THE OMAHA DAILY BEE: 'MMURSDAY, NOVEMBER 29, 1894. IN THE HANDS OF THE JURY out of the failure of the old Metropolitan Street Lighting company, was taken from the jury in Judge Ambrose's court and the cvidence submitted to the court. Arguments SOLD ON THE SHERIFF. Bills were discussed which will be intro-duced at the opening of congress. HAYDEN BROTHERS. Entire Stock Ments and Ladies' Fine Fur WESTERN PENSIONS. nishings of Stern & Co., New York. will be made in the case on Friday. SOLD BY SHERIFF TO BOSTON STORE Veterans of the Late War Remembered by Special Grocery and Meat Pargains Thurs-Arguments in the Payne Murder Trial ON SALE SATURDAY. The Judge Keysor has issued an order confirm-ON SALE SATURDAY. Of all the many surprising sales which have taken places in Boston Store, it seems that each new sale passesses a value and an attraction that theoeners did not have. the General Government. WASHINGTON, Nov. 28.-(Special.)-Pensions granted, issue of November 15. ing the sale of the property of John Mulvihill, occupied by the Steele-Smith Grocery com-pany, under a mortgage for \$50,000 in favor of the Northwestern Mutual Life Insurance day and F. iday Morning. Concluded and Case Submitted. Youth's Nebraska: Original-Stephen F were: This stock of menis and ladies' fine fur-aishing goods is a senuine Broadway, New Boone, Sidney, Cheyenne, Increase-Thomas E. Gester, Deweese, Clay, Reissue-William SPECULATION AS TO THE VERDICT company of Milwaukes. The insurance com-pany has been given possession of the READ ADVERTISEMENT ON FIFTH PAGE Blackwood, Fort Calhoun, Washington; James H. Valentine, Lincoln, Lancaster. stock, in all the name "Broadway" York. property. Opposing Attorneys Forget Professional New Lot of Cloaks, Furs Capes JustReceived, LADIES' HOSINRY, LADIES' GLOVES. A Great Battle Iowa: Original-Alonzo Avery, Humboldt, Companion for 1895 People who buyern Broadway, New York, are contented with mething but the best, and this "Stern & Co." concern bankrupted Ethics in Making Their Final Addresses Is continually going on in the human system Closing Out Black Dress Goods 50c Humboldt: Peter Qualter, Marshalltown, Marshall; John E. Frank, Red Oak, Mont-The demon of impure blood strives to gain victory over the constitution, to ruin health and Are Called Down by the Court on Dollar-Silk Mixed Dress Marshall; John E. Frank, Red Oak, Mont-gomery; Charles I. White, Cresco, Howard, Additional-John Carpenter, Molngona, Boone, Increase-Edgar C. Cobb, Keckuk, Lee; James Armstrong, Shannon City, Union; Samuel Horner, Onawa, Monona, Reissue-Thomas J. Smith, Indianapolis, Marion; Isaac Current, Knoxville, Marion; Charles H. Jennings, Newton, Jasper, Orig-inal widows, etc.-Martha J. Berry, Barney, Madison; Martha J. Cool, Fairfield, Jeffer-son; Mary E. Balton, Sloux City, Wood-bury. this "Stern & Co." concern bankrupted themselves in trying to keep up with their -The Judge's Charge. Goods 5c. to drag victims to the grave. Hood's Sarsa-parilla is the weapon with which to defend one's self, drive the desperate enemy from trade. Their entire stock, consisting of all kinds In yesterday's Bee the black and colored At 6:15 o'clock last evening the evidence the field, and restore bodily health for many Ladies', misses' and children's underwear, Ladies' hosiery, in the case of the state of Nebraska against years. serges advertised on 5th page at 39c should have been quoted as 46-inches wide, in-Sam Payne, charged with the murder of Ladies' gloves, Men's fine underwear, Hood's Pills cure nausea, sickness, indiges Maud Rubel on the 27th of May last was stead of 40-inches wide, an error for which ion and billousness, 25c. the printer is responsible. given to the jury. The case had been on trial Men's fine shirts. son; Mary E. Balton, Sloux City, Wood-bury. Colorado: Original-Charles A. Spaulding, Lyons, Boulder, Additional-George W. Freeman, Cheyenne Wells, Cheyenne, South Dakota Original wittows, etc.