

IMPORTANT TO RAILROADS

Decision in the Case of Duncan Against the Santa Fe and Other Roads.

RULING OF COMMISSIONER CLEMENTS

Rates on Household Goods and the Limit of the Carrier's Liability in Case of Loss—How to Recover.

WASHINGTON, Nov. 17.—The Interstate Commerce commission today, in an opinion by Commissioner Clements, announced its decision in the case of Blanton Duncan against the Atchison, Topoka & Santa Fe system and against the Southern Pacific company and the Louisville & Nashville Railroad company.

The decision concerns important rulings on household goods and emigrants' movables, carloads and less than carloads rates and the limit of carrier's liability in case of loss.

"The remedy of a party for goods shipped resulting from delay, detention, loss, breakage and other deterioration of damage not attributable to a violation of any provision of the act to regulate commerce," the opinion says, "is by appropriate action in the courts."

"Where a contract is made with a shipper by a carrier, member of a through line, for shipment of goods over the line at a less than the published lawful rate charged shippers in general, it is not a violation of the act to regulate commerce for the delivering carrier to accept payment of the full lawful rate before delivery. There is no necessary connection or relation between the rates on traffic of the same class transported between the same points in opposite directions over the same road, and the fact that such a violation in one direction is merely higher than that in the opposite direction does not, as in case of hauls over the same line in the same direction, establish prima facie, the unreasonableness of the higher rate. This is especially true where the hauls are of great length, and the rates charged on 'household goods' will not be declared unlawful on the mere fact that as a condition of granting them the defendants require the shipper to release all claims for damages in case of loss to the amount of \$25 per 100 pounds, or \$1.00 per car load of 30,000 pounds, there being no proof showing that such rates are unreasonable in view of said limitation. In case of loss the shipper's remedy is at law.

"Under the western classification and tariff there are two westbound carload rates from Missouri river points to Pacific coast terminals on goods termed 'emigrants' movables,' one a general class rate and the other designated a commodity rate, and less than the general rate, the latter rate is published as being open to intending settlers only, but in practice it is given to shippers indiscriminately, and does not appear to be unreasonable in itself. It is held that there is neither propriety in nor necessity for retaining in the classification and tariff the two rates, or the statement in connection with the commodity rates that it is open to 'intending settlers only,' as their intention can only serve to mislead the public and afford opportunity for the practice of favoritism and unjust discrimination as between shippers; also that the westbound rate on 'emigrants' (including household goods) from Louisville to Los Angeles should not be in excess of the amount of said commodity rate thereon.

The agreement of the transcontinental association on file with the commission is not on its face a 'combination' for the 'pooling of freight' or 'division of earnings' between the lines, and the pooling of freight, such as is declared unlawful by section 5 of the act to regulate commerce.

IMMIGRANT BUSINESS.

Solution of the Vexed Question is Still "Pending."

So much has been written about the immigrant situation and its relation to the railroads that it has become a good deal of a "chestnut" to the minds of some of the members of the Western Passenger association. But the solution of the vexed question, which is one of the most perplexing the general passenger agent of a trunk line has to consider, is no nearer solution than when the question made its first appearance in the Western Passenger association last January.

Like Banquo's ghost, it has made periodical visitations ever since, but more regularly than ever since the withdrawal of the Union Pacific from the association, by reason of the appointment of receivers.

Following closely upon the retirement of the Overland system from the Western Passenger association, a committee was appointed composed of John Sebastian of the Rock Island, "Billy" White of the Santa Fe and Kulsken of the Northwestern to labor with Mr. Lomax of the Union Pacific with a view to securing concerted action in promoting the business which undoubtedly is a plum for the railroads. The committee has given out to the Chicago press information as to the time it would have an interview with Mr. Lomax, but the information has proven unreliable. Thursday night a dispatch was received from Chicago, which stated that the committee had left for Omaha to confer with the Union Pacific officials, but the committee failed to turn up yesterday and inquiry into the matter failed to elicit any positive information when the committee would arrive in town, although it is thought the members will put in an appearance some time next week.

Mr. Lomax when seen yesterday had nothing to say regarding the question which was bringing the committee to Omaha, and pressing a willingness, however, of meeting the committee any time it might elect to come to the metropolis of Nebraska.

