolved, That there be deducted from the said sum—  
The expense of raising water main pipes \$ 114.75  
For water furnished in puddling trenches \$ 567.82  
Expenses of man assisting in puddling trenches 39.90  
Discount on sewer bonds 3,200.00

Total \$3,922.47  
Resolved further, That the city clerk be instructed to draw a warrant on the sewer fund for the sum of \$2,247.60 in payment of the balance now due Mr. O. P. Herrick as found in this resolution.

Before leaving Norfolk, Contractor Herrick engaged the services of Attorney H. F. Barnhart. He would also be represented, he said, by Attorneys W. L. Reed and J. K. MacComber of his home city. While Mr. Herrick insisted that he was prepared to bring suit along the lines indicated, he was still willing, he said, to submit the points in dispute to arbitration and to stand on all his agreements with the city.

The contractor's threat to sue on the strict letter of the original contract failed to sweep the councilmen from their position. Sufficient evidence to support the justice and legality of the city's course of action would be forthcoming, members of the city administration said, in case the threatened suit made its appearance in the district or federal courts.

# NEW TOWN GETTING START

### LAMOUREAUX, IN TRIPP COUNTY, SOON WILL BOOM.

### A BRISK LOT SALE WAS HELD

### A Stage Line Will Start From Gregory to Lamoureux Next Week—A Score of Business Enterprises Will be launched at Once.

Gregory, S. D., May 31.—Special to The News: The new town of Lamoureux in Tripp county was launched in a practical and substantial manner. A number of business men who desired locations were drive out to the new town and allowed to select their lots at private sale. Forty-six lots were sold in this manner at a reasonable figure to get the town under way. A stage line will start from Gregory to Lamoureux, a distance of about twenty-five miles, next week. All the principal branches of business will be represented on the start. Work on the foundation for a bank building will begin next week. A lumber yard, hotel, restaurant, livery barns, general merchandise stores, postoffice, newspaper, drug store, meat market, blacksmith shop and other business will start up at once. The Rosebud Telephone company will begin the erection of a line to Lamoureux at once. Among those who purchased lots last Monday and who will put in initial businesses may be mentioned: Joy M. Hackler, J. J. Bonekemper, F. M. Hurlbert, Papousek & Co., Ferd Peters, Hall Bros., A. A. Logan, Dan Hall, J. H. Kimball, G. P. Burpee, Geo. Lamoureux, John Weaver, Wm. Miller, Jos Selgmund, Ole Finstad, Chris. John and Wm. Colombe, Ole Dahl, W. D. Wilson, Rathman & Keller, I. P. Battelyoun, F. A. Phinney, O. J. Baugh, W. H. Tackett, Dan Smith, J. W. Hinton, Ed Adkins, G. O. Van Meter and many others. Lamoureux hopes to be designated as the county seat and is in the very heart of the great fertile Tripp county to be opened to homestead settlement and entry soon.

The money realized on the sale will be put back into the town in the way of public improvements.

Herrick, S. D., May 31.—Special to The News: A quiet lot sale occurred on section 31, in the exact center of Tripp county which is soon to be opened for settlement by the government. Fifty lots were sold for \$100 each, soft cash just as rapidly as the contracts could be signed. H. R. Slaughter, the promoter, took first choice and will erect a bank, real estate office and postoffice at once. Attorney Van Meter of Herrick took second and will at once erect a 24-room hotel and a law office; Otis Baughn of Gregory, third, will establish a newspaper plant. A company took fourth and will erect a 24x66 general merchandise store; others sold quietly and quickly, and every lot was paid for spot cash, or bankable note. Over twenty businesses will start within sixty days, a petition has been signed by 150 residents, and will be presented to the governor soon, ready for the opening and organization. Lamoureux hopes to be designated the county seat, and perhaps will never be removed as it is the center, and surrounded by level land, and easy access. Contractor Treadway says the railroad can build easier across Tripp county than across Gregory, and reach the new town with very light cuts and one heavy bridge. The price of lots already purchased in favorite locations arose above par rapidly, and some refused fancy prices.

Half a dozen lines of type, repeated half a dozen days in the classified columns—and even a hard task is accomplished.

