

NEW WITNESSES GIVE TESTIMONY IN DAVIS TRIAL

Time of Assault on Mayor Alleged to Be 9:45 O'Clock — Hour Is Important.

M. O. Cunningham, an attorney, was one of three new witnesses for the state put on the witness stand yesterday in the trial of George Davis in District Judge Redick's court on charges of assault to murder and assault to do great bodily injury to Mayor Smith the night of the court house riot.

Mr. Cunningham's testimony was that he met George Davis on a street early last September and engaged in conversation with him. Mr. Davis showed great dislike for Mayor Smith, he declared.

Criticism of Mayor.
"He said," testified Mr. Cunningham, "that Mayor Smith was no good and that he ought to be run out of town. He said, 'The people will stand just so much and then they'll go down to the city hall and hang that whole bunch.'"

"Mr. Davis praised former Mayor Dahlman and said he gave a good city administration."
On cross-examination, Attorney O'Sullivan for Davis, inquired: "You have friends who entertain such views as Mr. Davis expressed, haven't you, Mr. Cunningham?"
"Oh, I've heard such statements made," was the reply.

Time of Assault Fixed.
J. Nash McCrea, a newspaper reporter, testified regarding the exact time of the attack on the mayor, which will be an important point in the present trial. Mr. McCrea was in the vault of the district clerk's office during the riot and fire with several policemen and Deputy District Clerk Steere. He told of seeing the mob with the mayor and looking at his watch and finding the hour to be 9:45.

A. C. Peterson, manager of the Midwest Iron Works, also testified and fixed the time of the attack on the mayor at 9:45 o'clock.

Yesterday morning, Mayor Smith told of the shots which he fired with a revolver in the rotunda of the court house.

Fired at One of Mob.
"A policeman and I stood in the court house rotunda when a man entered the Farnam street door and fired a double-barreled shotgun. The shots peppered the iron work of the elevator doors like hail. He fired again. The policeman said to me, 'If that fellow gets our range, he'll blow our heads off.'"
"I said, 'That's the most dangerous man in this mob, if he shoots again we ought to shoot his knees off.' He shot again and I discharged my revolver at him and he never shot again."

"And mayor," asked Attorney O'Sullivan for Davis, "wasn't that the sailor boy who was carried to the Y. W. C. A. and died of his wounds?"
"I don't know. I don't think so," said the mayor.

Says Only Aimed Shot.
"And didn't the crowd after that shout that you had shot a sailor?"
"I didn't hear them."
"But you say this man with the

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shotgun didn't shoot again after you fired?"

"No. That was the only shot I aimed at a human being that night," said the mayor.

Attorney O'Sullivan tried by many questions to get the mayor to admit that he was not normal mentally that night. The mayor strenuously denied that he was "scared." He was perfectly normal, mentally, he said, until the blow which he says was struck by George Davis.

"You are subject to fainting spells, are you not?" asked Mr. O'Sullivan.

"No, sir. I was overcome once during a long trial in midsummer in Kansas City and once in Judge Estelle's court here when I went to work too soon after eating a heavy lunch."

His Speech to Mob.
The mayor testified that he said to the mob that had him on Seventeenth street after dragging him out of the court house, "If you are out on murder you might as well murder me," and that someone said, "All right, where's the rope," and that someone else responded, "Here it is."

The mayor's examination was concluded yesterday morning.

A sensation was sprung on Russell Norgard, one of the state's witnesses, who testified in Davis' first trial, as to his rescue of Mayor Smith after the mob tried to lynch him. Norgard has been given a position as police chauffeur since the riot.

Attorney O'Sullivan showed Norgard a picture of himself taken from the police "rogue's gallery."

Norgard said this picture was taken when he and some other fellows went out on a "party" just before they went to the army and one of the men stole an automobile.

"We refused to give our names at first in the police station and they 'mugged' us," said Norgard.

All witnesses except the immediate members of George Davis' family are being excluded from the court room until called to testify.

