

## DISMISSAL ENDS PECULIAR CASE

C. F. Ward Goes Free After Fight  
Over Marriage Cer-  
tificate.

IS CHARGED WITH ASSAULT.

Justice Williams Believed That He  
Might Have Hit the Woman's  
Husband With Revolver.

The case against C. F. Ward of Bingham Junction was dismissed in the criminal division of the Third district court this morning because all of the prosecution's witnesses have left the state. The case was a peculiar one and the taking of evidence would have disclosed a most singular transaction.

In April last Ward, who conducts a furniture business in the smelter town, was charged with having beaten and battered one J. F. Monroe with the butt of a sixshooter until Monroe was reduced to a wreck of his former self. Then Monroe had Ward arrested and after a preliminary examination before Justice Williams he was bound over to the district court for trial, there having been sufficient evidence to make the court believe Ward guilty of the offense charged.

Ward owned an eating house in Bingham Junction, and Mrs. Monroe, the wife of the complaining witness, went to work there as a waitress. Some dispute arose over a business transaction, and Ward held the woman's marriage certificate as a sort of collateral. The paper could be of no value to Ward, but its possession was very much desired by Monroe and his wife. An interview with Monroe and Ward, in which the former sought to recover the certificate, resulted in an altercation which ended with the assault by Ward upon Monroe, a big revolver fighting prominently in the physical encounter of the two.

The Monroes have left the state and the other witnesses necessary for the use of the prosecution in getting facts before the court have been found missing. Therefore the case was dismissed.

### TWO DIVORCE SUITS.

Mrs. Wagstaff and Mrs. Lowe File  
Complaints Recalling Marital Woes.

Mrs. M. Marie Wagstaff has filed a complaint in the district court asking for divorce from Moroni W. Wagstaff, and restoration of her former name, M. Marie Carlton. In her complaint she alleges that they were married Jan. 28, 1904, and that she adopted Maude Carlton and that she adopted Gladys Wagstaff, and that upon which Mrs. Wagstaff asks divorce in that she has been wrongfully accused by her husband of consorting with other men, and that he employed men to watch her and that he has on several occasions called her a vile name.

Sylvia Lowe asks divorce from Harry S. Lowe, in a complaint filed this afternoon, in which she alleges that for more than three years he has neglected and failed to provide for her. They were married July 24, 1900, and there are no children as issue of the marriage.

### FOR CRUELTY TO ANIMALS.

R. G. W. Railroad Sued for Failing to  
Comply With U. S. Law.

The first suit of the kind ever instituted in this state was that of the United States against the Rio Grande Western Railway company, which was filed today in the federal court. It was brought under the provisions of an act of Congress enacted June 29, 1906, and entitled "An act to prevent cruelty to animals while in transit by railroad, or other means of transportation from one state or territory or the District of Columbia into or through another state or territory."

In the complaint it is alleged that on Aug. 3, 1907, there were loaded into one of the company's cars at Coalville, Utah, 25 head of horses, belonging to one R. H. Schall and consigned to him at Chicago, and that the same were carried as far as Thompson, Utah, without being unloaded, being confined in a car "without proper food, water or space or an opportunity for rest," for a period of 35 hours, or from 1:30 p. m., Aug. 2, to 1 o'clock a. m., Aug. 3. The law in question prohibits animals being thus carried for a longer period than 24 hours. Numerous complaints have reached the government of late to the effect that the statute is constantly being ignored, and the department of agriculture, which is responsible for its enforcement, is determined that the practice shall cease. The suit against the Rio Grande asks for damages in the sum of \$500 and for costs of suit.

### MORE TIME FOR ROBBER.

By agreement of counsel in the case of the state against James McNeerney, convicted of robbing the Oxy Gas balloon on May 2 last, the time for passing sentence has been postponed until Oct. 8. At that time the defendant's counsel will introduce a motion for new trial, basing their motion on the fact that the confession of McNeerney made to the police in return for a guarantee of a short sentence was allowed to get before the jury. The additional time was granted by the court in order to permit the attorney for the defense to prepare their bill of exceptions.