-Re-becca L. Reynolds, Bonesteel, Gregory. Wyoming: Original-James McCue, Sun-dance, Crook. Montana: Original-Peter Sorrell, French-town, Missoula. Men's fine neckwear, Men's fine hosiery, HAYDEN BROS. ten days and was in many respects sensa-LOCAL BREFITIES. Our store will be open Thanksgiving morntional. The theory of the defense was that Men's fine gloves, Men's fine suspenders, Goes on sale Saturday ing until 12 noon; we have still the Sam Payne did not commit the murder, but James F. French yesterday pleaded guilty J. T. Trowbridge the charge of breaking into and robbing MIXED NUTS, 756C LB. that the crime was committed by Dr. Brown. At prices that will pack our store with eager buyers from early morn to late at he postoffice at Ponca. The finest lot of nuts ever shown in Omaha who was first arrested for the homicide, The Millard hotel is being renovated and and the price is not half their value. and that Payne's only part in the case way refurnished throughout, a large force of painters and paper-hangers being. at work Contributes a SILK MIXED DRESS GOODS, 5C. iight Wait for this. Saturday at BOSTON STORE, N. W. Cor. 16th and Douglas. his disposal of clothing and jewelry taken 9 to 10 o'clock Thursday morning, double Serial Story, from the dead body of the girl, for which ecorating the place. FOREGOES ALL ITS CLAIMS. width silk mixed dress goods, 7 yards to a D. D. Hoxsie served as a clerk of election service he was paid by Brown. While there in the First district of the Eighth ward and has addressed a communication to the city council in which he asserts that he has not customer, at 5c a yard. What the Government Gives Up in the Ben-"The Lottery Ticket." was not much testimony in support of this THANKSGIVING DINNER THE SAMPLE UNDERWEAR. son Compromise. SAN FRANCISCO, Nov. 28.-By the terms theory other than Payne's evidence on the 23c on the dollar is still on sale: remember MASONIC HALL. en able to cellect his pay. A committee stand, the defense succeeded in introducing we had the entire lot from six mills, and of the compromise in the Boston civil case Thursday, November 29, 1894, many matters tending to create a doubt of will investigate. the government foregoes all its claims for damages, and the Nevada back and Henry Pierce, the capitalist, will be able to collect something like \$330,000 from the you can get any kind of 12m. to 4 p. m. Given by People's Church. The Universalist, Jewish and Unitarian Payne's guilt in the minds of the jurors and ccleties will hold service together at the initarian church at 10:45 a. m. Rev. MEN'S UNDERSHIRTS, WOMEN'S UNDER VESTS, CHILD'S UNDERVESTS: when the case was finally submitted last night the impression prevailed that the jury Unitarian church at 10:45 All who need a dinner come. NO CHARGE. Augusta J. Chapin, D.D. of the Universalist church will preach the sermon. Subject, DRAWERS TO MATCH. would either fall to agree or return a ver-dict of manslaughter at the most. Those who will contribute do so at once. United States. 33C ON DOLLAR. There are two branches of the Bensor CHAS. W. SAVIDGE. There was nothing startling in the conclud-ing evidence and there was but one break in "Thanksgiving in History." A special sale of ladies' white case, the criminal and the civil. It is only the latter that has been compromised, but according to the acknowledgment of the officers of the government this will have an effect on the criminal prosecution. When the frauds were exposed in 1884 and 1853 Ben-son had earned \$1,100,000 from the work of deputy surveyers, and he held further claimi of nearly \$499,000. The government will hold all of the surveys and refuse payment. Civil suits for the recovery of \$538,000 were begun and indictments were found against Henson and his partners. The claims held by Benson were assigned by him to the Ne-vada bank and Dr. Plerce. The aggregate amount was \$250,000, of which the bank holds claims for \$240,000 and the capitalists for \$90,000. case, the criminal and