

## FIGHTING FOR A GOVERNORSHIP

Colorado Republicans Want Vote  
In Some Fifty Precincts  
Thrown Out.

THIS WOULD DEFEAT ADAMS.

In This Way They Hope to Overcome  
His 11,000 Majority—Supreme  
Court Trying Case.

Denver, Colo., Nov. 30.—The supreme court today heard argument on a motion which has an important bearing upon the result of the election of governor and members of the legislature in this state.

Attorneys representing the Republican party have asked the supreme court, which has assumed original jurisdiction in the local election cases, to order the Denver election commission to throw out the entire vote of a precinct in which it is alleged the court's order relating to watchers was violated without an investigation to determine the number of legal votes cast and without opening the ballot box.

Should the court order the vote of this precinct thrown out, the attorneys for the Republicans will demand similar action in respect to about 50 precincts, in which it is charged that the court's orders were violated.

All these precincts gave majorities for Alva Adams for governor, and by throwing out the returns the Republican managers hope to overcome the majority for Adams of about 11,000 in the state and continue Gov. Peabody in office. The control of the state senate also appears to hinge upon the denial of this matter.

Two hours were given each side for argument. Atty. John M. Waldron and H. J. Hersey made the arguments in favor of throwing out the votes, and United States Senator Thomas M. Patterson and Samuel Belford argued against such a proceeding. Atty. Waldron gave a history of the events leading up to the contest cases.

Referring to the precinct in question, Mr. Waldron said:

"The ballots were mysteriously spirited away and papers were substituted which no human being had ever viewed. What we ask now is that the so-called certificate which is really no certificate at all be set aside and the defendant election commission be ordered not to count the returns."

Mr. Waldron charged that in the present case the thieves had been punished, but up to the present time they had been allowed to keep the stolen goods.

With the exception of one precinct, which was ordered held up by the supreme court, the official count of the vote in Denver county at the recent election has been completed. It gives a plurality to Adams, Democratic candidate for governor, of 5,810. The vote follows: Adams, 33,577; Peabody, 28,267. Senator Patterson, who alone had the jurisdiction of the supreme court in the matter at bar, saying there was no precedent to support the petition of the Republicans. If the court should grant the application it would be encroaching upon the prerogatives of the legislature, which body alone had the right to say what votes should be counted. The court then took the petition under advisement.

Another arrest was made today on supreme court warrants charging contempt that of Willis Spencer, an election clerk. He was released on \$1,000 bonds.

John Kendrick, another election clerk, who was arrested yesterday and temporarily paroled on account of illness, furnished a bond of \$1,000 today also.

Chief Justice Gabbett gave notice from the bench this morning that he wished all lower courts to cease taking jurisdiction in Denver election matters, and also notified members of the bar present that they must desist from trying to further involve the Denver election cases by seeking to have other courts take jurisdiction.

The oral instruction was occasioned by the application of Atty. Henry J. Hersey, counsel to the Republican party in election cases, for a writ of prohibition against the county court preventing the operation of a mandamus writ issued by the county court directing the election commission to make certain changes in the returns.

Ben F. Woodward, representing Theodore McGuire, candidate for senator, in whose interest the mandamus was issued, attempted to make an argument against Hersey's application for a writ of prohibition. It was then that the judge's ire awoke and he gave the notification, which, he said, was final.

This was followed by an order vacating the mandamus of the county court.

## Danger!

Headache, Trembling Hands, Twitchings, Irritability, Are Signals.

Not every headache is a sign of nervous break-down.

But, if you suffer often from headache that seems to re-occur at intervals, nervous or brain trouble is very evident.

Again, if you can't hold a pen to paper without trembling or twitching, there's a screw loose somewhere.

Or, if you seem irritable and cross without cause.

All these are signs and symptoms. Not necessarily that you are dangerously sick—but, at any rate, sick enough to need Dr. Miles' Nervine.

The danger lies in neglecting the slight symptoms.

Some of these signs are Sleeplessness, Dizziness, Excitability, Loss of Memory, Restlessness, Headache, Melancholy, Neuritis, Muscular Twitchings.

