MORTENSEN WILL GIVE PERSONAL BOND

State Treasurer Considers Resigning, but Finally Determines to Com-

ply with Old Law Until New One is Passed.

(From a Staff Correspondent.) LINCOLN, Dec. 38 - (Special.) - State officials are much alarmed over the decision of the supreme court in the case of the Fidelity and Deposit Company against Dibby, holding that guaranty bonds are not valid, since several prominent attorneys of the city have declared the decision will result in vacating the offices of all officials who failed to file personal bonds two years ago. Only Superintendent Fowler, Land Commissioner Follmer and Secretary of State Marsh filed such bonds, and it is declared that all the remaining offices are recant according to a technical construction of the statutes and the recent decision together. The statute provides a fimited time in which bonds may be filed, and it is cialmed now that the filing of an invalid bond has the effect of leaving the office bonds of guaranty companies are also af-

In addition it is contended that every county official who filed a guaranty bond a year ago is now out of office because of the failure to comply with the terms of section 15, chapter x, of the Compiled Statutes. which on the failure to file the bond makes the office ipso facto vacant. That section reads as follows:

If any person elected or appointed to any office shall heglect to have his official bond executed and approved as required by law and filed for record within the time limited by this act his office shall thereupon ipso facto become vacant, and such vacancy are cto become vacant, and such vacancy all thereupon be filled by election or ap-jointment as the law may direct in other ses of vacancy in the same office.

All the county officers, with the exception of county attorneys, were elected at the general election a year ago. The following statute fixes the time for the filing of their

bonds:
Official bonds, with the oath endorsed thereon, shall be filed in the proper office within the time as follows: Of all officers elected at any general election on or before the first Thursday after the first Tuesday in January hext succeeding the election; of all appointed officers within thirty days after their appointment; of officers elected at any special election, and city and village officers within thirty days after the canvass of the votes of the election at which they were chosen.

The allowing officials to give guarantee

The allowing officials to give guarantee bonds has been held invalid in the following terms used by Commissioner Ames in the syllabus of the case referred to:

the syllabus of the case referred to:

The act of 1895, entitled "An act to facilitate the giving of bonds, undertakings and recognizances and to authorize the acceptance of certain corporations as surety thereon, and to repeal all acts and parts of acts in conflict herewith," is ineffectual as an amendment or repeal of chapter x of the Compiled Statutes, entitled "Bonds and and oaths, official," or to dispense with personal sureties upon official bonds as required by that chapter,

Many Offices May Be Vacated. In view of the statute and the decision of the court holding the guaranty law invalid,

it is believed that there are grave doubts as to the tenure of many state and county officers. It is feared that many of the official acts may be subjected to attack in the courts on the ground that the persons acted without authority.

The suggestion is frequently heard that the governor could reappoint the state officlais who are affected, but it is pointed out that he, too, filed a guaranty bond two years ago and is in the same situation. H. Harrison of Hall county, who is president pro, tem, of the state senate, and on him will devolve the duty of making the appointments for the interim lasting until next Thursday, if any are made. Governor Mickey has filed a personal bond for his

next term beginning January 5. In some instances county commissioner have all given such bonds, it is said, and there will be no appointive power to fill the places of the other county officials whose offices become vacant ipso facto. Lancaser county officials, except County Clerk Walt Dawson and County Attorney Caldwell, gave guaranty bonds. All the commissioners also gave guaranty bonds, so that under the interpretation placed on the statute and the decision of the supreme court this county may be practically without officials until the next election rolls

Will Seek to Pile Personal Bond. Supreme Court Clerk Lindsay has been deluged with applications for copies of the opinion of the court. Many officials are taking steps to file personal bonds in an effort to comply with its terms.

It is said that Commissioner Ames, who wrote the opinion, takes the view that all officials now in office must have persona

Norris Brown, deputy attorney general. says that the bonds in guaranty companies still serve to protect the state, although he is not so sure as to their effect under the terms of the section declaring the office vacant for failure to file a bond. He stated that he believed personal bonds might be flied, although he hopes to see the legislature adopt a valid act providing for the use of guaranty bonds, which are regarded as safer and less liable to put an official under undue obligations to his friends.

