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Dec. 18, 1900.



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the constitution, securing the right of trial by jury, applies to judicial proceedings in the territories.

The other chief points advanced in behalf of the appellant were:

"The treaty of Paris is not open to the construction that it provides for the governing of Porto Rico without regard to constitutional limitations and as a country foreign to the United States.

"If the tariff act imposes a duty of tax upon goods brought from Porto Rico to a place elsewhere in the United States after the annexation the imposition is void as being in conflict with an express provision of the constitution.

"When the treaty of Paris took effect Porto Rico ceased to be a foreign country within the meaning of those words as used in the tariff act."

Mr. Perkins' argument was in progress when, at 4:30 p. m., the court adjourned until tomorrow, when Mr. Perkins will continue and the other counsel will be heard.

The hearing will extend the hearing through tomorrow and part of next day if all the time is occupied.

WASHINGTON, Dec. 17.—Chief Justice Fuller today advanced a number of cases involving the relation between the United States and Porto Rico, so as to be heard with the Dilemma case in which this question is at issue.

The Dilemma case is set for January 7 and will be argued by the United States and the other counsel will be heard.

WASHINGTON, Dec. 17.—(Special.)—The attendance at the Spearfish Normal this winter is larger than it has been since the school opened.

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FINES TIME TO TAKE A VOTE

Senate Agrees to Bailout on Hay-Pauncefote Treaty on Thursday.

SENATOR LODGE GAINS LONG SOUGHT END

Money of Mississippi Declines that the Conditions which Inspired Clayton-Bulwer Pact Do Not Now Obtain.

WASHINGTON, Dec. 17.—The senate in open session only an hour today, the remainder of the legislative day being spent in executive session upon the Hay-Pauncefote treaty.

The Montana senatorial case was brought again to the attention of the senate on the authority of Mr. Chandler, chairman of the committee on privileges and elections, as to whether the committee on contingent expenses was ready to report back the resolution authorizing the committee on privileges and elections to send for persons and papers in the investigation of the rights of W. A. Clark and Martin Maginnis to a seat in the senate.

Mr. Gallinger of New Hampshire explained that no action had been taken by the committee because of the absence of the chairman, Mr. Chandler of Nevada, and also Mr. Jones of Arkansas.

Mr. Chandler said he thought the senate had a right to an early report from the committee and said he would be glad to know what had influenced members of the committee to delay action.

This aroused Mr. Jones of Arkansas, who questioned the right of any senator to demand the reasons which might influence the action of a member of any committee.

He could not understand why Mr. Chandler should seek to punish him and intimated that Mr. Chandler must have some personal interest in the resolution.

Mr. Chandler said there was no use for the members of the committee on contingent expense to put on any disguises. It was perfectly evident that no such treatment had ever before been given to the character of that pending. The matter finally went over.

Mr. Money of Massachusetts, speaking to a question of personal privilege, directed the senate's attention to a newspaper publication of today in which the statement was made that a combination of senators had been formed to press certain claims now pending before the senate.

Mr. Money declared that, so far as he knew, no such combination existed. He never had heard of such a combination and was satisfied there was no desire on his side of the chamber to pursue claims beyond their merits. He declared his intention to delay action upon any measure pending before the senate.

At 1:26 p. m., on motion of Mr. Lodge of Massachusetts the senate went into executive session to resume consideration of the Hay-Pauncefote treaty.

Agree to Vote on Treaty.

Just before adjourning late this afternoon the senate gave its consent to the fixing of a definite time to vote upon the Hay-Pauncefote treaty. Senators Money and Mason had occupied the time of the executive session in making speeches on the treaty when Mr. Money, who was the last speaker, concluded, Senator Lodge recurred to his request to take a vote next Thursday. No voice was raised in opposition and the unanimous agreement was recorded.

The understanding is that the voting shall be on the amendments at 3 o'clock and that the senate shall continue in session until the first vote on the treaty issue is reached.

Money Unalterably Opposed to Treaty.

