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THE

SEMI-

WEEKLY

NEWS

DESERET EVENING NEWS: MONDAY, NOVEMBER 27, 1905. DESERET EVENING NEWS LOST BY STATUTE MOVING, PACKING, SHIPPING. THANK GIVING DAY SAVINGS. This RATES Day In History. Via Oregon Short Line. OF LIMITATIONS.

Supreme Court Affirms Judgment In Case of Francis Against Gisborn.

NICHOLS VS. DAILY REPORTER.

Court Finds that Article Complained Of Did Not Imply that Plaintiff Was Dishouest.

Is Issued Mondays and Thursdays and Contains All the Cream of the Daily and Saturday News.

THE GREAT

COUNTRY PAPER

OF THE WEST.

LOCAL BRIEFS.

Rabbi Freund will lecture at the Y. M. C. A. tonight on "The Period of Ezra and Nehemiah and Their Influence on Jewish Life." The public is invited.

Miss Rose Smithers favored the state prison society of Christian Endeavor yesterday morning, with a soprano solo, Miss Edith Evans playing the organ accompaniment.

The home and education section of the Ladies' Literary club will hold a Thanksgiving sale tomorrow morning, at Walker's store, the proceeds to go to the work of clvic reform.

The Men's club of the First Congregational church will listen this evening, to a talk from Prof. G. L. Swendsen of the reelamation survey on "Uncle Sam's Irrigation and Reclamation Work in Utah." There will be music and refreshments,

The harvest home festival at the V M. C. A. yesterday was participated in by several hundred boys, and Rev. E. I. Goshen gave an interesting talk. There was a musical program including recitations and playing by an orchest.

Special services will be held in the special services will be held in the local Jewish synagogue, in common with services to be held all over the United States, in memory of the Jews massacred in the Russian empire. Rabbi Freund will make an address in the Jewish temple in this city.

The postoffice furniture arrived as per expectation Saturday, and the of-fice is therefore in the threes of moving; and it is believed the entire change will have been made by Thurs-day morning. The surveyor general, internal revenue collector, and regis-ter and receiver of the land office will move tomorrew.

The W. C. T. U. held its annual meet-The W. C. T. U. held fts annual meet-ing Saturday afternoon, when the fol-lowing officers were chosen: President, Mrs. C. A. Wälker; vice president, Mrs. P. A. Simpkin; recording secre-tary, Mrs. J. W. Merrill; treasurer, Mrs. W. M. Young. A feature of the meet-ing was a report by Mrs. Shepherd on the work of the national convention at Los Angeles. Los Angeles,

The High school alumni will give a musicale in the Y. M. C. A. auditorium next Friday evening, the proceeds to go to the school gymnasium fund. The following program will be given: Se-lection, High school double quartet; tenor solo, Will Sibley; violin solo, Claude J. Nettletin; soprano solo, Miss Beatrice O'Connor: bass solo, Peter Odenwalder; plano solo, Mrs. Marga-ret R. Kerr; contralto solo, Miss Hallie Foster; guilar solo, C. D. Schettler;

Two opinions were handed down by the supreme court on Saturday afternoon, both of which affirmed the judgment rendered in the lower court. In both cases Chief Justice Bartch dissented from the majority opinion of the court. One case was that of Jewet B. Francis, appellant, against Mathew T. Gisborn. The action was brought to recover \$4,800 alleged to

brought to recover \$4,800 alleged to have been given defendant in 1881 to be held in trust for plaintiff and used for the payment of his debts and for investment. Francis claims that the money was not used for the purposes intended and has not been repud to him nor has defendant rendered any accounting of the money, received. Defendant demurred to the com-plaint on the ground that the action was barred by the statute of limita-tions. The demurrer was sustained by the lower court and the action was dismissed. In his appeal to the su-preme court Francis attempted to show that there was an express and continuing trust created when the money was given to Gisborn and that the statute of limitations did not run against such a trust. The supreme court holds that the facts failed to show a trust and hence the lower court was right in sustaining the demurrer to the complaint. The conviou of the was right in sustaining the demurrer to the complaint. The opinion of the court was written by Justice McCarty and concurred in by Justice Straup, but Chief Justice Bartch dissented.

NICHOLS VS REPORTER.