Looking at the situation from this end of the line, the whole matter seems farcical in the extreme. Knocked about as the Union Pacific has been since the 18th day of October, with its quiet of receivers to add sauce to the pudding, the Overland system is accused of all the crimes in the calendar by its competitors.

It is the height of foolishness to suppose that the roads will get together on a common basis for the disposition of the immigrant business so long as contracts exist with steamship lines.

COULD NOT AGREE.

Western Managers Not Yet Decided Upon a Time Schedule.

CHICAGO, Nov. 17.—The general managers of the western lines were unable to reach any agreement today on the question of time to the Missouri river and St. Paul. The obstacle was the probability that the Southern Pacific will lengthen its schedule. If this is done the Union Pacific will make some change in the time of leaving Omaha, in order to connect at Ogden. Until the western lines know what time will be necessary in reaching Omaha, they are not disposed to make any change whatever. Each line is for the present running its train according to its own convenience. The general opinion is, however, that the ultimate result will be a decrease of about ninety minutes in the time between Chicago and Omaha and Chicago and Kansas City.

The Western Passenger association committee, which was to leave here last night to Omaha to confer with the Union Pacific receivers upon immigration business is still here and likely to remain here. Today a message was received from General Passenger Agent Lomax of the Union Pacific, informing the committee that it could do no good by coming to Omaha as there was nobody there for it to talk to.

Chairman Caldwell, late tonight, issued a call for a special meeting of the Western Passenger association to be held next Tuesday for the purpose of arriving at some conclusion, for if none is reached, the bars will be thrown down completely, and there will be a wild scramble for immigrant business that will have a strong tendency to demoralize regular rates. The meeting of the transmission committee of the Western Passenger association, which was to have met next Tuesday at Kansas City, has been transferred to Chicago and will be held upon the same day as the meeting of the entire association.

WILL REVEAL DATE.

St. Louis, Nov. 17.—The Southwestern Traffic association has decided to restore rates on Texas traffic on Monday, December 4, to all classes, and likewise such commodity rates as have been already agreed

upon at this conference. A satisfactory compromise has also been reached by the Houston (Galveston) lines, and the differential question will no longer be a bone of contention.

WAITING ON THE UNION PACIFIC.

Western Passenger Association Affairs in an Unsettled Condition.

CHICAGO, Nov. 17.—(Special Telegram to The Bee.)—The members of the conference committee of emigration of the Western Passenger association did not start for Omaha today to meet Mr. Lomax and the other representatives of the Union Pacific as was intended. They were to have held a conference today on emigration matters. They were notified by the Union Pacific people that the latter would not be able to meet them in the meantime the Western Passenger association is getting tired of waiting for a settlement of this matter. A special meeting of the association will be called for next Tuesday to take final action on this seaboard immigrant business. The Omaha conference will be arranged for some day next week.

WENT TO THE WISCONSIN CENTRAL.

MILWAUKEE, Nov. 17.—(Special Telegram to The Bee.)—The members of the conference committee of emigration of the Western Passenger association did not start for Omaha today to meet Mr. Lomax and the other representatives of the Union Pacific as was intended. They were to have held a conference today on emigration matters. They were notified by the Union Pacific people that the latter would not be able to meet them in the meantime the Western Passenger association is getting tired of waiting for a settlement of this matter. A special meeting of the association will be called for next Tuesday to take final action on this seaboard immigrant business. The Omaha conference will be arranged for some day next week.

RAILWAY NOTES.

The Union Pacific is getting ready to change the running time of its trains Sunday, November 20.

President S. H. Clark of the Union Pacific is making a tour of the Nebraska division of the system.

E. B. Rosenberg of the Union Pacific accounting department has been appointed auditor of the Pacific Coast railway, with headquarters at San Luis Obispo, Cal.

TELEGRAPHIC BRIEFS.

Domestic.

A carload of crack running horses has arrived at Lexington, Ky., where they will winter. Among them is the famous Tenny.

The physicians fear there will be a complication of influenza and whooping cough. General Rusk. His condition is unimproved.

The State department has no information of the reported arrest in western Colorado of States Consul Robert Grant by the Brazilian rebels.

