TECHNICALITY ESTABLISHED BY DEFENSE

All Rights of Prisoner Preserved by His Attorney and the Formalities Duly Observed Before Start is Made.

Tom Dennison was taken to Logen, Ia. Saturday morning by United States Marhal George M. Christian of Iowa. Governor Mickey's warrant of extradition was read to Dennison in the office of his attorney, W. J. Connell, at 16:56, and at 11:30 they took a train at the Union depot for the lowa town.

When Christian entered the law office of Mr. Connell Dennison was waiting for

'How are you, Tom?" was the marshal's greeting, as he laid down a weighty looking satchel. 'All right, Mr. Christian, how are you?"

"Did you have a long walk, Mr. Marshal?" inquired Lawyer Connell, noticing that the marshal was a triffe winded.

replied Dennison, as he rose to shake hands

"No, but it was all up hill." 'Well, that's what it's going to be all through this case," said Connell, with a

smile full of promise. "Possibly," said the marshal. Attorney Connell ther inquired if the Iowa officer had the warrant with him, and Christian said he had, "the same one

I have had since last June." Located the Charge.

He drew from an inner pocket a bulky envelope and started to read the supreme would walve the reading of that document. Then Christian drew out the warrant of the governor of Iowa in which Dennison is alluded to as a fugitive from when Connell again called a halt and asked for the warrant of the governor of Nebraska. At last the officer got the right paper, and while he was reading it the

lawyer whispered something to Dennison.
At the conclusion of the reading Mr. Connell called the marshal's attention to the charge set out in the warrant, which was "the crime of receiving stolen property," and asked the marshal if he was arresting Dennison on that charge. Marshal Christian replied in the affirmative, and Dennison spoke up:

"You insist on taking me on that charge?" "Why, of course." "Well, I'll go with you if you insist."

"I do insist." "All right, I'm going with you this time,"

and Dennison stood up. "Have you got that gun with you yet?" asked the officer, and he laid his hand on Dennison's right hip and quickly ran both hands about his waist and felt his overcoat pockets.

"No, I have no gun," said Tom with laugh, "that was only a bluff."

The two then left Mr. Connell's office alone and went to a street car for the Union depot. They had hardly got out of the building when Lawyer Thomas showed up at the door of Connell's office. He was told Dennison and Christian had left for Logan and asked Mr. Connell if he was going to Iowa. Dennison's attorney said he was not; that he did not consider it at all necessary.

Position of the Defense. In explaining the formalities indulged in "I wanted to establish the fact that the marshal was taking Dennison out of the state of Nebraska on one particular charge, and that he was also taking him under compulsion; that Denfison was not going to Iowa of his own free will, voluntarily. I contend that he is being taken there under compulsion, as the result of a con-

charge and then to arrest him on another of an entirely different character. "While the supreme court of Iowa has held that a man can be arrested in that state under these circumstances, the correctness of that ruling has never been established by the supreme court of the United States. I do not believe it is a consistent proceeding, or in accordance with the principles of the constitution; that it in fact contravenes the very spirit of the constitution and is subversive of the com-

spiracy to get him into that state on one

monest right of a citizen. "While the lowa courts have held as indicated, there are numbers of other deagainst his will, on one charge and then be

arrested on another. bail to any amount can be given without Sunday dinner at his home in Omaha." Whatever the Iowa courts may do, Den decision by the highest court in the land

Dennison and Thomas Encounter. When Tom Dennison reached the top floor of the court house Saturday morning the first man he met face to face was his farthest friend, Attorney Elmer E. Thomas There was no gushing salutation that anya tire was started, nor anything else.

In Judge Estelle's court room sat Attoring until some formal motions could be distion to cut out of Dennison's suit for damages the allegations touching "the gatherpublic scorn and contumely.

Then entered Mr. Thomas and approached Mr. Connell. The two moved back to the rear of the room, being joined by United States Marshal Christian. After a whispered consultation it was decided to postpone the heafing on the motion to strike

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DENNISON GOES TO LOGAN out for one week. The argument will therefore be heard Saturday, March 4.