the civil. It is only The charter amondment committee met last ing evidence and there was but one break in the testimony offered by Payne on the stant. He testified that after he was started for the pen for safe keeping he did not know what he was doing for several days, owing to his state of terror over the manner in which he had been threatened and scared by the police. The cross-examination, however, developed that he was very much alive to the situation. Mr. Kaley succeeded in getting the accused to describe in detail the manner in which he was treated at Lincoln. He told how he was examined by the prison officiats and given a bath and described with remarkable accuracy the furniture and location of the warden's HOMESEEKERS' EXCURSION. KID GLOVES, \$1.98. The Volume for 1895 will contain Fascinating Serial Stories ; more 12-button length, worth \$2.50; another lot To Houston, Tex. than One Hundred Short Stories; Household Articles; Weekly Editorials, On Tuesdays, December 4 and 18, 1 will hook Foster Popular Science Articles, Glimpses of Remote Corners of the Earth, KID GLOVES, 98C. run landseekers' excursions to Houston, Texas, \$20.00 the round trip. R. C. PATTERSON, Anecdotes of Famous People, Weekly Health Articles and a Page de-voted to the Children of the Family each week. regular \$1.50 quality; Saxony wool mittens, the 40c quality for 25c 425 Ramge Block, Omaha. MILLINERY DEPARTMENT. FREE to 1895. To the Pacific Coast and All Western Points We have a lot of stylishly trimmed hats New Subscribers who send \$1.75 at once will re-ceive The Companion Free to January 1, 1895, Via the Union Pacific, the World's Pictorat 98c, \$1.48, \$1.98 and \$2.48, made up neatly ial line. Read the time. To San Fran-cisco from Omaha, 67% hours; from Kansas of best materials, that you can not purchase City, 72% hours, To Portland from Omaha, 65% hours; from Kansas City, 71 hours, First-class through Pullman cars. Dining car service unsurpassed. Free chair cars. Upholstered Pullman Colonist sleepers daily and for a full year from that date. This special offer includes the THANKSGIVING, CHRISTMAS AND NEW in a millinery store for double our price. HAYDEN BROS. the faralitize and location of the warden's son, Andrew Nelson and B. H. Post office and rooms. This was the only respect, are four milk dealers who were ar-YEAR'S DOUBLE NUMBERS. Twenty Injured on a Street Car. HARVEST EXCURSIONS SOUTH. however, in which Payne's statements were rested Tuesday afternoon for dealing out milk in measures considerably below the SAN FRANCISCO, Nov. 28 .- A boiler bol THE YOUTH'S COMPANION, Boston, Mass. tangled by the cross-examination. between Chicago, Council Bluffs, Omaha and San Francisco, via C. & N. W. and Union which had been placed in the slot of the car Via the Wabash R. R. In rebuttal the detectives corroborated each standard. Each one was fined \$5 and costs On November 20, December 4 and 18, track on the Hyde street line by some other's statements concerning the giving of in police court. Pacific system without change, connecting the statements and confessions by the pris-oner and went over in detail the evidence and racing association meeting Tuesday will malicious person wrecked the car, and twenty the Wabash will sell tickets at one fare, at Cheyenne with similar cars for Port-land; also daily between Kansas City and with \$2 added. For tickets or a copy of the Homeseekers' Guide call at Wabash ofpersons were injured, some seriously offered on the state's examination. Mrs. Lowry was called and told that Payne had ing this week to discuss the best plans for fice. Portland, connecting at Cheyenne will similar cars for San Francisco. G. N. CLAYTON, N. W. P. Agt., Omaha. given her a pair of earrings and a ring. She procedure. Any persons having suggestions kept the ring, but returned the earrings. She or offers of suitable locations for the new Corresponding time and service to Colo-rado, Utah, Wyoming, Idaho and Montana

