

MILLING DIFFERENCE

After we buy the best, each single grain is cleaned and judged separately by machinery. The machine leaves nothing to chance. Thin and woody, flat and flavorless, are thrown out. Here is a difference of time, care and thoroughness. The groat that is good enough to pass this test is indeed different from other grain. It begins to have a right to the name of

Quaker OATS

Best of the Best

Costs you no more than oats which are not as wholesome, and which have not been milled as carefully. Quaker Oats is just as easy to buy. You have only to say "Quaker."

FLAVOR DIFFERENCE Pan-roasting is where most millers save time. Their oats are rushed-milled for profit's sake.

GRAIN DIFFERENCE

The Quaker quality of grain is not easy to find. To supply the needs of the Quaker mills we must search the country far and wide. We watch where the good oats grow. For even as it grows the difference begins. Sun may shrivel—or too much rain spoil the crop. But where the crop is best, we are there to choose the best of the best. There is that much difference in the Quaker grain—before it starts for the mill. This is only the first difference in Quaker OATS Best grain.

Quaker OATS Best grain.

HEARS RAILROAD TAX CASE

Supreme Court Listens to Argument in a Long-Delayed Appeal.

RIGHT TO ASSESS UNUSED RIGHT-OF-WAY

Local Taxation Claimed by the County of Custer and Resisted by Owners of Burlington.

(From a Staff Correspondent.) LINCOLN, Neb., Nov. 5.—(Special.)—A suit involving the right of county authorities to assess for local taxation unused right-of-way of a railway company has come from Custer county. It is the case of the Chicago, Burlington & Quincy company against the county of Custer. In 1887 and 1888 the railroad company and its predecessors obtained right-of-way, consisting of a strip of ground 100 feet wide, along its surveyed line for a railroad across parts of Sargent and Union townships. During these two years the company did considerable grading upon the right-of-way and partly built some bridges. It was designed as an extension of the operated line from Central City west and northwest through Merrick, Howard, Greeley, Valley, Garfield, Wheeler, Sherman, Custer and other counties. The part of the line involved in this controversy was never finished or operated. It was unfenced and open so that adjacent land owners had access to and the use of it for years. It is claimed that local assessors assessed the quarter sections through which it passed as if it were not there. The county authorities made no attempt to levy taxes against it until 1902, when the county board levied a tax on a valuation of \$400 per mile for the years 1899, 1900, 1901 and 1902. Process was issued and placed in the hands of the sheriff for enforcement of the levy, whereupon the company applied for an injunction to restrain its collection. On the hearing of the case the railroad company held, first, that the taxes were not legally levied in that the lands taxed were not described by metes and bounds; and, second, that the assessment of right-of-way of a railroad company devolves upon the State Board of Equalization. This contention was overruled by the lower court, which especially held in reference to the latter claim that, having failed to return the property to the State Board of Equalization for assessment, the company was estopped from claiming that it was not subject to local assessment and taxation. For some reason the case has dragged along during the intervening

years, and this is its first appearance in the supreme court.

New Corporations.

The State Bank of Butte, Boyd county, has filed articles of incorporation, with E. W. Cuff, Fred Lucke and Emil A. Lucke as incorporators. The Archer State Bank of Merrick county has done likewise, with Joe A. Hayes, J. B. Templin and C. Hostetter as incorporators. The Omaha Wholesale Produce and Market House company filed articles of incorporation today with the secretary of state. The capital stock is \$25,000 and the incorporators are H. G. Streight, David Cole, Peter Magin, J. R. Snyder, August Brochmann, Phillip Mergen, G. F. Monroe, A. Peterson, Joseph Barta, D. Gross and Peter Recco.

In the Supreme Court.