Do not neglect them. Begin to take Dr. Miles' Nervine. It will cure them.

"For five years I have suffered terribly from nervous prostration. I tried one physician after another, but received no benefit. I continued to grow worse until I was afraid to be left alone, and despaired of ever being cured. Three months ago I was induced to try Dr. Miles' Restorative Nervine. After taking the first bottle I felt so much better that I was greatly encouraged. I continued to take it until I had taken three bottles, and am now in better health than I have been for years."

—J. A. BRAMAN, Troy, Ohio.

FREE Write to us for Free Trial Package of Dr. Miles' Restorative Nervine. No money to be paid. Address: Dr. Miles Medical Co., Laboratories, Elkhart, Ind.

Have you a friend  
who has a cold  
on the chest?

Then tell him about Ayer's Cherry Pectoral. Tell him how it cured your hard cough. Tell him why you always keep it in the house. Tell him to ask his doctor about it. Doctors have known the formula for over sixty years.

Frank Kratke, chief license inspector; Michael Mahoney, alderman; Edward O'Malley, Charles Kosky and Joseph Ray appeared before A. B. Capron, United States commissioner, today to answer in the charge of having conspired to prevent Adolph J. Weiner from voting at the presidential election on Nov. 8. The men named were election judges, clerks and constables in precinct 5 of ward 6, and three of them are defendants in contempt proceedings now pending in the supreme court.

During the day O. B. Seebey and S. S. Abbott, the watchers appointed by the state supreme court; J. S. Eldridge, one of the judges of the precinct; Mrs. Nettie Olmstead, one of the watchers; Mrs. Anna Weiner, mother of the defendant; and a challenger on duty during the day, and Adolph J. Weiner were on the stand as witnesses for the government.

All said that Kratke had dominated the polling place, saying who should vote and who should not; that Mahoney had been an abettor of Kratke; that Kratke had been on duty during the day and had been permitted by the judges, and that young Weiner had been thrown out of the room because he had objected to voting a ballot that had been previously marked.

The case for the prosecution was all submitted when the commissioner adjourned court today. Tomorrow the accused will have an opportunity to have witnesses called in their behalf.

### TWO MEN MURDERED

Irate Father Killed Them Because His Daughter Eloped.

Fort Worth, Texas, Nov. 30.—Two men have been shot and killed and another seriously wounded by J. M. Williams, a farmer, near the town of Alvarado. Stephen McKinley, a young farmer who had been paying attention to the step-daughter of Williams, failing to win his consent to marriage ran away with the girl and married her. McKinley and his bride returned home and the bridegroom went to work on his farm.

Williams came to the town of Alvarado and bought a rifle. Then riding out to the field where the bridegroom, his father and brother were at work the enraged man, without a word, opened fire. The elder McKinley rushed to the rescue of his boy and was shot dead. The brother, too, was seriously wounded. Officers have started to arrest Williams and trouble is anticipated.

### EXPLOSION IN A LAUNDRY.

Results in Two Deaths and Many Persons Being Hurt.

New Orleans, Nov. 30.—Two deaths have resulted from the explosion and fire at the Swiss laundry. The victims are young girls who were removed to the hospital, terribly burned.

### THE DEAD.

Georgia Berber. Mary Nelson. Thirty persons in all were treated at the hospital. Of these it is thought six will die.

### RAILROAD TICKET FIGURES.

It is Not a Crime in Colorado to Alter Them.

Denver, Nov. 30.—On the grounds that the law does not make the alteration of figures on a railroad ticket a crime, Judge Mullins took from the jury the case of A. L. Hatch and E. E. Sisson, who for ten days have been on trial in the West Side court for the alleged forging of railroad tickets, and set the defendants at liberty.

The evidence introduced by the prosecution tended to show that the defendants had changed and plugged numbers and dates in tickets but not that they had forged signatures, and a motion made by Atty. O. N. Hilton, representing the defendants, to dismiss the case, was sustained by the court.

### Jos. Lettier Indicted.

Duquoin, Ill., Nov. 30.—It became known here today that three weeks ago Jos. Lettier was indicted on three counts, on the charge of bringing armed men in the state contrary to a recently passed statute. No attempt has been made to arrest Lettier because States Attorney Scott, who will retire, wishes to leave the case over for his successor.

