

## IN THE HANDS OF THE COURT

Arguments in Union Depot Injunction Case Ended Yesterday Forenoon.

RAILROADS ALL MADE IN THE SAME IMAGE

Judge Howe Pays His Respects to the Union Pacific—Differed from His Legal Colleagues on Some Points—Decision Expected Soon.

The long drawn out union depot injunction case is at last wholly in the hands of the court, and a decision may be expected before the close of the week. It was submitted at 11 o'clock yesterday morning, at which time Hon. John D. Howe closed his final argument for the plaintiff.

Mr. Howe did not hesitate to differ materially with the attorneys who were associated with him in the case, although he said that every citizen should feel grateful to them for the able arguments that they had made. He maintained that they were interested in only one phase of the question, and that they would be perfectly willing to have the city pay \$150,000 bonds to the depot company if the Union Pacific guaranty bond could only be exacted, giving and securing to them the right to cross the bridge in accordance with the provisions of the depot trust deed. He agreed with Mr. Woolworth that the conditions of the trust deed were perpetual and would forever exist, no matter by what company the title to the depot grounds was held. He insisted that all railroads were created in the same image, and cared little for the rights of others so long as they were themselves exempted from unsatisfactory conditions and regulations, but said he was willing to assist these other roads in securing their rights under the Saunders deed, and thought all others should be willing to do the same.

There was one point on which Mr. Howe declared himself very forcibly, and that was as to the Union Pacific. He said that company had always broken its contracts with the city and had violated every agreement into which it had entered with the citizens of Omaha. He wanted it understood that now and for all time to come he was opposed to giving that corporation any more concessions and that his motto would be, "Not another dollar, not another cent," so far as the Union Pacific was concerned.

He insisted that the bond and land features of the Saunders deed could not be separated; that compliance with one did not release the other, and that the violation or nonfulfillment of a single requirement nullified all. He wanted it understood that his action, but there must be no conditional injunction, as the only proper way in which to proceed was in strict accordance with law. This injunction was for two and a half years, and none of the parties who were responsible for it had moved its dissolution. He hoped that it would stand, in order that further proceedings might be made on a lawful and equitable basis, on which the interests of the city would be protected, and the taxpayers given a fair, full and just return for what they had expended, as entitled by the terms of agreements heretofore entered into by the railroad companies and now sought to be violated and abrogated by them.

The judges announced that they would speedily decide the case, as they desired to take final action on it while it was fresh. The trial occupied yesterday a half day, and it will determine whether the injunction restraining the delivery of the \$150,000 bonds voted by the city to assist the union depot company in constructing a depot in accordance with a sketch on exhibition in the office of the city clerk shall be dissolved or made permanent.

## HAYDEN BROS.

Special Bargains Wednesday.  
Manchester chaffies, 25c.  
32-inch duchesse mull, 5c.  
30-inch flannellette, 5c.  
Dress gingham, 5c.  
Pongee, 30-inch wide, 5c.  
Brundberg cloth, 12 1/2 yard.  
30-inch wide sateen, 10c.  
7-4 bleached Fruit of the Loom sheeting, 17c.  
7-4 bleached Androscegg sheeting, 13c.  
42-inch half bleached pillow casing, 8c.  
36-inch soft finish bleached muslin, 5c.  
11-4 Bates damask crocheted spreads, 65c.  
18x50 fancy dresser scarfs, 25c.  
20x40 hemstitched huck towels, 17c.  
or 6 for \$1.00.  
Special bargains and the low prices make life times at  
HAYDEN BROS.

## WEATHER MAN WANTS LODGING

Forecaster Hunt Has Sent Proposals to Mr. Morton Awaiting New Quarters.  
Captain Hunt of the weather bureau has sent on to Washington three proposals for the lease of quarters to be used as a weather office and will be able to do nothing further in the matter until he hears from headquarters. The captain thinks that when Secretary Morton comes to Omaha next week and gets a look at the situation he will not be long in deciding what steps should be taken.

"It is a fact not generally understood, I believe," said Captain Hunt yesterday, "that there are but few buildings in Omaha suitable for the purposes of a weather office. We not only have to have a tall building, but it must be a building that is not located close to any other building that is taller, or even so tall. In order to get the proper exposure we must have an absolutely free sweep of air from all sides. The New York life building towers above everything else in the neighborhood, but it is not suitable for the reason that we should have to go clear on the top of that tower to get a location for the anemometer. There are not over three or four buildings in the town that offer first-class quarters for the weather office."