Mortensen to Give Personal Bond. State Treasurer Mortensen was in mood to resign when he was told by the governor that a personal bond would be required, but today he has practically concluded to secure a personal bond until the legislature an pass a valid act, which will permit him b file a guaranty bond. Because of the rallway litigation the amount of money which he will have in his charge during the next thiry days will not be great and it is resent bond is for \$1,000,000.

Mr. Mortensen is very much oppo the personal bond, which places an official in a position to be called upon for favors He is now seaking to make arrangements

IT WILL KEEP

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the persons who will be asked to act as his preties, but he may be unable to do the atter for lack of time in which to have Decision in Indomnity Boad Case Again the necessary papers executed at the various easiern offices of the companies. Steps were taken several days ago to execute the new bond, but that work is useless since the roling of the supreme court has been put into effect by the governor.

> Seeking Bondsmen. Several other officials-elect at the statehouse had made arrangements for a guaranty bond, and today they were skirmishing around seeking sureties. It is regarded as fortunate that the governor's attention was called to the matter so soon, as some secure sureties a day of two before the inauguration. Governor Mickey wired officials who were out of town.

> Among the appointive officials who have been giving guaranty bonds are Supreme Court Clerk Lindsay and Private Secretary Allen. The case which is the cause of all the trouble will come up for rehearing in the supreme court. It is said that many of the officials affected will take an active interest in the litigation in an effort to convince the court that the decision is defec-

City officials say that if the decision is llowed to stand saloon bonds are invalid, because they are all executed by the barred companies under the terms of the vacant. Many county officials who gave act which has been held invalid. It is against John Thompson, charged with daystated, however, that the companies will be liable on the bonds because having accepted the premiums they are estopped from setting up the invalidity of the law as a defense. It is believed that the invalidity of the bonds will lay the saloon interests open to revocation of licenses. Every saloon in Lincoln gave bond of the character placed under the ban by the court. Only a few of the city officials gave bonds

signed by guaranty companies, and they are now seeking personal bonds also.

Question Inrisdiction.

Judge Holmes heard arguments today upon the proposition that the action of the State Board of Health in revoking certificates of doctors is final and not appealable from. Over a month ago the board revoked the certificates of Dr. Walker of Newman Grove and Dr. Munk of Lindsey because of violations of the law. From this action of the board the two physicians appealed to the district court. To this appeal a denial was entered that the cour has no jurisdiction to hear any such appeal. Judge Post of Columbus and M. F. Harrington of O'Neill represented the doctors, and H. C. Vall of Albion and H. F. Rose of Lincoln the state board. Judge Post contended that it was possible to appeal from the decision of any inferior tribunal, while Mr. Vall insisted that the state board was the final arbiter in cases of this character. Mr. Vall neatly turned Judge Post's argument by quoting from one of his decisions upon the supreme bench, in which he denied Dr. Hay, formerly of the Lincoln asylum, a hearing to contest his removal

by Governor Holcomb. Mr. Rose took the ground that as between the three co-ordinate branches of the gov ernment there can be no interference one with the other, and that to give the courts the right to final decision of cases coming within the right of the State Board of Health, composed of executive offices, would be a violation of this constitutional

right of freedom from interference. Dismantles Factory.

The National Biscuit company, known as the Cracker trust, today started to dis-mantle its Lincoln factory. The institution was closed several months ago, but at the time it was strenuously insisted that it was but a temporary move. The building has been sold to the Lincoln Hardware company and will be used as a warehouse hereafter The machinery will be shipped to Omaka, Lieutenant Governor McGilton also gave The machinery will be shipped to Omaka, a guaranty bond, so that the acting gove which will be the baking center of the state. A distributing house will be main-

Will Wage a Dry Campaigu The Law and Order league of the city which is championed by Rev. Samuel Z. Batten, pastor of the First Baptist church nnounces today that it will wage a campaign against the issuance of licenses to sell liquor in Lincoln during the coming

The question, under the law, may be subnitted at any city election, if certain formalities are followed. The league gives as reason that the liquor men have not obeyed the laws in the past and that they meddled in the campaign two years ago for the purpose of folsting a bad administraion upon the city, getting a reduction of the license fee from \$1.500 to \$1,000 a year as their share of the spoils.