The steamship Yarmouth of the Boston & Yarmouth company has been sold to Flint & Co., who are the agents of President Peixoto of Brazil.

Prominent democrats are discussing the advisability of opening democratic national headquarters at Washington within the next few weeks.

Judge Hardy of Boston decided in the case of Simon Levy against Simon Miller that a man cannot lawfully marry his half niece in Massachusetts.

Alfred McDonald, colored, 21 years old, was hanged at Boston yesterday afternoon. The rope slipped and McDonald strangled to death in about ten minutes.

A New York paper last evening publishes a statement to the effect that the reason for Cleveland's trip to New York was to have a delicate surgical operation performed.

Albert E. Whyland of the Thurber-Whyland company, wholesale grocers of New York, which is now in the hands of a receiver, has resigned his position as treasurer of the company.

Ed Hogan and Donick W. Hogan, accused of complicity in the \$75,000 Mineral Range robbery, were each yesterday sentenced to five years imprisonment in the Marquette, Michigan prison.

On application of Arubcke brothers of New York Judge Rector of the United States district court at Dallas, Tex., appointed W. C. Holland receiver of the property of the Lone Star Elevator company.

The Illinois State Federation of Labor advised that after electing W. H. Madison of Chicago president, George Schilling was working against him in behalf of Governor Altgeld's candidate.

The Kansas City, Kan., Water Works company, a Kansas corporation, today transferred its entire stock and franchises in Kansas City, Kan., to the Metropolitan Water Works company of West Virginia.

The independent Flint and lime glass manufacturers had another meeting at Pittsburg, Pa., yesterday and perfected a new organization including all the manufacturers outside the United States.

Rich gold finds are reported from the Organ mountains, fifty miles northwest from El Paso, Tex. The state geologist in a report issued that within a few days a whole army of prospectors will leave for the Organ district.

A suit has been filed at Baraboo, Wis., asking to have the assignment of the Cumberland Valley bank set aside and to have a receiver appointed to take charge of the bank. It is charged that the bank has been fraudulently sold in the management of the bank's affairs.

The Chicago and Minnesota Ore company has closed the purchase of the Iron King mine on the Mesabe branch. The price is understood to be \$400,000 cash or its equivalent. The Iron King mine is one of the largest of all the Mesabe range mines.

This afternoon Captain Doherty and Detective Malone of the Fifth street station of New York came to the police headquarters and reported that the head of a dynamite bomb had been found in the cellar of the house at 79 East Third street.

Ex-Judge Reynolds and Lawyer E. M. Shepard, whose names were forwarded to Governor Flower of New York by District Attorney Ridgeway of Brooklyn, with the suggestion that they act as assistant district attorneys in the prosecution of John Y. McKane, decline to act.

Joe Jefferson came very near being killed in New York by the crank who shot into Delmonico's Thursday night. The actor had just left the seat over which the bullet coursed to the wall. McKane, who fired the shot, was today charged with insanity and committed for examination.

The Russian prince, Egilitchoff, who is said to figure in the sensational insanity case of Mrs. H. M. Country of St. Louis, is well known in Chicago. He lived in the fashionable Metropolitan hotel while here and is said to have been regarded by his acquaintances as somewhat of a "high roller."

The general term of the New York supreme court has reversed the decision of the lower court, sustaining the action brought by William R. Laidlaw to recover \$50,000 damages from Joseph Sage for injuries received by Laidlaw in the dynamite explosion in Sage's office. A new trial is ordered.

The general term of the New York supreme court yesterday set aside the verdict in the case of Charles W. Gardner, superintendent of Parkville society, who was convicted a year ago in the court of general sessions for extorting money from Lillian Clifford, the proprietress of a disorderly house.

United States Marshal A. R. Grant yesterday levied an attachment on the new Brazilian warship *Niteroy*, formerly *El Cid*, now lying here from leaving the New York port until the salaries of Joseph Noonan and Joseph McKane, master and engineer, respectively, of the *Niteroy*, are paid.

John G. Egan was to have appeared before Commissioner Shields of New York yesterday afternoon for examination on the charge of misappropriating money not belonging to him. His counsel, George Hill, sent word that he could not attend and the examination was set down for Friday, November 24.