Another chapter from the history of the official career of ex-justice Bradley. Edgar S. Bradley has been appointed to the position of district judge. It is set forth in a petition filed by the J. K. Sweeney company, the allegation being that the ex-justice collected \$85.40 on an execution issued to satisfy a judgment secured by the plaintiff and has never turned the money over to the proper party. Payment was repeatedly demanded, and the defendant finally gave a check on the American National bank for the amount, but the money was not there to the credit of the defendant, and the check went to protest. Whereupon the plaintiff obtained judgment for the amount against the defendant and his bondsmen for the full amount with interest and the cost of protest and other incidental expenses.

District Court for a Day.  
Acting Attorney General Somers and E. Wakeley of counsel for the plaintiff have filed a request for further amend the petition in the case of the state against ex-justice Bradley and his bondsmen. The plaintiff is William Deering & Co. have released the attachment secured by them on \$308 bales of binding twine stored in the Bushman warehouse, the property of the National Cordage company.

Sheriff Bennett went out this afternoon to assist J. P. Manning from the Council and Peabody property near the poor farm. The matter has been in controversy for a long time, different parties claiming ownership, and the court has at last issued an order calling upon Manning to vacate the property. The owners are City Attorney Council and Judge William L. Peabody of Washington, formerly county judge here.

Federal Grand Jury.  
The United States grand jury will meet this morning at 10 o'clock and receive instructions from Judge Dundy relative to the work of the term. Some of the witnesses are already on hand. Postmaster Schreck of Holdrege came in today as a witness in the case against Mr. Taylor, the young man of Phelps county who was arrested and is now in jail upon a charge of sending obscene letters to a young lady of Bertrand.

## Our Fire Loss is Adjusted.

Our great fire sale commences Thursday, May 18, and will continue until entire stock amounting to \$40,000 is sold. The stock consists of wines, liquors and cigars, and will be sold regardless of cost to close it out.

BARGAINS, BARGAINS.  
LOS ANGELES WINE, LIQUOR AND CIGAR CO.,  
116 and 118 South 16th street.

## THIRD AND LAST DAY

Of Falconer's Hosiery Sale.

Thursday we commence our great underwear sale. Fully as great bargains will be offered in underwear as were offered in hosiery. Our 25c and 50c hosiery are about sold out. The 9c, 13c and 25c we still have a full line of sizes of, and they are really better values than the lower priced ones. Onyx dye hosiery is selling in this sale at a discount of 10 per cent off at each purchase. You can't get a bargain like this at any other place.

Thursday besides the great underwear sale our splendid purchase of dress goods and silks will be on sale. Full particulars and prices in the morning paper.

N. B. FALCONER.

WASH GOODS DEPARTMENT.  
Great bargains!  
3 cases of 36-inch henrietta cloth worth 25c, for 15c. (This cloth comes in navy, black and evening shades).  
2 cases of 27-inch Columbian cords worth 10c, for 6c. (Dark grounds, very serviceable).  
2 cases of 27-inch challies worth 12c, for 7c. (Light grounds, choice designs).  
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Hayden Bros.  
Ladies' fast black cotton hose. The Estey patent, 10c per pair, worth 25c.

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"The Madison," (family hotel), 21st and Chicago. Transients \$2.00 per day.

Drexel Hotel, 16th & Webster, 1 blk from Mo. Pac. & Elk, dep. Nat. Brown, prop.

## Beat this on Pianos and Organs.

A Kimball upright, \$115.00.  
Chickering baby grand, \$125.00.  
A splendid upright, \$140.00.  
An Estey organ, \$10.00.  
A Kimball organ, \$25.00.  
Chicago cottage, \$25.00.  
Newman Bros., \$30.00.  
Taylor & Farley, \$30.00.  
Camp & Co., \$30.00.  
WOODBRIDGE BROS.,

Hayden Bros.  
Ladies' fast black cotton hose. The Estey patent, 10c per pair, worth 25c.

## PAVING POINTERS.

Twenty-Five Districts Petition for Specified Material—Charles Squires Squeezes In.

A more recent activity is being displayed by the owners of property in many of the new paving districts than was anticipated there would be. Petitions have been filed with Clerk Groves designating material to be used in paving twenty-five of the sixty-one districts created by the council. It is understood that brick leads in the list of designations, although the exact number of petitions for the various materials has not been known until the petitions are read in the council.

At the meeting of the Board of Public Works yesterday another exception was made in the rejection of bids upon asphalt paving. This time it was for repaving Cunningham street from Thirty-second to Fortieth. In rejecting the bids an error was made in calling the figures upon that district. The Barber company bid \$2.37 upon class C, five year guaranty, and when the figures were read they appeared at \$2.37. The error was discovered and the contract was awarded to that company upon that district.