The indictments were returned Nov. 12 by the Perry court grand jury sitting at Plunkettsville and include Henry R. Platt, Joseph R. Lettier's attorney. They charge Lettier with each man embracing three counts. The first count charges them with having feloniously taken men under armed guard through Perry county on their way to Zeigler. The second charges them with having hired armed guards for the same purpose. The third charges them with advising, inducing and abetting the hiring of armed guards and the transportation of men under guard. The punishment for the offense on which the two men have been indicted is confinement in the penitentiary from one to five years with no fine as an alternative. Under the indictment and railroad in charge of the cars on which it is alleged important miners rode and were guarded by armed men were the witnesses before the grand jury.

### Fushimi in New York

New York, Nov. 30.—Prince Fushimi and party arrived in New York this afternoon. Several hundred of his countrymen, wearing chrysanthemum badges in red and gold and bearing small silk flags, were at the railroad station to welcome the prince. He was escorted to his hotel by Baron Kaneko and Consul-General Uchida.

The prince will remain in this city until Friday, when he will go to Boston. According to present arrangements he will return on Monday and remain until Dec. 13. A luncheon in his honor will be given at the chamber of commerce tomorrow.

### Belgium Suggests New Treaty.

Washington, Nov. 30.—That the ratification by the American senate of the arbitration treaty recently signed and of those now being negotiated may be expedited, the state department is endeavoring to have all the treaties identical in form. Belgium and several other powers have suggested a new form of treaty and should any power insist on this the negotiation of the treaty, necessarily, would be delayed.

## OREGON LAND FRAUD CASES.

Government Failed to Secure Attendance of Senator Mitchell At the Trial.

G. A. HOWE SEEMS TO BE A MYTH

Horace G. McKinley, the Alleged Conspirator, Appears to Manipulate Him.

Portland, Nov. 30.—The Telegram quotes Special Prosecutor Henry H. Smith as saying: "United States Senator John H. Mitchell has refused to come to Portland at the earnest and repeated request of the special prosecutor to testify in the land fraud trial."

"Senator Mitchell also refuses to divulge the name of a prominent attorney who introduced Puterbaugh to him by letter at the time when Puterbaugh asked him to urge Mrs. Watson's claims before the land department."

The correspondence between Atty. Henry and Senator Mitchell as printed in the Telegram is voluminous and consists of five telegrams. The first is dated Nov. 24, and is from Mr. Henry in which the attorney sets forth that on his arrival in Portland he found that Senator Mitchell had not been subpoenaed. This case will not be completed before the end of next week. Please wire when you will start and oblige me."

The second telegram is from Senator Mitchell to Mr. Henry and under date of Nov. 25. Senator Mitchell says the receipt of the alive telegram was his first intimation that his testimony was desired in the land fraud cases. The senator continues by saying that he was in Portland until Nov. 15, and for four months preceding, and that his intention to leave Washington was well known for a week before his departure.

Had the senator known that his presence was desired he would have deferred his start until after the trial, as he was willing and anxious to give all the testimony in his knowledge that would tend to fasten the charges of fraud on those accused. But his intention to leave Oregon was determined before the end of next week. Please wire when you will start and oblige me."

"I will here state and possibly the attorneys for the defendant may be willing to concede that the affidavits of Emma L. Watson and S. A. D. Puterbaugh, which were forwarded by me to Commissioner Hermann in my letter of March 3, 1902, were handed me here in Washington by S. A. D. Puterbaugh on the date of their transcription to the commissioner; that Mr. Puterbaugh had never seen before to my knowledge, came to me and asked my assistance in getting the 12 cases of homestead entries referred to made special. At that time he brought a letter of introduction to me from a prominent and reliable attorney in Oregon vouching for his reliability. This is my whole information in regard to the matter."