also told of having seen Payne burn two mile track should meet the committee this blood-covered handkerchiefs. He was trying week. to wash them and she advised him to burn them, as they looked bad. He acted upon her The judiciary committee of the city council suggestion and burned them in his mother's

When court opened yesterday Judge bers of the city council that the city has no right to dispose of the coal, which can be Scott asked if the attorneys could agree as to the amount of time they wished to consume their arguments. Both the state and the used in the city hall. The ladies of the First Congregational defendant's attorneys expressed their deter-

defendant's attorneys expressed their defer-mination to get through with the arguments as soon as possible, but did not scem willing to place any limit. Mr. Slabaugh opened the case for the state and talked for two hours, reviewing the evidence in detail and claim-ing a verdict, on the testimony, of murder in the first degree. He was followed by Indem Langdon for the defines who add

in the first degree. He was followed by Judge Langdon for the defense, who ad-dressed the jury for two hours. He was followed by Mr. Tuttle, who made an im-passioned appeal for his client. The conassociation rooms will practically be closed and no services will be held there in order to give all the members a chance to go and hear General William Booth, the famous orcluding argument for the state was made by Mr. Kaley.

Considerable feeling between the representatives of the state and the defendant's attor-

Where is the substance of the evidence of the defense?" asked Mr. Kaley, with much vigor.

ganizer of the Salvation army. Members of the association have taken a large number of seats for Sunday army aervices. tives of the state and the defendant's attor-moys was manifested in the arguments. In-his closing address Mr. Kaley stated that while the coursel and the judge might do their duty if the jury failed to do their duty anarchy would follow and mob violence. That was as far as he got for Mr. Tuttle was on his feet with a strenuous objection which the court sustained. Moines. Ia. George Cradock, Wakefield, England is at he Paxton. Hon. Orlando Tefft of Avoca was in the city yesterday. the Paxton. John C. Dugan and wife, Woodbine, Ia. are at the Millard. and W. A. Morris, Redfield, defend him. S. D., is at the Arcade. The city treasurer has recommended the The city frequencies has recommended the issuance of bonds in the amount of \$5,900 to cover the cost of grading Thirty-first streat from Half Howard to Leavenworth. He also recommends that the levy be made on the \$690 in bonds issued last June to cover The foot ball players of the State university of Iowa are at the Dellone. L. C. Hughes and Miss Lizzle Harlan, De Moines, Ia., are at the Barker. Frank T. Campbell, ex-railroad commisthe cost of grading the alley between Marcy and Mason streets from Thirty-first to sioner of Iowa, was in Omaha yesterday. Captain L. W. Billingsley of Lincoln was in attendance upon federal court yesterday. Thirty-third street. The male members of the Knox Presby-Joe Kelley and wife and George C. Pierce terian church embarked in a new line Tuesday evening, holding a sociable without the aid of and wife, with Spo are at the Barker. with Sport McAllister company the ladies. The gathering was held in the church parlors, while luncheon was served, all of the work being done by the men. William Gilbert, A. J. O'Brien and Walter Goldie, with Sport McAllister company, are domiciled at the Barker. After the men had served the supper they entertained their invited lady guests with Arthur C. Pell and Sam Rose of New recitations, reading and music. Yory, and Arthur Ware of Chicago are registered at the Barker. The reports received entries Board of Health indicate that the epidemic of scariet fever is quite prevalent among the school children Miss Mabel Craig, Miss Lillie Hickler Miss L. Ennis, Mrs. K. Warren and Mrs. Maggie Fielding, with the Sport McAllister of the city. The Lothrop school is not the only one affected, as there are sixteen chil-dren now out of the Sherman school with the same disease. There are also cases of ompany, are registered at the Barker. James Pierce, who has for some time been night clerk at the Arcade, has gone to the Drexel hotel and is succeeded at the Arcade by J. F. Dehany, formerly of the Murray. Dr. Tindall, presiding elder of the Grand pated. Island district and former pastor of Fire Inspector Joe Laux and Officer Sam Seward Street Methodist church, was in the Drummy, who are inspecting buildings and areaways, have filed a complaint against Wilcity yesterday. Judge Baxter left last night for Chicago liam Schultz, a furrier doing business at 319 and will return on Monday. Mrs. Baxter ac-companies the judge, and will go on to New York, where she will visit with friends until the rear part of Schultz's store they found after the holidays. a pile of ashes heaped on top of a lot of loose Registered at the Mercer: A. E. Pearce hay. Schultz admitted putting the ashes on New York; W. S. Caldwell, New York; M. F. King, Lincoln; J. R. Corey, Harvard; H. top of the hay, but said it was all a mistake, as he had no intention of doing anything R. McCoy, St. Joseph; C. A. Bowman, Chi-cago; W. Flynn. Lincoln; O. H. Swingley, Beatrice; W. C. Heimbuecher, St. Louis; wrong. Mayor Bemis has received a communication from Alexander Hogeland, president of the Boys and Girls National Home and Em-J. W. Woodard and wife, Des Moines. ployment association, asking him to send two delegates, including the chief of police, to the seventh annual convention of the associa-Nebraskans at the Hotels. At the Millard-A. D. Welton, Phil Green H. Cooper, Greenwood; Asa K. Leonard, Norfolk. tion, which meets at St. Louis December 11. It is not likely that the chief will be asked to attend, but if there are a couple of ambi-Norfolk. At the Dellone-W. E. Henry, G. R. Mus-tard, Pender; J. A. Oills, A. Rowan, Ord; C. A. Whyman, Lincoln. At the Arcade-W. P. Burch, Nebraska City; D. J. Fogerty, Fremont; C. E. Wilson, Crawford; J. A. Wood, Levi Wilcox, Pan-ama; A. E. Kerns, Peru. At the Merchants-P. H. Johnson, Grant; M. L. Blackburn, Lincoln; C. A. Peterson, Inman; F. A. Huston, Schuyler; H. D. Miller, Stanton; H. E. Murphy, O'Neill. tions citizens who would like to be endowed with all the honors attendant on the position they can be accommodated by communicating with the mayor. Colonel John Reed, the popular boniface from Valley was in the city yea-erday. He has recently returned from terday. returne. from an extended visit in Europe and regales his friends with many amusing stories of his adventures while across the big pond. During Mr. Reed's ab-Europe