## Young Republicans Reorganizing.

A number of the representative young republicans of Lincoln were in the city yesterday making arrangements to secure an Omaha representation at the reorganization and political revival of the Young Men's Republican club of the capital city, that is shortly to take place.

It is desired to have a banquet and a number of addresses by good speakers and it is desired to have Omaha furnish a part of both eaters and talkers. Henry D. Estabrook will speak on "Parties and Hon. John M. Thurston will have something to say about 'The Future of the Republican Party'." The other speakers will be Hon. George D. McChesney, Hon. W. E. Lamberton, Judge I. W. Lansing and Hon. W. E. Andrews.

## After Conroy's Job.

There is going to be a lively time over the selection of a secretary of the Board of Education. The candidates are numerous and they are keeping a pretty close watch over the movements and the mental inclinations of the members of the board.

The following are said to be among the applicants for the position: Mr. Holbrook, Frank Hamling, Charles F. Bicknell and Fred J. Borthwick. There are others who are after the position, and by the time the election rolls around in June there will probably be an even dozen or more of applicants from whom the board will have an opportunity to select.

## To Discuss the Work.

The special committee of the council on market house will meet this afternoon at 2 o'clock in committee room A in the city hall. All of the members of the committee are enthusiastically in favor of the establishment of a market house, and the meeting is to be held for the purpose of giving the citizens an opportunity to be present and suggest suitable location. The committee is in the dark as to where it should be located, and desires to be helped out in the matter.

## Looking Over Gas and Gasoline Lamps.

Gas Inspector Gilbert is taking a look at all of the gas and gasoline street lights. This is being done for the purpose of determining the exact number of lights that are serving the public good in their present locations, and can be removed with good results. Complaint is made that many of them are too close together, and in many instances are promiscuously located upon the street, and little traveled at night. The inspector will report the result of his investigations to the council.

## General Dandy Reports for Duty.

General George B. Dandy, chief quartermaster of the Department of the Platte, has arrived from San Antonio, Tex., and will at once take charge of the quartermaster's office here.

General Dandy is well known in Omaha, having been stationed here for several years prior to the arrival of Colonel Hughes. He and his family are stopping for the present with Mr. W. J. Connel.

## WANTED TO EAT ALL THE TIME

That Was Why a Little Seven-Year-Old Girl Was Unmercifully Beaten.

UNNATURAL PARENTAL PUNISHMENT

Peculiar Case of Cruelty Reported to the Police—A Gas Pipe Cannon Nearly Causes Death—After the Pawn-brokers—Police Pointers.

An aggravated case of parental cruelty was reported to the police yesterday. A family named Shellen lives at 2121 South Twelfth street, and among their possessions is a seven-year-old daughter. For some time past the neighbors have suspected that the child was cruelly treated and at length reported their suspicions to the officer on the beat. Detective Vaughn visited the place and decided that the facts were much worse than had been reported. He found that almost every imaginable cruelty had been practiced upon the child. She had been starved, beaten and triced up by the hands for hours. The unnatural parents, when asked if the child was incorrigible or disobedient, replied in the negative, and the only reason they gave for the punishment was that the child wanted to eat the time. No arrests were made, but the parents were notified that if any further complaint was heard they would both be prosecuted.

## IT WENT OFF ALL RIGHT.

Master Hugh Thompson Lives After a Severe Lesson in Explosives.

The dangerous combination of a small boy and an extemporized cannon very nearly resulted in a fatal accident yesterday. Hugh Thompson, who lives with his parents at Fourteenth and Howard streets, represented the small boy, and a piece of gas pipe with one end stopped with a wooden plug did duty for a cannon.

The boy took the gas pipe out in the alley in the rear of his home and loaded it to the muzzle with powder and wadding. When he applied the match the infernal machine turned a couple of somersaults and the entire charge took effect in his face. There was not a spot on his head that was not scorched and singed with powder and the skin was blown off the top of his head.

## Look Like Elopers.

"B. F. Bonnet and wife" registered at the Windsor hotel Sunday evening. Bonnet was a man of about 35 or 40 years of age, while his companion appeared to be only about 14 or 15. Proprietor Prince noticed them as they went out for a walk after supper, and became somewhat suspicious that he was entertaining a pair of elopers. Therefore, when the couple returned from their walk the proprietor drew them into a private conversation and asked him whether the girl was his wife's daughter. Mr. Bonnet assured the clerk that she was his wife, but in about fifteen minutes he decided that he was attracting too much attention, so, after inquiries as to the time the Denver train left, he and the girl left the hotel. Proprietor Prince thinks it was a plain case of elopement.