AT THE THEATERS

DO NOT, because of any impression that may have been formed from reading the advance announcements, imagine that "Jacques Duval" is a discussion of therapeutics or pharmacology. "Jacques Duval" has no part in the play further than the spectacle is presented of a doctor going ahead to cure a patient in full knowledge of the fact that his wife is infatuated with the sick man. To this extent the ethics of the profession enter, and these play a considerable part in the development of the theme, which is finally the deep searching of the soul by a process compared to which the diagnostic inquisition of the practitioner is mere play. The springs on which human lives turn, higher than the things of science, never found in test tubes or almbic, in retort or vial, these are laid bare, are stretched to the utmost tension, and then rebound to their normal, inevitable operation. It is the love of man for woman, and that love wholly reciprocated, that animates and dominates the drama, and in none more easily recalled does this fact stand forth more prominently or get greater emphasis than in "Jacques Duval." It is a peculiarly pervasive fact, and to it finally all things else in the play are subjugated.

Mr. Arliss gave us a splendid bit of acting when last here, in his visualization of Benjamin Disraeli. Omaha was deprived of the joy of seeing him in the role of Alexander Hamilton, because of the closing of the theaters on account of the epidemic in 1918. For these reasons anticipation was high, and the pleasure felt in being able to record satisfaction may only be lightly expressed. This man is something more than an actor; he is an artist, who creates as truly as a sculptor or a painter, who feels and expresses loftily imaginations as a poet before his audience simply as only those who have attained greatness can do. It is impossible that an actor can divest himself entirely of his personality, and acquaintance makes it easy to trace the connection from one character to another. But these vestiges of the individual serve to enhance rather than diminish the creative effort. Therefore, if an inflect or tone of the voice, a gesture or a movement of the body, may recall one of his former endeavors, the fact should be ascribed to the power with which George Arliss has impressed his characteristics on the memory, rather than to paucity of his genius for doing things.

He has some big moments in "Jacques Duval," among them those where he determines to sacrifice himself, his honor, and his wife's good name, that his discovery may live. But he is little short of sublime in the last act, where he determines to tell the exact truth, and preserve his integrity and his work if possible from a hostile jury of jealous copartners. Three scenes with his wife, and a cold disdain, another of earnest demand, and a third of sincere devotion, finely set off more strenuous episodes of the drama.

Carl Anthony, well known to many Omahans, finely enacts the part of a doctor who secretly at first and finally openly opposes and seeks to ruin Duval. Manart Kippen convincingly plays the lover, a sort of male Camille, and the jury of doctors in the last act is also a notable contribution.

On three of the women falls an undue proportion of the making of the drama. Elizabeth Risdon as the wife, rises to its requirements at the close, her attitude in the earlier moments appearing to be one of self-justification instead of the actual quest for the happiness she sought. Her perplexity is understood rather than expressed. Mrs. Arliss as the mother, shows a fine type of womanhood, sympathetic, understanding, and staunch, a careful adviser and a guide worthy to be followed. Fernanda Elsen well recalled for delightful work in other plays, gives a splendid portrait of a woman who can love without hope, whose happiness lies in helping and whose devotion knows no limit.

The warmth of greeting given the play at the Brandeis last night must have convinced any company that its efforts were appreciated. People who hold the theater in reverence will not overlook the presence of

Mr. Arliss for the remainder of the week. Others may profitably attend, that they may learn how really delightful and entertaining the actor's art may be.

At Body's tonight "Parlor, Bedroom and Bath," the unlimited force, is to be presented again, this time by a company which has been considerably augmented. Eda Ann Luke still enacts the role of the vicious young female reporter, but Willie Archie has the bellboy role, and other additions to the acting strength of the company have been made. It tells the adventures of a modest young man who tries to live up to the reputation he has made for himself of being a Don Juan and Lothario combined.

With Evelyn Nesbit, with her new and exclusive song revue, heading the bill, special interest in the program this week is evidenced in the daily display of the "standing room only" sign. Miss Nesbit declares her ambitions unrealized and that she intends to work incessantly until she is highly equipped for a starring tour in a three-act drama. The two featured acts, the Werner and Amoroso trio and Princess Radjah are finding favor.

Headlining the new show which opens at the Empress today is a pretentious musical offering, to be presented by Louis Brocades and company. Three men and two women, Nixon and Sans introduce "Black and Tan." As soft shod dancers they have few equals. Robert and Demont will present a classy dancing act, with singing and talking. Harris and Lyman, a youthful pair of entertainers, have singing, dancing and chatter.

