

THE CITY.

Hugh Murphy yesterday commenced the work of grading Park street from East avenue to the west city limits. There was one building permit issued yesterday. It was to Clinton Compton, who will build a one-story frame \$100 cottage at Thirtieth and Douglas streets.

While F. B. Eastman, a postal clerk, was coming into the city on the fast mail yesterday afternoon, he dropped his five \$100 gold watch out of the car window. He went back to hunt for the time piece but was unable to find it.

The Woman's Relief Corps of Custer post, Grand Army of the Republic, held another of their pleasant socials last night at Grand Army hall, between Dodge street and Capitol avenue. A delicious supper was a prominent feature of the evening's entertainment.

Shakespeare lodge, No. 217, of the Order of Sons of St. George, gave a very pleasant musical and literary entertainment at Wolf's hall, Twenty-second and Cornish streets, last night. The attendance was large and an interesting program was presented, followed by a beautiful supper and a dance.

"Don't Care to Eat." It is with the greatest confidence that Hood's Sarsaparilla is recommended for loss of appetite, indigestion, sick headache and similar troubles. It is a medicine that gently cleans the stomach, assists digestion and makes one feel hungry. Persons in delicate health after taking Hood's Sarsaparilla a few days, find themselves longing for and eating the plainest food with unexpected relish.

PIERCE, THE FORGER. An Attorney Flees to Evade Arrest for Forgery. Attorney J. H. Pierce has vanished, and a warrant for his arrest for forgery awaits his return. The information alleges that he forged a check for \$1,500, in the name of John H. Burton, which he had cashed at Briggs' hat store. He endorsed the check in the presence of Briggs, and was given a hat and some money in exchange therefor.

It is currently reported at police headquarters that this is not the only check that Pierce has forged, but that on the contrary there are several of them about, and that a relative of Pierce's, Rev. Mr. Henderson, is busily engaged in taking them up to order their consequences. The young man learned Monday night that trouble was in store for him, and he waited upon Judge Helsley, to whom he told his story, asking if he would be released on his own recognizance after his arrest. He was told that this could not be done, and he remarked, "Then there is but one of these things for me to do—commit suicide, which I would do if I were not too much of a coward, become a fugitive from justice or go to the penitentiary. I am guilty, and nothing would send me to the pen if the case was to be tried. I don't know whether to give myself up or become a fugitive. I will see my wife first and then I will decide."

As he has not been seen since, and the officer who went to serve the warrant could not find him, it is believed that the unfortunate attorney decided to take his own life in flight, and has left the scene of his crime rather than become an occupant of a felon's cell.

Carpets. Chas. Shirock & Co., 1208, 1208 and 1210 Farnam st.

MORSE'S SPECIAL SALE. Read Advertisement on First Page. We are closing the first month's business we have ever done in Omaha; the moved to our new location, opening an entire new stock and making a complete revolution in prices has resulted in an increase of sales far exceeding our anticipation.

We shall open up our new SHOE DEPARTMENT by Saturday morning; only LADIES', MISSES', children's and a special line of BOYS' SCHOOL SHOES will be sold—no MEN'S shoes; we intend to show the ladies of Omaha how CHEAP A DRY GOODS HOUSE can sell shoes, and we promise you BETTER SHOES, CHEAPER SHOES, STYLISH SHOES, DURABLE SHOES, BOYS' SHOES, MISSES' SHOES, LADIES' SHOES, LADIES' SLIPPERS. In fact everything at low prices. We hope to be ready by Saturday, but if not by Monday.

SPECIAL LOW prices in all departments for the next two days. We want to swell our October sales.

THE MORSE DRY GOODS CO. A Splendid Entertainer. The following is an interestingly endorsed by one hundred and fifty people from the best families of St. Joseph: "During the first week all our doubts as to Prof. Dodge's ability to teach us a practical knowledge of German in five weeks were dispelled. His fortitude of resources, his ready wit and keen perception of human nature, together with his versatile powers in determining what is necessary to meet the exigencies of the class room, mark him as one whom nature has ordained to fill a professor's chair. Prof. Dodge fully and completely all our promises. Free lectures at Y. M. C. A., Friday at 4:30 and 8 p. m.