For further information call on your near-est ticket agent or address H. P. DEUEL, C. T. A. U. P. System, On and after Sunday, November 4., the Chicago, Milwaukee & St. Paul "electric is considering a request from the managers of the Home for Aged Women for the dona-tion of a part of the coal that was left in the election booths. It is claimed by some mem-C. S. CARRIER, Ticket Agent. C. S. CARRIER, Ticket Agent. 1504 Farnam St. Oplum habit and alcoholism treated. Years of experience. H. W. Hyde, M. D., 407 Pax-ton block, Omaha, Neb.

New Omaha Limited Train.

PERSONAL PARAGRAPHS. George A. Mead of Sloux City is a Millard

guest. R. W. Thompson, Bedford, Ia., is a Paxto On next Sunday the Young Men's Christian guest.

M. C. Keith of North Platte is at the Paxton Walter McGee, Rapid City, S. D., is at the Merchants.

J. C. Root and wife are visiting at De-

From Omaha every Thursday morning, through to San Francisco and Los Angeles without change of cars. Experienced excursion managers and uniformed Pullman porters in charge. Second class tickets ac-cepted. Cars are carpeted and upholstered and have spring seats and backs, mattresses blankets, curtains, pillows, towels, etc. Only \$5.00 for a double berth, wide enough and big enough for two. The route is over the "Scenic Line of the World," through Denver, Salt Lake City and Sacramento. All the wonderful can-yons and peaks of the Rocky mountains are passed during the day. Full information at 1324 Farnam street, or by addressing J. Francis, general passenger agent, Burlington route, Omaha, Neb.