FOREIGN.

Ambassador Sir Michael Culme Seynour, who accompanied the British fleet that visited Tampa, Italy, has been appointed to St. C. H. Marie Saint Emy, a clairvoyant, has been arrested at Marseille on the charge of being implicated in a plot to blow up the Emperor's National.

General Dohis has telegraphed to the French minister requesting the report of King Boharzin's flight and the submission of a number of his belongings.

A telegram from Madrid says: The Spanish officers have received news that the insurgent, Admiral Mello, had proclaimed the son of the Emperor of Brazil.

The gauntlet trial has been ended at Hanover with the following sentences: Hirsch and Hillman, described as agents, to two and a half years imprisonment and fines of 3,000 marks; the rest of the accused, Groll and Schwalzer, and Hirt Krahn were acquitted.

The Reichstag yesterday re-elected its former president and adjourned until Thursday, when the Reichstag will convene with Spain and other countries will be read. Herr Manthey submitted a resolution prohibiting the immigration of all Jews who are not German subjects.

Prince Bismarck, replying to an address of the West Prussians, has written a letter in which he says: "My recovery, though slow, is proceeding so steadily that with God's help, I hope to regain my former health during the course of the winter, and it will then give me great pleasure to welcome here those of my political and personal friends wishing to honor me with a visit."

TRIED TO BUNCO THE BANKS

Arrest of a Shrewd Swindler Who Endeavored to Raise a Stake.

COFFIELD AND HIS CONFIDENCE GAME

Several Financial Institutions Visited by a Mysterious Stranger, Who is Now in the City Cage—His Methods Discovered in Time.

When the police arrested W. C. Coffield at the Midland State bank on North Sixteenth street yesterday afternoon they evidently took into custody one of the neatest swindlers seen in this part of the west for some time. Coffield was not visiting Omaha for his health, as a couple of bankers will testify. He had a scheme, and it was not a new one by any means.

The prisoner now occupying the "Moshier apartment" at the city jail acknowledged the books as W. C. Coffield's, called at the Midland bank the latter part of last month and deposited \$500 in cash. A day or so later he drew out \$300. Thursday morning he presented himself at the paying teller's window and deposited a New York draft on the National Bank of Waukesha, Wis. The teller gave Coffield credit for the amount, some \$1,500, and thought no more about it.

When the cashier came across the paper, he thought he would chance the price of a telegram on the paper and sent a message to the Wisconsin bank. Before an answer was received Coffield had withdrawn the rest of his cash balance. Yesterday afternoon he returned to the bank with the intention of "drawing a few hundred" on account of his draft.

Word had been received by the bank that the draft was bogus and Detectives Hayes and Hudson were waiting for the swindler. He was arrested when he presented himself at the bank. When searched at the jail the police found \$125 in currency and a revolver on his person.

Just after the arrest the attorneys for the Commercial National bank telephoned the jail that they were waiting for the prisoner, as he had just worked them for \$1,500 on the same deal.

The same game was tried on the Union National bank, but the officials of that institution did not "bite." They said they would send the draft for collection.

Last night the Commercial National bank had attached papers served on Jailer Harvey and Chief Seavey for the money which was taken from Coffield.

The prisoner was seen in the jail, but he refused to talk and would not give any other hints. The officers have been unable to locate his apartment.

The man is unobtrusive, has a dark complexion and dresses like a ranchman.

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NAGL IN DISGRACE.

Ex-Omaha Man Turns Up as an Embezzler in Chicago.

Julius Nagl, who formerly ran a saloon in Omaha on South Thirteenth street, has a charge of embezzlement to face in Chicago.

Nagl was appointed collector in the department of public works by Mayor Washburn when he first went into office and until last September, when he was summarily discharged from the city's service. His duties were to collect bills from the city's creditors and his work was entirely done in the office of the city treasurer.

"Please make checks payable to department of public works and mail to R. A. Smith, room 22, at the city hall," was the order of some of the persons upon whom the collector called paid him in cash. Among other things, Nagl had a bill for \$1,000 from the Chicago City railway car and sprained his ankle, necessitating his keeping in the house for several days. What he did with the bill had been paid and that Nagl had given a receipt for it. The cashier could scarcely credit the statement, for Nagl's reputation had been the best.