The league has been meditating this ac tion for some time, and will at once begin an active campaign. Three years ago the question was submitted and came within sixty-seven votes of carrying.

A NEW ROAD LAW Residents of Richardson County Will

Try to Secure Amendment. HUMBOLDT, Neb., Dec. 28 .- (Special.)-The committee appointed at the good roads mass meeting last week met and recommended the following amendments to the

First-Do away with the office of road supervisor.

Second-Provide for the office of county engineer at a salary of \$800 per year, in addition to the fees of county surveyor. This officer te draw all plans and specifications for bridges and to inspect and pass on bridges as built. (This will operate to do away with the bridge committee.)

Third-All poll tax to be paid in cash, and no man under 50 years of age to be permitted to vote until his poll tax is paid.

Fourth-All roads to be built and repaired by townships, and same to be done by the lowest bidder.

Fifth-Fifty per cent of the road fund to

y the lowest bidder.

Fifth—Fifty per cent of the road fund to
e expended annually under the supervision of the county engineer in the construction of permanent roads. The committee also adopted resolutions

calling for an elimination of the services

of the unskilled population in road building and the substitution therefor of an intelligent authority that will equitably distribute the burden of cost and apply good business methods to the construction and believed that a \$600,000 bond will suffice. His maintenance of public highways. It is also urged that in counties like Richardson, where a considerable part of the area is subjected to inundations an intelligent sys tem of drainage be inaugurated and pushed n connection with the road building; also advising a preliminary topographical survey of the lands by a competent engineer all expenses of the same being borne by the lands affected. Legislators are also orged to lend all possible assistance to the nactment or necessary amendment of nay be reclaimed. The members of the ommittee are J. B. Babcock W. A. Greenvald, R. E. Grinstead, G. J. Crook and leorge A. Abbott. There were also in atendance E. A. Tucker, senator-elect, and W. H. Hogrefe and J. S. Lord, representathese matters their special attention dur-

ing the coming session. Suspect Held for Burglary. KEARNEY, Neb., Dec. 28 .- (Special Tele-(ram.)-Clyde Brock, who arrived in this city a few days ago. was arrested today. He is suspected of being implicated in a burgiary which took place at Brady Island inst Saturday night, when four men broke into a confectionery store and stole a quantity of tobseco, olgars and confection-ery. When arrested Brock had some of the stolen property in his possession. Deputy Sheriff Eider arrived from North latte during the day and teturned with He stated that the officers were dose on the trail of the other three men

ready under arrest.

Long Fought Suit for Elevator Service

is Finally Compromised.

BEATRICE, Net., Dec. 3 .- (Special Tele gram.)-The case of the Farmers' Elevator Company of Virginia against the Missouri Pacific Railroad, which has been in the courts for some time, was settled here today. Four years ago the elevator company was organized by a number of farmers who Virginia. The company built an elevator on the ground purchased by them near the Missouri Pacific tracks at Virginia, and of the officials would have been in a serious predicament had they been obliged to Over a year ago the elevator company commenced a suft to compel the railroad to build a sidetrack. The case was carried to the supreme court and recently Judge Davidson of Tecumseh was appointed as referee to take the testimony. After a lengthy conference today an agreement was reached whereby the railroad company agreed to put in the track if the elevator company would do the grading. The case has been watched with considerable interest by the farmers and grain men in various parts of the state, some of whom have deferred building an independent elevator because they were uncertain as to the possibility of securing a sidetrack right.

Judge Kelligar today overruled a motio for a new trial in the case of the State light burglary, and sentenced him to one year in the penitentiary.