Senator Money's speech was a flat protest against the entire proceeding in connection with the treaty. He contended for two hours, contending for the right of the United States to act in this matter independently of other nations. He said that conditions had changed greatly since 1850, when the Clayton-Bulwer treaty was made and added that while the interest of Great Britain in constructing a canal across the isthmus and maintaining its neutrality has been diminished greatly because of the construction of the Suez canal, the interest of the United States in maintaining a canal had been vastly enhanced because of the trade and our new acquired possessions in the Orient. He said that while England demanded the United States should not fortify the proposed isthmian canal she herself had fortified the canal and had control of the Suez canal. He read copious extracts from speeches by Stephen A. Douglas, Secretary Frelinghuysen and Secretary Blaine, the last mentioned in his instruction to Minister Lowell, in support of his position. He also referred to the fact that the Hepburn bill provides explicitly for the defense of the canal and he asserted that the treaty should be defeated and the canal bill passed in its stead.

Mason Argues for Right to Defend.

Senator Mason spoke in support of his suggested amendment authorizing the United States to defend the canal as it may deem proper in the event of a war. He presented the arguments in support of our right to defend the waterway in concise and forcible terms, and received careful attention. He corrected at the outset the impression in his effort to have the treaty amended he sought to antagonize the administration. Nothing, he said, was further from his thought, because he believed that in this, as in all other matters, the administration had been entirely patriotic. It is known to all that he said, to a different conception of the way to reach a common end, that common end being the welfare of the American people.

He then proceeded to make his argument for the right to defend the canal in case this country constructs it with its own money. He declared that the present income furnishes the first precedent of a great nation's being asked to agree not to defend a great public work, the construction of which it is contemplating. He did not consider that Great Britain should undertake to say what we should do in the matter. At the same time he said he would have it understood that he was not actuated in his position by any hostile feeling toward Great Britain, but that he considered that country in the "sere and yellow leaf." He thought that we should deal with it as we would with either the weakest nation or the strongest. In other words, he said, our dealings should be on the plane of justice and the manly asserting of our own rights.

Rights Under International Usage.

Mr. Mason said there was and could be no contention over the question of the right of a nation to defend itself and its citizens and property and he argued that the recognition of this right must enforce the construction of the right to make precautionary defense. Not only, he argued, have we the right as a nation to erect fortifications as a means of defense, but we have the right, according to international usage, to enter a neutral or friendly territory and there make assault if need be. This point he supported by the citation of authorities, among others the case of the steamer Carolina, apprehended by British forces in American waters in 1838.

If the United States should construct the canal at its own cost, he said, it would have the neutral right to defend it, subject only to its treaties with Costa Rica and

Nicaragua. He contended that our natural right of defense is more definitely fixed under international law than under the Clayton-Bulwer treaty and said that our right would be much stronger if the canal were built by the nation as such than if constructed by private enterprise, even though the enterprise be American. In conclusion he urged the senate to protect all the natural rights of the nation.

FIND NO REASON FOR DELAY

State Department is at a Loss to Account for Tardiness of Great Britain's Action.

WASHINGTON, Dec. 17.—Such reports as the State department has had from Mr. Conger up to the present time fail to develop a satisfactory reason for the insistence of the British government upon amending the Peking agreement on the one hand or for the hesitation of the foreign minister in assenting to the amendment on the other. A circular of the British suggestion still falls to show that it is in any sense material. As already stated, it appears on its face to be nothing more than the elimination of an explanatory phrase, which in no degree affects the action proposed. The contention of the government to which the amendment applies; without a statement of reason which itself not even qualify or limit the action, which in the case relates to the punishment of the Boxer rebels, is not believed here that this disagreement will be merely temporary and the most serious consequence that can ensue is an annoying delay at a moment when the worst phase of the negotiations seems to have safely passed.

A long instruction was sent to Minister Conger this afternoon, informing him fully as to his course. He had already been authorized to sign the agreement and it is said that this fresh instruction will clear the way of obstacles at Peking as to making it probable that all of the signatures of the ministers can be affixed at once. This statement even includes the British minister, Sir Ernest Satow, who has been the last to come forward.

INDIAN APPROPRIATION BILL

Is Completed by House Committee and Chairman Sherman Expects to Get It Through Soon.