## After Derelict Pawnbrokers.

Detective Vizard has begun a campaign against some of the pawnbrokers who have been negligent in reporting property received by them to the police. The ordinance requires all pawnbrokers to turn in a written report of all property received by them, and the police depend on this law to recover stolen property. Of late some of the dealers have evinced a disposition to evade the law, and will endeavor to convince them that the ordinance was meant to be obeyed. Warrants have so far been issued for Philip Nathan, who does business at 1214 and 1216, and for W. H. Lewkowicz, who runs an establishment on North Sixteenth street.

Harry Clamptett in Trouble.  
Constable Clark arrested Harry Clamptett yesterday, who is accused by Charles Tietz of stealing money out of the drawer in the latter's residence. He was charged as bartender a few days ago, but a day later returned and helped himself to money.

## HAYDEN BROS.

## Reducing Stock in Clothing Department.

A special line of fine men's suits in light colors, this season's fresh goods, fancy weaves, sold regularly for \$18.00, in this sale at \$7.50. There is a nice assortment of sizes and we can fit you perfectly.

250 boys' suits in all grades, light and dark colors, no shoddy; none of these worth less than \$2.50 to \$4.00, all in one lot at \$1.00 each.  
To fancy worsted men's suits in all different styles of cuts, known as the clay worsted, with or without binding. In this sale, \$10.00. Any other store will ask you \$14.00 for this suit.  
All our boys' fancy suits, 3-piece or 3-piece suits are reduced one-third of their actual value. We want to clear our counters.  
HAYDEN BROS.

## Green's Farmer's Excursions.

May 18th, at 2:15 p. m. The last opportunity of a society of the Board of Education. The candidates are numerous and they are keeping a pretty close watch over the movements and the mental inclinations of the members of the board.

The following are said to be among the applicants for the position: Mr. Holbrook, Frank Hamling, Charles F. Bicknell and Fred J. Borthwick. There are others who are after the position, and by the time the election rolls around in June there will probably be an even dozen or more of applicants from whom the board will have an opportunity to select.

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## RAILROAD RATES.

Colorado Roads Have Declared an Armistice—Missouri River Rates Next.

The Colorado Midland and the Denver & Rio Grande have settled their local differences in Colorado and local rates in that state will be restored by all lines immediately. The Santa Fe people, however, maintain their position that nothing can be done looking to the restoration of rates east of Colorado common points until a strong agreement is made for the maintenance of rates between Chicago and the Missouri river points and Colorado common points.

Chairman Caldwell, no doubt at the suggestion of Burlington, Rock Island and the Rio Grande, called a meeting of the general managers of all the lines in interest, east as well as west of the Missouri river, to meet in the Rookery building, Chicago, on Friday, for the purpose of considering a revised agreement and the readjustment of the Western's rates. By whom this agreement has been prepared is not known, but it is generally thought to have been the combined work of Mr. St. John and Mr. Harris, acting through their general passenger agents.

As regards the Utah situation nothing much can be learned except that the Union Pacific people state the responsibility for the Utah enterprise rests entirely with the Rio Grande road; that the difficulties were not sought or made by the Union Pacific; that rates can be restored at any time on proper legal notice and an agreement binding upon all Utah lines and their connections for the maintenance of rates after they have been restored and upon prompt redemption of all scrip tickets now on the market, which will affect rates when restored.

The Union Pacific, through Mr. Lomax, has wired the Rio Grande Western that just as soon as the agreement binding upon all Utah lines and their connections for the maintenance of rates after they have been restored and upon prompt redemption of all scrip tickets now on the market, which will affect rates when restored.

It is understood the agreement was broken by notice given in Chicago some time since by the Rock Island and Burlington that they would not be bound by the agreement made between the Union Pacific and the Rio Grande Western. The Union Pacific takes the position that unless the agreement to maintain rates is renewed there is no way by which rates can be maintained.

This position it is generally thought is taken in conjunction with the Santa Fe, and unless something greatly unforeseen occurs on Friday, Saturday will show the rate from the Missouri river knocked into a cocked hat by the Santa Fe's reduction to \$13.85 from Kansas City to Chicago and return.

## Railway Notes.

Thomas Thorpe and George Jenkins, two clever shoppers men representing the Pennsylvania lines, are in the city.

