PAXTON WAS TOO HONEST

He Told More Than Lawyer Poppleton Wanted Him To.

M. H. GOBLE'S TELL-TALE LETTER

Conclusive Proofs Brought Out By the Commission of Corruption in the Management of the Union Pacific Road,

Yesterday's Proceedings.

Promotly at 10 o'clock vesterdry morning Governor Pattison of the Union Pacific investigating committee, carrying a roll of papers under his arm, entered the private office of General Traffic Manager Kimball at the Union Pacific headquarters. He was followed by Judge Littler, who looked even jollier than ever after the vacation of Saturday and Sunday. W. A. Paxton was in the room when

the commissioners arrived.

"I see some of the papers say that was hiding from the commission," said Mr. Paxton. "This is not true. I was in Racine to see my son graduate. As soon as I heard that the commission wanted me I came back."

Having been sworn, the witness said in answer to Governor Pattison's question that his first dealings with the Union Pacific road was in 1869. His business with the road consisted for the most part in the shipment of cattle None of the officers or employes of the Union Pacific road ever had any interest in the Ogalala Land and Cattle company, by which these cattle were for the most part shipped. The company did all its shipping over the Union Pacific road. The railroad never allowed the cattle company any rebate but once.
That was ten or twelve years ago when
some eastern line made a cut, and the
Union Pacific road allowed the company a rebate of a few hundred dollars. This was prior to 1883. Mr. Paxton explained that the interests of the Swan Land and Cattle company were distinct from those of the Ogalala company. Mr. Swan was a stockholder in both cor porations.

The witness went on to say in answer to questions, that he had been interested in stock yards in Council Bluffs, which were afterward moved to this side of the

Were there ever any complaints made to the effect that the Union Pacific road was discriminating in your favor," inquired Governor Pattison.

"Oh, yes," replied the witness, "there were complaints of that kind made by

rivals on this side of the river."
"What preference did you enjoy at the hands of the Union Pacific railroad company?" was asked.

'None whatever, sir," replied the wit ness, In answer to a question as to what rival stock yards there were on this side of the river, said that when the stock yards when first started here he was persuaded to go into the enterprise to the extent of

the enterprise to the extent of buying \$100 worth of stock. He didn't believe that this was the place to start stockyards, and so didn't invest very heavily. A Kansas man named Spratley afterward came into the company, and the yards were removed to Council Bluffs and afterward brought back to Omaha.

Governor Pattison then read from pages 6, 7 and 8, of a report of the Iowa railroad commission, on April 30, 1886, in the case of the people of Council Bluffs vs. the Union Pacific railroad company, in which complaint was made, that the stock and had been removed from Council Blufts to Omaha, and those at Council Bluffs allowed to run down. Mr Paxton was asked if the charges made in the report were correct. He said they were not; the Council Bluffs stockyards had been kept up and the same conveniences were furnished to shippers at Council Bluffs as on this side of the river. He was asked if it was true that a certain shippers had been was true that a certain shipper had been obliged to use threats to compel the Stock Yards company to allow him to un-load his stock in Council Bluffs.

"Did you ever have a rebate given to you on grocerles?" asked the governor.
"No, sir, I never got a rebate, but special rates may have been allowed to me on barbed wire, or something like that, but never in cattle."

"Did you ever ask for a rebate or special rates?" inquired the governor.
"Lots of times," replied the witness, laughing, "but I never got 'em."
"Do you know of rebates or special rates being allowed to other tle companies," was asked. "No, sir," said Mr. Paxton.

"I want to say to you," said the gov-ernor, "that the books of the company show that special rates have been a lowed to cattle companies. Among others the Union Cattle company received a rebate at one time of \$4,704. Do you know anything about that?" With a look of surprise the witness

disclaimed any knowledge of the matter. The governor also called Mr. Paxton's attention to a rebate of \$357 allowed to the firm of Paxton, Gallagher & Co., on a shipment of groceries. The witness knew nothing about that either. Indeed, he said, he knew very little about the business of the firm of Paxton, Gallagher & Co., that was left almost entirely in the

hands of Mr. Gallagher.

When the governor had concluded his examination of the witness Judge Littler inquired what the general sentiment of the business men of the city was as to the management of the Union Pacific road. "They have been very well satisfied, so far as I know," replied Mr. Paxton.