# IS COMMENCEMENT WEEK

### ANNUAL WHIRL IN SOCIAL CIRCLES WAS NOTED.

### JUNE BRIDE NEXT IN ORDER

### The High School Graduating Exercises Occasioned Several Social Events. Veterans Owned a Day—Local Racing Season Was Begun.

Commencement week is always an active one in a social way. And this has been commencement week. Besides the sweet girl graduate, who has easily held the center of the social stage, veterans of a war, marching by to the music of fife and drum, have held a mighty prominent place in the week's panorama of events. They had a day all their own, and it was observed by the entire community. Then there was the opening of the summer's racing season in Norfolk, which attracted an interested though small crowd of spectators to the driving park. To end it all, there was the annual alumni banquet given by the high school alumni association to the new graduates in Marquardt hall last night. The week saw the close of May and the beginning of June, marking the passing of the year's school days, the exit of the sweet girl graduate and spectacular entrance of the June bride.

### Pleasures of the Week.

The Norfolk board of education regrets cupid has recruited so many pretty June brides from the ranks of Norfolk school teachers during the past year. This at least was the sentiment expressed by Secretary H. C. Matrau of the school board, who responded to the toast, "The New Recruit," at the annual high school alumni reception for graduates, given in Marquardt hall last night. Officers for the new year were elected as follows: President, Miss Mino McNeely, '01; vice president, Lawrence Hoffman, '07; secretary and treasurer, Miss Georgia Austin, '06. Hon. John R. Hays, who has for many years served in the capacity of toastmaster at each recurring alumni banquet, filled that position with wonted wit and excellence again last night.

There was a large attendance at the reception. The hall was prettily decorated in colors of the incoming class, purple and old gold. Among the guests, besides alumni members and graduates, were Toastmaster and Mrs. John R. Hays, Superintendent Bodwell, President Viele of the board of education and Mrs. Viele, Secretary and Mrs. Matrau, Mr. and Mrs. E. Solomon, Miss Fleming, Miss Watson.

Guests were seated at small tables in the hall for luncheon. President William Darlington called the meeting to order and welcomed the incoming class. He extended a most hearty welcome to the new members, on behalf of the alumni association, and paid eloquent tribute to the memory of Ralph Braasch, the only member of the alumni association who has succumbed during the year.

On behalf of the graduates Sam Erskine, one of the most popular and efficient members of the class, responded briefly in a short but crisp and effective address.

Mr. Darlington introduced Mr. Hays as toastmaster of the evening to preside over the meeting from that moment on. Mr. Hays had a clever story for each toast and he made the most of his opportunity. Prof. Reese Solomon sang a vocal solo and did it nicely. Superintendent E. J. Bodwell ably responded to the subject, "Everything Has Its Model." He emphasized the fact that various implements had been modeled after different parts of the human system. He pointed out the custom of children to accept grown folk as models. He finished by declaring that "all nature seems to abound in models. Whatever we do seems to be based upon some ideal or model and characters who model in this way will win esteem and admiration in their community."

A. J. Kennedy spoke on "A Few Bargains." Mr. Kennedy said the world is looking for bargains only for the usefulness that results.

Secretary Matrau of the school board gave an interesting discussion on "The New Recruit." He showed how the new recruit in the army learns and how must new recruits in school also learn. He said he regretted that there had been so many June brides recruited from among teachers of the Norfolk schools.

Miss Lena Mills cleverly responded to the subject, "Our Girls." She referred to girls of the alumni association.

Miss Drebert and Miss Estabrook rendered a beautiful piano duet, "Il Trovatore," with a fine art.

The program closed when John Bridge gave a witty toast on "The Goat." One of the prominent features of the social week in Norfolk was a most delightful luncheon given by Mrs. H. T. Holden and Mrs. W. P. Logan in the home of the former, corner Norfolk avenue and Thirteenth street, yesterday afternoon. Mrs. C. E. Greene, who goes to Plainview to make her home, was guest of honor. Playing upon the name of the honor guest, the hostesses cleverly carried out a green color scheme throughout the affair. Wild flowers were profusely used in the decorations, with beautiful effect. Lilies of the valley gave an added charm at the tables. The place cards were daintily done to represent green leaves and large

strawberry leaves beneath the sherry cups proved strikingly effective. One of the prettiest features in the color scheme was the salad course, which was a rich green. After the delicious luncheon had been served, the guests enjoyed "five hundred" during the remainder of the afternoon. Mrs. J. Baum's skill won for her the first prize, a pretty little Japanese dish, and Mrs. E. P. Weatherby's luck made her winner in the all-out prize—a daintily wrapped up package of beet greens for hers.