The occasion that calls for quality betterness is a demand for

## Sweet's Milk Chocolates

An original SWEET creation which stands first in the tastes of discriminating Candy Lovers, by virtue of superior quality. The blending of Center and Coating in harmonious combination gives palatability unsurpassed and arouses every sense of epicurism.

By the Bright Red Packages you will know them.

## SWEET CANDY CO.,

Manufacturing Confectioners.

## Strenuous Days For Miss Sigrid Pederson.

To sing in opera as one of the principals, leave town on a special train and travel 100 miles in order to reach home after 2 o'clock the next morning, and then be up bright and early a few hours later to enact the unheard-of role of bride at her own wedding is an experience that falls to the lot of few girls. Such a strenuous sequence of events occurring in professional circles would bring joy to the heart of the most overworked press agent.

All this happens to Miss Sigrid Pederson, the talented Salt Lake singer and daughter of Anton Pederson, tonight and tomorrow.

In the stress of preparing her troupe Miss Pederson has been rehearsing for the "Robin Hood" performance, in which she made a distinct hit. This afternoon she leaves for Logan with the company and appears in the Thatcher Opera house in her role of Allan A'Dale.

She will be the first of the company to return to this city in the evening hours of the coming month. Tomorrow evening Miss Pederson becomes the bride of B. Q. Carl, a business man of Portland, Or.

In anticipation of this event Miss Sigrid Pederson was the guest of honor last night at a large musicale given by Mrs. E. Bonnemont at her home on East Temple street. The affair was distinctly a brilliant one. The lawn and porch were brilliantly lit.

### Gambler and Shady "Sport" Man Draws Gun on Gus R. Day

Accused of Graft Deal.

With bloated face, bloodshot eyes and shaking like a leaf, "Billy" Gibson, known about town as a gambler and "shady" sport, appeared in Judge Diehl's court this morning on the charge of obtaining money by false pretenses. Gibson was not arraigned as no complaint has yet been filed against him. But when the complaint is filed it will charge Gibson with complicity in the recent foot-race swindle in which J. L. Edwards of Logan was separated from \$3,000.

It is charged that Gibson is the man who appeared at the Knutsford hotel and represented himself to be one Dixon, and who was given \$1,500 in phony money on the outcome of the foot race, an event, by the way, that never took place.

The story of how Edwards was induced to wager about \$3,000 has already been told. After he put up his money, placed it in the hand of a stranger named Howard, the latter disappeared. So did Levy, the alleged foot-racer. Gibson, or Dixon, also disappeared, and the police have been looking for him since then.

Last night Detective Chase saw Gibson on Second South and Main street and promptly placed him under arrest. The man was so drunk that he could hardly walk, much less talk. This morning his condition was little better. He had a talk with several attorneys but no steps were taken in his behalf.

### WOMAN ARRESTED.

This morning a woman named Mary Davis was arrested by the police on the charge of petit larceny. It is alleged that she stole from a denizen of Commercial street a number of small articles of no great value or particular value. The woman will be arraigned in Judge Diehl's court tomorrow afternoon at 2 o'clock.

with colored electric lights and above the door hung a large basket of pink dahlias and ferns with large oleander plants flanking the doorway. In the reception hall was a large electric fan and all about were red and white flowers and palms. The drawing room was in green and white, asters being used with ferns and palms. The library in pale pink and lavender asters, and the dining room was a picture with its table spread with Cluny lace over red satin, a centerpiece of red asters and smilax and corner pieces of red satin studded with red and white electric bulbs reaching from the chandelier above to the four corners of the room.

The few cream was heart-shaped and done in the red and white with a large "S" in the center. The hostess and guest of honor were assisted in receiving by N. A. Dunyon and Mrs. E. V. Chamberlain. Mrs. Bonnemont wore a gown of blue embroidered over silk and diamond ornaments. Miss Pederson was in lavender satin with a corsage of red roses. Mrs. E. V. Chamberlain wore white embroidered over silk and diamonds. An orchestra stationed on the porch furnished delightful music and a program was given by Mrs. Martha Royce-King, Mrs. Edna Dwyer, Mrs. Graham, Will Sibley, and Mr. Rogers from Los Angeles. About 100 guests enjoyed the brilliant affair.