The judgment of the lower court was also affirmed in the case of C. A. Nich-ols, appellant, against the Daily Re-porter company. The action was brought in this county to recover dam-ages for libel. It was claimed by Nich-ols that the Reporter company printed certain libelous statements concerning him during the time he was running for him during the time he was running for an office in the Typographical union, in which it implied that he was dishon-est because he owed the company a bill of \$34.25, alleged to have been due bill of \$34.25, alleged to have been due since 1894. Nichols was given judg-ment in the lower court for \$1, and ap-pealed the onse. The supreme court holds that the statement printed by the Reporter did not imply that plain-tiff was dishonest, and that the state-ment concerning the alleged bill was not proven to be libelous and was not said of him in connection with his bus-iness. The opinion of the court, affirm-ing the judgment, was written by Jus-tice Straup, concurred in by Justice McCarty and dissented from by Chief Jurtice Bartch. Jurtice Bartch

FIGHT FOR INSURANCE.

Suit has been filed in the district court by Katie Wagener King, Bertha, Lena and Chris Wagener against Gen-eva and Ida H. Wagener to recover the sum of \$1,976.78, alleged to be their proportion of the insurance on the life of their father. Henry Wagener. The complaint alleges that in 1902 all six of the children agreed to join in an action against Charles H. Deare and Marcar