BLOCK AT COLUMBUS DESTROYED Fire Wipes Out the Dunham and

Buckmaster Stores. COLUMBUS, Neb., Dec. 28.-(Special.)-At 12:30 this morning Night Patrolman Nelson discovered a small volume of smoke issuing from the basement windows under the department store of E. B. Dunham, corner Eleventh and M streets. An alarm was at once sounded and the firemen were soon on the ground and battled hard with the flames until 5 this morning, but the large store, with its entire contents, was totally destroyed. The firemen were seriously hampered in their work and had several close calls from being injured. First, when the gas plant at the rear of the store blew up ilscovered a small volume of smoke issu-

Dunham, who bought out Garrett Hulst in September. The next twenty-two feet was occupied by O. J. Buckmaster, who recently came here from Lincoln and pur-

HIS ARM CAIGHT IN COG WHEEL

Charles Snyder Has Thrilling and
Painfal Experience.

KEARNEY, Neb., Dec. 28.—(Special Telegram.)—Charles Snyder, a young man in the employ of Patterson & Wingard, met with an accident at the Parker ranch, six miles west of this city, yesterday. Snyder was adjusting a gasoline engine, and as he started the machine his right coat sleeve caught in the cog wheels, drawing his arm in and badly cutting and grinding the flesh between the wheels. Snyder was alone and at once summoned all his strength and succeeded in tearing his arm from the wheels before the member had been ground to a pulp, which would have been the result had he not been successful in freeing himself. The injured man was brought to the city and his injuries attended to. No bones were broken.

hampered by the storm, which was very severe on stock.

BEATRICE, Dec. 28.—The annual exhibit of, the Southeastern Nebraska Poultry association opened here yesterday and will continue throughout the week. Owing to fithe severe coid weather, but a few entries were made yesterday. The association expects to have exhibits from nearly every town in this section of the state provided the weather remains pleasant.

FAIRBURY. Dec. 28.—Albert Wicke of Steele City, this county, plead guilty in county court this morning to the charge of assault upon Michael Bonahan and was fined \$25 and costs. Bonahan shed out a lot of drift wood from the river and was hauling it away, when Wicke interposed with a claim of ownership, and on Bonahan's refusal to give possession of the wood he was the recipient of a severe beating.

FAIRBURY, Dec. 28.—After several continuances the case of Campbell Bros. and others against Swift and Company for maintaining a nuisance, was heard in county court, the defendants making no defense on the hearings and the proceedings were coid weather, but a few entries were acid were were coid weather, but a few entries were acid were made yesterday. The association extensive made yesterday. The association extensive made yesterda

SHERIFF HALL FAIS TO APPEAR Official Does Not Reach Lincoln with

Former Banker McGreevy. LINCOLN, Neb., Dec. 28 .- Sheriff Hall, in charge of Bernard McGreevy, defaulting president of the O'Neill bank, has not been located.

The officer left Phoenix, Ariz, Sunday and was expected in Lincoln today, and was to proceed this afternoon to O'Neill. He did not come and the authorities were

ousiness men belonging to the department for the purpose of avoiding jury duty. The cost of maintaining the department during the month, owing to several bad fires, was \$52.00. There has been some agitation lately for the organization of a paid fire department, but owing to the Central railroad. expense, which would be at least four times the present cost, the volunteer firemen will still put out the fires that may

Banking Changes at Leigh.

LEIGH, Neb., Dec. 28 .- (Special.) -- George A. Price, who for the last ten years has been cashier of the Furmers and Merchants bank at this place, has resigned. He expected to join the J. H. Hamilton company of Omaha in the grain business. This company expected to build a terminal elevator to work in connection with its country elevators, but now it is given out that the terminal house has been called off, and Mr. Price will not be interested in the company. At a recent meeting of the directors of the bank Fred Rubeler, jr., assistant cashler, was advanced to the position of cashier, and Ed Wurdeman, a young farmer, was elected to the assistant cashiership.

City Loses the Case. PLATTSMOUTH, Neb., Dec. 28 .- (Speial.)-In the case entitled the New Hampshire Savings Bank et al. against the Plattsmouth Electric Light Company and the City of Plattamouth, wherein the plaintiff sought to compel the city to pay \$30,-000, and also the amount of rent it had paid the gas company for four years, Judge Carland rendered judgment against the city in the sum of \$3,336.35. After the report of irainage laws in order that swamp lands City Attorney Travis had been considered by the city council that body decided to have the case taken to the court of appeals.