R. R. Sutherland, division superintendent, will be in the city this morning with the Union Pacific pay car. Mr. M. C. Nichols, general superintendent, will remain in Omaha until General Wade Hampton, railroad commissioner, leaves this city, when he will go west with him.

## MOSHER IS MERRY.

Ex-Bank Manipulator Charles Talks of Out-

It was reported in Lincoln yesterday that Banker R. C. Outcall, cashier of the defunct Capital National bank, had left the city. The report was circulated by some of the bank creditors, and the cause given for his disappearance was that he did not care to face the investigation which it was believed the federal grand jury, now in session at Omaha, would institute as to his knowledge of and connection with the various frauds perpetrated by the present Mosher. Outcall has been assisting Receiver MacFarland in winding up the business of the broken bank since the latter's appointment. Some of the ex-employees, friends and acquaintances of the man, however, claimed to have seen him in Lincoln yesterday, and they took no stock in his rumored disappearance, alleging that he would appear before the grand jury if he wanted and give any evidence required of him in connection with the affairs of the defunct bank.

Outcall's former partner in business, Mr. Mosher, now acting in some weeks past "in the custody of the marshal," remarked to a Bee reporter at the marshal's office that he supposed it was Outcall's turn to make a few hurried trips to distant lands and give him a rest.

"I have it from Mr. Outcall's attorney, though," said Mr. Mosher, "that he will not go to Australia. He is going straight to the moon. The Australian trip is entirely too commonplace for Dick Outcall. He will go to the moon, jury, anybody, kin, Dick kin, you may bet your life on that."

"But seriously, I don't know where Mr. Outcall is," continued Mr. Mosher, "I think he is on his farm south of Lincoln, but as I have seen him but once since he came to Omaha it is impossible for me to state where he is. I know that one of Marshal White's deputies has seen papers on his desk within the past twenty-four hours, so unless he must have postponed his trip to the moon, the papers I refer to were connected with the case that was filed in the circuit court the other day bringing suit against Mr. Outcall and myself as a note."

## It Costs More.

to stay home, than to take advantage of the Burlington \$10 excursion to Sheridan, Wyo., Tuesday, May 30. Ask the city ticket agent at 1324 Farnam street for further particulars.

## Think We Have No Kick Coming.

The smelter smoke of Omaha is tinted with rose laden fragrance, compared to that of Butte City, Mont., according to the opinion expressed by J. C. Scott of the latter community. Mr. Scott is making a brief sojourn in Omaha and is a guest at the Miramonte. He is authorized by the statement that the smelter smoke has become so insufferable in Butte City, and so many experiments to remove the smell have failed, that a movement to abandon the present smelters is now being seriously discussed. New smelters will be erected in that event, fifteen miles from Butte.

## FOR CRITICAL READERS.

C. Jennie Swaine Publishes "Legends and Lilies."

Doing a Tremendous Amount of Work for the Magazines.

She Had Nervous Prostration With Its Accompanying Troubles.

Mrs. C. Jennie Swaine, the poetess, whose contributions to the principal magazines are well known to the majority of readers, has just published through the Republican Press association of Concord, a neat little volume, "Legends and Lilies," which is attracting much attention.

"It is a book of verse," says one of the critics, "imbued with the poetic spirit, a search for beauty and a striving for the pure and high ideal." Mrs. Swaine has also just written "A Song of Gratitude," beginning:

A shattered bark upon the seas,  
I floated to the U. S. shade,  
Of which she says, in a letter to friends, written from her home in Pembroke, N. H.: "I inscribe a poem of gratitude upon the merits of Paine's celery compound."



C. JENNIE SWAINE.

pound. I could do it quite as easy as by letter, the writing of verse being the occupation and recreation of my leisure hours. The medicine has justly become very popular, and one instance of a remarkable cure has lately occurred within the circle of my acquaintances.

"My disease was in part nervous prostration, with accompanying troubles, and Paine's celery compound is a true panacea to tired nerves and aching brow; and what is best of all, the beneficial results are deep-seated and lasting. I have lately published 'Legends and Lilies,' and am writing for eight magazines and papers. Perhaps my book might be the best testimonial of the recuperating powers of the wonderful remedy, Paine's celery compound."

She says:

I had no time for sleep or rest,  
So much before me lay to do,  
From early morn to set of sun,  
Each moment seemed for work or quest.

The authoress vividly describes the depressed feelings of a weary woman who is over-worked and over-worried, the inability to accomplish her work, her search for some strength-giver, the help she first secured by taking Paine's celery compound, her return to health, and concludes, as thousands have said in grateful prose:

This medicine by far is best  
For all or youth and health in quest,  
And all who dread disease would shun.

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