PROFESSIONAL CARDS THE REDMAN VAN & STORAGE Co., only firm in the city owning and controlling lits own teams, warehouses, etc. Large three-horse vans, two large warehouses, expert furniture packers; can ship your goods to any part of the United States and save you money. Mem-bers of the hew York Furniture Ware-housemen's association. Have correspon-dents in all the principal cities. If you want your goods shipped from any point east or west, see us as our connections with other large concerns make it pos-sible to save you money and trouble. Of-nee, 113-115-117 South West Temple Street. Both 'Phones 555. ATTORNEYS. TAKE YOUR CHOICE. TAKE YOUR CHOICE. When accounts are likely to be mactive we often Issue a certi-ficate of deposit instead of a parsbrok. These certificates draw interest and are very pop-ular. Utah Savings and Trust Company. W. S. McCornick, President; John J. Daly Vice President; Hoher M. Wells, Manager. No. 169 Metin Street, Sait Lake City, We also furnian surety on bonds, make abstracts and insure titles. JAMES T. HAMMOND. Lawyer, 315-316 McCornick Block. Tickets on sale November 29th and 30th. Good for return until Decem-ber 4th. See agents for further par-JAMES H. MOYLE. Deseret National Bank Building. Nov. 27th. ticulars. ALEXANDER MCMASTER. Third Floor News Annex Building. Pianola Music Roll Cabinets 1778—John Murray, the famous publisher who issued Byron's works, born in London; died there 1840. To build up with regular Globe-Wer-nicke Book Case units, are now being D. B. Richards all kinds legal work fone, D. F. Walker Bld., S. L. C., Utah. shown by 1885-Georges Monton, count of Loban, distinguished in Na-poleon's battles and after-ward a marshal of France, died at Paris; born 1779. The Breeden Office Supply Co. E. A. WALTON, Lawyer, 95 and 96 Commercial Block. 60 W. 2nd South St. WATCH REPAIRING. Harrison O. Shephaard, Lawyer, 121-121 Commercial Block, Sait Lake City. XMAS CARDS 1872-Ada Augusta, countess of Lovelace, only child of Lord and Lady Byron, died, born 1815. AT HALF OF REGULAR PRICES; guaranted for 2 years. N. W. Shapiro, expert watchmaker. 55 W. 2nd South St. CALENDARS SIGNS, SCENERY, ETC. DENTISTS 1816. 1884.—Fanny Elssler, at one time a noted dancer in Europe and America died; born 1810. 1895.—Alexandre Dumas, the younger, noted French writ-er, author of "Camille," died in Paris; born 1824. And fancy holiday novelties especial-PETERSON, 44 RICHARD ST. Phone 1508-k. Metal signs, badges, hanners etc. Open evenings. ly appropriate for mailing to friends. Goods bought from us will be wrap DR. C. A. GOWANS DENTIST. 408 Templeton Buliding. TICKET BROKERS. ped for mailing and posted on the ELECTRIC MACHINE REPAIRING. DR. A. SCOTT CHAPMAN DENTIST. DESERET NEWS BOOK STORE. 6 Main Street. GROSHELL'S TICKET OFFICE., ES-tablished 1888, Railroad tickets bought, sold and exchanged. No. 221 Main St. F. H. Groshell Manager. in Paris; born 1826. 1889-Charles W. Couldeck, the oldest actor on the Ameri-can stage, died in New York city; born 1816. Prof. George James Allman, well knowo English biologist, died in London; born 1813. Wiring, plants installed, supplies. A. O. Whitemore, 43 Richards St. DR. J. THOMAS, DENTIST. No. 25 South Main Street. COAL AND KINDLING. FOR SALE-REAL ESTATE. PHYSICIANS. SCAVENGERS. E. F. DEAL. Coal, kindling and stove wood. 158 E Third South Tel. 1238-E 1900-Cushman K. Davis, United States senator from Minne-sota, died in St. Paul; born 1838. CANCERS CURED WITHOUT THE use of the knife 318 South Eight West KEEN SANITARY CO. OFFICE 67 W. 1st South. Beli Tel 1411-x. Ind. 1868. A GREAT SNAP. FLUFF-RUG WORKS. UTAH SCAVENGER CO., OFFICE rear 427 E. 8th So. Bell 'phones 2893-2 and 2610-k. Illingsworth & Goodwin Mgrs. OSTEOPATHY. HUBBARD INVT. COMPANY, 78 West Second South St. 'Phones 173. RUGS MADE FROM YOUR OLD CAR-pets. E. Gaby Prop. 235 W. So. Temple Carnet Cleaning Phone 1209-x. Ind. 1209 DR. GRACE STRATTON, Osteopath, 435 Constitution Blag. Phone, Beil 2020-K. SALT LAKE SCAVENGER CO., OF-fice, Atlas Block Basement, Tel 365. Don't Let This Pay in A. P. HIBBS, OSTEOPATHIST, 503 Atlas Block. 'Phone 2455-2 BAD DEBTS COLLECTED. 1 AM GOING TO ERECT 9 MODERN houses on 3rd St. between O and P: two of them started. Look them over and see if anything like them was ever constructed for sale in this city. My prices and terms are reasonable. If you intend getting a new home and want to feel safe as to the construction, call on me and talk the matter over. BURNT LEATHER WORK. Your History W. S. RAMER, D. O. 503 ATLAS BLK. Phone 2485-x Res. 'Phone 2303-x. "WE GET THE MONEY." TRY US John J. Wallace & Co. Top Floor D. F. Walker Bldg. Both 'Phones. FRED HERDLISKY & CO., MFRS. OF burnt Mexican hand-carved leather work, belts, chatelaine bags, Repairing done promptly, 120 West South Temple Street. Pass without purchasing a nice supply of fine correspondence stationery, at The Deseret News Book Store, E. E. KEELER, Osteopath 303-4 Auer-bach Bldg. 