Among the festivities of the commencement week was the annual junior reception to the graduates. It was held in the home of Miss Kathleen Boas, a member of the junior class, at 1103 Madison avenue. Members of both junior and senior classes and the high school faculty were guests of the evening. The guests upon arriving at the Boas home were presented with pretty carnations. An informal musical program, in which Claude Ogden, Lydia Bruggeman, Kathleen Boas, Verna Coryell, Lois Gibson and Sam Erskine participated, was given. A short address by A. G. Kennedy of the Latin department completed the program. Refreshments were served during the evening.

Mrs. Frank Davenport gave an Elkhorn river fishing party on Tuesday for Mrs. C. E. Greene of Plainview, the guests of friends in Norfolk. Fish, caught from the river by the fishing party, were cooked, giving an appetizing flavor to the out-of-doors lunch. Members of the party who spent a delightful outing day fishing were: Mrs. Greene, Mrs. F. A. Beeler, Mrs. I. J. Johnson, Mrs. J. K. Boas, Mrs. J. R. Fain, Mrs. B. C. Gentle, Miss Stella Lukart, Mrs. T. E. Odiome, Mrs. L. E. Wallerstedt, Miss Mattie Davenport, Mrs. Nettie Hood and Mr. and Mrs. Davenport.

A miscellaneous "shower" for Miss Maude Tannehill, who is to be married to Dr. W. R. Peters of Stanton next week, was given for the bride-elect by a number of her friends Tuesday evening in the home of her parents, Mr. and Mrs. A. F. Tannehill, on South Fifth street. Among the guests were young ladies who were former classmates with Miss Tannehill in the class of 1900, Norfolk high school. The hostess was the recipient of a number of valuable gifts.

The local racing season was opened auspiciously under fair skies at the Norfolk driving park Tuesday afternoon. A number of local horses were entered in the roadster race, it being won by J. W. Gibson's "Baby." The races were good and horsemen predicted a better season in northern Nebraska this year than last summer. Among the Norfolk people entered in the roadster race were W. H. Blakeman, Howard Beymer, W. P. Logan and J. W. Gibson.

The Volante club, an organization of young ladies, enjoyed a theater party Thursday night at the Auditorium for "The Wizard of Wall street." Members of the club formerly knew Miss Phyllis Daye, who appeared on the stage with this company. Those in the party were: Misses Dorothy Rudat, Kathryn Witzgman, Marie Johnson, Carrie Thompson, Letha Blakeman, Ruth Mount, Robinette Bear.

Mr. and Mrs. E. H. Tracy will be entertained at dinner this evening by Mr. and Mrs. A. J. Durland. Mr. and Mrs. Tracy plan to leave early next week for their new home in Columbia, Mo. Their Norfolk friends still hope that they will some time return to this city to again take up their residence here.

On Tuesday evening a pleasant surprise was given in the home of Col. S. S. Cotton for Miss Marie Johnson, who is soon to leave for her new home in Denver. There were fourteen guests and the evening proved an enjoyable one, with varied diversions to afford pleasure. Refreshments were served late in the evening.

A number of her friends gave a "kitchen shower" for Miss Nina Walker on Thursday afternoon at the home of her parents, Mr. and Mrs. M. C. Walker on North Ninth street. A number of useful gifts were presented to the hostess, whose marriage to Mr. J. Earle Harper of Clearwater is to take place soon.

On Wednesday night a large audience attended the high school commencement exercises at the Auditorium. A class of twenty-seven, the largest class that has ever graduated from the Norfolk high school, received diplomas. The exercises were unusually attractive.

Miss Mabel Odiome and Master Thomas Odiome entertained twenty-one young friends at a party in the home of their parents, Mr. and Mrs. T. E. Odiome, Wednesday evening. A pleasant evening was enjoyed and dainty refreshments were served.