The only railroad train out of Omaha run expressly for the accommodation of Omaha, Council Bluffs, Des Moines and Chicago business is the Rock Island vestibule limited, leaving Omaha at 4:15 p. m. daily. Ticket office, 1602 Sixteenth and Farnam sts., Omaha.

THE RAILROAD BUDGET. Magnates in Conference—Barr Goes to the Milwaukee. There was a caucus of magnates at the Union Pacific headquarters yesterday, and the lesser officials and employes are confidently expecting to hear something drop.

President Adams will remain in the city until this evening and has called a conference of all the great railroad magnates and officials of the road. He spent the day Tuesday with Vice President Hulcomb and Mr. Brinkhoff, general manager of the Nebraska division. They were joined yesterday by General Managers Rossgate of the mountain division, Meek of the Colorado division and McNeil of the Union Pacific division. These officials will make reports to the president and consult with him concerning matters of interest to the road in general.

Barr Goes to Milwaukee. Mr. James M. Barr, late superintendent of the Nebraska division of the Union Pacific, has accepted the position of division superintendent of the Chicago, Milwaukee & St. Paul, having in his direction the division of the Milwaukee between Chicago and Madison, Ia.

Mr. Barr left for Chicago Tuesday night, and will assume the duties of his new position on November 1. He was offered a position on the Pacific division of the Union Pacific, but felt that he had not been properly treated by that company and so refused it.

Mr. T. W. Lee Injured. Word was received here of an accident which happened on Monday to Mrs. Tom W. Lee, wife of the general passenger agent of the Pacific division of the Union Pacific, at her old home in Ohio.

SUPREME COURT DECISIONS.

An Unusual Number of Cases from Omaha. The following supreme court decisions were handed down yesterday at Lincoln: City of Omaha vs. Howell Lumber company. Error from Douglas county. Affirmed. Opinion by Mr. Justice Maxwell.

Where land is condemned for public use, as for opening a street, the owner is entitled to the fair market value of the land actually taken, and special benefits to the residue of the tract cannot be set off against such value, but may be against incidental damages to the residue of the tract. Gilles vs. Gilles. Appeal from Douglas county. Affirmed. Opinion by Mr. Justice Maxwell.

A husband and wife living in Aurora, Ill., having a child which was a minor, were divorced, there being no provision in the decree for the custody of such child. A father should retain the custody of such infant, the father to pay \$5 per week for its support. This he did for some time, when the mother removed to Omaha, leaving the infant with her. In a proceeding on habeas corpus by the father to obtain the custody of the child, held, that he had no absolute vested right in the custody of such infant, and that the paramount consideration is, what is really demanded by the child's best interests, and the court in granting the custody to the father, mother, or other person, will be guided by what may seem best for the child. Kitchin Brothers vs. Hammond. Error from Douglas county. Affirmed. Opinion by Mr. Chief Justice Cobb.

The findings of fact, and the judgment rendered thereon, are supported by the allegations of the pleadings, which they are based. Lipp v. Horbach, 12 Neb. 371.

Mace vs. Booth, error from Douglas county. Affirmed. Opinion by Mr. Justice Maxwell.

Two persons jointly purchased the fixtures, furniture, stock and lease of a first-class saloon in Omaha for the sum of \$1,000, and paid thereon the sum of \$300 cash and gave their notes, due in three and six months, for \$700 each. The notes were drawn on a certain bank and contained the words "payable to the Merchants' National bank of Omaha, Nebraska." These words were placed in the notes before they were signed, and the word "maturity," indicating the time when the interest would commence, was not erased. A short time afterwards the payee placed in the notes a stamp which had been stamped over the word "maturity," and it was thereupon erased, thereby the notes were interest free. Held, that as there was testimony to show that the notes were to draw interest from date and that the makers were partners in the enterprise, the bank was a party to the contract to engrave in the business of purchasing five carloads of haled hay and dividing the same with the defendants, the value being in excess of \$20, no part of the hay being delivered nor any portion of the consideration paid, is within the statute of frauds and void. Fairley vs. Hargrave, error from Lancaster county. Reversed and remanded. Opinion by Mr. Justice Norval.

