

# Poor Little Willie



*Willie dressed in the best of sashes,  
Fell in the grate and burned to ashes.  
After a while the room grew chilly  
Cause nobody wanted to poke poor Willie.*



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case. The opinion of Justice Miller is entitled to great weight by reason of his eminence and long career upon the bench of the supreme court—his great learning and ability as a jurist having won for him a place in judicial history next in rank to that of Chief Justice Marshall. This is also a dissenting opinion and occupies fourteen pages in 1st Wallace U. S. Supreme Court Reports, page 207. It sustains my opinion and shows conclusively that there was no authority, under the then constitution of the state of Iowa, for the people to vote tax in aid of private speculative enterprises. From this able opinion I make the following extract:

“The question of the right of municipal corporations to take stock in railroad companies came before the supreme court of Iowa for the first time at the June term, A. D. 1853, in the case of Dubuque County v. the Dubuque & Pacific railroad company. The majority of the court, Kinney, J. dissenting, affirmed the judgment of the court below, and in so doing, must necessarily have held that municipal corporations could take stock in railroad enterprises. The opinions of the court were by law filed with the clerk and by him copied into a book kept for that purpose. The dissenting opinion of Judge Kinney, a very able one, is there found in its proper place, in which he says he has never seen the opinion of the majority. No such opinion is to be found in the clerk's office as I have verified by a personal examination. Nor was it ever seen until it was published five years afterward in the volume above referred to, by one of the judges who had ceased to be either judge or official reporter at the time it was furnished. Shortly after judgment was rendered, Judge Kinney resigned,

and his place was supplied by Judge Hall. After reciting further facts showing the judicial controversy in Iowa over the question of voting bonds for railroad purposes, the judge says: Finally in the case of the state of Iowa, ex relatione v. Wapello county, the court, now composed of Wright, Lowe and Baldwin, held unanimously that the bonds were void absolutely because their issue was in violation of the constitution of the state of Iowa. The opinion in that case delivered by Judge Lowe covers the whole ground and after an examination of all the previous cases, overrules them all except Stokes v. Scott county. It is exhausting, able and conclusive, and after a struggle of seven or eight years in which this question has always been before the court and never considered as closed. This case may now be considered as finally settling the law on that subject in the courts of Iowa. It has already been repeated in several cases not yet reported. It is the first time the question has been decided by a unanimous court. It is altogether improbable that any serious effort will ever be made to shake its force in that state, for of the nine judges who have occupied the bench while the matter was in contest, but two have ever expressed their approbation of the doctrine of the Dubuque county case.”

At last the truth is vindicated. The error of my brother judges is judicially exposed and from that time could do no further harm. After a lapse of seven or eight years, the supreme court of the state of Iowa, by an unanimous decision, reverses the judgment of my brother judges and sustains the position which I assumed, when for the first time in the history of jurisprudence, I decided the question as it is now decided. The prophetic words used in that opinion, that

the time would come when the erroneous decision of my brother judges would be reversed, are now fully realized. Your endorsement of my opinion has received the sanction of one of the greatest jurists of the country and of the highest judicial tribunal of the state of Iowa.

JOHN F. KINNEY. :

San Diego Cal., Dec. 5, 1901.

### ITS WORTH IS DEMONSTRATED.

The Nebraska Conservative is now four years old. Probably no paper ever published in America has in so short time extended its circulation into channels of importance and influence which is a high testimonial to the worth of its publisher and editor who has demonstrated beyond a reasonable doubt that there is room and patronage for weekly papers when published in the interest of high moral ideals as advocated by The Conservative without dependence upon the bones of public patronage oftentimes obtained by methods, which, if generally practiced in other lines of business, would subject one to criticisms of an odious nature. Success to the continued usefulness of The Conservative.—Alliance (Neb.) Pioneer Grip, Nov. 22, 1901.

*E. W. Grove*

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