Miss Marie Johnson, who is soon to leave for Denver to join her parents, Mr. and Mrs. W. H. Johnson, in their new home, has been the guest of honor at a number of informal gatherings given by the Volante club during the week.

A delightful informal birthday luncheon was arranged in honor of Mrs. C. P. Parish by neighborhood friends on Thursday afternoon.

The fourth grade of the Lincoln school building held a jolly picnic at

the Elkhorn river, south of the city, yesterday.

An informal dancing party was enjoyed in Marquardt hall Tuesday evening.

### Weddings And Engagements.

The marriage of Miss Daisy Mayhew to Mr. Timothy O. St. John took place at the home of the bride's mother, Mrs. L. Mayhew, 301 Madison avenue, Tuesday. Rev. J. L. Vallow officiated. The bride and groom left the same day for Omaha. They will spend the summer in Kansas and Oklahoma, returning to Norfolk next winter.

The marriage of Miss Maude Tannehill, daughter of Mr. and Mrs. A. F. Tannehill, to Dr. W. R. Peters of Stanton will take place in the home of the bride's parents next Wednesday morning.

### Battle Creek.

Jacob Hintz of Neligh was visiting here Wednesday with his daughters, Mrs. S. Kuhrtz and Mrs. Hy. Walter and families.

W. W. Wheeler and W. L. Miller of Tilden came down here on the railroad with their large engine and sawmill Wednesday. They are going to convert cotton wood logs, these witnesses of the old homestead time, into lumber for the farmers in this vicinity.

Mrs. J. H. Allen was here Tuesday from Norfolk visiting friends.

Druggist T. M. Morris and C. A. Martin each have received a new soda fountain.

Wm. Smith, a Battle Creek boy, who had been at the Pacific coast for some years, has taken a position as brakeman on the Northwestern and intends to move to Norfolk soon.

Battle Creek is quite a horse town. D. Brunson of Norfolk had three carloads shipped here Sunday from Hay Springs, and Tuesday Peter Fitch came down with one carload from Chadron. After broken the horses will be turned over to the government by S. T. Napper.

Edward Reznicek of Spencer was visiting here this week with his parents, Mr. and Mrs. John Reznicek.

Lightning killed a steer last week belonging to Henry Massman, in his pasture. It was insured in the Battle Creek mutual.

Geo. Souvenier was here from Inman the latter part of the week visiting relatives.

Mr. and Mrs. John Crook of Meadow Grove departed Tuesday for Dodgeville, Wis., for an extended visit with relatives. Wisconsin is their native state, where Mr. Crook enlisted for the civil war.

A new barn, 25x48, is being built on the Mrs. Sophia Stolle farm east of town. The old barn was destroyed by fire about one month ago. The place is occupied by Malon Anderson. Ed H. Crook was here on business Monday from Meadow Grove.

J. J. Shanahan of Norfolk was visiting here Monday with his cousin, Mark Sessler and family.

Battle Creek saloon-keepers spend Sunday vacations now on the water by and fish.

Chas. Boyer, who works on the section, had two fingers on his left hand badly smashed Saturday. They were coming home on the hand-car and the lever broke, which caused the accident.

The Lutheran church intends to build a new parochial branch school house six miles south of town.

J. A. Moore returned Saturday from Baden Springs, Ind., where he spent about three weeks for his health.

A missionfest will be held in the Lutheran church next Sunday. Rev. Mr. Merz of Plainview will preach in the forenoon and Rev. Mr. Just of Green Garden in the afternoon.

Chas. Hildebrandt and Ferdinand Kamrath were here on business Saturday from Lindsay.

Mr. and Mrs. Joseph Krivanek of Blakely were visiting relatives here Thursday.

Fred Brechler has his barn moved facing north on Herman street and it will be used for a storage room for flour for Maas and Brechler's mill at Creighton.

A large crowd attended the decoration festivities here. The Battle Creek band furnished the music. About forty teams were in the procession going out to the cemetery, where graves of old soldiers and others were decorated. Rev. Mr. Starring and Rev. Mr. Callow were the speakers. Exercises were held at the Martin opera house in the afternoon, where Prof. Zuck, principal of the Battle Creek high school, delivered an impressive address. All business houses were closed.