The November term of the supreme court met this morning. The following causes were argued and submitted: Larson against First National Bank, Pender; Fall City against Sperry; Batty against Elrod; McEntee against Bonacum; New Omaha Thomson-Houston Electric Lighting Company against Rombold; Phoenix Insurance Company against Zlotky; Cassell against Ashley; Hammond against King; Howell against Anderson; O'Connor against Aetna Life Insurance Company; Smith against Radford; Omaha Bridge and Terminal Company against Reed; Brabham against Custer County; New Omaha Thomson-Houston Electric Lighting Company against Bendson; Pelmer against Fidelity Mutual Fire Insurance Company; Miles against Walker; Miles against Walker; Welch against Tipper; Reliance Trust Company against Atherton; Fremont Foundry and Machine Company against Norton; Chicago, Rock Island & Pacific Railroad Company against Holmes; Chicago House Wrecking Company against Stewart Lumber Company; Bollinger against Knox; Matheson against Omaha Street Railway Company; Dodge against Saunders County; Wood against Kavan; Reis against Argubright; Iddings against Citizens State Bank; Brooks against Stanley; Kinney against Bittinger; Sudborough against Pacific Express Company; Jayne against Hymer; Sheldon against Parker; Brand against Carnahan; Jones against Waitley; Bird against McCleary; Green against Diesel; Nebraska Mutual Hall Insurance Company against Meyers; Jaques against Dawes; Ewing against Hoffman; German Insurance Company, Freeport, Illinois, against Shader; Bowman against Wright; Supreme Lodge Sons and Daughters of Protection against Underwood; Waller against Deranleau; Commercial State Bank, Crawford, against Ketchum. The following causes were affirmed: Omaha against St. Paul Plow Company;

Rhahik against Wedgewood; Farmers and Merchants Insurance Company against Davis; Omaha Wood Working Company against Koch; Hawley against Knight.

The Following Miscellaneous Orders were made:

Miles against Ballantine, continued forty days; Sterrett against Omaha, dismissed; Mahone against Omaha, modified and affirmed; Prusha against Omaha, dismissed; Perry Live Stock Commission Company against Biggs, continued; Rogers against Omaha, modified and affirmed; Omaha against Rich, dismissed; Pomy against Omaha, dismissed; Barnes against Boston Investment Company, continued; Red Cloud against Farmers and Mechanics' Banking Company, motion of appellee waiting right to apply for rehearing and asking order for mandate instant denied; Browne against Brubaker, submission on merits vacated, decree of district court affirmed as per stipulation; Oakley against Carr, submitted on motion to dismiss; Agnew against Omaha National Bank, motion to quash bill of exceptions and to vacate orders made October 21, continued two weeks, order as to showing; Perry Live Stock Commission Company against Biggs, appellant to serve and file briefs in thirty days from October 28 and appellee thirty days thereafter, continued sixty days; Hawley against Knight, motion for leave to supply record overruled; Sheldon against Barker, leave to supply record, leave to plaintiff to file a reply brief; Green against Diesel, leave to correct record; Nebraska Mutual Hall Insurance Company against Meyers, leave to defendant in error to refile briefs; Barnes against Boston Investment Company, continued to December 2; Plainview State Bank against Beech, submitted on motion to dismiss, with leave to plaintiff to file a showing in one week; Penfold against Grover, submitted on motion to dismiss and objection to jurisdiction; State ex rel. Blessing against Davis, submitted on motion to confirm referee's report and for judgment in accordance with prayer of petition; Langdon against Conlie, leave to plaintiff in error to file his briefs as of October 21, 1902; Northern Assurance Company against Borgelt, leave to plaintiff in error to file his briefs instant; Carnahan against Gilbert, dismissed; Buchanan against Saunders County National Bank, submitted on motion to dismiss; Wilson against Neu, advanced, thirty days to each side to file briefs; Norris against Linton, advanced, sixty days to appellee to serve and file briefs; Lamb against State, leave to file amended petition in error; Hart against Beardley, advanced; Lincoln against Lincoln Street Railway Company, advanced; Lincoln against Lincoln Street Railway Company, motion to consolidate with No. 15,442, sustained; Parker against Parker, motion objecting to jurisdiction and to quash return of service of summons continued two weeks; Commercial State Bank against Ketchum, motion to strike bill of exceptions submitted with costs to department; Teske against Dithberner, submitted on motion to set aside order dismissing appeal of Frederick Teske and to reinstate said appeal and to strike motion to reinstate appeal; Omaha against Bowman, submitted on motion to retax costs; Coulson against Saltman, advanced for hearing January 20, record to be returned into court; Public Guaranty Savings Bank against Sigourney, dismissed.