John Lollin Better—John Lollin has been suffering lately from rheumatism for the last 18 months, and has been unable to get on his feet. But he is now able to ride out, and it is hoped is convalescent.

Increases Capital Stock—The Rio Virgin Rains and Fruit company has filed with the secretary of state an amendment to its articles of incorporation increasing the capital stock of the company from \$10,000 to \$25,000.

Field at Las Vegas—Rev. Harry G. Gray, a graduate of the last class in the Cambridge, Mass., Episcopal seminary, accompanied by Rev. Spence, will leave for Las Vegas tomorrow and will take up the work in southern Nevada, with headquarters at Las Vegas.

Goes to Spokane—Miss Bertha Midgley has moved to Seattle, where she is in charge of the glove department of the "Big" March 10 department store. Miss Midgley was for some time in charge of the glove department of Walker Bros. store in this city.

Local Showers Due—The local weather indications are for local showers and a cooler wind from the north on warm today, for this time of year. The high barometric pressure that has been resting over this area for a number of days, has moved east.

Moran's Bid Goes Over—The board of public works has rejected the bid of the contractor of Pat Moran's bid on paying extension No. 18 on account of his figures exceeding the estimates of the city engineer. The matter went over to Oct. 14, when the subject of interpreting sewer will also be considered.

Forestry Expert Expected—James B. Adams, acting chief of the forestry bureau in Washington, D. C., has written Chief C. C. Cutler expressing his intention to visit this state soon. At this time, it is expected, he will take some steps looking to the establishment of a forestry course in the Agricultural college.

Returns from Denver—Frank Greenbeck, city passenger agent of the D. & R. G., has returned from Denver where he went with the Sixteenth infantry, which passed through this city recently. He has been to the Philippines to posts in the middle states. He says the officers and men who were with the regiment when it was stationed at Fort Douglas deeply regretted that they could not be returned to this station. Instead of the Fifteenth infantry capturing the plum.

Military Medics Meet—Major James E. Picher of the Association of Military surgeons has written Chief C. C. Cutler expressing his intention to visit this state soon. At this time, it is expected, he will take some steps looking to the establishment of a forestry course in the Agricultural college.

Seeks to Adopt Child—C. H. Thompson, in a petition filed in the Third district court this morning, seeks to adopt Harry Thompson, 3 years of age. The child's father is dead and his mother and wife of Thompson have signified their willingness to adopt him. The petition asks that the boy be adopted by Harry Thompson.

### TO U. OF U. STUDENTS

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### BOOKS AND PAPERS

Of inestimable value are carelessly laid aside by many a business man when he stops work for the day. A fire might sweep away the work of years, and if he has such assets he could start fresh with no loss outside of actual goods usually covered by insurance. Our safety deposit boxes are open all day, and in order to give our patrons a chance to select their valuables. The cost is less than a cent a day. Salt Lake Security and Trust Co., 22-24 Main street.

## WILLIAM NEWTON CASE IN COURT

Police Court Attorney Given a  
Preliminary Hearing Before  
Judge Diehl.

OLSEN TELLS CHECK STORY.

Negro Testifies He Gave Paper to  
Newton, Who Kept \$105 and  
Gave Him the Balance.

Atty. William Newton was given a preliminary hearing before Judge C. B. Diehl of the criminal division of the city court this morning on the charge of receiving stolen property. The specific allegation is that Newton received or purchased a check payable to Peter Olson, the amount of the check being \$300, and that at the time he received the check he knew it had been stolen.

Atty. Soren K. Christensen appeared as counsel for the defense and the prosecution was in the hands of Asst. County Atty. Job P. Lyon.