Miss Nettie Wile of Bassett is here on a visit with relatives, the Ulrich families.

Ludwig Kerbel of Spencer was visiting here Wednesday with relatives. Clark Catron was here Wednesday from Tilden.

Mrs. D. L. Best accompanied her mother, Mrs. J. S. Craig of near Norfolk to an Omaha hospital Wednesday.

George and John Scherger shipped two carloads of cattle Wednesday. In all there were nine carloads going to Omaha that night.

E. A. Korht of Norfolk was here Monday raising a large marble monument over the resting place of the late Herm. Wile at the Union cemetery.

Mr. and Mrs. Daniel Wingate of Tilden were here on Decoration day.

E. F. Hans returned Tuesday from his visit to Baden Springs, Ind., and other places east.

# COUNTY EXAM. RESULTS

### NORFOLK OUTSPELLS MADISON, MADISON GRAMMAR GOOD.

### HISTORIANS AT BATTLE CREEK

### A Norfolk Lad Made the Highest Average of Any Individual Pupil in the County—Norfolk Girl in Same Room Makes the Only "100."

Norfolk can outspell Madison but Madison pupils are a lap ahead of Norfolk on grammar. The embryo historians live over at Battle Creek. Meadow Grove would win out at a spelling bee. Madison youth is good at "figures."

Returns from the county eighth grade examinations held last month in every town in the county have been compiled by County Superintendent Frank S. Perdue. Madison eighth grade pupils lead the county this year with an average of 86 per cent. Norfolk comes second with 84½ per cent. Tilden, ranking first in eighth grade scholarship last year, this spring drops to fourth place. Battle Creek pupils again hold third place.

Every year the eighth grade pupils of the county are examined by the county superintendent for certificates of promotion to the high schools. A healthy rivalry among the different schools of the county results, the same questions being given to all the pupils in the entire county. This year exactly two hundred pupils pondered over Superintendent Perdue's questions. Sixty-one of these pupils were from the Norfolk eighth grades, sixty-two from county district schools.

The average for the county this year was 80 per cent against an average of 77 per cent last year.

The different schools in the county ranked as follows in the county tests this year: Madison, 86; Norfolk, 84; Battle Creek, 82; Tilden, 80; Meadow Grove, 78; country pupils, 77; Newman Grove, 75.

In 1906 the schools stood: Tilden 83; Madison, 82; Battle Creek, 81; Norfolk, 78; Newman Grove, 74; Meadow Grove, 70; country pupils, 70.

### Fred Inglis Heads List.

A Norfolk lad achieved the distinction of making the highest average of any individual pupil in the county. Fred Inglis of this city is the "honor" pupil of the examination, ranking 94 per cent.

A Norfolk girl from the same room, with Miss Pearl Reese as teacher, made the only perfect grade made by any pupil in the examination. Bessie Ward ranked "100" in spelling.

Norfolk schools made a highly creditable showing in the examinations. While in no instance the local school secured first place, in nearly every subject they ranked toward second place, evidencing well balanced work among the large number of pupils in the city schools.

The details of this year's examinations follow:

Spelling: Meadow Grove, 89; Norfolk, 87; Newman Grove, 86; country pupils, 83; Battle Creek, 80; Tilden, 80; Madison, 80.

Arithmetic: Madison, 81; Norfolk, 80; Tilden, 75; Battle Creek, 64; Meadow Grove, 61; Newman Grove, 61; country pupils, 60.

Geography: Battle Creek, 90; Tilden, 88; Madison, 87; Norfolk, 86; Meadow Grove, 86; country pupils, 84; Newman Grove, 80.

Grammar: Madison, 84; Battle Creek, 77; Norfolk, 75; country pupils, 75; Tilden, 73; Newman Grove, 73; Meadow Grove, 69.

Physiology: Madison, 91; Norfolk, 90; Tilden, 87; Newman Grove, 85; Battle Creek, 85; Meadow Grove, 83; country pupils, 82.

History: Battle Creek, 95; Madison, 90; Norfolk, 89; Tilden, 79; Meadow Grove, 79; country pupils, 77; Newman Grove, 62.

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