'Phones Bell 1129-9, Ind. 1721 STOVE REPAIRS. M. McDowell, D. O. 511-2 Scott-Strevell Bldg. 'Phones-R. 1499; office, 1496-K. STOVES, RANGES, FURNACES AND water fackets cleaned and repaired. All castings supplied. All work guaranteed. W. Goalen Co., 341 W. 10th South. Bell 'phone 1915-Y. PERSONAL. "I suffered for months from sore throat. Eclectric Oil cured me in twen-ty-four hours." M. S. Gist, Hawesville, Ky. A. RICHTER. MME SCHNEIDER TELLS YOUR life from infancy to old age. Wards you of hidden dangers. Regulates your af fairs. Call or write now. 48 West Third South Street. ASSAYER 'Phones 641, F. M. BISHOP, opposite Postoffice. Spe-cial attention to mail or express orders. 19 West 1st South. CHRISTENSEN' MATINEE. A MONEY MAKER. 25-room hotel at Bingham, ten years lease, 65 regular boarders beside tran-sients, fully protected by smelter com-pany, furniture, all new, and house mod-ern and up-to-date, \$2,20; good terms. Building lot on K near 6th, 2½x7, \$475, 6-room mod. brick with 4½x7 rods, near Senators Kearns' residence, a great snap, \$4,000, 2x10, 8th, Fact STOVE CASTINGS SOLD AND PUT in by A-1 workmen, Westerrn Foundry & Stove Repair Works. Both 'phones. Unitarian hall, 138 So. Second East. Thursday, Thanksgiving, Nov. 30, 4 to J. W. CURRIE, ASSAYER, 79 W. Third South St. Tel. 1501-z. WAGON AND CARRIAGE STORAGE. JEWELRY REPAIRING. STORAGE FREE FOR VEHICLES left over winter for repairs and painting. Anderson & Hartwell, 125 E. 4th So. St. OPTICIANS. BELLE PHOTO SUPPLY CO. COLUMBIAN OPTICAL CO. 259 MAIN St. manufacturing opticians, wholesals and retail. Occulist's prescriptions filled same day as received. Complicated lenses duplicated. Grinding on premises. Send your jewlery to the Western Jew-lry Co. for repairing, 64 Main Street. Developing, Finishing. 21 Z. Third So. 2x10, 8th East, near 6th South, \$850. We have a great list of property for CLOTHING. Goods at your own price. I. X. L. Furniture Co. Removal sale. HARNESS REPAIRING. sale. LITTLE & LITTLE, Under Walker's Bank, MEN'S AND YOUTHS' SUITS, ON easy weekly or monthly payments. Hub Clothing House. 25 West South Temple. HARNESS REPAIRING, 119 W. SO. Temple, for anything in the harness line, at prices that talk, Carriage trimming a specialty. Horse boots made to order. ARCHITECTS. Globe-Wernicke Book Cases SEE HOUSTON, THE HOUSERS, 253 Make beautiful Christmas Presents. WILL SELL YOU AT A BARGAIN vacant lots a coltage of a model house in any part of the city. Jas. K. Shaw, under Walker Bros, Bank. AUCTIONEER. ERSKINE & LILJENBERG, SUCCES. sors to J. A. Hendlund & Co. 523-53 Dooly Building, Sait Lake City. Ind. Fhone \$43. Bell 543-2. The Breeden Office Supply Co. General Stationers. 60 W. 2nd So. JUNK. J. L. RUSSELL. COMMISSION OR salary. 236 East 3rd South. Rear. 15d. Telephone 3549. DANCING CARNIVAL HOUSES. BUILDING LOTS. FARMS and acreage property for sale by Cannon & Cannon, 2, E. So. Temple St. WESTERN JUNK AND METAL Yard, dealer in rags, scrap iron bottles metals and rubber, hides pelts, 123 and 124 State St. Phone 1388-k. EXPERT ACCOUNTANT. \$1.00 American Fork and Return Thanksgiving eve, Nov. 9th. Special train leaves via "Salt Lake Route" SAFES. W. H. MOORE, ROOM 27 LATIMER Block County, City and Corporation Ac-counts a Specialty, I hold certificates of 3 Counties Experted. New or second-hand. Cash: trade or terms. Sorenson-Stoutt Co., 48 E. 2nd So 7:30 p. m. SEWING MACHINES. HOMER & ROBERTSON. Here is a chance for a bargain in farm lands: 172 acres in Davis County. Another Davis County piece of 192 acres 30,000 acres of the finest grazing land in Cache County HOMER & ROBERTSON. Main & 1st So. (Under Deseret Bank.) BELLE PHOTO SUPPLY CO. WHEELER & WILSON STORE, 358 S. Sate. 'Phones-Bell 526-x; Ind; 2664. HOUSE CLEANING. ACCOUNTING AND AUDITING. Developing. Finishing. 21 E. Third So. OF ALL KINDS. WALL PAPER cleaned National House Cleaning Co., 59 E. 1st So. 'Phones 1058-k and 978. GROCERIES. SEE GWINN, THE EXPERT, ROOM 55, Eagle Blk. Annex. 'Phone Bell 1354-y. SALT LAKE PHOTO SUPPLY CO. 3 PACKAGES BLUE RIPBON RAIS-ins. 25; 3 doz. lemons 25; 10 lbs cabhage. 25; 75c tea, 45; 6 lbs. Bag Self-Rising Pan-cake Flour. 20; 11 packages seeded raisins. 50; dried beef. per lb., 8; 2 packages oats 15; good broams. 25. Chicago Store, 64 S. West Temple Street. Developing, Finishing, Main and 3rd So. KAPLAN HOUSE CL. CO., CLEANS everything, Office under Walker's bank, Tels, 1492-2, 1493. MONEY TO LOAN. Ask your Grocer for Vienna Bakery Bread and Cakes. They're the best. . WE SELL REAL ESTATE, that's al Tuttle Bros., red ball signs 149 Main St PRIVATE LOANS ON FURNITURE, etc. No removal, no rate. 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Be sure and ask for your tickets via the Colorado Midland and get the best. Ticket office 77 west Second South, Sait Lake City, Write us for rates and Unstrated literature L H Harding WAGON PAINTING & REPAIRING. 111g 2702.