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to the usual preparations of cod liver oil. The does is Our Italy. Time was when the "glorious climate of California" dil not attract tourists. But year nauseating, and the weakened after year the tide of travel sets in stronger and stronger every fall and winter toward this favored region. There is no climate like it on this continent for a winter resort, and the usual fine service of the Union Pacific stomach cannot retain, much less digest it. Unlike all other preparations of cod liver oil is system has this season been brought to a

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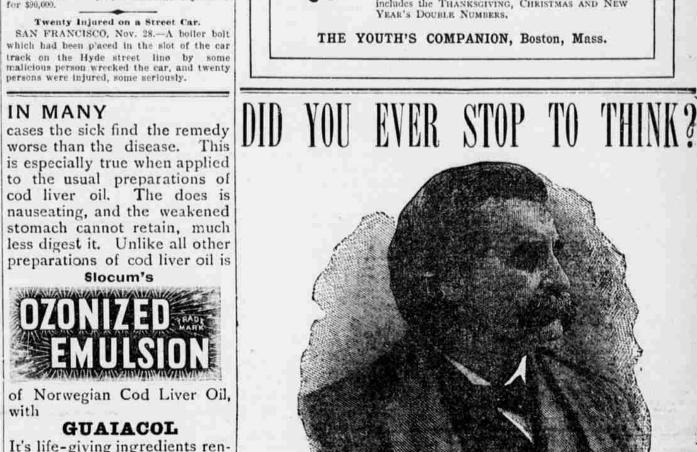
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'Here it is, here it is," thundered Mr. Tuttle, waving the alleged confession of Payne in the prosecuting attorney's face "Take it, take it and explain it to the jury." The court finally had to insist that the attorneys observe the rules of professional

etiquette and cease their interruptions. Judge Scott's charge to the jury was lengthy and explicit. He dwelt at consider-able length upon the question of a reasonable doubt and explained that while in civil cases

a preponderance of testimony would warrault a verdict in the case in question, the full belief of the guilt of the accused would alone warrant a verdict of guilty. The jury was taken to supper immediately

upon the conclusion of the instructions of the court and was then locked in the jury

## James Gets One and Amanda Two.

Judge Baxter has decided the family Judge Baxter has decided the failed in and his trouble between James Gladwin and his former wife, Mrs. Amanda Leach, which was a fight for the possession of three children. The court has decided that the youngest girl, Mamle, shall be given to the custody of Mr. Gladwin, while Grace and Maud will remain with their mother, who has been appointed the'r guardian.

The case was on trial for several days and rew nastier as it proceeded, until finally the line was drawn on the admission of any fire ordinances. The inspectors claim that in further evidence showing the former character of either the father or mother of the children. In passing upon the case Judge Baxter stated that there had been abundant evidence to show that in the past both the father and mother of the children had been questionable guardiany, but that the evidence was that both were now proper persons for the care of the pirls and he made the ruling. This does not change the make-up of the families, as Mamie has been with her father for five years, while Mrs. Leach has had postession of the other girls. The decision, however, makes the arrangement permanent and stops the fight for the children, which has been going on for several years and has brought them and their parents into very unenviable notoriety.

## Notes of the Courts.

An administrator has been appointed in the estate of Charles J. Smith.

Arguments were made in the case of Hetzel against Bennett in Judge Keysor's court. will of Andrew M. Back has been admitted to probate in the county court.

Judge Blair returned from Sarpy county last evening, but will have no court business until Saturday.

Judge Ferguson will render a decision on Saturday in the case of Jensen against the Danish Brotherhood. The Leigh divorce suit was called before Judge Duffie yesterday afternoon and a por-

thief.

DIED.

Awarded

DR

tion of the testimony taken.

Judge Ferguson is hearing the case of Wells against Christianson, an ejectment case growing out of squatter troubles in East Omaha bottoms.

Proceedings have been commenced in the county court for the condemnation of lands for the opening and extension of Thirty-ninth street in South Omaha.