Riley Claims Priority.

J. E. Riley of Omaha insists that his proposition to purchase the old Home Street railway franchise is entitled to first consideration. His offer contemplates the payment of \$10,500 if it is found that the city has a franchise to dispose of. "They say I am an interloper," said Mr. Riley, "but the truth is I had framed up a proposition four months ago. It was not submitted then because I had legal advice that it would be wise to wait until the traction company's tax suit had been decided by the supreme court, where it is pending. In this suit was involved the right of the city to the North Twelfth street line, an essential part of the proposition. I did not hear of the Kenyon proposition until some time after it was submitted. On that day I received a telegram announcing the death of my mother in the east and I went there at once. "I am coming into Lincoln with my interurban line, and if necessary I shall try to purchase the right to enter over the traction company's tracks. It would be an advantage to that company to have such a connection and we could easily make a deal."

Vanderbilt Horse Loss.

PARIS, Nov. 5.—W. K. Vanderbilt's Bitumix was fourth in the race today for the Prix Fontaine at the St. Cloud meeting.

STOP NEBRASKA LAND FRAUD

Interior Department Suspends and Will Cancel Fifty Entries.

WIDOWS TAKE PUBLIC DOMAIN TO SELL

Cattlemen Instigate Wrong-Doing With View to Subsequently Buying Homesteads Proved by Soldiers' Reliefs, Mostly of Chicago.

WASHINGTON, Nov. 5.—The Interior department has suspended, with a view to cancellation, a number of alleged fraudulent land entries in Nebraska made by soldiers' widows, who it is charged have entered into an agreement for the transfer of the lands to cattle companies.

W. N. Leaser of Iowa, a special agent, whose headquarters have been for several years at North Platte, Neb., has been suspended in connection with these proceedings.

The action follows an investigation that had been quietly conducted in Nebraska by Colonel John S. Mosby, the former guerrilla leader, who is now a special agent of the general land office.

The exact extent of the operations is not disclosed, but so far as known there are forty-five or fifty cases, each entry being for 160 acres.

The government has been recently enforcing its regulations for the removal of fences erected by cattlemen on public lands.

Under the laws soldiers' widows have a right to make entries without residence but are required to make improvements and cultivate the lands.

It is understood that the women who made the entries are mostly Chicago people, who were influenced by agents of cattlemen, with an agreement to transfer the land to the latter by lease, with the right of purchase.

Girls Join Silvermiths.

NEW YORK, Nov. 5.—Many girls have joined the striking silvermiths in Manhattan and Brooklyn and a general strike of 2,000 silvermiths is threatened throughout Massachusetts, Connecticut and Rhode Island if a nine-hour work-day is not granted. Seven firms in this city are reported to have granted the smiths' demands.

The Chief of Beaters.

Old sores, ulcers, piles, fistula and like stubborn maladies soon yield to Bucklen's Arnica Salve or no pay. 25c. For sale by Kuhn & Co.

THE REALTY MARKET.