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Foster; guitar solo, C. D. baritone solo, Winslow Smith. Schettler;

Mr. J. E. Evans of 654 east South Temple street, has a buildog which he prizes highly. Since Saturday night he has thought more of the dog than ever before. Mr. Evans was on his way home when suddenly a holdup, armed with a gun, ordered him to throw with the shards. Before Evans could re-cover from the shock and comply with the demand, the buildog made a savage lunge at the highwayman, taking a chunk of the latter's trousers at the first grab. The holdup let ou of fright and dashed away. let out a yelp

Zion's Savings Bank and Trust Com-pany was organized in 1873; has opened over 43.000 savings accounts, and now opens an average of more than 10 new accounts every day. We want YOUR business. Joseph F. Smith, President; Coorga M. Campar, Cashlar business. Joseph F. Smith, George M. Cannon, Cashier.

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THE SHORTEST ROUTE.

How Black Mountain May be Best Reached from the City,

Parties who have been exploring the guilles and canyons leading from the north benches, report that the shortest and most direct route to Black mountain, is to take the First street car to Dry canyon and then to follow the wash, turning to the right at the forks about three miles up. This will bring one right to the foot of the south comb or spur of the mountain. The ascent from there is about as steep as the ascent up the cone of Vesuvius. If there are any ladies in a party bound for the mountain, a better though langer way, is via the Catholic cemetery to the right of the city gravel rit and on up the waron trail, past relations of the right of the city graves pit, and on up the wagon trail, past the small clay mines to the right, and to the west of the "twin peaks," foi-lowing the trail to the north of the peaks and thence onto the City creek heads and thence onto the City creek divide. From there is a beaten path all the rest of the way. Climbers who don't mind a little brush, can tramp up through the guleh to the left of the lime kilns, up to the top of the saddle across the guleh, and then drop down into the wash leading up from the mouth of Dry canyon. mouth of Dry canyon.

Constitution. Health is absolutely impossible, if con-stituation be present Many serious enses of liver and kidney compliant have sprung from neglected constitution. Such a de-plorable condition is unnecessary. There is a cupe for it. Herbine will speedly remedy matters. C. A. Lindsay, P. M. Brouson, Fia., writes, Feb. Is. 1902; "Hav-try tried Herbine I find it a fine moduline for constitution." See hottle, Sold by Z. C. M. I. Drug Dept. B

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Come and see a Professional handle Velox paper, at C. R. Savage's, 12 and 14 Main, on Wednesday, from 3 to 5

CALENDAR PADS

From 1 cent to \$5 per hundred. A large stock and varied assortment. Nmas cards and fancy calendars, Special rates to schools and parties DESERRT NEWS BOOK STORE, 6 Main Street.

against Charles H. Deere and Margar Wagener to compel them to account for insurance money received upon the death of Henry Wagener. Judgment was rendered in their favor for the net sum of \$2.000. The defendants here-in have failed to pay plaintiffs their share of the money so recovered, hence the sum of the solved as the sum of the solved as the sol judgment is asked against them for LAUGHNEY NOT GUILTY.

The jury in the case of the State of Utah vs Thomas Laughney, returned a verdict Saturday afternoon in Judge Armstrong's court finding defendant not guilty. The defendant was charged with embezzling \$127.50 from Grant & Howard last January. The jury was out only a few minutes and returned with a verdict of acquittal. ----

CHURCH NOTICES

Stake and ward officers of the Yeung Men's and Young Ladies' Mutual Im-provement associations of Pioneer stake will hold their regular monthly meeting in the stake hall on Monday, Nov. 27, at 7:30 p. m. All officers, with class leaders are urgently required to Nov. 27, at 7:30 p. m. All officers, with class leaders, are urgently requested to be present.