Dennison's Bond Approved.

LOGAN, Ia., Feb. 25 .- (Special Telegram.) In custody of United States Marshal Christian, Tom Dennison of Omaha arrived here at 1:05 o'clock this afternoon. large crowd was at the train to see the arrival and to avoid the crowd the officer took his prisoner into the depot. Here they were joined by Sheriff A. J. Shinn and Deputy Sheriff Rock, who took charge of Dennison, giving the marshal a receipt

for him-From the depot the party, which had been joined by George Egan of counsel for Dennison, walked to the court house, where the bond of \$10,000 offered by Council Bluffs parties was approved by the court, and Dennison left in company with his at-

torney. The bond had been in the possession of the local attorneys for Dennison for some

time, awaiting his arrival. A petition will be presented to the court April 10 asking for a change of venue. It has been circulated for some time and generally signed by people who say that fair trial in Harrison county.

FRUIT BUSINESS PICKING UP Jobbers Find Trade Much Betfer, with Prices Advancing Owing to Changed Conditions.

The warm weather has very much increased the business of the fruit jobbers. During the cold weather people appeared to live on ontmest and hopes of a future state, but now the grocers are buying again from the jobbers and trade is brisk. The oranges, onlons and cabbages show an upward tendency.

The orange market has advanced 25 cents all over the country and opinion is divided as to whether further advances will folcourt mandate, but Connell said they low. The oranges have been sold this year at unusually low prices, and it is only due to the heavy and long continued rains in California that they were not sold for very much less. With the freeze up here justice. He had got well started on this and nothing to prevent the ripening and shipment of oranges in California the market would have been glutted and the golden fruit would have been no more than worth its weight in lead. The demand has now increased faster than the movement from the west, so that the market has advanced. The question is, if the rains will not have so affected the market as to cause a weakening later on which may prevent further advances. The oranges have been held back by the rains, but now that these have ceased, the crop will be apt to ripen within a shorter time, throwing a larger number of oranges on the market than is usual at this time. The rains would have the tendency also of making the oranges bloated in some cases and of making the peeling soft. For this reason they will not keep or ship well. Orange men are not sure as to the effect of the freeze in Florida on the general market. Florida was a very small factor after the "big freeze" and only last year began to come into the citrus market again heavily. The cold weather this winter has undoubtedly killed all of the new crop, even if it has not destroyed the trees. The lack of Florida oranges may

somewhat strengthen the market. The time when grocers asked 23 cents for eggs and no questions asked has gone by. The retail trade is generally dealing out the egg at 25 cents a dozen and the supply has increased enough to allow two each for every member of families not numbering more than ten. There is still no very great stock in the city and cold weather would result in a tle up. The by himself and his client, Mr. Connell said: poultry situation is somewhat better, although the demand is large enough to keep the price from easing up to any noticeable extent.

ONE MORE NIGHT OF THE FAIR Sacred Heart Parish Nets a Handsome Sum as a Result of the Enterprise.

The fair of Sacred Heart parish was to have been closed last evening, but owing to a number of prizes remaining undisposed of it will be continued Monday evening The fair has been a great success, the attendance being large throughout, and will net the parish church and school in the neighborhood of \$2,000.

The contest to decide who was the most popular gentleman, the first prize a diamond ring, was won by Edward Kelly; the cisions to the effect that a man cannot be Rante. Miss Martha Lahlein was awarded granted to saloon keepers, nor with the carried into another state, forcibly and a diamond ring as the most popular young revenue tax exacted by the federal governwoman, and Miss Madaline O'Connor a gold heart necklace as the second prize. Miss "As soon as Marshal Christian arrives in Lillie Bell was only a few votes behind Legan Dennison will give bail. That has the prize winner. Mrs. Patrick Mostyn all been arranged for, and the papers are was voted the most popular married woman there ahead of him. I rather expect he will and thereby secured a gold ring, and for be arrested at once on another charge, but being second in the contest Mrs. J. B. Wilson secured the gold rosary beads. Mrs. J. delay. I expect Mr. Dennison will eat his H. Gibbons was a close competitor in this

nison's attorney will not rest short of a CONFER OVER CITY CHARTER Bill Now Said to Be Ready for Introduction in the Legislature.