The next day, Nov. 26, Henry telegraphed Senator Mitchell that the defendant's attorneys refused to admit the truth of the statements made in the senator's affidavits of the day before. Mr. Henry said that it was not until after Senator Mitchell's departure that it was discovered how great the importance Mr. Mitchell's testimony was. The message continues:

"What was the name of the attorney who gave Puterbaugh the letter of introduction to you? Will you come, and when?"

The same day Senator Mitchell replied with the simple statement that he was unable to come to Oregon at this time.

The last message was dated Nov. 27. Henry telegraphing saying that Senator Mitchell had neglected to give him the name of the attorney who gave Puterbaugh the letter of introduction. Mr. Henry asked that the name be sent so that the prosecution may have him for a witness.

### THE MYTHICAL HOME.

Portland, Or., Nov. 30.—That George A. Howe is a myth manipulated by the alleged conspirator, Horace G. McKinley, to bring about the disposition of the seven quarter section in township 11 south, range 7 east, by application for the right of lieu selection, thus placing them in the hands of alleged conspirators, and that Horace G. McKinley made the request for an abstract of title to the George Howe lands, and did not request it, was the trend of effort of evidence on the part of the government during the forenoon session of the land fraud trial today.

J. W. Montague, deputy county clerk of Linn county under W. S. Hammer, of Linn county, Nov. 29, 1902, testified that he was authorized to sign the name of W. S. Hammer to final proofs and homestead filings. The defense objected on the ground that such a right does not obtain under the law. This precipitated an argument, but the court admitted the testimony of the witness.

Montague identified the handwriting

"When you obtain anything yourself for half price, somebody else must have paid the other half."

### TREE TEA SELECTED WISDOM

The pure, good tea, sold in packages only.

M. J. Brandenstein & Co. Importers, San Francisco.

Safe tea is moneyback.  
Safe tea is moneyback.  
Safe tea is moneyback.  
Safe tea is moneyback.

on the government exhibits and said that he supposed the mail on such was that of Linn county, also that he had known McKinley for a long time, Puterbaugh for three years, and Dan W. Tarpley, Mrs. Emma L. Watson and Miss Watson for some time.

About entries in township 11 south, range 7 east, in regard to the filings and patents of these lands, he said that in the summer of 1900 Mr. Tarpley talked to him in regard to the acquiring lands in 11-7, and said something about the Northern Pacific getting most of the lands, and that the business of locating did not amount to much any more.

"I then called his attention to township 11-7, which was soon to be opened for settlement.

"He said he would see me again about it, and two or three weeks later I saw Mr. Tarpley and possibly McKinley and I walked around town talking over things in general. He suggested something about papers made out and sent in without the homesteaders themselves being seen by the official who made out the papers. I then told him to have anything to do with such a scheme."

"He said he knew some people who had lived on the land in 11-7 before the reserve was created and I said that if they had a shadow of a title I would take their proofs. Some were taken. Mr. McKinley paid the fees and I sent the papers to the land office."

"The papers for persons who did not appear, I at first said I would not make them out, and Mr. McKinley said he would get their signatures. I did not know any of those who appeared before me except as they were introduced by the witnesses. As near as I can remember, Mr. Tarpley had nothing to do with this at all. I administered the oath to each one who appeared before me."

"Those who appeared before me were George A. Granam, Thomas Wilkins, George A. Pettit, Zenas K. Watson, Nellie Backus and Alexander K. Brown. Those who did not appear were Mattie S. Lovell, William McLaughlin, Christie E. Langham, John F. Foster, James A. Taylor, Albert O. Austin and John Wakefield."

"I sent off the first papers and the entries did not appear, continued the witness. 'The money Mr. McKinley paid the fees. After I did that it did not seem that I could refuse, and I thought I could not get out of it, so I sent the rest.'

"All of the papers were fully made out and he was to bring the entries up to be sworn to, but he said it would be all right. I never saw any of those who did not appear before me but whose papers I sent in."

"My certificates on the papers that they appeared before me, etc., was not true," said the witness, as he uttered the words that directly connected him with the alleged conspiracy.

"Now, Mr. Montague," asked Dist. Atty. Hall, "who paid for the publication of the notices in regard to the final proofs?"

"Mr. McKinley paid \$160 and office fees, \$1 clerk's fees and \$5 for publication," was the answer.

