

MORE OF LAMBERT'S OFFERS

Further Testimony of Ware's Accomplishes Paying for Land Filing Claims.

FORMER OMAHAN MAKES FLAT CONFESSION

Max M. Lantz Says Lambert Warned Him Business Was Perilous and Secrecy Essential to Safety.

Frank Lambert told me he would give me \$150 for my first homestead and \$150 for the three additional quarters when I proved up. Up to this time I had not carefully read the filing papers, but when I did I said to him, 'If I should try to prove up on these papers I have signed by your direction it would land me in the penitentiary.' I then told him I would have nothing further to do with the business. I then gave him notice that I would drop the matter, and did relinquish my claim back to the government.

Such was the statement of Max M. Lantz, formerly of Omaha, but now at the Grand Island Soldiers' home and one of the parties who filed on lands within the U. B. J. ranch enclosure at the instigation of Welsh and Lambert.

The first witness called Wednesday morning in the federal court trial of Rev. G. G. Ware was Sanford B. Brown, who was put under a rigid cross-examination. His testimony in chief was not shaken. He said he knew nothing of the homestead laws, but supposed he had a right to dispose of the filing and that he would not have made the filings unless he had been assured of being paid \$150 per quarter when he proved up. He never intended to go on to the land to live.

Signed Lease in Blank.

Max M. Lantz was the next witness. His first dealings were through Harry Welsh. In making the ninety-year lease he signed the lease in blank and that was the last he ever saw of the lease. He had not received the \$1 for the lease, nor any other sum of money. All expenses were paid by Welsh and Lambert. Lambert told him at the time he made his additional filing that if the witnesses were called he would pay him the \$150 when he proved up. He said:

'At the time the papers were made out I did not have my glasses with me, and I signed them without knowing their exact contents. But afterward when I did read the papers I was certain I would be committing a penitentiary offense to go on, and so I threw up the contract. The conditions were that we were to transfer the land over to the land and cattle company.' In his cross-examination Mr. Lantz said: 'Why, certainly, it was the understanding I would deed the land over to the cattle company. I supposed we had rights to do so as old soldiers. I did not understand I was swearing to a false statement. In the matter of proving up, Lambert said he could get men from Illinois to prove up on the three quarters for \$150. This was before I had made the additional entry. After it was found we were going to throw up the agreement Lambert came to Grand Island and said to me: 'Keep your mouths shut about the land matter. If it is a crooked business,' I then said to him: 'Then, God you, why do you want to mix me up in this business?' He said further that in proving up on the additional filings we needn't bother about it, as they would furnish all the witnesses and do everything.'

Refused to Relinquish Land.

John J. Bunn was the last witness of the morning. His evidence was substantially the same as the previous witnesses, except that he was one of the men who cut loose from the cattle company and refused to relinquish the land. He went back to Mullen several times and went out on his land, rebuilt his shanty, put a floor in it and was trying to prove up on the land now. The last he saw of Lambert was about a year ago. Afterward, when he went to Mullen, Lambert had gone to Oregon and he had talked to a Mr. Kramer at the Mullen bank about closing up the land transaction as the representative of the cattle company. The money for repairing the shacks had been furnished by Dr. Blue and was a part of the proceeds that Dr. Blue claimed to have received from Ware. Both witness and Blue had given notice to the cattle company that they had quit with them and were now going on their own hook.

Ware's Foreman Testifies.

Foreman Henry D. Hoffgard of the U. B. J. ranch was the only witness of Wednesday afternoon that gave any evidence outside the routine stories told by the old soldiers from the Grand Island Home. Hoffgard said: 'I was foreman of the U. B. J. ranch for about one and one-half years. George G. Ware is the president of the ranch company and I received all my directions from him. He ordinarily came down to the ranch house four or five times a year. The ranch headquarters are at what is known as the D. X. ranch. The leases of Blue, Bunn and Brown, with some fifteen others, were given to me by Mr. Ware a year ago in January. I returned the three leases to the parties named, and have the other fifteen still in my possession at the ranch house. Mr. Ware said to me that

MANY CONSUMPTIVES HELPED.

State Hospital in Adirondacks Shows Encouraging Figures—105 Patients Discharged.