As per usual when conventions are in session in Omaha there seems to be a prearranged plan that the evening sessions shall be held at the Gaiety theater, where the fun is. This week the Lumbermen and the Farmers' associations are in session and all agree that an evening spent with Jack Singer's show and Harry Lander, places them in a more amiable frame of mind to cope with the following day's problems. Ladies' matinee at 2:15 daily.

Mrs. Prouty, the boarding housekeeper of George M. Cohan's new comedy, "A Prince There Was," which is the attraction at the Brandeis for three days commencing next Monday, is played by Josephine Williams, who lived in a boarding house of the sort Mr. Cohan depicts and plays the part, in consequence, with gusto and with feeling, for she says, she suffered much.

Flashes From Filmland

Neighborhood Houses
APARTS WITH LEAVENWORTH—ANITA STEWART in "MARRY ME," GAN, News and comedy.
LOTHROP—LATHROP—"DESSERT GOLD," and A Zane Gray DIAMOND—Lake—ROBERT WARWICK in "MAD LOVER," a Josephine Williams, also comedy.
HAMILTON—HILL—"EYES OF THE WORLD," a Harriet Hill, with story in it, much to be enjoyed. Admission 20c and 15c.

EYES OF YOUTH, the Clara Kimball Young production on the screen this week at the Rialto theater, is daily being shown to larger crowds. The exciting events of the story are based upon the opportunity given the hero to read her own future through the assistance of a Yogi, who teaches her the mysteries of crystal gazing, and in this way she is able to avoid the mistakes that would have been her lot had she followed one of the many opportunities offered her.

Moon and Muse—Douglas Fairbanks has the movie fans coming back to the Moon and the Muse theaters this week, to see "When the Clouds Roll By," a production in which Doug has fairly outdone all his previous efforts to keep his audiences in a state of excitement. Nothing seems impossible for the star to accomplish in this production. It is his best effort in film production.

Sun—Crowds continue to flock to the Sun to see Mary Miles Minter in "Anne of Green Gables," and further the best evidence of the quality of this offering. For fidelity in detail, character, delineation and human appeal, this picture of contemporary American small town life has seldom, if ever, been equalled on the screen. As an added attraction, the management is also presenting Charlie Chaplin in what many claim to be his best offering to date, "The Fireman."

Strand—It is a dramatic slice of life that is to be presented at the Strand theater today and this balance of the week under the title of "What Every Woman Learns," with Enid Bennett in the chief role. The story concerns a young wife who considers life as a huge joke until grim reality brings her to her senses. The cast supporting Miss Bennett includes Milton Sills, Thelma Roberts and Irving Cummings.

Empress—Augustus Thomas' "The Voleau," starring Leah Baird, is announced as the feature photo-play attraction at the Empress for the last half of the week, starting today. It reveals how a horde of rabid propagandists from the darkened byways of Moscow and Petrograd weave their spells in the humble homes of New York's poorer folk while sons of the men and women they seek to corrupt are pouring back from the fighting fields of France on every incoming transport.

Attempts Suicide When Girl Rejects His Suit

Because his sweetheart, Miss Eva Bettler, 702 1/2 North Eighteenth street, would not promise to marry him and even refused to admit him to her home when he called last evening, Jack Moore, a truck driver living at 711 North Eighteenth street, attempted to commit suicide on her front porch.

A neighbor aroused by the commotion he made, called police and Moore was taken to jail before he had an opportunity to swallow any of the strychnine in the bottle which he held in his hand.

Moore told police that he loved Miss Bettler, who is 17 years old, but that she did not return his affection.

STATE BANKERS ATTACK RESERVE BANK METHODS

Organize to Resist Practice of Holding Checks and Col- lecting Big Total at One Time.

Attempts to force state banks not members of the federal reserve system to pay checks, the holding and accumulating of checks till they total large sums, and the collection of these checks from payee banks through express companies or agents, all alleged to be the practice of the Federal Reserve bank, will be met with organized resistance, it was resolved by state bank officials who met at the Hotel Fontenelle yesterday.