WASHINGTON, Dec. 17.—The Indian appropriation bill was completed today by the house committee on Indian affairs. It carries something over \$9,000,000, the exact aggregate not yet being determined. The bill provides for the reduction of appropriations to fifty-two to forty-four, those being omitted being the Lemhi, Idaho; Neah Bay, Washington; Nevada; Quapaw, Indian Territory; Sac and Fox, Iowa; Siltz, Oregon; Sisseton, South Dakota; Tulalip, Washington.

The estimates for various tribes are closely followed, but \$5,000 additional is given to the Kiobabs and Shebets of Utah. Provision is made that no police officer or other government official in the Indian Territory shall be allowed to receive from the territory for the collection of taxes except in connection with leases and royalties. The clerks of the United States court in the Indian Territory are allowed to retain all fees other than those in criminal, civil, probate and chancery courts, the clerks to pay their own clerk hire and necessary expenses. The estimates made no provision for contract Indian schools, but \$20,000 is allowed for the Hampton (Va.) school, as this is not considered a sectarian school. The bill also provides for the construction of a school for an electric light and steam heating plant is provided.

Two sections are added to the bill, one providing for the maintenance of telegraph and telephone lines and highways across Indian lands and reservations and another to allow the Siltz Indians of Oregon to sell or lease a portion of their reservation. Chairman Sherman expects to pass the bill before the holiday recess.

SETBACK FOR PORTO RICO

United States Refuses to Assist in the Collection of \$2,500,000 Claim Against Cuba.

WASHINGTON, Dec. 17.—The State department has rendered an opinion to the effect that the United States government cannot decide in favor of Porto Rico in the matter of her claim against Cuba for \$2,500,000. The Spanish government has raised a loan to this amount from the Porto Rican people to help prosecute military operations in Cuba, having the loan upon the revenues of the latter island.

In substance the decision of the United States government is to the effect, that leaving the matter to the Porto Rican people, to sanction the collection of this claim against Cuba now would be to open the door to numberless other larger claims, which would exhaust the financial resources of the island.

The authorities that most of the claims sought to be included in the treaty of peace at Paris, but resolutely excluded by the United States commissioners, are not regarded by the claimants as dead by any means, but are simply held in abeyance to be presented and enforced by the full power of foreign governments if they can be evoked by the claimants as soon as the United States control of the island ceases.

Captain Steedman Disciplined.

WASHINGTON, Dec. 17.—Captain Richard R. Steedman, Eleventh infantry, was tried by a general court-martial, of which Lieutenant Colonel Charles L. Davis, Eleventh infantry, was president, at Camp Fort Rickett, on a charge of "conduct unbecoming an officer and a gentleman."

The court found him guilty of conduct to the prejudice of good order and military discipline and sentenced him to be reprimanded in general orders and reduced in rank fifty numbers on the list of captains on infantry.

Navy's Loss Reported.

WASHINGTON, Dec. 17.—It is said at the Navy department that a serious loss has been suffered by the navy in the fire at the Norfolk navy yard yesterday. The fire destroyed valuable records that cannot be replaced and many necessary plans which can only be replaced at much expense in time and money.

President May Go to San Francisco.

WASHINGTON, Dec. 17.—President Scott of the Union Iron works, San Francisco, the builders of the new battleship Ohio, saw the president today and received his assurance that if nothing occurred to prevent he would go to San Francisco some time next May to witness the launching of the big vessel. The exact date had not been decided upon.

Military Academy Appropriation.

WASHINGTON, Dec. 17.—The West Point military academy appropriation bill was reported to the house today. It carries \$609,151, which is \$246,598 below the estimate, and slightly above the bill of last year.

Reorganization Bill Retained.

WASHINGTON, Dec. 17.—The senate committee on military affairs today referred the bill reorganizing the army to a subcommittee consisting of Senators Hawley, Proctor, Sewell, Cockrell and Harris.

Stops the Cough and Cures the Sore Throat.

Laxative Bromo-Quinine Tablets cure a cold in one day. No Croup, No Cough, No Pain.

VETERANS MUST TAKE CHANCE

House Refuses to Sanction Policy of Preferring Soldiers for Office.