The case of the Commercial Bank of Burlington Junction, Mo., against Perry Bros. of South Omaha was given to the sury in Judge Hopswell's court at noon yes

Charles A. Harvey has commenced suit against Richards & Co. for \$1,003. The de-fendants built the Washington county court house at Blar, and the plaintiff was a sub-contractor for the mantel and tile work. The amount sued for is the sum due on the con

In Judge Ambrose's court the case of the G. H. Hammond company against the Chicago & Northwestern Railway company was tried before a jury. The plaintiff is seek-ing to recover \$300 for damages to a car of meat in transit over the lines of the de-fendent. fendant

Two attachment suits were comr against the tailoring firm of G. J. Canab & Co. in the district court. One was in favor of James Phillips, jr., for \$4,360 and the other in favor of the Fitchburg Worsted company for \$1,003, and both were for goods sold and delivered.

The case of the Standard Oll company ugainst the City of Omahs, a suit growing



MOST PERFECT MADE. 4 pure Grape Cream of Tartar Powder. Fig. Ammonia, Alum or any other adult 17 19 For sale by Kuhn & Co, 15th & Douglas O YEARS THE STANDARD.

Pushing Deep Waterways Projects. CHICAGO, Nov. 28.-The executive com-mittee of the International Deep Waterways

association has decided to hold the next convention at Cleveland, probably in Sep-tember next. Plans are matured for carry-ing on a general educational campaign on behalf of the deep waterways to the sea.

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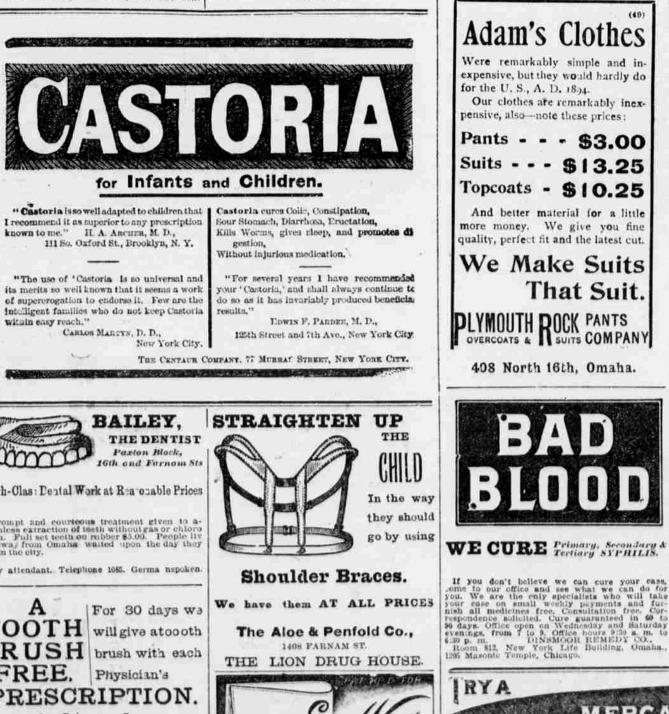
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der it palatable and pleasant to take. The most delicate stomach retains and digests it. Its ozone supplies the oxygen necessary in digestion, while the Guaiacol increases the sethe appetite and destroys the me all wasting diseases.

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LOGAN'S SARSAPARILLA AND CELERY is going to the front more rapidly, giving poisonous bacteria present in better satisfaction and producing better results than any known remedy. better satisfaction and producing better results than any known remedy. Try it and see for yourself the benefits to be derived from its use. "Up to date." The

best. None other like it. None compares with it. Logan's Sarsaparilla and Celery, For sale

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this detailed Board, having separate drawers for knives, forks, spoons, ladles, napkins, doylies, etc.

There is also a wide drawer for table linen and a double locked plate closet. From the top of the board fluted pillars rise to support side shelves, planned for A. D. Coffees with urn or pot,

This Sideboard, while necessarily more elaborate than usual, has been marked at the same price as the simpler and plainer boards. We have made arrangements to fill all orders promptly. as the demand for this pattern will naturally be large.





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