1. While the facts constituting separate and distinct causes of action or defense are required to be separately stated, so that each count is distinct from every other, and complete in itself, where the facts have been stated once in a pleading in a cause, it may be referred to in any subsequent pleading or subsequent count of the same pleading, and by proper reference be made part thereof. 2. The answer construed and held to state all the essential facts necessary to constitute a counter claim for a breach of warranty. 3. An action against a partner for a breach of warranty is competent to prove that one member of the partnership made the representation and warranty, for the firm that induced the sale, although the pleading alleges that the warranty was made by the firm. A partnership is bound by the representations and warranties made in the sale of its goods by a partner thereof. 4. In such an action it is not necessary to prove each representation set up in the pleading, but it is sufficient, if any one of the material representations is established, which induced the purchase. 5. The testimony offered by the plaintiffs to establish proof of conspiracy made by the defendants, was rightly excluded. 6. In a suit for a breach of warranty brought by A against B, it is not competent to prove the representations made by B to C in the sale of the same kind of goods. 7. Held, that the instructions correctly embodied the law applicable to the case. City of Omaha vs. McClure, error from Douglas county. Affirmed. Opinion by Mr. Justice Maxwell.

Where land is taken by a municipality for the opening of a street the owner is entitled to the value of the land without deduction for benefits. State ex rel. Dunderman vs. Caslin. Mandamus. Writ denied. Opinion by Mr. Justice Norval.

In a case tried before a referee, it is his duty to sign any true exceptions taken to any order or decision made by him in the case. Such bill of exceptions is not to be signed by the referee. Leight vs. Leight, 10 Neb. 533; Turner vs. Turner, 12 Neb. 111.

Mrs. Adlie M. Billings of Fillmore county was admitted to practice. State vs. Royce; Johnson vs. Storie; Yates vs. Kinney; Heller vs. Yates. State ex rel. Hagner vs. Fillmore county; McIntainy vs. City of Superior. The case of Burk vs. Dempster was continued. Court adjourned to Wednesday.

State ex rel. vs. Malone. Error from Lancaster county. Affirmed. Opinion by Mr. Justice Norval.

A judgment was rendered against the plaintiff in error in the county court of Lancaster county. Within ten days thereafter an appeal bond was filed and a transcript of the proceedings was ordered. The plaintiff afterwards promised to make out a transcript and file the same in the district court within the statutory time, but failed to do so. The transcript was filed more than ten days after the rendition of judgment. Held, that the neglect of the judge to file the transcript in time is the neglect of the appellants. Oakley vs. Peeler. Error from Lancaster county. Affirmed. Opinion by Mr. Justice Maxwell.

1. At common law, a declaration describing a party by the initials of his Christian name is not sufficient to specify a defendant. It should appear, however, that the initial used is not the Christian name. 2. Where a party whose Christian name was Oscar E. was in the habit of signing checks and doing business at banks and other places by the initials of his Christian name, these initials will be treated as his business name and he will not be relieved against him by that name not subject to collateral attack. Citizens of Omaha at various dates should remember that the remaining days of adjournment are Friday, October 31, and Saturday, November 1.

Marriage Licenses. The following marriage licenses were issued by Judge Shields yesterday: Name and address. Age. Henry Berggren, Hamilton Co., Neb. 29. Eliza Anderson, Hamilton Co., Neb. 29. John A. Lamorel, Omaha. 29. Augusta Paulsen, Omaha. 29.

Mrs. L. Woodworth and Miss E. B. Mix of Aurora Ill., are visiting Mrs. Carlos Woodworth of 228 Lake street.

BRIGGS' PIANOS. Finely Made, Fully Warranted, Marvellous in Tone. CATALOGUE FROM BOSTON OFFICE, 5 APPLETON ST.

C. L. Ericson, Local Agt., 206 N. 16th St. FOR SEVERE COUGHS OR COLDS. Dr. F. C. Werner's COUGH DROPS. Are highly recommended after seven years of successful experience by the sole manufacturers.