The trustees of the New York State Hospital for Incipient Pulmonary Tuberculosis in the Adirondacks have issued their completed statistics for the first year, which is as follows: There were admitted 307 patients, more than half of whom were incipients. There were no deaths. Of the 105 patients discharged, fifty-two were apparently recovered. Twenty-six arrested cases are reported. Sixteen improved, while eleven left without any improvement. The treatment consists mainly of outdoor air, wholesome food and rest. Patients have three full meals and two or three luncheons a day, and 90 of the 105 gained an average of 10.57 pounds each. This is certainly most encouraging and shows that incipient consumptives at least can be cured. There is another treatment perhaps almost as good. Stay home, use cold baths in the morning, get as much outdoor exercise as possible, a generous diet and the continuous use of Scott's Emulsion will doubtless check the progress of the disease and may permanently cure. At any rate it is easy to try it.

SCOTT & BOWNE, 409 Paul Street, New York.

THE VALUE OF CHARCOAL.

Few People Know—How Useful it is in Preserving Health and Beauty. Nearly everybody knows that charcoal is the safest and most efficient disinfectant and purifier in nature, but few realize its value taken into the human system 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 intestines and carries them out of the system.

Charcoal sweetens the breath after smoking, drinking or after eating onions and other odorous vegetables. Charcoal effectively clears and improves the complexion, it whitens the teeth and further acts as a natural and eminently safe cathartic.

It absorbs injurious gases which collect in the stomach and bowels; it disinfects the mouth and throat from the poison of catarrh.

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 charcoal and other harmless antiseptics in tablet form or rather in the form of large, pleasant tasting lozenges, the charcoal being mixed with honey.

The daily use of these lozenges will soon tell in a much improved condition of the general health, better complexion, sweeter breath and purer blood, and the beauty of it is, that no possible harm can result from their continued use, but on the contrary, great benefit.

A Buffalo physician in speaking of the benefits of charcoal says: 'I advise Stuart's Charcoal Lozenges to all patients suffering from gas in stomach and bowels, 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 25 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.'

he did not think the leases were the proper thing and that I should return them to the parties. Mr. Ware authorized me to write a letter to Blue. He told me to write to Blue to tell me when he could come up. I wrote Blue that I would have a team for him at Mullen when he came.'

The introduction of this letter was objected to by Mr. Mahoney, but the objection was overruled. In his cross examination Mr. Hoffgard identified the U. B. J. ranch enclosures from the plan submitted and said that a large part of the enclosure was made by adjoining ranch fences. Before the enclosure was made complete, cowboys were employed to ride the ranges. The last part of the fences was closed up last April.

There was nothing new developed in the cross-examination of J. J. Bunn during the afternoon, other than that he denied any knowledge of any assurances being made in his filing papers until the changes were called to his attention in the court room by Mr. Mahoney. He denied authorizing any changes or interjections in the land descriptions. In his re-direct examination he said: 'We only knew what Welsh told us, as he was our only legal adviser.'

Filed to Get the Money.

The witness further stated that the only consideration that induced him to file on the land or make an additional entry was the \$150 per quarter promised by the cattle company. He never intended to make a settlement on the land. He signed the lease for Blue, but now of Alliance, testified to driving the old soldiers out from Mullen to the land they had filed upon. The money was paid by George G. Ware monthly, by check, signed by Ware. All the money was paid to the old soldiers by the direction of Frank Lambert. He took out a number of others besides the old soldiers for similar purposes.

The other witnesses of the afternoon were George W. Stedman and George H. Rhodes. Their testimony was in all respects similar to the other old soldiers from the Grand Island Home. On one occasion two women, Mrs. Reed and Mrs. Emerson, went up with the party and made filings. In testifying to this incident Rhodes said: 'There were five of us, Jacob Schober, Henry Lowery, Mrs. Reed, Mrs. Emerson and myself, all who went up to Broken Bow to file. This was in March, 1902. When we went into the land office all sat down in a row on a bench and waited until the receiver of the land office called us up. Then he swore us to the papers. Nothing was said. Lambert and Welsh did all the talking. We then went to the lawyer's office and most of us signed the ninety-nine-year leases in blank. Afterward, when we refused to sign a relinquishment (this was in September, 1903) he said, 'Now, I want you fellows to sign the relinquishments, and that if we didn't he wouldn't bring up any more soldiers to file on lands.'

In his cross-examination his attention was called to certain interjections and assurances on the papers purporting to be his filing papers. He denied any knowledge of or authority for such assurances, but he finally admitted that he couldn't tell whether the papers were in that condition when he originally signed them or not. Rhodes also admitted that he did not intend to go onto the land to live, but the \$150 per quarter proposition was the only inducement he had for filing.