INSTRUMENTS filed for record Wednesday, November 5: Alex Helming to Ida W. Dech, lots 65 and 66, block 2, Saunders & H's add to Walnut Hill, \$1,000. Josephine Burney et al to Emma D. Lerch, lot 4, block 2, Paddock Place, 1,025. J. J. Canning to Emma B. Johnson, lot 17, Sunnyside add., 500. Anton Bjergum and wife to Nora Lane, lot 5, Archer's add., 250. Joseph Gardner to Fred Pries, lots 15 and 16, block 46, Grandview add., 700. S. H. Howard and wife to Mary F. Robinson, sek nek 17-15-10, 2,000. Esther Sommer and husband to leader Wilson, lots 1 to 13, block C, Horbach's sub., 1. H. E. Estabrook and wife to Louis Harris, a 32 feet lot 2 and all lots 3, 4, 7 and 8, block 78, Omaha, 8,000. Josephine Burney et al to Emma D. Howell, w 30 feet of a 100 feet lot 1, block 20, Hanscom Place, 1,000. Harriet Payne to Lucy B. Wright, lots 11, 12 and 13, block 10, Bemis sub., 1,250. Marcia Gilmore et al to J. R. Webster, a 14 feet lot 7, block 72, Omaha, 4,000. E. J. Sullivan to W. T. Graham, lots 11 and 12, block 8, Benson, 60. Marie L. Tucker and husband to William P. B. Smith, lot 14, Freeman's, 1,750. Ellen G. Wilson to Jennie I. Adams, sek nek 10-11-10, 100. Sarah S. Hazlet to J. W. Selden, a 44 feet lot 5, block 18, Isaac & S's add., 1,300. W. Selden and wife to L. E. Phillips, same, 1,500. Quit Claim Deeds. E. J. Sullivan to W. T. Graham, out E. lot 17, Florence, 1. Louis Schroeder, trustee, to Patrick Josephine Burney et al to Emma D. L. lot 2, block 2, Meigs' 1st add., 1. S. C. DeLo to J. M. Chapman, sek nek 10-11-10, 100. Louis Slododsky to Henry Rubin, a 48, Dismal add., 1. S. K. Jackson and wife to Hattie Neese, 1x119 feet in sw 1/4, 10-15-10, 1. Total amount of transfers \$35,744.

MURDERED BY HIS STEPSON

Gerhard Barchus of Platte County Victim of a Tragedy.

BODY CREMATED IN A STRAW STACK

Boy Confesses to the Crime, Implicating His Two Younger Brothers and Says Mistreatment Inspired the Deed.

COLUMBUS, Neb., Nov. 5.—(Special Telegram.)—Gerhard Barchus was killed Friday forenoon by his fourteen-year-old stepson, Herman, and cremated in a straw stack on his farm near Humphrey.

The son confessed the awful deed to Sheriff Byrnes this morning, stating as a cause that since the mother's death some months ago the father had treated him cruelly. The crime was committed with a shotgun held close to the back of the victim's head, as he sat in his house, and the body was then dragged to a straw stack by Herman, assisted by his brothers August, ten years old, and John B. and a team which was hitched to it and then burned.

The three boys are now separately in custody, Herman claiming that his brothers are equally guilty. The younger boys place the guilt entirely upon Herman and say that he stole \$10 from his father's pocket with which to buy the shotgun.

So far as learned, the neighbors have reported no mistreatment of the children by the father, who was a highly respectable resident for many years and an active member of the Baptist church.

Sheriff Byrnes went to Humphrey last night, not knowing of the finding of the body in time to go on an earlier train, and obtained the confession from the children after putting them through a sweatbox. The boys' mother was a daughter of Bernhard Jannisen, a highly respected citizen.

She had been married before, by which marriage Herman was the offspring. Upon her marriage to Mr. Barchus Herman took his name and was treated by him as a son.

New Church at Battle Creek.

BATTLE CREEK, Neb., Nov. 5.—(Special.)—The Catholics of Battle Creek and vicinity are making great preparations for the dedication of their new brick church at this place next Sunday, the 9th. The building is 37x76, with all modern conveniences. The following priests will be present: Rev. L. F. Smith of Omaha, a former pastor of this place, and who will deliver the dedicatory sermon; Rev. S. F. Carroll of Omaha, who will dedicate the church and be celebrant of the solemn high mass; Rev. W. Windolph of Creighton, Neb.; Rev. I. G. McNamran of Bloomfield, Neb.; and Revs. Soldwoski and Walsh of Norfolk, Neb. The choir from Sacred Heart church of Norfolk will be in attendance and Mrs. Nellie Gerecke Emery of Chicago will also sing.

Local Results in Dodge.

FREMONT, Neb., Nov. 5.—(Special.)—The republican electors of Dodge county attorney by a good majority and Assessor Mead and C. B. Noyes. The democrats elect Heppburn and Mortenson. Probably the hottest fight in the county was in the Third supervisor district, which is republican by 20 majority. J. G. Mollay (dem.) was actively supported by many leading republicans and came within twelve votes of an election. C. R. Schaeffer (dem.) is elected assessor in this city.

Prisoner Escapes.