"There has been some kickin' in a few cases but that was all." 'How do you account for the fact" inquired the governor, "that one stockwhen both were doing business with the Union Pacific road in a similar locality?" "I suppose you refer to the case of the Omaha and Council Biuffs stockyards," replied the witness, "you may as well put it plain then I can answer you." "I didn't have that case in mind, "said

the governor, "but since you speak of it, I will accept that illustration. The witness went on to say that he at-tributed the failure of the stock yards with which A. P. Nicholas was connected, to the fact that his yards were not built on as good grounds as those of the Union stock yards company.

Leavitt Burnham was next called. He was land commissioner of the union division of the Union pacific railroad from Feb. 1, 1878, until June 1, 1886. The poliey of the company in regard to the sale of lands during that time was to sell agricultural lands to actual settlers; the

ricultural lands to actual settlers; the grazing lands were disposed of to those who had cattle to put on them.

"Were the lands patented before sales were made?" inquired the governor.

"Yes, sir:" said the witness. "The "Yes, sir:" said the witness. "The policy of the road was to patent lands as fast as the country became settled."
"Were entries made in the names of

individuals on lands adjacent to those of the company, and the lands afterward turned over to the railroad company?" 'Not to my knowlege." replied the

"During your administration as land commissioner," inquired the governor, were the proceeds from the sale of lands used to pay dividends to the stockholders in the road?"

patenting its lands so as to avoid taxes.

The witness replied that such was not the case, and that the road had been made the victim of exorbitant and unjust local taxation at the hands of the counties through which it passed. In proof of this assertion the witness cited the instance of Cheyenne county, in this state, which was made seventy-five miles long so as to take in as much as possible of the land of the Union Pacific road.

At the conclusion of Mr. Burnham's examination, W. A. Paxton was recalled. Governor Pattison read to him the lease between the Union Pacific railroad company and the Stockvards company at Council Bluffs, made in 1881 and asked him if any other stockyards company could have entered into competition with his company on Union Pacific land in Council Bluffs, since the lease provided that the Union Pacific lands in Council Bluffs should be leased exclusively to the company of which Mr. Paxton was a

member.
After being asked the question several times the witness admitted that the gov-

ernor's position was correct.

The governor then asked the same question in regard to a lease subsequently made to Mr. Paxton himself after he had bought out his partners, Mr. Spratley and Mr. Swan.
"What was the amount of your invest-

ment in the stock yards at Council Bluffs at the time the second lease was made?' asked Mr. Poppleton. "As near as I can remember," replied

the witness, "about \$100,000." "Would you have invested that amount of money if you had not been assured by the Union Pacific company that they would not set up a rival in your busi-ness?" asked Mr. Poppleton, "No, sir," promptly replied the wit-

ness.
"Who got the best of that bargain?"
asked Mr. Poppleton.
"Why we got the best of it, of course,"
replied the witness bluntly; "that is as
long as we ran there nobody interfered
with us in any way."

with us in any way."

This was evidently not the answer the railrowd attorney wanted, as he put questions until he succeeded in leading the witness to the reply that the Union Pacific gained a large amount of business on account of its shrewdness and foresight in making the terms of the lease of its lands to Mr.

Paxton's company. "Is your stock watered any?" inquired Judge Littler.
"Very little, if any," said the witness.

In reply to further questions from Judge Littler, Mr. Paxton said the Union Stock Yards company had only declared one dividend of 4 per cent; that was two years ago last November. The yards are now doing well and can probably pay 8 per cent on the \$1,200,000 invested.

Returning to the subject of rebates, Governor Pattison asked the witness i he knew anything about rebates allowed to the Union Cattle company at Surgis, W. T. The witness said he didn't, but supposed that the rebates were given to compete with the Sioux City & Pacific road, which was giving that cut rates at that time.

Milton H. Goble, a member of the Pa-cific hotel company was next called. He said the company owned and operated eating houses along the Union Pacific road. The Union Pacific road owned a haif interest in the company, and J. E. Markel, Thomas Swobe and himself held the other half. Witness had held a number of offices in the service of the Union Pacific road. "Is your interest in the Union Pacific

hotel company in the line of a promotion on the part of the Union Pacific company?" inquired Governor Pattison with "I didn't so understand it," replied the

witness. The cash capital of the Pacific hotel company, the witness said, in reply to a question was, \$50,000; the Union Pa-

cific road contributed the buildings.
"Do you know of Mr. Kimball's taking an interest in legislation affecting the Union Pacific road?" asked the governor.
The witness knew nothing of it except what he had seen in the papers. Indeed he seemed to know so little about the business of the road notwithstanding his tifteen years' connection with it that the governor inquired if he had any opinion about anything he had learned while con-nected with the company. He re-plied that he had acquired information and formed opinions and

would answer any questions on the sub-ject that might be asked him. P. L. Perine, who was next called, said he had been cashier in the land department of the Union land department of the Union division of the Union Pacific road from