An adjournment was taken at 5 o'clock until 9:30 Thursday morning. Judge Munzer said Wednesday evening that the case would be in all probability last until Friday of next week. As the adjournment he had directed an adjournment of the Lincoln term of court until Monday, January 22.

LINCOLN TERM WILL BE BLOCKED

Session to Await Progress of Ware Case.

It looks as if the Ware case would run over into next week, which will necessitate an adjournment of the Lincoln term of court, which was set for January 22. Following the Lincoln term, which may not last quite a week. It is probable a new petit jury will be called for the adjourned term of the district court here in Omaha.

The Department of Justice has sent out word the trial of the land fencing and land fraud cases must be proceeded with without interruption. Fifteen cases of this character already are on the district court trial docket for the 1904 and May, 1905, terms of the federal grand jury and at least eight more similar indictments are yet to be tried from the November, 1905, term of the federal grand jury.

It is thought a federal grand jury will not be called here before the regular May term, at least such an impression prevails at the federal court house.

A Brave Fight.

against Stomach, Liver and Kidney Trouble is always successful, if carried on by means of Electric Bitters. 50c. For sale by Sherman & McConnell Drug Co.

Burns' Celebration—Concert and ball Lyric theater (9th and Farnam), Thursday, January 25th, 8 p. m. sharp. Tickets 50c.—Eggers band.

Alstead still administrators Justice at the old stand, 425-431 Paxton block.

OMAHA CREAMERY CENTER

Metropolis of Nebraska Selected as Headquarters for the Fairmont Plant.

SECOND LARGEST IN THE WORLD

Capital Stock Increased from Three Hundred Thousand to Million Dollars—New Building to Be Erected.

The Fairmont Creamery company will build a new plant in Omaha and remove the main offices of the company to this city from Fairmont.

The local management was informed sometime ago that Omaha was to be made the home of the concern and that a large plant was to be erected here. Whether or not a location has been secured is not known. Plans are said to be for a building costing \$50,000 or \$60,000, three stories and basement, and 60x132 feet. In this part of the country it will be second in size and capacity only to the plant of the Beatrice Creamery company at Lincoln.

A narrow two-story rented building at 102 Howard street is the present home of the local branch. It is so small that it is difficult to handle the business, an idea of the size of which may be gained by the fact that the average daily output last week was 2,000 pounds, while last summer it often ran as high as 15,000 pounds.

The creameries at Fairmont, Crete and other Nebraska towns will be continued and business will be pushed in other states.

Capital is Tripled.

The capital stock of the company has been increased from \$300,000 to \$900,000. It claims the distinction of being the second largest creamery company in the world. The company is authorized by its articles of incorporation filed Tuesday with the secretary of state at Lincoln, to do business in Nebraska, Iowa, Kansas, Missouri and Colorado.

The officers of the company are J. H. Rushton, president; E. T. Rector, vice president; E. F. Howe, secretary; George W. Sumner, treasurer. The incorporators are E. J. Haines, M. D. Osterhaut, A. M. Green, E. T. Rector, G. Bush, Alvin Wheeler, E. F. Howe, S. J. Woodard, G. B. Sumner, J. H. Rushton and George W. Sumner.

One of the recent acquisitions of the company is the plant of the Midland Creamery company of Grand Island. Cream from this place hereafter will be shipped to the Omaha plant. The company was organized twenty years ago, with a capital stock of \$450,000, and struggled along for years as a losing venture. J. H. Rushton, present president, finally got control of the concern and put it on a paying basis. It absorbed the Blue Valley Creamery company, doing business in York, Hamilton, Seward and other counties, and since then has grown until only the Beatrice Creamery company is larger.

CHURCH ELECTS OFFICERS

Annual Meeting of First Congregational Brings Out a Good Attendance.

The annual dinner and election of officers of the First Congregational church was held last night in the church parlors. About 125 people were present.

Frank Crawford resigned as superintendent of the Sunday school and George Marple was elected in his place. Mr. Marple, H. A. Snow, Charles B. Rustin were elected to succeed themselves as deacons. Reports were read by the superintendent of the Sunday school and by presidents and treasurers of the various societies connected with the church, showing these organizations to be in a flourishing condition. Hayley Moorehead, treasurer of the church society, read the report rendered at the meeting of the board of trustees two weeks ago, showing the receipts of the year to have been \$5,000, leaving a deficit of \$1,027, which was somewhat less than the deficit of a year ago.