ALEX. BUCHANAN, JR., SASIE HEATH, Superintendents.

The regular monthly Priesthood meet-ing of Liberty stake will be held in the Second ward meetinghouse Monday evening, Nov. 27, at 7:30. A full at-tendance of the Priesthood of the stake

tendance of the is desired. HUGH J. CANNON, ARNOLD H. SCHULTHESS, PHILIP S. MAYCOCK. Stake Presidency.

The regular monthly meeting of the officers of the Y. L. M. J. A. of Liberty stake will be held in the Second ward meetinghouse Monday, Nov. 27, at 7:30 p. m. LOTTIE P. BANTER, Prest. D. III. MYRTLE CARTRIGHT, Secy,

The Third quorum of Elders will meet Monday evening at 7:30 in the Twenti-

eth wurd vestry, H. J. ROMNEY, Prest. A. J. SWENSON, Secy.

The Sunday School union meeting of Granite stake will be held Monday, Nov, 27, at 7:45 p. m. A full atendance of Sunday school officers and teachers is destred

desired.

the new

GEO. M. CANNON. RICHARD S. HORNE, JOSEPH MERRILL.

The officers of the Pioneer stake pri-mary associations will hold a special meeting on Saturday, Dec. 2, at 3 p. m., in the stake hall, on which occasion secretaries are requested to bring their records for inspection. They should also come prepared to purchase the new record just issued.

EDITH HUNTER, President, PEARL TOMLINSON, Secy.

Neuralgia Paina.

Rheumatism, iumbago and sciatic pains yield to the penetrating influence of Bal-lard's Snow Liniment. It venetrates to the nerves and bone and being absorbed into the blood, its healing properties are conveyed to every part of the body, and effect some wonderful cures. 25c. 59c. 31.09 Sold by Z. C. M. I. Erug Dept. B

Have you seen Daniel's great mil end sale, suits from \$25 to \$40 for \$20. All imported goods and, remember, fit or no sale. Daniel's, the tailor, 57 west Second South.

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AN EXPERT ACCOUNTANT OF 15 years' experience wishes permanent em-ployment in Salt Lake (theroughly no-quainted with corporation accounting and suditing in all branches. Address Ac-countant, care Desent News.

"Blood Atonement and the Grigin Of Piural Marriage. to COAT MAKERS, AND ALSO A ashelman, Daniels, 57 West and South,

A pamphlet containing over a hun-dred pages, has just been issued. This brochure contains a discussion on the questions quoted, between Elder Joseph F. Smith, Jr., and Mr. Richard C. Evans, the latter gentleman being sec-ond counselor to the president of the "Reorganites." The questions are entered into exhaustively by both sides, and a great deal of valuable informa-tion is given. Elder Joseph F. Smith, Jr., shows by historical data and in-controvertible deductions that the posi-tion of the order of the state of the second s

tion of his opponent is untenable. Post paid to any address, 20c. DESERET NEWS BOOK STORE. 6 Main St.

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| ALL KINDS GRAIN, SEEDS POUL- ry supplies. flour pop corn. sait new not second-hand grain bags etc., at Balley & Sona' Grain and Seed Store, 63 | KIMBALL'S VAN & STORAGE CO. 19 W. First South Street. Both 'Phones. | |
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| HARVEY & CO. 110 W. South Templa Bell 'Phone 1632-z; Ind. 1214. | | |
| FLORISTS. | LINCOLN HOUSE. 68 East First South. 200-ROOMS-200. Rates 25c, 35c, and 50c. Paul Hein, Prop. | |
| CHOICE CUT FLOWERS AND THE Inest candles at The Gens Floral Co. 143 South Main. Both 'Phones 1200. | GUNSMITH. | |
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| opposite tirand i heatre. Phones 106. | HEALTH FOODS. | |
| E. A. LAMBOURNE, FLORAL CO., 8 50. Main. With Willes-Horn Drug Co. Funeral work and decorating our specialty | THE BATTLE CREEK SANITARIUM Health Foods. 122's Main St. 'Phones 1869-y. 1370. | |
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