### OLSON TELLS HIS STORY.

The first witness called was Olson. He testified that he came here on Dec. 22 with \$40 in cash and a cashier's check on the Pioneer bank of Ogden for \$300. He made a round of the saloons and while doing so fell in with a negro woman who asked him to buy a drink. Olson bought the drink and then sat down with a woman, and said he had the check on him at the time but in a few moments mislaid it. Previously he had tried to get the check cashed but was unable to do so. The saloon man did not have the money on hand. The check in question was introduced in evidence and was identified by Olson. Olson said that he met Newton when the check was stolen and that he agreed to pay the latter a fee for the recovery of the check.

### HOW TRANSFER WAS MADE.

Johnny Boyles, a negro, testified that he gave Newton the check but did not know at the time that it had been stolen. He said that Newton kept \$105 and gave him the balance. The negro said he got the check from a negro woman, the same who was with Olson when the check was stolen.

After the testimony of Olson and Boyles was taken, the state rested its case. The defense did not introduce any testimony whatever, but tomorrow will make a motion that the case be dismissed on the grounds that the prosecution has failed to make out a case.

### LATE LOCALS.

Bank Clearings—Today's local bank clearings amounted to \$1,009,448.73 as against \$808,223.95 for the same day last year.

Annual Meeting—The annual meeting of the Utah Association of Congregational churches will be held in Ogden, Oct. 17, next.

New Deputy Treasurer—The county commissioners have appointed the appointment of S. D. Clawson as deputy treasurer to succeed Jack Rasmussen resigned.

John Lollin Better—John Lollin has been suffering lately from rheumatism for the last 18 months, and has been unable to get on his feet. But he is now able to ride out, and it is hoped is convalescent.

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## NO RESULTS FROM BEERS INQUEST

First Day of Investigation Proved  
Unsatisfactory to Both  
Sides.

EMPLOYEES ARE RELUCTANT.

They Show An Evident Desire to Con-  
ceal Facts from the Jury by  
Evading Questions.

(Special to the "News.")  
Ogden, Sept. 24.—After a lively morning's testimony in the inquest over the death of Dr. Earl S. Beers, yesterday afternoon the case settled down to a searching effort to introduce expert testimony as to the kind of a wound inflicted on the dead doctor, and the means used to inflict it.

Detective Pender brought into court a monkey wrench found in the room, which Walker might have used. Dr. A. S. Condon testified as a medical expert that he thought some instrument other than the monkey wrench had caused the fatal wound on the head of Dr. Beers, while his attending physician, who saw the wound before the patient's death, testified that it was probably a blow from Walker's fist that did it. One feature of the afternoon was the reluctance with which five employees of the Electric Supply & Fixture company testified. Their attempt was so evident to keep all information against Walker from the jury, that finally one of the men testified with a sharp remonstrance.

Dr. A. S. Condon, who was the first witness called, was examined as a medical expert. He had examined the body after death, and declared that he had found it covered with a multitude of bruises, an incision over the right eye, another below the brow of the right eye, evidently caused by some sharp instrument, the right ear crushed, the skull back of the ear fractured, numerous bruises on the top of the head, but no swelling of the scalp, both eyes blackened, and other bruises, nearly all of which could have been caused by the fist.

### "CRY FOR HELP."

Geo. Gunnip, a clerk at the fixture store, testified that he testified that about five minutes after Walker, Lawrence and Beers entered the back room screams were heard, and they continued for about 15 minutes with scuffling going on, and the same time.

"Did you hear any particular calls or words was asked by Dist. Atty. Halvorsen.

It seems to me I heard a voice cry out "For God's sake, Walker, don't kill me." I saw Lawrence come out several times to see if anyone was looking in the door from the door directed by Lawrence, and kept it locked, except when letting Miss Stone, the stenographer, out. When Walker came out of the room there was blood on his shirt.

Ray Gledhill, another supply company employee, testified that he was in the front office during the fight. He heard screams and saw nothing definite.