BOUTELLE RETIRED AS NAVY CAPTAIN

Other Business Transferred Included Appointment of Committee to Take Up Boundary Dispute Between Texas and Oklahoma.

WASHINGTON, Dec. 17.—Under suspension of the rules today the house passed bills to divide Kentucky and West Virginia into two judicial districts, to create another district judge in the northern district of Ohio and to refer to the secretary of the interior for investigation the claim of the state of Texas for moneys expended on public improvements in Greer county. The bills were passed by a vote of 219 to 197. The bill to place the jurisdiction of Oklahoma. An attempt was made to pass a bill to give soldiers and sailors of the civil war, the Spanish war and the war in the Philippines preference in the matter of appointment to and retention in positions in the executive departments of the government, but it aroused opposition on the ground that it would practically shut out of the government employ for years to come all civilians and was overwhelmingly defeated. One hundred and eighty private pension bills were passed. Just before the house adjourned Mr. Littlefield of Maine asked unanimous consent for the consideration of a bill to place Representative Charles A. Boutelle of Maine on the retired list as a captain in the navy. Mr. Boutelle having resigned in the navy during the civil war, Mr. Littlefield said that Mr. Boutelle's condition was such that he undoubtedly would resign. The condition of the Maine representative was well known to the representatives and although some of them were inclined to protest against the proposed legislation as establishing a dangerous precedent, no objection was made and the bill was passed.

Debate on Veteran Bill.

Mr. Hepburn of Iowa asked if it would be in order to move an amendment to strike out that portion of the bill giving preference to veterans. Mr. Boutelle replied that such a portion shall not be removed except for cause, upon charges and after a hearing.

The speaker replied that it would not. Mr. Brownell explained that the bill as originally introduced was the bill prepared by the Grand Army of the Republic. It simply extended the provisions of the existing law giving preference to honorably discharged soldiers and sailors of the civil war, married or suffering physical impairment, to all soldiers honorably discharged. The committee had further extended it to the veterans of the war with Spain and of the war in the Philippines.

Mr. Richardson asked why the soldiers of the Mexican war were not included. In this era of good feeling why not include the soldiers and sailors of all wars?

Brownell Protested Strongly.

Mr. Brownell replied that there was less reason for including the soldiers of the Mexican war now than when the original bill was passed. Mr. Gillett of Massachusetts, chairman of the civil service committee, protested vigorously against the bill. He said that it was vicious, although drawn, doubtless, with good intentions. It would, he declared, practically shut out civilians from government service for years to come. He would place at the top of the preferential list all the soldiers and sailors of the war with Spain, regular and volunteer alike, amounting to 200,000. The 10,000 now in the service and the 35,000 who would soon be called under the army reorganization bill. It therefore, would give preference to 250,000 men and for several years would keep civilians off the rolls. The regulars, he said, were not entitled to be in a preferential class. The soldiers of the civil war enlisted as sacred duty. The regulars did not. Therefore, would give preference to 250,000 men and for several years would keep civilians off the rolls. The regulars, he said, were not entitled to be in a preferential class. The soldiers of the civil war enlisted as sacred duty. The regulars did not. Therefore, would give preference to 250,000 men and for several years would keep civilians off the rolls. The regulars, he said, were not entitled to be in a preferential class. The soldiers of the civil war enlisted as sacred duty. The regulars did not. Therefore, would give preference to 250,000 men and for several years would keep civilians off the rolls.

Bill Overwhelmingly Defeated.

Mr. Hepburn of Iowa also opposed the bill on the ground that it made an appointment a vested right.

Mr. Grosvener of Ohio took the same position.

Mr. Sulzer of New York supported the measure, which he said had been asked for by every Grand Army of the Republic man in the country.

Mr. McCall of Massachusetts opposed the bill because, he said, it would create a military caste. The soldier is taught to maintain a free government, the fundamental principle of which was equality before the law. He believed that the soldiers of the country were entitled to the most liberal treatment, but the government service should be open to all. It is designed to the intelligence of the soldiers to give them this preference.

Mr. Fowler of New Jersey also opposed the bill.

On a rising vote the bill was defeated—51 to 105.