At this point the witness was handed a paper which, while it was ruled out by Judge Bellinger, was a receipt for money paid him by Horace G. McKinley as a part of the regular fees for the work performed.

"Did McKinley ever leave any papers with you?" said Mr. Henry, resuming the questioning.

"Yes, some of the deeds were left with me for safe keeping. They were made out as to the description, but without the signature of the grantor or the acknowledgment."

"Why was the acknowledgment not on?"

"McKinley said he would put that on later," responded the witness. "He said he was a notary. Later he took them out of the safe, saying he was going to dispose of the land."

"Was Puterbaugh ever mentioned in this connection?"

"McKinley said that in the other lands Puterbaugh put up money and that he was going to procure deeds for him."

"Did you ever see Puterbaugh in Albany?"

"About the time the patents were filed," said Mr. Montague. "For some time into the country. Something was said in regard to the lands. He asked me if he had received patents to the lands. I asked him if I had anything coming out of the land and he said that it had been a big expense, and that he did not know."

The witness testified to having met Mrs. Watson at the same time. He had been introduced to her by Puterbaugh. "Was there ever anything said as to what you were to receive out of the deal?" questioned the lawyer. "At the time the filings were made," replied Mr. Montague, "it was said that if they could buy the lands cheap and sell them for more I should have a share in the profits."

W. F. Hammer, county clerk of Linn county in 1902, corroborated the testimony of his deputy in regard to the signatures of the papers. He had seen McKinley about the office with Montague and had noticed them in the private office and the vault. He had seen Tarpley, Puterbaugh and Watson all in the office.

On the cross-examination, Judge Pipes for the first time in the proceedings, showed the hand of the prosecution, but the glimpse was slight. He drew from the witness the fact that W. W. Banks, a deputy in Mr. Hall's office had accompanied Col. A. R. Greene, special inspector, to his farm near Haystack and had accused him of complicity in the fraud. He had seen the frauds. He elicited the statement that Banks had not believed his denials and had threatened him to force him to tell what he knew. Hammer had made a statement, which he had signed and which was produced in court. The court sustained the prosecution in objection to the hand of the examination but allowed the witness to tell what had happened at the interview.

Another sensation was the testimony of Miss Mildred McCoy, who connected C. A. Hardin, attorney for Marie Ware, with the changing of the name in the George A. Howe abstract. Miss McCoy is the stenographer in the office of the Linn County Abstract company. She testified that she had known McKinley and had done work for him. She remembered he furnished abstracts for the Graham Thompson and George A. Howe claims. Miss McCoy said the Howe abstract was ordered and delivered to McKinley. At the time of delivery it had the name of McKinley as having been the one who ordered it.

"When was it changed?"

"A short time after Mr. Hardin came in and had the name of McKinley changed to that of Howe."

"Was it the lawyer now in the room?"

"Yes," said the witness, "it was he." Special Inspector Green was called to connect Frank H. Wolgamot with the alleged conspiracy. He told of having been in the office with McKinley and having partly prepared a statement which the doctor was to have signed in relation to his timber claim. He was interrupted by the noon hour and did not complete the paper, and when afterward asked to have the business finished, he refused to return to have anything to do with them.

John P. Marshall, formerly cashier of the Alhambra National bank of this city and a handwriting expert, by the aid of enlarged photographs of the signatures taken from the bonds filed with the court as standard, compared the signatures of S. A. D. Puterbaugh, Frank H.

Wolgamot, Marie Ware, D. W. Tarpley, Horace G. McKinley and Emma L. Watson found in the original instruments, as well as the testimony of the documents. According to Mr. Marshall, the signatures of Joseph Wilson, in the Wilkins case, had been written by Horace G. McKinley. In the George A. Granam case and the George Pettit case, the signatures of Granam and Pettit were made by some one with the handwriting of Miss McCoy as a standard. This was also true in the signature of Edward Rees in the Foster case.

The George A. Howe signature was, in Mr. Marshall's opinion, of similar character to the writing of Horace G. McKinley, and the prosecution claims it will adduce further proof that it was forged by McKinley. The Emma Porter and Emma Watson signatures, so Mr. Shaw said, were beyond a doubt written by the same hand.