Dr. Herring announced that Rev. Washington Gladden and President King of Oberlin college would speak at the church's semi-centennial celebration, which will be May 1 to 4.

Worth Knowing

That Allox's are the original and genuine porous plasters; all others are imitations.

Announcements of the Theaters.

The regular midweek popular price matinee will be given at the Orpheum this afternoon. The Padette orchestra composed of twenty-two women, will be the chief magnet for the women. Its unusual success is best attested by the enthusiasm of the full houses that have attended all the week. The other seven features of the program are scoring heavily and complete a decidedly good bill.

Friday evening at the Boyd theater Tim Murphy will be seen in his famous creation of Hon. Maveck Brander in the old-time Charles H. Hoyt farce comedy, 'A Texas Steer.'

It was in this character that Mr. Murphy caused a tidal wave of laughter to sweep across the United States, the memory of which is dear to all who took part in it. He revived the play at the request of the present year, and has been meeting much success in it, the popularity evidently having dimmed but little through the flight of years.

Miss Dorothy Sherrod will play Bossy Brander. The engagement is for one night only.

Beginning this morning seats are on sale at the Boyd theater for the coming engagement of 'Ben Hur' at the Boyd on Monday, Tuesday and Wednesday evenings and a matinee on Wednesday of next week. It is still being offered with the magnificent scenery that has made it the best illustrated play ever offered, and the acting company is said to be the strongest ever sent out with the play.

'What Happened to Jones' is being given its final performance at the Burwood, while 'The Girl With the Green Eyes' is being prepared. In this fine Clyde Fitch comedy-Director Sedley Brown is expecting to achieve great results. The new piece goes on Sunday at a matinee.

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Happiness in a Grain of Wheat

It Contains Every Food Element Necessary for Man's Sustenance And Brings Perfect Health.

All authorities agree that fourteen elements are needed in the human body to sustain perfect health and that these must be supplied in the food taken into the system. Nature has provided us with one single article of food containing all of these fourteen elements in the exact proportions necessary to supply our bodies with vitality, strength and heat.

This food, so wonderful in its composition, is wheat, and intelligent men and women are coming to realize more and more that in the whole of the wheat is found the secret of health and happiness. Rich in the alkalies, or muscle-making elements, the carbonates, or heat-producing elements, and the phosphates, or brain and nerve-making elements, the whole grain of wheat supplies every necessity for man's body and mind.

This is how Malta-Vita came to be known as 'The Perfect Food.' Malta-Vita is simply the whole of the wheat and a little salt, thoroughly steamed and cooked in absolute cleanliness, then mixed with pure barley malt extract, which converts the starch of the wheat into maltose, or malt sugar, an active digestive agent and very nourishing. The perfect food is sold in all grocers sell Malta-Vita. Large package, 10c.

NO MORE FAVORED SHIPPERS

Men Heretofore on Free List of the Railroads Walk Up and Pay Fare.

Jobbers and shippers of this city who have been used to riding on passes as special favors from the railroads are now walking up to ticket windows and buying full fare tickets just the same as other people. This is brought about indirectly by the recent investigations which have been carried out by the government and directly by the agreement made by the western railway officials with the interstate commission, the meeting held in Washington. A meeting of all the trunk lines was held in Chicago prior to the Chicago meeting and this resolution was adopted:

'That a joint committee representative of lines in western trunk line committee, the transmissour freight bureau, southwestern tariff committee and the transcontinental freight rate committee be appointed and instructed to wait upon the Interstate Commerce commission; declare the desire and intent of the respective members of said committees or bureaus to co-operate with the commission in the enforcement of the law to the extent of pointing out ways and means and giving the commission any specific information that may seem to our inquiry in uncovering unlawful practices.'

This was presented to the commission with the assurance that the shippers would have the full and undivided support of all the roads represented and that everything possible would be done to carry out the resolution. The railroads have agreed to tell on one another if any violation is noticed.

Commercial agents, passenger agents and freight agents of all of the roads centering in Omaha have been called to headquarters and there given their instruction to cut out all appearance of violation of the law.

If You Fear Diphtheria Beware of a Cold.