An urgent deficiency bill carrying \$182,500 for contingent expenses of the house of representatives, Indian affairs, District of Columbia and the National Home for Disabled Volunteer Soldiers was passed.

Bills were passed to divide the states of West Virginia and Kentucky, each into two judicial districts.

The senate bill to provide for an additional district judge for the northern district of Ohio was passed. It designated a retired judge, Charles R. Hicks, who has been incapacitated for some time.

Texas Wants Boundary Fixed.

Mr. Lanham of Texas moved the passage under suspension of the rules of a bill to authorize the secretary of the interior to fix the boundary between Texas and Oklahoma and to inquire into the claim of the state of Texas for moneys expended while Greer county was a part of Texas.

Mr. Payne of New York opposed the bill, claiming that Texas had reaped benefits from Greer county by the sale of public lands, etc., while Texas was exercising jurisdiction over the state but has no valid claim for the public improvements.

Mr. Ray of New York, chairman of the judiciary committee, denied that Texas ever had received a penny for the public lands of Greer county. The object of the bill was simply to have the secretary of the interior investigate the facts and report them to congress.

Mr. Lacey of Iowa controverted Mr. Ray's statement, asserting that before the public land committee Judge Browne, representative of the settlers in Greer county, had stated that they had agreed to pay the state of Texas \$2 per acre. The bill was passed, 110 to 26.

Boutelle Retired as Navy Captain.

The house then passed 103 private pension bills and then, on motion of Mr. Littlefield of Maine, passed a bill to place Representative Charles A. Boutelle of Maine on the retired list as a captain in the United States navy. Mr. Littlefield said there was no exact parallel to Mr. Boutelle, but there were eight instances in which congress had placed officers on the retired list of the army and navy.

Mr. Williams of Illinois asked if Mr. Boutelle had not been re-elected to the next house.

Mr. Littlefield replied that he had, but

that his condition had taken an unfavorable turn and that it would be impossible for him to serve. He said Mr. Boutelle undoubtedly would resign.

Mr. Underwood of Alabama said he was opposed to the principle involved in the bill, but he would not object. The house then at 5:15 p. m., adjourned.

FAVORS THE HOPKINS BILL

Committee on Reapportionment Reports Agrees to Increase in Membership.

WASHINGTON, Dec. 17.—The house committee on census, by a vote of 7 to 6, agreed to report the Hopkins reapportionment bill, leaving the total membership of the house at 357, as proposed, and rearranging a number of state delegations. The bill will not be taken up until after the holidays.

The only change in the bill was an amendment requiring that the several congressional districts of the states which should be composed of "contiguous and compact" territory. The purpose of the amendment is to prevent gerrymandering. Under the bill the following states will lose one representative each: Indiana, Kansas, Kentucky, Maine, Nebraska, Ohio, South Carolina and Virginia.

The following will gain one each: Illinois, Louisiana, Minnesota, New Jersey, New York and West Virginia.

Texas will gain two representatives. Based upon present political divisions neither party will gain advantage from the new reapportionment proposed in the bill. The republicans will gain five and lose five and the democrats will gain three and lose three. The basis of representation will be one representative for each 208,000 inhabitants. By the terms of the agreement made in the committee the bill will not be taken up until after the holidays. The vote upon reporting the bill was:

Ayes—Hopkins, Babcock, Ackerson, Brewster, McDowell, Ryan and Klitz. Nays—Russell, Heatwole, Crumpacker, Burleigh, Griffith and Wilson of South Carolina.

Nominates for Army and Navy.

WASHINGTON, Dec. 17.—The president today sent the following nominations to the senate:

Army—Lieutenant Colonel John J. Clarke, assistant commissary general, to be assistant commissary general, with rank of colonel; Major William Alexander, commissary, to be assistant commissary general, with rank of lieutenant colonel; Captain George B. Davis, commissary, to be commissary, with rank of major; First Sergeant Ralph W. Jones, Company H, Forty-fourth United States volunteers, to be second lieutenant.

Navy—Past Assistant Surgeon George H. Barber, to be surgeon; Samuel Sayre Bodman of Kentucky, to be an assistant surgeon; John Mosley Brister of Pennsylvania, to be an assistant surgeon.