State Senators Thomas and Saunders, one could notice. Each behaved like a Representatives Barnes, Clarke, Foster, gentleman, passing to the right and ob- Muxen, Dodge and Lee, W. T. Nelson of perving with care all the other rules of the the city charter revision committee and They didn't even touch hubs and not | Acting Mayor Zimman held an executive session last evening at Senator Thomas' office in the New York Life building to neys Connell, Mahoney and Burbank, wait- put the finishing touches on the city charter. It is announced the bill will be ready posed of to open up their arguments as to for introduction on Monday. While it was he why and why not of Mr. Thomas' mo- generally understood that the matter of paving specifications was the principal subject up for consideration last evening, none ing of evidence" and the other allegation of those present would commit themselves his character had been held up to after the meeting. An agreement, it is stated, has been reached and the bill will now be introduced forthwith.

Attention, Masons! All master Masons are requested to as emble at Masonic temple Tuesday, February 28, at 1 p. m., to attend the funeral of

Brother Robert W. Dyball. CHARLES A. TRACY, Master, St. John's Lodge No. 25, A. F. & A. M.

Sorrow. Sorrow. Sorrow. Brother Robert W. Dyball is dead. The Kadosh funeral service will be held at Masonic temple Monday evening, February W. S. SUMMERS, Preceptor.

PERSONAL PARAGRAPHS.

Mrs. H. M. Eck has gone to Chicago or Miss Frances Downey left Saturday for Chicago to purchase spring goods. Miss Margaret Daverne has arrived in Omaha from New York to accept the position of head millinery designer for J. L. Brandeis & Sons.

J. L. Brandeis & Sons.

A. S. Whitworth, manager of the milinery department for J. L. Brandeis & Sons, has returned from an extensive spring buying trip to New York.

On Monday evening, March & the Young Ladies' society of St. Patrick's church will entertain their friends at Turner hail, South Thirteenth and Martha streets. An unusually attractive program has been arranged for the occasion.

Mr. Charles L. Vollmer manager and

Mr. Charles I. Vollmer, manager and buyer for the clothing department of the Bennett company's store, returned this week from New York. He was married February 4 in Chicago to Miss Etizabeth Gombert of Alma Center, Wis. Mr. and Mrs. Vollmer are at home at 1912 Emmet street, city.

LUIKHART AND ENNIS GUILTY

Jury Returns Verdict Convicting Saloon Man Charged with Conspiracy.

SUMMERS, PLEADS FOR SALOON KEEPERS

Baxter Sternly Arraigus the Men Who Are Guilty of Debauching the Indians and Demands

Their Punishment.

verdict returned by the jury in the federal court, before whom the conspiracy cases have been on trial for the last two weeks. The men were charged with conspiring to sell liquor to the Omaha and Winnebago Indians. They are saloon keep-

ers from Homer, Neb. Arguments in the saloon conspiracy cases DEATH BRINGS DYBALL RELIEF were resumed at 9 yesterday morning bethey do not believe Dennison can secure a fore Judge Munger in the United States district court, with W. S. Summers for the defense, as the first speaker. Mr. Summers spoke an hour and forty-five minutes. The general trend of his argument was that the government had not made a case against his clients, and he dwelt particularly upon the unreliability of the government witness, Featherlegs, whose testimony he claimed had been successfully impeached by a number of witnesses of irreproachable character, particularly as regarding his reputation for truth and veracity. Mr. Summers' reference to the testimony of the witness Snyder was referred to very briefly. He undertook to laud the character of the defendants and referred particuluarly to the fact that the witness Ennis had but once prior to this case been indicted for selling liquor to Indians, and that was in 1963, and as soon as the witness learned of his indictment came to Omaha, demanded a trial, gave bond, and that the case was subsequently dismissed against him at the instance of the government attorneys. He did not believe that this jury would find these men guilty of the crime charged against them on the evidence thus far produced and made a long and eloquent plea for their acquittal.