Kopp, Dreibus & Co., STEAM CONFECTIONERS, 1106 Farnam St., Omaha, Neb. Sold everywhere, 5c per package. Send for samples. DR. KENSINGTON N.

— Eye and Ear Surgeon — 1310 Dodge Street. Spectacles accurately fitted.

SECOND BLOOD FOR THE CITY.

A New Move in the Board of Education Mandamus Proceedings. Another very important move was made yesterday morning in the high school mandamus proceedings. Judge Doane made the following additional order in connection with his decision of Monday, which was stayed to the respondent in this cause may have an opportunity to put aside even for a day the case of the period of thirty days from the date of this judgment. The judgment is so suspended in order that the respondent in this cause may have an opportunity to have the case reviewed in the supreme court if that court will advance and hear the case.

The issuance of this order was strenuously opposed by Mr. Estelle in a general manner. He said that he himself had debated the question of going to the supreme court some time prior to proceeding with the case in this period of thirty days from the date of this judgment. He held that the order issued by the board of education is a glaring injustice. He held that the order issued by the board of education is a glaring injustice. He held that the order issued by the board of education is a glaring injustice.

Mr. Popplinton simply urged Judge Doane to give him a chance to get before the supreme court, and he would use every means in his power to get the opinion of the higher tribunal at an early day as possible. Judge Doane, however, was of the impression that so far as the matter presently concerned was concerned it would be better to get the supreme court's opinion immediately if possible, and accordingly issued the supplementary order as given above.

Mr. Whitlock treated himself to a very merry chuckle over this last order in the case. When his chuckle had subsided, however, a bit, he said that the building inspector could not be prevailed upon to say much on the subject. But finally he did make these remarks: "Of course I'm only a figure head in this thing. The city council is the body doing the business. If the board of education were going to put a new school building on the school grounds I would be in favor of granting the permit. As it is, however, it seems like a joke for them to be trying to put up a little four-room building. The spite work feature seems to come in as a result of the board having been set down upon so hard two or three times."

Judge Clarkson has turned his attention to civil business and will probably so continue until after election. Yesterday morning he took up the case of Ross Lacey against M. A. Upton, wherein a lot in South Omaha is the point of controversy. Judge Hopewell is hearing Coster vs. Walsh, a making out involving \$3,700, being the note of contention.

Judge Doane has proceeded with the trial of Carrie Shin vs. Shields & Conner, being a suit for nearly \$2,000 foreclosed on performance of a contract.

County Court. William A. Paxton, Jr., yesterday brought suit in the county court to recover \$250.50 from S. A. Orchard. Paxton alleges that Orchard failed to pay the rent on the lot building at the southeast corner of Fifteenth and Farnam streets for the month of August, 1890. This amount was \$300. The balance of \$49.50 is alleged to be for repairs made on the building.

The Ansonia clock company has sued Herman Schenck to recover \$77 due on goods sold and delivered against him. A. Peabody & Co. have sued D. W. Van Cott. Plaintiffs seeks to recover \$92.30 for goods sold and money loaned.

A free talk to ladies will be given Thursday, Oct. 30th, 2:30 p. m., in E. church, cor. N and 23d sts., S. Omaha. Subject: "Diseases of Women; Cause and Cure."

Horsford's Acid Phosphate. Beware of imitations. It was an Error. The Bee's telegram from Chicago to the effect that the Chairman Farley of the Western passenger association had filed the Chicago, St. Paul & Kansas City and the Union Pacific \$100 each for selling illegal tickets was an error, according to the information possessed at the Union Pacific headquarters. The roads that were fined were the Chicago, St. Paul & Kansas City and the Illinois Central. The offense was selling a round trip ticket from Dubuque, Ia., to St. Louis and allowing a scalper's rebate. The Union Pacific had no hand in the transaction.

The Live Hog Rate. The Western Farmers' Association will meet in Chicago today to take some action on the proposition to reduce the rate on live hogs between Missouri river points and Chicago. The Alton's action in reducing the rate from Kansas City to Chicago from 25 to 15 cents is opposed by the Omaha Chicago line, which favors an increase on the dressed hog products to 25 cents, rather than a reduction of the rate on the live hogs.