Big Four Poultry Show. DAVENPORT, Neb., Dec. 28.-(Specia Telegram.)-The Big Four Poultry and Pet tives-elect, who, it is understood, will give Stock association opened its second annual exhibition at this place Wednesday, to last until Friday. On account of the very inelement weather the entries were not as large as they would have been otherwise, but over 250 birds had been entered by even ing. Judge J. J. Atherston of Emports, Kan, the well known poultry judge, is present to act as official scorer.

Storm Destroys Roundhouse. NORFOLK, Neb., Dec. 28.-(Special Telegram)-The new Union Pacific round house was blown down during the storm yesterday. No one was hurt.

His Faviorite Way. COLUMBUS, Neb., Dec. 28.-(Special.) William Snyder, a buscher employed by

hand yesterday by getting them caught in a sausage machine. Two years ago be FARMERS TO GET THE SIDETRACK met with a very similar accident and lost

one finger. JURY EXONERATES REYNOLDS

Inquest Over Remains of Frank E. Brown Held at Tecumseh. TECUMSEH, Neb., Dec. 26-(Special Telegram.)-The coroner's jury completed ts work at 12:30 this morning and found that Frank E. Brown came to his death intended to engage in the grain business at from gunshot wounds inflicted by Reynolds and that Reynolds acted in self-defense

SEWARD, Dec. 23.—The annual parish supper of the Congregational church will be held at the church pariors Tuesday evening, January 3.

SEWARD, Dec. 28 Sheriff Smiley took Myers, the fellow who stole harness from Beaver Crossing, to the penitentiary to-day. He was sentenced for one year. day. He was sentenced for one year.

WYMORE, Dec. 28.—George Ellison, editor of the Nashua Reporter, who attended the funeral of his father here Monday, returned to his home in Nashua, Ia., today.

PLATISMOUTH, Dec. 28.—While James Winn was walking along Main street he slipped and fell upon the ley sidewalk, thereby causing a deuble fracture of his right leg.

thereby causing a double fracture of his right leg.

WYMORE, Dec. 2.—The Standard Oil company's warehouse has been completed, It is a wooden structure situated near the B. & M. yards and is intended for the storage of oil for local use.

ERADSHAW, Dec. 3.—The Bradshaw Telephone company has purchased another telephone company that was commonly known as the "Slippery Eim" company. The Bradshaw company was organized five years ago and has made a rapid growth.

SEWARD, Dec. 2.—The chapter of P. E. O. and X. Y. Z. club gave a "miscellaneous shower Tuesday night at the residence of Dr. and Mrs. F. A. Marsh for Miss Ruth Davis, whose marriage to Mr. George Harney occurs December 28.

PAWNEE CITY, Dec. 2.—Last Saturday was the thirgleth wedding anniversary of

gas plant at the rear of the store blew up and afterward when a large quantity of powder exploded.

The building was a new brick block. 66x 100 feet, and was couned by E. B. Gluck. The first two stores were occupied by E. B. Our Country." The negative won in the Dunham, who bought our Garrett Huist in decision.

BEATRICE. Dec. 28.—Since Thomas Davis, colored, has been sentenced to one year in the penitentiary for daylight burglary by Judge Kelligar Sheriff Trude has learned that he is a deserter from Troop

cently came here from Lincoln and purchased the hardware department of the Hulst stock.

The fire originated from the furnace in the basement and soon reached some barrels of oil, and it was only by the hardest work that adjoining property was saved. The loss is placed at about \$25,000 on the stock and \$15,000 on the property. Total insurance will probably be about \$22,000.

Start by Judge Kelligar Sheriff Trude has learned that he is a deserter from Troop C, United States cavalry, stationed at Fort Robinson. Davis will be taken to Lincoln today to begin serving time.