WEST POINT, Neb., Nov. 5.—(Special.)—James Ketma, the prisoner in the county jail who was being held to the district court on a charge of burglary, escaped from the jail at 7 o'clock last night and is still at large. During the absence of the jailer, Fred Jacobs, Ketma asked Mrs. Jacobs for a drink of water. While she was handing him the water with the door partly open he knocked her down and rushed into the corridor and escaped.

Fall Results in Death.

FULLERTON, Neb., Nov. 5.—(Special.)—While Ovid Lemise and a Mr. Dyer were stacking straw for a neighbor, who was threshing, the machine was stopped from some cause and the two men commenced scuffling in play. Both fell to the ground, a distance of only five or six feet. Dyer was not hurt in the least, while Lemise sustained injuries to his spinal column which resulted in his death.

Horse's Kick Breaks Arm.

ASHLAND, Neb., Nov. 5.—(Special.)—George E. Hoffman of this city, while at O. J. Wortman's place south of town, Monday, preparing to bury corn, had his arm broken. He was cursing his team in the barn in darkness and one of the animals kicked him. He was brought home for medical treatment.

FORECAST OF THE WEATHER

Fair Today and Tomorrow both in Nebraska and Iowa.

WASHINGTON, Nov. 5.—Forecast: For Nebraska—Fair Thursday and Friday; warmer in north portion Thursday; warmer Friday. For Iowa—Fair Thursday and Friday; warmer Friday.

For Illinois—Fair and colder Thursday; Friday fair; brisk northwest winds. For North and South Dakota—Fair and warmer Thursday and Friday. For Missouri—Fair Thursday and Friday. For Wyoming—Fair and warmer Thursday; Friday fair.

For Colorado—Fair Thursday and Friday; warmer Thursday in east portion.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Neb. Official record of temperature and precipitation compared with the corresponding day of the last three years:

Maximum temperature 1902 1901 1900 1900
Chicago, raising 41 40 40 43
Minimum temperature 21 24 41 34
Mean temperature 38 32 30 48
Precipitation .09 .00 .00 .00

Record of temperature and precipitation at Omaha for this day and since March 1, 1902:

Normal temperature 47
Deficiency for the day 8
Total excess since March 1 8
Normal precipitation .64 inch
Deficiency for the day .04 inch
Total rainfall since March 1 .22 inches
Deficiency since March 1 2.2 inches
Deficiency for cor. period, 1901, 5.00 inches
Excess for cor. period, 1900, 1.25 inch

Reports from Stations at 7 P. M.

Maximum temperature at
Minimum temperature at
Precipitation at

Omaha, part cloudy 38 44 .00
Valentine, cloudy 38 40 .00
North Platte, cloudy 38 40 .00
Cherryvale, clear 38 40 .00
Harrison, clear 38 40 .00
Rapid City, cloudy 38 40 .00
Huron, cloudy 38 40 .00
St. Louis, raining 38 40 .00
St. Paul, cloudy 38 40 .00
Davenport, cloudy 38 40 .00
Kansas City, part cloudy 38 40 .00
St. Joseph, cloudy 38 40 .00
Helena, part cloudy 38 40 .00
Bismarck, cloudy 38 40 .00
Galveston, part cloudy 38 40 .00

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DOCTORS ENDORSE SWAMP-ROOT

For Uric Acid, Kidney and Bladder Troubles.



DR. KILMER & CO., Binghamton, N. Y. East Atlanta, Ga., March 1st, 1901.

GENTLEMEN:—While it has never been my habit or inclination to recommend remedies the ingredients of which are not all known to me, it seems as if I should make an exception in the case of Dr. Kilmer's Swamp-Root. My experience, so far as I have tested it in my practice, forces me to the conclusion that it is a remedy of the greatest value in all uric acid, kidney, liver, bladder and other inflammatory conditions of the genito-urinary tract. I now take pleasure in prescribing Swamp-Root in all such cases with a feeling of assurance that my patients will derive great benefit from its use. I shall continue to prescribe it in other cases in my practice with the expectation of the best results. Very truly yours,

(A. J. Halle, M. D.)