1869 until 1887. He was asked if any of the cash handled by him during this time was used to pay dividends to stockholders road. He said not that he knew of. In reply to other questions the witness said he had seen certain indefinite charges in the BEE to the effect that

money had been used by the Union Pa-cilic railway company officials to influence legislation. The charges were not true, he said, so far as his department was concerned. What officials in other departments did, he didn't know. Judge Littler asked the witness if there

was any general complaint on the part of the people here against the Union Pa-cific road. The witness replied that there were no complaints that he knew

Mr. Goble was recalled and asked if his company, was the only restaurant keeper along the Union Pacific road. He replied that his company kept all the restaurants along the Union Pacific road. The governor read from a letter from the witness to General Superintendent Smith, of the Union Pacific road, in which he said:

"To allay dissatisfaction along the line of the road, owing to the fact that outside parties have been informed as to the special rate allowed the Pacific hotel company, the order of the general freight agent making a half rate should be cancelled, and all freight thereafter billed at full tariff rates. The bill to be rendered against the Pacific Hotel company at half rates as heretofore." "What dissatisfaction do you refer to,"

asked the governor! "Well, that don't read right," said the witness confusedly.

"Isn't it a fact that your goods were shipped by the Union Pacific at open rates and rebates afterward allowed by

the company in accordance with your letter," inquired the governor. The witness after considerable equivocating admitted that such was the case.
"We pay the company no freight,"
said the wilness, "but we pay for our
transportation by allowing railroad employes lower rates than that charged to

When the commission reconvened in the afternoon M. H. Goble was recalled. He testified that all the provisions of the contract between the Union Pacific railroad and the Pacific hotel company ap-plied as well to all the branches of the road as to the main lines.
"What consideration were you to give

the Union Pacific for the goods they transported for you free of charge? asked the governor.

"We gave the employes of the com-pany reduced rates," was the reply. "Was it possible for any hotel or eating house to enter into competition with you along the route of the Union Pacific?" inquired the governor.
"Eating houses could not," was the

reply. "Could you have given the rates you did to the employes of the Union Pacific unless you had such a contract with the Umon Pacific road?" asked Mr. Pop-

The witness said that the proceeds had not been so used so far as he knew and if they had been so used in the west he would have known it.

Judge Littler inquired if it was true that the Union Pacific road kept from

count of the interest the company had in W. F. Gurley was called. The witness said he was an attorney and had been employed by Mr. Thurston, one of the regular attorneys of the Union Pacific road to do business for the road at various times. He was paid by Mr. Thurston and not by the railroad company.
"Were you employed by Mr. Thurston to attend sessions of the legislature to look after legislation in which the Union Pacific railway company was interested?"

asked Governor Pattison.
"Yes, sir, I was there to look after bills of this kind last winter," said the wit-

"Who was associated with you at Lincoln in looking after the interests of the Union Pacific?" continued the governor. "I was working alone," said Mr. Gur-What did you do to influence mem-

bers of the legislature with reference to such bills?" said the governor. "I talked to them about the bills," said the witness. "Do you hear of a place there called

the 'oil room'?" queried the governor.
"I heard of such a place through the
BEE but never saw it," replied the wit-In answer to questions the witness said he had never used any money or any liquor to influence legislators in regard to Union Pacific legislation.

"How much were you paid for your services?' said the governor,
"I don't remember the exact
amount but I think I received
about \$400 from Mr. Thurston n addition to my living expenses," was

the reply. The witness said he knew of no money being used by any one to influence legis-lation during the session at Lincoln last

winter.
"Did you procure passes for legislators the governor. and their friends?' asked the governor.
"Yes, sir, I did," answered the witness.
For his services Mr. Thurston paid him partly in each and partly by giving his personal check. "Did you ever succeed in convincing any legislator that he ought to change his vote?" inquired the governor. "I don't know that I did," said the

witness. The governor questioned the witness quite closely as to the nature and extent of his labors in behalf of Mr. Thurston and the Union Pacific Railway company, but Mr. Gurley's memory was very de-fective as to his conversations with Mr. Thurston on what had been accomp-lished in the way of influencing legisla-

When asked if he had talked with any of the Union Pacific railway officials in regard to the doings of the legislature, he said he had talked with several, and after being asked the name of one of them, said, after long reflection, that he had talked with Mr. Manchester, the claim and right of way agent of the road.
"Mr. Mink, will you request Mr. Manchester to come before the commission," said the governor. "Were Mr. David Knox, Mr. J. H.