Litigants Must Give Full Names.

WASHINGTON, Dec. 17.—The chief justice of the United States supreme court announced today that the court will take a recess from next Monday until Monday, January 7. The court also announced a change in its rules as to require that in all processes of that court and other United States courts, the Christian names as well as the surnames of persons shall be used. This order is intended to prevent the use of initials, which often causes confusion.

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Itching, blind, bleeding or protruding piles. Your druggist will refund your money if PAGO OINTMENT fails to cure you. 50 cents.

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In the treatment of all forms of Diseases and Disorders of Men Only. 20 years' experience, 15 years in Omaha.

VARICOCELE AND HYDROCELE

A PERMANENT CURE GUARANTEED IN A FEW DAYS—without cutting, without pain, without risk. The most natural cure that has yet been discovered. CHARLES LOW, SYRACUSE, N. Y.

WEAKNESS

of young and middle-aged people. Cures and cures the face of the disease is thoroughly eliminated from the blood.

RECTAL DISEASES

Dr. McGREW'S treatment for all cases of the rectum has cured where all others had failed. Fissure, Ulcers, Piles and chronic diseases of the rectum. Immediate relief and a permanent cure is made without cutting or pain. The cure is quick and complete.

CHARGES LOW

Consultation free. Treatment by mail. Medicines sent everywhere free from gaze or breakage, ready for use.

AMUSEMENTS

ORIENTON Ophium

Scientific Investigation

To renovate the system means vastly more than purifying the blood. When the system is renovated the blood is purified because all the organs whose office it is to make the blood are renewed and invigorated, thus the system is supplied with new, pure, rich blood and all impurities are separated from the blood. Recent scientific investigation has shown that the only true renovator of the system is

Dr. Kay's Renovator

It acts as a mild and pleasant laxative and nerve tonic. There is no gripping or any unpleasant effect. It is a sure cure for the worst form of dyspepsia, constipation, liver and kidney complaints and all symptoms dependent upon these important diseases. It cures by thoroughly renovating the system and thus removing the cause, and the effect ceases in thousands of cases even where all other remedies and many of the most noted physicians have failed to benefit.

"I have given your Dr. Kay's Renovator a fair trial and find it just the medicine I needed. I suffered for years of indigestion so severe that nearly every two or three months I would be sick in bed, but after taking your Dr. Kay's Renovator I can cheerfully say that I have improved wonderfully. I have and shall recommend your medicine to all sufferers."

C. L. CHRISTENSEN, Pastor Baptist Church, Osco, Neb.

FREE OF CHARGE.—Write us all about your symptoms and our physician will write you, giving advice, sample of remedy and copy of Dr. Kay's Home Treatment (116-page illustrated book). Don't take any substitute that anybody tells you is just as good, for it positively has no equal. If you can't get Dr. Kay's Renovator at druggists, send the price direct to the Dr. B. J. Kay Medical Co., Saratoga Springs, N. Y., and it will be sent prepaid by return mail. Dr. Kay's Renovator is sold for 25c and \$1.00 by your druggist.

Dr. Kay's Lung Balm

cures every kind of cough, in grippe, bronchitis, sore throat, croup, whooping cough, etc. Never deranges the stomach. At Druggists, 10c per bottle.

Uticare

Dr. Kay's Uticare cures all female diseases. At druggists, 10c per bottle. Free book, 10c.

DR. KAY'S RENOVATOR

RENOVATOR invigorates and renews the system, purifies and enriches the blood, cures the worst dyspepsia, constipation, headache, liver and kidney ailments, etc. At druggists, 10c per bottle. Free book, 10c.

General Debility Day in and out there is that feeling of weakness that makes a burden of itself. Food does not strengthen. Sleep does not refresh. It is hard to do, hard to bear, what should be easy, vitality is on the ebb, and the whole system suffers. For this condition take Hood's Sarsaparilla. It vitalizes the blood, gives vigor and tone to all the organs and functions, and is positively unequalled for all run-down or debilitated conditions. Hood's PILLS cure constipation. 25 cents.