Intelligent Readers will notice that Turt's Pills are not warranted to cure all classes of diseases, but only such as result from a disordered liver. Vertigo, Headache, Dyspepsia, Fevers, Costiveness, Bilious Colic, Flatulence, etc. For these they are not warranted infallible, but are as nearly so as it is possible to make a remedy. Price 25c. SOLD EVERYWHERE.

DR. MCGREW THE SPECIALIST. More than 15 years' experience in the treatment of PRIVATE DISEASES. A cure guaranteed in 3 to 5 days without the loss of an hour's time. STRICTURE CURED IN 30 TO 60 DAYS. Dr. McGrew's treatment for this terrible blood disease has been pronounced the most powerful and successful remedy ever discovered for the absolute cure of this disease. Write for circulars. DR. MCGREW'S OFFICE, 14th and Farnam Sts.

DR. MCGREW'S SKIN DISEASES. Catarrh, rheumatism, and all diseases of the blood, liver, kidneys and bladder, removed permanently and cured to modern methods. Write for circulars.

DR. MCGREW'S FEMALE DISEASES. Catarrh, rheumatism, and all diseases of the blood, liver, kidneys and bladder, removed permanently and cured to modern methods. Write for circulars.

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Boils and Pimples

Are nature's efforts to eliminate poison from the blood. There result may be accomplished much more effectively, as well as agreeably, through the use of Ayer's Sarsaparilla, by the use of Ayer's Sarsaparilla.

"For several years I was troubled with boils and carbuncles. In casting about for a remedy, it occurred to me that Ayer's Sarsaparilla had been used in my father's family, with excellent success, and I thought that what was good for the father would also be good for the son. Three or four bottles of this medicine entirely cured me, and I have not since—in more than two years—had a boil, pimple, or any other eruptive trouble. I can conscientiously speak in the highest terms of Ayer's Sarsaparilla, and many years' experience in the drug business enables me to speak intelligently."—C. M. Hatfield, Farmington, Ind.

Ayer's Sarsaparilla PREPARED BY DR. J. C. AYER & CO., Lowell, Mass. Price 25c per bottle. Sold by all druggists.

Drs. Betts & Betts Physicians, Surgeons and Specialists, 1409 DOUGLAS STREET OMAHA, NEB.



The most widely and favorably known specialists in the United States. Their long experience, remarkable skill and universal success in the treatment of all forms of Syphilis, Chronic and Acute Diseases, entitle them to the confidence of the afflicted wherever they occur. They guarantee a CERTAIN AND POSITIVE CURE for the worst effects of early vice and the numerous diseases that follow in its train. PRIVATE BLOOD AND SKIN DISEASES SPECIALLY TREATED AND PERMANENTLY CURED. NEURALGIA AND SEXUAL DISORDERS FIELD ready to their special treatment. PILES, FISTULA AND RECTAL ULCERS GUARANTEED CURED WITHOUT PAIN OR DETENTION FROM BUSINESS. HYDROPHOBIA AND VARIOLEAE permanently and successfully cured in every case. SYPHILIS, GONORRHEA, GLEET, Spermatorrhea, Neuritis, Weakness, Loss of Manhood, Night Emissions, Decayed Faculties, Female Weakness and all delicate disorders peculiar to either sex positively cured, as well as all functional disorders that result from youthful excesses, the effects of which are permanent. STRICTURE GUARANTEED PERMANENTLY CURED, removal of all stones, without cutting, caustic or dilatation. Cures effected at home by patient without momentary absence from business. TO YOUNG MEN. A SURE CURE. The awful effects of organic weakness, developing both mind and body, with all its dreaded ills, permanently cured. DR. BETTS' Address those who have impaired vitality, and pair themselves by improper indulgence in habits which ruin both mind and body, unfitting them for business, study or marriage. WANTED, MEN of those entering on that happy life, aware of physical debility, quickly based. OUR SUCCESS is based upon facts. First—Practical experience. Second—The use of the most powerful and thus starting right. Third—Medicines are prepared in our laboratories. Fourth—No such case, but effecting cures without injury.