> Baxter Closes the Argument. United States District Attorney Baxter delivered the closing argument for the government in an address of about fifty minutes. He called the attention of the jury to the fact that, while it was true that the case against Ennis, for which he was indicted in 1903, was dismissed, that the indictment had been found during the administration of Mr. Summers as United States district attorney, and that the dismissal had also occurred under Summers administration. He dwelt at some length upon the difficulty of the hands of the government being laid upon the real and responsible parties for the debauchery of the Winnebago and Omaha Indians, the saloon keepers and owners, as they always had successfully hidden behind their tools the bootleggers, and that for this reason the government had to retain the two bootleggers, Orr and Featherlegs, as witnesses against these defendants. He called the further attention of the jury to the fact hat while an effort had been made to impeach the testimony of Featherlegs, there had not been the slightest effort on the part of the defense to impeach the testimony of Frank Orr, nor had they succeeded in doing so. He showed further that in addition to the testimony of Orr relative to the conspiracy part of the indictment, that Orr's testimony was corroborated by nineteen Indians, who stated that they had purchased liquor of Orr in the bull pens of the defendants' saloons. He said in conclusion, in referring to the testimony of the confessed perjurer, Sny-

der: "You, gentlemen of the jury, are familiar with that episode. I believe that he told the truth on his direct examination You will remember that he was subjected o a most rigid cross-examination, but that the able attorney for the defense was unable to shake his direct testimony one iota. The subsequent circumstances you

upon them here." Judge Baxter concluded his argument at 12:15 It was throughout a scathing and ing more propitious for such a venture. bitter arraignment of the nefarious liquor traffic at Homer and the consequent debauchery of the Indians of the Winnebago tribe of Indians, as well as of the Omahas.

Instructions of Court. Judge Munger began his charge to the jury at 2 o'clock Saturday afternoon and it stration given by the representatives of the was 2:30 o'clock when he had finished. He stated at the outset that the jury had nothsecond prize, a gold watch, going to Ralph ing at all to do with the question of licenses ment from retail liquor dealers. The question for the jury to consider is that of conspiracy between the defendants with Frank Orr. "Conspiracy," he said, "is the agreement of two or more parties to violate a law and the act of violating that law through such agreement. If you find that anyone of the parties to this agreement did violate the law as a result of the agreement, then all parties to the conspiracy are equally guilty. You cannot bring in a verdict of guilty upon the unsupported testimony of Frank Orr unless his estimony is supported and corroborated by the direct testimony of others or by circumstantial evidence, either of which is corroborative testimony. If any one of the conspirators is guilty of an unlawful act which is a part of the agreement all are guilty. But the act must be committed The mere fact of an agreement to do an unlawful act does not constitute an offense unless the act is committed. The fact that liquor was sold to the Indians does not constitute a crime under this indict-The question is, Did Frank Orr sell ment. liquor to the Indians under this agreement to the Indians specified in the value when taken into the human system counts of two that is did he commit the overt act, and was it in pursuance to the agreement? In considering this case you should bear in mind that circumstantial evidence is competent evidence and must render your verdict accordingly." Both Defendants Guilty.