To make certain he went to Marshall Field & Co.'s store and asked the cashier for a receipt. It was shown him and he could no longer doubt. He then began inquiring among other creditors who were ordinarily prompt about the payment of their bills, but who had seemingly developed a bad habit of late of not paying up. He found other bills had been paid and that Nagl had given receipts for them. Nagl appeared at the office Friday and the cashier accused him of having collected the money and kept it.

Nagl confessed that the amount he had so secretly aggregated about \$600. His head was looked up and the bondsmen found to be good for any deficiency. Nagl was thereupon promptly discharged and a detective was appointed to keep him under surveillance, that he might not get away. He had said he would make the amount good and the officials of the department do not wish to arrest him if they were occasioned no loss.

Picked Up the Challenge. The members of the Omaha Gun club met at Parmelee's gun store last evening and decided to accept the challenge of the Iowa shooters to shoot them a team shoot for \$50.

COVERED HEAD & NECK

Eczema of Worst Type. School and Society Abandoned. Felt Death Would be Relief. Cuticura Soon Put An End to All Sufferings.

Ever since I was three years old I have been troubled with Eczema of the worst type. It at times completely covered my head and neck. I have tried all sorts of medicines, and have been doctored by many very eminent physicians, but with no result. I was finally cured by Cuticura. I was once so much afflicted that I could not go to school or mingle with society, as the disease smelt so bad. I felt at times that death would be a relief, and during one of these attacks I hardly knew what to do. I got my Cuticura Remedies from a friend of mine and used them according to directions, and can now say that they soon put an end to all my sufferings. Words can never tell my thanks to you and how valuable medicine and I shall always recommend them to whoever I see suffering from the terrible disease. I had great relief and tried the best of doctors with but little relief.

Miss HANNAH WARREN, 147 George Street, La. Croze, Wis.

I have suffered from a severe attack of what is called Prurigo. The disease produced an intense burning and itching sensation that kept me in constant agony all the while, so that I got but little rest day or night. Cuticura cured me entirely in a few weeks. I heartily recommend it for like troubles.

CHAS. W. WATFLE, Ottawa Station, Mich.

CUTICURA WORKS WONDERS

CUTICURA REMEDIES cleanse the system by external and internal application of every eruption, impurity and disease, and constitute the most effective treatment of modern times.

Sold throughout the world. Price, CUTICURA, 50c.; SOAP, 25c.; RESOLVENT, 50c. CUTICURA AND SOAP, 75c.; RESOLVENT, 1.00. Sole Importers, Boston, U.S.A. Beware of cheap imitations. Price, CUTICURA, 50c.; SOAP, 25c.; RESOLVENT, 50c. CUTICURA AND SOAP, 75c.; RESOLVENT, 1.00. Sole Importers, Boston, U.S.A. Beware of cheap imitations.

ACHING SIDES AND BACK.

Hip, kidney, and various pains and weakness relieved in one minute by the Cuticura Anti-Pain-Flinator. The first and only pain-killing plaster.

CRUSHED BY THE CARS.

Neils Lauritsen Killed in the Railway Yards Last Night.

A man supposed to be Neils P. Lauritsen was run over and killed by a Union Pacific switch engine at the foot of Harnay street last night.

One of the night switch crews had received several cars of stock to be transferred to the South Omaha stock yards. The train was moving along at a moderate rate of speed, when one of the switchmen saw a man almost under the wheels of the first car. He attempted to give warning to the man, but the noise of the wheels prevented the man from hearing him. The forward trucks ran over Lauritsen, cutting off his right leg and crushing his abdomen. The man rolled to the side of the tracks and the train was stopped almost within a car's length from the spot. Death must have resulted instantly.

The coroner was notified and he had the body removed to the morgue, where he will hold an inquest this forenoon. Among the effects of the dead man was a bank deposit book and a deed to some property made out in the name of Neils P. Lauritsen. There is such a name in the city directory and the address given is North Thirteenth street near Madison.

The dead man wore the garb of a laboring man, but he evidently has a snug sum in the bank. His watch was broken and had stopped at twenty minutes to 10 o'clock. He is a man past middle age and wears a full beard. No one seemed to know him last night, but Coroner Maul thinks he will fully establish the identity of the man today. The coroner could not tell much about how the accident occurred, as they did not see him until he was almost under the wheels.