BEATRICE, Dec. 28.—This locality experienced the coldest weather of the season yesterday, the mercury registering as low as 7 degrees below zero. Considerable snow fell and drifted badly, as it was accompanied by a forty-mile wind from the northwest. Traffic of all kinds was badly hampered by the storm, which was very severe on stock.

brought to abate a nuisance claimed to be created by the chicken packing house of the defendants.

WYMORE, Dec 28.—Battery A gave a Christmas dence at the armory last Mon-day night, which was well attended in spite of the inclement weather. About spite of the inclement weather. About seventy-five couples were in attendance. The hall was very elaborately decorated with festoons of evergreen draped from the ceiling and with colored lights. The walls were decorated with designs pertaining to the battery. The music, furnished by the Wymore orchestra of ten pieces, was excellent.

Railroads May Merge.

He did not come and the authorities were not advised of his whereabouts. Feeling at O'Neill is extremely bitter and the sheriff, it is thought, has decided not to take McGreevy there.

Fremont's Fire Department.

FREMONT, Neb., Dec. 28.—(Special.)—At the regular meeting of the city council last evening Chief of the Fire Department Mortensen submitted his report, which shows the total number of volunteer firemen on the active list to be ninety-one, which, in the opinion of the chief, was many more than was needed, a good many

Ratiroads May Merge.

Indianapolis Railroad counted the temporary injunction that had been granted in the case of Edward H. Bonner of New York against the Terre Haute & Indianapolis Railroad company, restraining that company from entering the proposed consolidation of it with the St. Louis, Vandalia & Terre Haute & Logansport and the Logansport & Toledo Railroad companies. Now that this injunction has been dissolved, the proposed consolidation will be carried out as rapidly as possible, as the majority of the stockholders of the various roads concerned have voted in favor of the project.

Railroad Superintendent Killed. CHICAGO, Dec. 28.—John G. Hartigan of Little Rock, Ark., superintendent of the St. Louis, Iron Mountain & Southern railroad, died at St. Luke's hospital here tonight from injuries he sustained last night when struck by a railroad train in front of the Dauphin Park station of the Illinois

Think Officer Committed Suiside. CHATTANOOGA. Tenn. Dec. 28.-The structing quartermaster at the new army post here, was found today with a bullet hole through the heart. He is supposed to have committed suicide.

\$500 REWARD

So uniformly successful has Dr. Pierce's Pavorite Prescription proven in all forms of Female Weakness, Prolapsus, or Falling of Womb, and Leucorrhea, that, after over

a third of a century's experience in curing the worst cases of these distressing and debilitating ailments. Dr. Pierce now feels fully warranted in offering to pay \$500 in cash for any case of these diseases which IT STANDS ALONE.—The "Favorite Pre-

It STANDS ALONE.—The "Favorite Prescription" stands alone, as the one and only remedy for these distressingly common forms of weakness, possessed of such positively specific curative properties as to warrant its makers in proposing, and binding themselves to forfeit, as we, the undersigned proprietors of that wonderful remedy hereby do, to pay the sum of \$500 in legal money of the United States in any case of the above diseases in which after a fair and reasonable trial of our treatment, we fail to cure. No other medicine for we fail to cure. No other medicine for the cure of woman's peculiar ailments is backed by such a remarkable guarantee; no other medicine for woman's ills is pos-sessed of the unparalleled curative prop-erties that would warrant its manufacturers in racking such an offer; no other remedy has such a record of cures on which to base such a remarkable offer.

has such a record of cures on which to base such a remarkable offer.

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In cases attended by a leucorrheal drain a solution of Dr. Pierce's Lotion Tablets should be used conjointly with the use of the "Favorite Prescription." They are sold by all druggists, or sent post-paid to any address, on receipt of 25 cents in stamps. Send 31 cents in stamps for Dr. Pierce's Common Sense Medical Adviser. Address World's Dispensary. Buffalo, N. V.

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Jacksonville, Fla\$52.50	San Juan, Porto Rico\$133 50	
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Mobile, Ala\$41.50	Tallahassee, Fla\$52.50	
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Mani Decided is the contrary, it is necessary start and the Water the Manie to the Parenter and M. H. Vale the Viadro-rea agranger remiets in the Real