The jury in the saloon conspiracy cases came in with a verdict of guilty at \$:30 last night. Sherman Ennis was found guilty on the first and second counts and Edward

guilty on the second count. The jury had practically reached its verdict at 6:30 o'clock last evening, but under of catarrh. instructions of the court was permitted to go to supper, with directions to return to the court room at 8 o'clock, when the defendants, attorneys and court would be

present to receive the formal verdict. Immediately upon the announcement of the verdict District Attorney Baxter asked that the defendants, Ennis and Lutkhart, be remanded to the custody of the United States marshal and that their bond be fixed in the sum of \$3,000 each until the further proceedings in this case. Judge Munger thought a bond of \$2,000

Attorney John B. Lindsay, one of the counsel for the defense, made a motion for benefits of charcoal, says: "I advise an arrest of judgment until he could file a Stuart's Charcoal Lozenges to all patients

file the moti As both Ennis and Liukhart are under \$1,000 bonds in the other conspiracy indict-ment pending against them, Judge Munger permitted them to go under that bond until Monday morning, when they will be required to furnish the \$2,000 bonds each. The two counts referred to in the indict-

ment are, first, for conspiring with Orr to sell, and for selling liquor to Indians under that agreement in 1903, and up to the destruction of the saloon by fire on January 27, 1904, and during which time Ennis and

Luikhart were partners. The second count refers to the period after May, 1904, when the illegal sales of liquor were made in the new saloon operated by Ennis and during which time Luikhart was not his partner, and with particular reference to the sales made by the bootlegger, Orr, under the old agreement in the old saloon, in September, 1904, immediately preceding the arrest of Orr for such

The members of the jury were divided on the question of indicting both defendants Guilty on one county for Lukhart and on both counts, and finally agreed to comguilty on two counts for Ennis was the promise the matter by finding Luikhart guilty of but the first count and Ennis guilty on both counts.

The jury was formally discharged upor the announcement of its verdict, and with this case the present term of the United Sstates court closed.

City Councilman from Seventh Ward Finally Succumbs to His Long Illness.

R. W. Dyball, member of the city councll for the Seventh ward, died at his home at 4:10 yesterday afternoon. He had been ill for months and had been unconscious for about three days. As at present planned, the funeral will be held from the Masonic temple on Tuesday afternoon. Services of the Knights of Kndosh will be held on Monday night at the Masonic hall. Robert W. Dyball was 39 years old and was born in Chicago. He controlled the retail business operated under his name. in the world to you. Its effects are Dysentery-Diarrhes In 1908 he was nominated by the republican party as councilman from the Seventh ward and was elected in May of that year. He had never held political office before. In the council he was chairman of the street lighting committee and a member of the committees on judiciary and rules. Though reserved and seldom of never making a speech in open meeting, he was active in attending committee conferences and council meetings, and in all affairs of the branch of the city government with which he was connected up to the time when the fatal iliness that seized him in-

terfered. Mr. Dyball came to Omaha with his family November 6, 1886, being the oldest of four sons and one daughter. Three years later, with his mother, he embarked in the confectionery business. He was a thirty-second degree Mason, an Elk, a member of Clan Gordon, Royal Arcanum, Modern Woodmen and the Commercial

club and of Grace Lutheran church. For years he was an aggressive worker in the ranks of Ak-Sar-Ben and his ability and judgment in business matters was well recognized. The firm of which he was the head was established in Omaha in 1889 and for a time was operated principally by Councilman Dyball's mother, deceased. It is estimated that .Ir. Dyball was worth about \$40,000 at the time of his death. Before his sickness seriously impaired his mental faculties he is said to have made a will distributing his property among his brothers and sisters, as he was unmarried and had lived with a brother at 2510 Poppleton avenue. The brothers are Charles D. Dyball, now in charge of the business; Edgar S. Dyball, foreman in the confectionery establishment; George B. Dyball and the sister, Mrs. Charles Schwager. At its session last evening the Fontanelle club adopted a resolution expressing its sorrow at the death of Councilman Dyball and its sympathy with his relatives.