### KOREA UNDISTURBED.

Dr. Seranton, M. E. Missionary, Says So.

New York, Nov. 30.—The Missionary society of the M. E. church today received a letter from Seoul, Korea, from the superintendent of the Korean mission, Dr. William B. Seranton. Dr. Seranton says, concerning the present situation:

"It would possibly seem, from the home standpoint, that a country so near the seat of war and materially involved in the outcome of the same would be greatly disturbed. This is not so."

"All things move on as they have from the beginning, with only now and then a checkmate of the Japanese authorities or the sending of 20 or 40 soldiers (Japanese) here and there when the Koreans seem unable to cope with some little personal difficulty or allow a local disturbance to run on too long."

"What the Japanese do is wholesome and praiseworthy. So far we welcome their presence and find their influence advantageous. There is among the people an eager thirst for all sorts of useful knowledge.

"We have numerous for local schools and institutions in western Korea. Political and mental agitations do not overtop religious aspirations, but the latter are alive in every sense."

### When Russians Will Leave.

St. Petersburg, Nov. 30.—As soon as Russia receives official notification that a member of the international commission on the North sea incident has been selected by President Roosevelt, and the date of his arrival in Paris, Baron Taube, the Russian judicial adviser to the commission, and the Russian witnesses in the case will leave for Paris.



"All right," said the Mill, "I understand you want to be ground just right or there will be trouble. I'll do my part and see that you are 'granulated,' not 'pulverized,' as you pass through me. I know that coffee ground too fine tastes bitter. Skip along and keep your date with Kettle."

Nothing goes with GOLDEN GATE COFFEE but satisfaction. No prices—no coupons—no crockery. I send 2 lb. aroma-tized flava. Never sold in bulk.

J. A. Folger & Co. Established half a Century San Francisco

ALL KINDS OF LEATHER GOODS AT MEREDITH'S Trunk Factory, 155 Main Street. East Side. REPAIRING.

Watch McCone's window for Christmas Bargains in Jewelry. Something new every day. McCone's, 41 W. 2d. So. St.

CHEAP RATES TO ST. LOUIS And Other Eastern Points Via

Santa Fe

3-TRAINS DAILY-3 We Can Save You Money Write Me. C. F. WARREN, General Agent. 21 Douglas Block. Salt Lake.

Lewis' 98 % Lye, Powdered and Perumed (Patented).

The strongest and purest made. Utilize other Lyes. It is finely powdered, packed in a can having two lids, one easily cut and the other removable for constant use. It will make the best Perfumed Hard Soap in 30 minutes without boiling. It is the best for cleaning waste pipes, disinfecting sinks, closets, cleaning of shoes, bottles, barrels, washing floors and killing insects; for engineers' and machinists' use for painters to remove old paints etc.

PENNSYLVANIA SALT MFG. CO., Proprietors, Philadelphia, Pa.

CONCERNING GOOD BREAD

What's the use of taking chances on anything like this when you KNOW you can have good bread always if you use

SMITH'S FLOUR

\$60.00 Sewing Machine \$17.50

All new, with latest improvements. Only a few left, and we are closing out this line of machines. They are fully warranted and have latest attachments. This offer will draw you to our new store and we invite you to inspect our entire new stock of Pianos and Musical Instruments.

Young Bros. Company, 23 W. FIRST SOUTH ST. A few doors west of the Utah National Bank.

R R Prescriptions Our Specialty.

Our personal attention paid to the accurate compounding of all Prescriptions.

WILLES-HORNE DRUG CO., Deseret News Building, BY THE MONUMENT. Both Phones, 374.

A BEAUTIFUL WOMAN. is often distressed by Gray or Bleached Hair. IMPERIAL HAIR REGENERATOR is the only sure and harmless remedy for either. It is absolutely safe, easily applied, and leaves the hair soft and glossy. It is unequalled for Beard or Mustache. One application lasts months. Sample of hair colored free. Privacy assured. Send for pamphlet. Imperial Chemical Works, Ltd., 155 W. 23d St. N.

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