She Took a Drip Too Much. CHICAGO, Nov. 17.—Mrs. Susan O'Hara, wife of ex-City Treasurer Daniel O'Hara, died at her house in this city today. Alcoholism is thought to have been the cause of her death.

Word had been received by the bank that the draft was bogus and Detectives Hayes and Hudson were waiting for the swindler. He was arrested when he presented himself at the bank. When searched at the jail the police found \$125 in currency and a revolver on his person.

Just after the arrest the attorneys for the Commercial National bank telephoned the jail that they were waiting for the prisoner, as he had just worked them for \$1,500 on the same deal.

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ACHING SIDES AND BACK.

Hip, kidney, and various pains and weakness relieved in one minute by the Cuticura Anti-Pain-Flinator. The first and only pain-killing plaster.

CONTINENTAL CLOTHING HOUSE.

Saturday is the great bargain day in the history of the clothing business of Omaha. The Thompson, Willis & Newgent stock of Men's, Boys' and Children's Overcoats and Ulsters, is on sale at these prices.

PRICES ON MEN'S ULSTERS.

Table with 4 columns: Lot No., T. W. N.'s Price, Usual Retail Price, Our Price. Lists various styles of men's ulsters and their prices.

PRICES ON MEN'S OVERCOATS.

Table with 4 columns: Lot No., T. W. N.'s Price, Usual Retail Price, Our Price. Lists various styles of men's overcoats and their prices.

PRICES ON BOYS' ULSTERS.

Table with 4 columns: Lot No., T. W. N.'s Price, Usual Retail Price, Our Price. Lists various styles of boys' ulsters and their prices.

BOYS' ULSTERS. SIZES 8 TO 14 YEARS. PRICES \$4.50, \$5.50, \$6.00.

Great Special Sale.

On Saturday, of Boys' all wool

CHEVIOT SUITS AT \$3.50.

Ages 6 to 16 years. You cannot afford to miss this.

GREAT BARGAIN SPECIAL FOR SATURDAY IN Children's Overcoats.

Ages 3 to 7 Years, At \$2.75

A handsome plaid kilt garment, worth \$4.50. A sample will be shown in our window

COLUMBIA SKATES FREE ON SATURDAY

To every purchaser of a boys' suit or over coat we will present free a pair of Columbia Adjustable Skates which retail for \$1.00.

CONTINENTAL CLOTHING HOUSE.

Admission 15c. Reserved Seats 25c. Tickets on sale at Chase & Sibley



Mrs. Mary E. O'Fallon of Platte, O., says the Physicians are Astonished, and look at the like case

Raised from the Dead Long and Terrible Illness from Blood Poisoning

Completely Cured by Hood's Sarsaparilla.

Mrs. Mary E. O'Fallon, a very intelligent lady of Platte, Ohio, who is now assisting physicians at an autopsy 6 years ago, and soon terrible ulcers broke out on her head, arms, tongue and throat. Her hair all came out. She weighed but 78 lbs., and saw no prospect of help. At last she began to take Hood's Sarsaparilla and at once improved; could soon get out of bed and walk. She says: "I became perfectly cured by Hood's Sarsaparilla and am now a well woman. I weigh 128 lbs., and will do the work for a large family. My case seems a wonderful recovery and physicians look at me in astonishment, as almost like one raised from the dead."

HOOD'S PILLS should be in every family medicine chest. Once used, always preferred.

AMUSEMENTS.

BOYD'S NEW THEATRE.

TODAY. TONIGHT. This (Saturday) Nov. 18. BARNABE, KARL AND McDONALD'S ROBIN HOOD OPERA COMPANY

Last two performances of De Koven and Smith's great comic opera.

ROBIN HOOD

Matinee Today at 2:30. Evening Performance at 8.

Prices—First floor, \$1.00 and \$1.50; balcony, 50c and 75c; gallery, 25c.

BOYD'S NEW THEATRE.

Sunday and Monday, Nov. 19 and 20. SPECIAL ENGAGEMENT OF THE DISTINGUISHED AM