STATE FARMERS INTERESTED Third of Pure Seed Trains Draws the Largest Crowds of the

The third of a series of pure seed corn special trains, run under the joint auspices of the agricultural department of the Nebraska university and the railroads, came are familiar with and I need not dwell into Omaha last evening over the Omaha line. This last train was the most successful of the three, the weather conditions be-The train was started at Norfolk Friday morning, running to Bloomfield and Hartington that day, and from Newcastle to Omaha yesterday. The largest attendance on Friday was at Bloomfield, where 360 farmers attended the lecture and demonuniversity. On Saturday the bumper crowd was found at Oakland, where 584 attended. The train consisted of the engine and two auditorium cars fitted up for lecturing and

demonstrating purposes. Those in charge of the train were: T. L. Lyon, professor of agriculture; A. L. Haecker, professor of dairy husbandry; E. A. Burnett, professor of animal husbandry; Samuel Avery, professor of agricultural chemistry; L. Bruner, professor of entomology; C. W. Pugsley, assistant in agriculture, all from the University of Nebraska experiment station. The railroad officials were: Superintendent Nichols, District Freight Agent Sholes, Traveling Freight Agent Witherspoon and Roadmaster Pierce of the Omaha line.

It was demonstrated by the lecturers that by a careful selection of seed corn the yield may be increased from 5 to 15 per cent. This fact has already been demonstrated in a practical manner at a number of experiment stations in various states.

THE VALUE OF CHARCOAL

Few People Know How Useful it is in Preserving Realth and Reauty. Nearly everybody knows that charcoal is the safest and most efficient disinfectant and purifier in nature, but few realize its for the same cleansing purpose. Charcoal is a remedy that the more you

take of it the better; it is not a drug at all, but simply absorbs the gases and impurities always present in the stomach and intes-tines and carries them out of the system. Charcoal sweetens the breath after smok ing, drinking or after eating onions and other odorous vegetables.

Charcoal effectually clears and improves the complexion, it whitens the teeth and further acts as a natural and eminently safe cathartic. Luikhart guilty on the first count, but not It absorbs the injurious gases which collect in the stomach and bowels; it disinfects the mouth and throat from the poison

> All druggists sell charcoal in one form or another, but probably the best charcoal and the most for the money is in Stuart's Charcoal Lozenges; they are composed of the finest powdered Willow chargoal, and other harmless antiseptics in tablet form or rather in the form of large, pleasant tasting lozenges, the charcoal being mixed

The daily use of these lozenges will soon tell in a much improved condition of the general health, better complexion, swester breath and purer blood, and the beauty of each would be sufficient and fixed the it is, that no possible harm can result from amount at that figure until they should be their continued use, but on the contrary, great benefit.

A Buffalo physician in speaking of the motion for a new trial. Judge Munger suffering from gas in stomach and bowels. granted the defense ten days in which to and to clear the complexion and purify the breath, mouth and throat; I also believe the liver is greatly benefited by the daily use of them; they cost but twenty-five cents a box at drug stores, and although in some sense a patent preparation, yet I believe I get more and better charcoal in Stuart's Charcoal Lozenges than in any of the ordinary charcoal tablets."

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try. Let it prove that it does what The reason is that germs are vegetables; it is. Learn that it does kill germs. -is deadly to vegetal matter. Then you will use it always, as we do, and as millions of others do.

that Liquozone does as we claim. want to be well and to keep well. And germ disease. you can't do that-nobody can-without Liquozone.

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For the American rights to Liquozone. We did this after testing the product for two years, through physicians and hospitals, after proving, in thousands of different cases, that Liquozone destroys the cause of any germ disease.

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We want you to know about Liquo exhilarating, vitalizing, purifying. Yet Dandruff-Droppe edicine cannot do. See what a tonic and Liquozone-like an excess of oxygen

There lies the great value of Liquezone. It is the only way known to kill This offer itself should convince you germs in the body without killing the We tissues, too. Any drug that kills germs would certainly not buy a bottle and is a poison, and it cannot be taken ingive it to you if there was any doubt of ternally. Every physician knows that You want those results; you medicine is almost helpless in any

Germ Diseases

These are the known germ diseases. All that medicine can do for these tion whatever, troubles is to help Nature overcome the germs, and such results are indirect and uncertain. Liquozone attacks the germs wherever they are. And when the germs which cause a disease are destroyed, the disease must end, and

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