GENTLEMEN:—I have prescribed that wonderful remedy for kidney complaint, Dr. Kilmer's Swamp-Root, with most beneficial effect and know of many cures by its use. These patients had kidney trouble, as diagnosed by other physicians, and treated without benefit. Dr. Kilmer's Swamp-Root effected a cure. I am a liberal man and accept a specific wherever I find it. In an accepted school or out of it. For desperate cases of kidney complaint under treatment with unsatisfactory results I turn to Dr. Kilmer's Swamp-Root with most flattering results. I shall continue to prescribe it and from personal observation state that Swamp-Root has great curative properties. Truly yours,

(L. Barstow Irish, M. D.) 276 9th St., Borough of Brooklyn, N. Y. Sept. 24, 1901.

Swamp-Root is pleasant to take and is used in the leading hospitals, recommended by physicians in their private practice, and is taken by doctors themselves who have kidney ailments, because they recognize in it the greatest and most successful remedy for kidney, liver and bladder troubles.

Sample Bottle of Swamp-Root Free by Mail

EDITORIAL NOTE:—If you have the slightest symptoms of kidney or bladder trouble, or if there is a trace of it in your family history, send at once to Dr. Kilmer & Co., Binghamton, N. Y., who will gladly send you by mail, immediately, without cost to you, a sample bottle of Swamp-Root and a book telling all about Swamp-Root and containing many of the thousands upon thousands of testimonial letters received from men and women cured. In writing to Dr. Kilmer & Co., Binghamton, N. Y., be sure to say that you read this generous offer in The Omaha Daily Bee. If you are already convinced that Swamp-Root is what you need, you can purchase the regular fifty-cent and one-dollar size bottles at the drug stores everywhere. Don't make any mistake, but remember the name, Swamp-Root, Dr. Kilmer's Swamp-Root, and the address, Binghamton, N. Y., on every bottle.

MRS. JENNIE MORRIS, Secretary of Poinsettia Benevolence Society. MILWAUKEE, WIS.

623 Grand Ave., Milwaukee, Wis., March 22, 1902. Only a wife and mother can fully understand the grand benefit which Wine of Cardui is in cases of barrenness and pregnancy. After five years of married life most of the time in ill health, with irregular, scanty and extremely painful menstruation I became completely discouraged. I kept getting worse and worse. The doctor said that if I could have a child I would be much better, but inflammation had set in and I was in such poor health generally that I was simply unfit to be a mother. My sister had a beautiful boy and she told me what benefit she had derived from Wine of Cardui so my husband decided that we would stop the doctor's visits and try Cardui. I wish I had only known of this before. What misery I would have been spared! But I was grateful for the speedy relief I obtained, and so pleased to find that I gradually was returning to health, happiness and new life and hope. Within four months I was like a changed being and now found that the long hoped for happiness was to be mine as I expected a child. I kept taking Wine of Cardui all through my pregnancy and a lovely daughter blessed our home. Childbirth was almost painless and my husband and I both thank you a thousand times for the sunshine and happiness Wine of Cardui brought to our home.

Jennie Morris. THE greatest ambition of men and women is to have happy homes blessed with healthy children. Because wives are weak and sick thousands of homes are barren and desolate. How many there are today suffering irregularities and bearing down pains, menaced with the probability of becoming childless wives. Thousands of heretofore childless wives are becoming mothers by having these troubles relieved by Wine of Cardui. This great remedy so strengthens the organs of motherhood that nervous, discouraged women who want children but who fear the suffering caused by childbirth, go through motherhood with little trouble. By strengthening the organs weakened by sickness Wine of Cardui makes all this possible. No medicine can restore dead organs, but Wine of Cardui does regulate irregularities that prevent conception, does prevent miscarriage, does restore weak functions and shattered nerves and does bring babies to homes barren and desolate for years. Get a dollar bottle of Wine of Cardui from your dealer and treat yourself in the privacy of your home with this great remedy. Where digestive disorders exist a small package of Theodor's Black-Draught should also be used.

WINE of CARDUI

THE BEE FOR ALL THE NEWS

\$31.50 NEW ORLEANS AND RETURN AND RETURN November 6 to 9. Splendid opportunity to visit the Southland Excellent service all the way. Only one change of cars via the Burlington. Burlington Route Tickets 1502 Farnam St.