The best authorities now agree that the chance for contracting diphtheria are greatly enhanced by colds. If the child has a cold it is much more likely to contract diphtheria. The same is true of any of the much dreaded 'wasting' diseases. The cold prepares the system for the reception and development of the germs of these diseases, the result being that one child will contract a disease, and another exposed at the same time will not take it. The one that takes it, as a rule, has a cold. Even slight colds are dangerous and should have prompt and intelligent attention. Whether for a child or an adult you can find no better preparation than Chamberlain's Cough Remedy. It can always be depended upon to effect a quick cure. There is no danger in giving it to children, as it contains no harmful drug.

Birth of Robert Burns.

Clan Gordon announces its annual celebration of the birth of 'Scotland's darling and the world's best' in Lyric theater, 15th and Farnam, Thursday evening, Jan. 18th. Concert in which special songs will participate, and T. W. McCullough (of the Bee) will give the 'Immortal Memory'—begins promptly at 8 o'clock. Dance in upper hall at close of concert. Tickets 50c each, from clansmen and leading stores.

Masonic Funeral Notice.

Members of Capitol lodge, No. 3, A. F. & A. M., are requested to assemble at Masonic hall Thursday at 1:15 p. m. for the purpose of attending the funeral of Brother Albert A. Ridd, member of Temple lodge No. 299, at Kansas City. Members of other lodges and sojourning Master Masons are also requested to attend by order of the master.

One Fare for the Round Trip.

Via Chicago Great Western railway to points within 150 miles. Tickets on sale every Saturday and Sunday to April 1, 1906. Good returning the following Monday. Low rates other points on sale every Friday. For full information apply to H. H. Churchill, G. A., 1512 Farnam St.

\$500 reward will be paid for the arrest and conviction of any person or persons who have, or may hereafter assault any nonunion printer now working in the open shops of Omaha. Omaha Typothetae, by Samuel Rees, president.

Local Brevities.

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Galou Flats Sold.

Charles F. Gulou has sold the Gulou flats, 1908-1910 Davenport street, to Peter F. Petersen. The consideration was \$17,000.

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KIRKENDALL CUTS WITH MEN

Big Shoe Manufactory Adopts Carnegie System of Dividend Sharing.

WILL SELL STOCK TO THE EMPLOYEES

Plan of Exchange Will Be Less Than Market Value of Stock. So as to Help Workmen.

F. P. Kirkendall always has been a firm believer in the Carnegie method of helping young men, and now, like the Pittsburgh ironmaster, he has startled several deservingly employes by the announcement that they are to be given an interest in the business.

The F. P. Kirkendall company, shoe manufacturers and wholesalers, was incorporated Tuesday with a capital stock of \$400,000, with \$200,000 paid up. Hitherto it has existed as a co-partnership, but in order to issue stock and let his young men into the business it was necessary to organize on another basis.

It is not Mr. Kirkendall's object to give his men large blocks of stock outright, but to allow them to buy it with their savings at a price which would be very much lower than the market value were it placed on the market, which, Mr. Kirkendall says, it never will be. Clerks who have accumulated \$50 or \$100 will be allowed to take stock in the company to that amount and at a price per share which will guarantee them at least 30 per cent on their investment. Industrious and sober employes who have no money saved may give their notes for several hundred dollars' worth of stock and make payments from their salaries and stock dividends.

Many Already Helped.

Many employes were benefited last year by Mr. Kirkendall's methods in amounts from \$20 to \$1,000. They expected nothing but their salary, but Mr. Kirkendall came to them in person and informed them their faithful work had made money for the company and a part of it was theirs. These men intend to utilize their windfall in buying stock in the new company.

Men who secure stock must make an agreement with Mr. Kirkendall to sell it back to him in case they should ever decide to part with it. He says it will not be allowed to go outside his own and his employes' hands.

'The best men are those who begin at the bottom and work up, and I believe in giving them a show,' said Mr. Kirkendall. 'It will make money for me as well as for them.'

Shriver & Bruening, dentists, 48 Barker blk.

Same Officers and Board.

The Paxton & Vierling Iron works held its twentieth annual meeting yesterday and re-elected its board of directors and officers. The directors are W. A. Paxton, Robert Vierling, Louis Vierling, A. J. Vierling and W. A. Paxton, Jr. The officers are: W. A. Paxton, president; Robert Vierling, vice president; Louis Vierling, secretary and treasurer; A. J. Vierling, manager.

Special representation wanted for Everybody's Magazine in towns where there are no dealers.

Everybody's Magazine 15 cents \$1.50 a year

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