Drs. Betts & Betts, 1409 DOUGLAS STREET, OMAHA, NEB.

Some Children Growing Too Fast become listless, fretful, without energy, thin and weak. But you can fortify them and build them up, by the use of SCOTT'S EMULSION OF PURE COD LIVER OIL AND HYPOPHOSPHITES OF Lime and Soda. They will take it readily, for it is almost as palatable as milk. And it should be remembered that AS A PREVENTIVE OR CURE FOR COLIC OR COLDS, IN BOTH THE OLD AND YOUNG, IT IS UNQUALIFIED. Avoid substitutes of inferior quality.

DR. MCGREW Men's Suits for coming cold weather will soon become a necessity. We have prepared ourselves for the inevitable demand and beg to call attention to the excellence and finish of the garments in this line of goods which we are now offering. Take "Time" by the forelock and be ready for the cold wave.

Overcoats AND Men's Suits for coming cold weather will soon become a necessity. We have prepared ourselves for the inevitable demand and beg to call attention to the excellence and finish of the garments in this line of goods which we are now offering. Take "Time" by the forelock and be ready for the cold wave.

Robinson & Garmon 1517 FARNAM

DR. MCGREW THE SPECIALIST. More than 15 years' experience in the treatment of PRIVATE DISEASES. A cure guaranteed in 3 to 5 days without the loss of an hour's time. STRICTURE CURED IN 30 TO 60 DAYS.

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FEW STORES

In the country, carry the stock and variety of Men's Shirts and Drawers we do. Our store-rooms for surplus stock, are crowded with winter underwear and other furnishings, purchased in large quantities in anticipation of the increased duties which must now be paid on imported woolen goods. Having saved this increased duty, we are enabled to mark all our immense stock at exceptionally low prices. This low scale will continue as long as our present stock lasts.

The following lot which we place on special sale for this week, will be found extraordinary bargains. Men's fancy striped Camel's Hair shirts and drawers, silk bound at 35c each. Plain Camel's Hair, silk bound and silk stitched, with ribbed ends at 50c each. Fancy heavy Cashmere shirts and drawers, finished shoulders, neat stripes at 65c. Superior natural wool shirts and drawers, of excellent finish with ribbed ends at 75c. All the above are grand values.

Our hosiery is sold at about one half the prices other stores charge. Our assortment is immense. In this department we offer this week the following two big bargains. Fine wool seamless socks at 15c a pair. Others are selling these at 30c. Very fine merino, full regular made, of handsome shades at 20c. In gloves we carry a full assortment; all the desirable styles for driving and street wear. Nothing but what is of reliable stock and of good make is sold at our glove counter, as we warrant every pair. Our prices are positively below everybody else.

Within the past few days we have received an entire new stock of hats. We venture to say that during last week we opened more hats than a good size hat store would get in in a year. We had an immense run in this department, and were obliged to stock up again, and now we are ready for another run. Latest shapes and prices, lower than ever. Open until 8 p. m. Saturday, 10 p. m.

Nebraska Clothing Co., American Hand Sewed Shoe Co.

Corner 14th and Douglas Streets. Are the Exclusive Western Agents for the Woonsocket and Rhode Island Rubber Goods.

The largest manufacturers of rubber footwear in the world. We carry the only complete stock of first-class rubber goods in the city. Prices always the lowest. Correspondence solicited.

TRY OUR LEATHER SOLED RUBBER BOOTS, THE BEST MADE: AMERICAN HAND SEWED SHOE CO., OMAHA - NEB.

WHEELER & WILSON MFG CO. 135 and 137 Wabash Ave., Chicago. E. P. FLOODMAN, 229 North Sixteenth Street.

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G. S. RAYMOND WATCHES, DIAMONDS and FINE JEWELRY. Sole Agent in Omaha for Gorham Manufacturing Co's Sterling Silverware MANTLE CLOCKS, RICH CUT GLASS and CHINA. Our Stock of Fine Goods is the Largest and Our Prices the Lowest. Come and see us. Cor. Douglas & 15th St

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