Young and Mr. Pat Garvey members of the legislature last winter?" he continued returning to Mr. Gurley.
"Yes, sir," said the witness.
"Were they employes of the Union Pa-

cific railway company at the same time they were members of the legislature?" proceeded the governor. "I heard they were, but I don't know anything about it," replied Mr. Gurley. "Did you have to use much argument to induce employes of the Union Pacific to vote as you wanted them to on bills in which the Union Pacific was interested?" asked the governor, softly strok-

ing his chin. "No, I don't think I did," said Mr. Gurley.
"I think I know where these names came from," interrupted Mr. Poppleton, getting red in the face. "These men were employes at the shops and were elected by the Knights of Labor. There were one or two more of them; we might

"I should be very much obliged to you, judge, if you would furnish the commission with their names" said Governor Pattison.
After examining Mr. Gurley farther as to his work at the legislature last winter,

as well have their names, too.'

Governor Pattison turning to Mr. Pop-"I give notice now that we require the presence of Mr. Thurston before this commission."
"I haven't any control over Mr.

Thurston," said the gentleman addressed nervously shifting his eye-glasses from his eyes to his right vest pocket and then "Then I notify you Mr. Mink," continued the governor turning toward that gentleman, "that we call for Mr. Thurston to testify before this commis-

"Mr. Thurston is merely an assistant attorney," said Mr. Poppleton before Mr. Mink could reply, "and we have no power to bring him before the commission."

"We have made every effort to get Mr. Thurston and we want him," said Gov-

ernor Pattison. "I don't think you have," said Mr. Poppleton, "I mean I don't think your man, the seargeant-at-arms has. Mr. Thurston's residence is at Farnam and Jefferson streets, and I think he could be

Judge Littler made some further inquiries of Mr. Gurley in regard to the oil room at Lincoln but the witness still maintained that he was entirely innocent of any per-sonal knowledge of the room or what it

was kept for.
Colonel J. M. Eddy was then called and questioned as to the cost of con-structing the Omaha & Republican Val-ley road. The Union Pacific paid the bills and he staid in the field and did the work. He had heard that the road cost the company at the rate of \$30,000 a mile but didn't know anything about it. A subsidy of \$140,000 was promised in case the road reached Wahoo by a certain time so he understood. They got into Wahoo at the time set by building twenty-one miles of road from November 10 unti. January 1 following. The entire road was built as cheaply as possible consistently with its being a permanent road. When the witness passed over the road about a year ago he found it up to the average of Nebraska roads.

"Colonel did you ever hear that Mr. Gould threatened to remove the Union Pacific shops from Omaha if the people of Douglas county contributed by private the company at the rate of \$30,000 a mile

of Douglas county contributed by private subscription to the construction of the

Omaha & Republican Valley road?" in-quired Governor Pattison, "No, sir, I never did," said the colonel. Mr. Poppleton was asked if he had ever heard such a report. He said he might have heard it but didn't believe it if he did. All sorts of rumors were started here for election purposes.

While Mr. Mink was looking up some

vouchers asked for by Governor Pattison, Frank P. Hanlon was called. He had been employed as a special agent of the Union Pacific road in the detective service looking up crimes connected with the railroad. Being asked to recall one case in which he was so employed he mentioned that of a man named Moore who was charged with forging railroad tickets.

Four years ago witness said he was at Lincoln in company with Mr. Thurston in the interest of the Union Pacific. in the interest of the Union Pacific.

"Were you there in connection with crimes in which the Union Pacific was interested," inquired the governor dryly.

"No, sir; I was looking after legislation in which the Union Pacific railway was interested. I found out how the members intended to vote on railroad pills and there my duties ended. The witness went on to say that one of

ity, strength and wholesomeness. Mare economical than the ordinary kinds, and cannot be sold in competition with the multitude of low cost short weight alum or phosphate powders. Sold only in cans. ROYAL BAKING POWDER CO. 101 Wall-st., N. Y. his duties was to entertain members of the legislature, and that the Union Pa-cific company footed the bills.

members were going to vote," said he.
"A man would say he was going to vote
one way in the evening and then vote another way the next morning—they're changeable down there," he added dryly.
Colonel Eddy was recalled and his attention directed to the record of \$8,791 and other large sums paid to him for railroad construction. He explained that his name was merely used for convenience. ence, the money really being paid to contractors working under Chief Engi-neer Blinkensderfer in Idaho. He was only paid a small per cent for the use of his name and for assisting the company in securing reliable contractors along the lines on which it was proposed to

build the roads.