The alleged holding of checks on state banks until an important aggregate has been accumulated was declared "in defiance of well established usage and custom and in defiance of a decision of the Nebraska supreme court" that a bank check must be promptly presented by the state banks, and the collection of such checks through express companies or messengers was declared an act on the part of Federal Reserve banks to embarrass payee banks.

Bankers Name Committee.
To resist these alleged practices the bankers resolved to appoint a committee of three with full authority to act for state banks of Nebraska, to employ counsel, to make assessments against state banks to defray expenses, and to take whatever action is necessary to secure relief from Federal Reserve bank practices.

The co-operation of Omaha banks where state banks maintain reserve funds was asked and representatives in congress will be requested to demand an investigation of these alleged practices of the Reserve bank. State banks which have agreed to pay items for the Federal Reserve bank will be requested to recall such an agreement promptly, it was decided.

The committee appointed to resist efforts of the reserve bank to pay checks and other alleged acts of reserve bank against state banks consists of C. A. McCloud of York, Woods Cones of Pierce and C. F. Gund of Blue Hill.

Describe "Rough Tactics."
During the meeting yesterday alleged rough methods used by agents of the reserve bank in collecting checks against state banks were graphically described.

Woods Cones, president of the Cones States bank of Pierce, Neb., one of the speakers during the morning session, declared that the Federal Reserve bank was employing "gun men" to collect cash on checks on his and other Pierce banks. In an effort to force his bank to join the federal reserve system the Federal Reserve bank has been holding checks on his bank for as long as three weeks, until the interest was very large, he said. Rough agents to collect cash on the checks, he said.

"Gunmen" to Collect.
"Four men, well armed, arrived in Pierce recently, with a large bundle of accumulated checks," he said. "Two of them entered my bank with those checks and demanded cash for them. The other two remained in the car and kept it running in order to be ready to make a quick getaway in case something should happen."

"The two gun men who came into the bank, talked in rough, loud voices. One of them said he was from the Federal Reserve bank and wanted cash on the checks at once. While the cashier was paying the check to one of the gunmen, the other man walked about the bank telling clerks what a bad man his partner was."

To Clean Up Nebraska.
"He told them he was a United States marshal and he hesitated at nothing. He said he had cleaned up Kansas and was going to clean up Nebraska next."

"There are two men from the Federal Reserve in Pierce now, Mr. Cones said. One is cashing checks sent him by the Federal Reserve bank and the other is trying to organize a national bank, Mr. Cones declared.

Frank Pilger, president of the Pierce State bank, concurred with Mr. Cones' statements.

The arbitrary methods being used by the Federal Reserve bank to force nonmember banks to pay checks regardless of any legal rights in the matter have stirred up so much ill feeling among state banks of Nebraska," Mr. Pilger said, "that a meeting to protest was absolutely essential. We will determine, if possible, whether or not we are going to be governed now and hereafter by rulings of the Federal Reserve bank. We feel that the principle of the matter is an important issue."

Mr. Pilger also told of methods the state marshal are using to force nonmember banks to pay checks, totaling large amounts, then send agents to collect cash. They first tried to collect these checks through an express agent and the postmaster, he said, but the postmaster refused to handle them. Then they began to send "gunmen," he says.

Piled Coin on Desk.
"Two men recently entered my bank with checks accumulating \$20,000," he said, "and demanded cash payment. They refused to take a draft on an Omaha bank where we have large reserves deposited, and where they would logically want to receive the money. Fortunately we had plenty of money on hand. We piled it up on the counters where all our customers could see it and explained to them that the men were not robbers, but agents from the federal reserve bank."

"It has been necessary for the Pierce banks to pool their money at times to cash this accumulation of checks presented by federal reserve agents. Other banks in the state are experiencing the same methods."

of the reserve fund deposited with them by the smaller banks, Mr. Pilger said.

"It is not the idea of losing the profits on exchange that has made us protest, however," he said, "but the methods used by the federal reserve banks in forcing non-member banks to pay checks through express companies or agents."

"The state bankers of Pierce, at least, believe that they are better off, and can better serve the community by not becoming members of the Federal Reserve system. If we became members the system would regulate our rate of interest and amount of loans, we believe."

T. L. Matthews of Fremont, president at the meeting of the state bankers, J. G. Johnson of Tecumseh, Neb., was named secretary. A number of resolutions will be passed before the session closes this afternoon.