"When the Belt railway was first built," inquired Governor Pattison in the course of the examination, "didn't the Union Pacific railway company try to get control of it on the ground of owner-ship?"

"I believe they did," replied Colonel

Eddy.
"On the ground that the directors of the road were officers in the employ of the Union Pacific company," said Mr. Poppleton, "that the road had been paid.

for in a large measure by vouchers drawn on the Union Pacific and paid by these officers. "The Union Pacific," Mr. Poppleton went on to say, "finally abandoned the suit because the game wasn't worth the powder, and the road was turned over to the Missouri Pacific."

"Why couldn't the company have gone on and built their road without the intervention of yourself as agent in the intervention of yourself as agent in the way you spoke of?" inquired Judge Littler returning to the subject of the youchers after a little by-play on the part of Mr. Poppleton in regard to the controversy between the Union Pacific comand S. H. H. Clark in regard to the Belt railway. "Their chief engineer, Mr. Bickensderfer was on the ground; why couldn't they have paid the money couldn't they have paid the money through him, without the use of your

The colonel replied that they might have done so, perhaps, but he thought the way they did was the best under the circumstances.

Governor Pattison read to the witness a contract for the construction of the Healy-Ketchum extension of the Oregon Short Line in which it was provided that the colonel was to receive \$40,000 per mile in the way of first mortgage bonds and stocks and by subsequent gage bonds and stocks and by subsequent contract reciting the provisions of the first to turn over the stock and bonds to Charles Francis Adams jr., as trustee for the Union Pacific upon his advancing the actual cost of the road. He then asked him if the actual cash cost of the road in the road in the stock of the road was less than the value of the \$40,000 in stocks and bonds, if Mr. Adams didn't get the benefit of it.

Colonel Eddy admitted that such would be the case if the stocks and bonds were worth par, but they were not worth par and he would not have built the road for the stocks and bonds. John R. Manchester, the claim agent of the Union Pacific railroad, was placed on the stand. He was asked if he was

assigned to visit Lincoln in the interest of the Union Pacific road. He had been so assigned for the past five sessions. During the last legislature he was there looking after several bills in which the Union Pacific was interested. asked to name one of the bills he mentioned "No. 192" as one of them. After being pressed at some length to name the contents of the bill he said it provided for a railway commission and gave them powers which he thought they ought not to have; he thought they were injurious to the interests of the state and people. When asked if the bill prohibited discriminations and rebates, e admitted that it did.

"Why did you regard a bill which prohibited railroad discrimination as in-jurious to the people's interests?" asked Governor Pattison.

Before he could answer Mr. Poppleton came to the rescue. "He didn't say he opposed the bill because it contained a provision prohibiting railroad discrimination," said he.
Thus prompted Mr. Manchester said
he opposed the bill because of the character of men who were usually appointed

on such commissions and for provisions it contained which he couldn't just then In answer to questions Mr. Manchester said he had furnished passes to the legis-lators and their friends when they asked for them, but had never taken them into the "oil room." In fact, Mr. Manchester was as blissfully ignorant of the existence

of this institution as Mr. Gurley was. When the governor got through with Mr. Manchester, Judge Littler asked him if in his opinion the bills in regard to railway regulation were introduced in good faith. He replied that he thought a good many of them were merely intro-duced to blackmail the railroads and show the members' constituents that they were doing something. He thought, however, that Mr. Agee's bill in regard to

the creation of the railway commission was introduced in good faith.

Being asked why such an enormous number of passes had been granted to legislators and their friends and what compensation the railroad got for these favors, he said it got none; the passes were only issued out of personal compliment to the legislators and their friends. The members who were introducing this hostile legislation got them equally with

the other members.
At the conclusion of Mr. Manchester's examination the committee adjourned until 10 o'clock this morning, when the examination of Mr. Kimball will be resumed.

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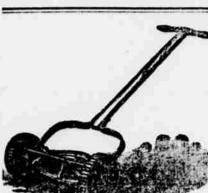
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