Admit Men Carry Guns For "Self Protection"

O. T. Eastman, manager of the Omaha branch of the Federal Reserve bank of Kansas City, Mo., when told of the charges made by state bankers, denied that agents sent out by the Federal Reserve bank employed rough tactics.

"They may carry guns to protect themselves from robbers," he said, "but for no other purpose." When state banks agree to make no exchange deduction, in remitting cash letters from the federal reserve bank, we will send them their checks by mail and accept their draft for face value.

"In sending out agents to collect the full amount on checks we are merely helping to carry out a federal reserve act which provides that no exchange deduction shall be made in remitting for cash letters received from the Federal Reserve banks."

"We are making no effort to force state banks into the federal reserve system."

\$25,000,000 Belgium Loan Is Attracting Investors in Omaha
New York, Jan. 14.—J. P. Morgan & Co. and the Guaranty Trust Co., fiscal agents of the Belgian government, announced today the subscription prices of the new \$25,000,000 Belgian 6 per cent note loan. The five-year notes are offered at 95.34 and the one-year notes at 99.

The Peters Trust Co., agents for the bonds in Omaha, report the sale on the opening day one of the most brisk of any bonds they have sold. The price at which the bonds are sold makes the interest rate over 7 per cent and investors are eagerly buying them.

An unusual feature of the bonds, officials of the Peters Trust Co. say, is the fact that the purchaser is enabled to take advantage of the difference in exchange rate between the United States and Belgium. If the rate of exchange reaches par, they say, the \$100 bonds will return \$150.00. The bonds mature in one and three years.

Maj. Michael A. Kelly to Talk at Creighton Tonight

Maj. Michael A. Kelly of New York will talk at the Creighton university auditorium, Twenty-sixth and California streets, at 8 tonight. Major Kelly comes here under the auspices of the American Committee on Irish Independence. He is a chevalier of the Legion of Honor and was awarded the croix de guerre and the distinguished service medal in France.

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"This is the only solid emulsion made, and so palatable that it is eaten with a spoon like cream.

Manufacturers Will Meet With the C. of C. Men On Thrift Week Plans

The Omaha Manufacturers' association and the industrial committee of the Omaha Chamber of Commerce will hold a joint meeting this evening at 8 in the Chamber of Commerce rooms to consider ways of bringing National Thrift week home to the employers and the employees of the city and to formulate plans for a permanent policy of thrift.

One of the plans which will be discussed at the meeting will be that of paying all employees by a bank deposit instead of in cash, thus making every wage earner in Omaha a bank depositor with a checking account. It is then "up to the employee himself to draw out all his wages or to leave a portion in the bank in each week.

Committees will be appointed to present the different ideas brought out to committees of employees from big Omaha establishments as well as to the employers themselves and an official plan will be selected.

With all the raw materials available in the vicinity, the manufacture of paper of all grades will be begun on an extensive scale in the Altai forest region of Siberia.

Levi Cox Funeral Will Be Held on South Side Today

The funeral of Levi Cox, 72 years old, who died at Wise Memorial hospital Tuesday night of cancer of the throat, will be held today at 2 p. m. from Brewer's undertaking parlors, 24th and M streets, South Side.

Mr. Cox was a commission man on the South Side for a number of years, having settled in Omaha in 1891, moving from Plano, Ill., where he was born. He is survived by his wife and a daughter, Mrs. Leah Bockock, and son, Russell L. Cox, both of Omaha, and three brothers, Joshua, a banker of York; James M. of Hampton, Neb., and Joseph of Los Angeles.

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No griping is the "keynote" of these little sugar-coated, olive-colored tablets. They cause the bowels and liver to act normally. They never force them to unnatural action.

If you have a "dark brown mouth"—a bad breath—a dull, tired feeling—sick headache—torpid liver—constipation, you'll find quick, sure and pleasant results from one or two of Dr. Edwards' Olive Tablets at bedtime.

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Be sure to get Swamp-Root and start treatment at once. However, if you wish first to test this great preparation send ten cents to Dr. Kilmor & Co., Birmingham, N. Y., for a sample bottle. When writing be sure and mention the Omaha Bee.

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