### RELUCTANT WITNESS.

Lawrence Herd was the witness who was excused for appearing to keep back information. He admitted after persistent questioning that he was all over the office during the fight. He said that he saw Walker go to a cab and assisted Dr. Beers out of the place. When he stated that Beers didn't look badly beaten up to him, Mrs. Beers, who had sat silently through the hearing, cried out: "My God, this is awful."

Dist. Atty. Halvorsen hit his lip, and said with much sarcasm: "I don't think I want to ask this witness any more questions."

### PHONE FROM MRS. WALKER.

Mrs. Katie Gasberg testified that Walker and Lawrence came to the rooms of Dr. Beers in the Colonial, and searched them while the doctor was out. She is the proprietress of the rooming house, and said that she went to get out after finding them going through the bureau drawers. Walker started to tell her, she testified, who he was and what he wanted. Dr. Beers then he suddenly seemed to have another idea about it, and changed the subject of conversation.

Mrs. Walker had called up on long distance on Monday, but Dr. Beers answered the phone and told her he was out. A week previously Mrs. Walker had visited Dr. Beers at his private apartments in the Colonial.

### CALLED FOR POLICEMAN.

Albert Power, city sanitary inspector, testified that as he was passing the office of a woman living upstairs from the rooming house, a policeman, as someone was being murdered down stairs. The persons inside the door merely laughed at him when he tried to enter. He then he suddenly seemed to have another idea about it, and changed the subject of conversation.

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### PERSONALS.

C. O. Harris is at St. Anthony, Idaho, with the Fremont Telephone company. Mr. Odell has a guest this week, Mr. Matthews, representing the Oliver Chilled Plov company.

Rey, J. J. Thomas of the state board of equalization is on a two week trip to St. Paul, Minn., for County Auditor Frank Higginbotham has returned from a two weeks' vacation in southern California.

Proprietor Holmes of the Knutsford and Frost Knox of the bank of the 12-public left yesterday for New York. W. B. Holcher, formerly of this city, but now a resident of New York, is spending a week here on business.

Mr. and Mrs. John Wilhart will leave late next month for Long Beach, Cal., where they are to remain until June 1, 1908.

Managing Director E. B. Jones of the Independent Telephone company, has gone to Rochester, N. Y., on company business.

Mrs. J. F. Hill has sailed from New York for Europe, to be absent some time with her son, who will attend school abroad.

Agent A. C. Shaw of the United States forest service is registered at the Wilson, en route across the continent on an official trip.

Judge William McKay has gone to Chicago on a business trip, and expects to continue on to North Adams, Mass., for a visit to his former home.

Mr. and Mrs. Jack Browning leave early in the week on a vacation trip, to be absent from the city for some time. They will be at home Oct. 15, at 66 West Third North street.



## ELY-GOLDFIELD ROAD PROJECT

Proposition is Receiving Favor-  
able Consideration at Hands  
Of New York Men.

FORMS A LINK IN BIG CHAIN.

Would Make a Part of An Independent  
System Between Denver and  
San Francisco.

Ely is to have another railroad, which will form the connecting link on a short line between Salt Lake and Goldfield, and probably will form one of the last links of a chain of independent roads between Denver and San Francisco, says the White Pine Daily News, of Ely, Nev.

"The road which is now proposed has the endorsement of a large number of the greatest combinations of capital in New York, and the financing of the proposition is well under way."

The new road, which will put Ely into direct touch with Goldfield, will be 180 miles in length. Its cost as now estimated will be \$10,000,000 per mile, or \$1,800,000. The line will probably be almost parallel with that of the proposed Nevada & Utah railroad, the survey of which was completed some time ago. The grade covered by this survey is light, and there is but a change of mountains to pierce. This is the Hot Creek range, which is cut by a number of low passes, which would offer but slight and unimportant problems to the engineers.

"The matter of construction of a road between Ely and Goldfield was taken up with a number of eminent financiers and railroad magnates in New York. He has been averse to making a statement concerning the project, but admitted to the News last night that he had discussed the matter with these men, and that they had taken kindly to the proposition."

### EXPERTS TO VISIT CITY.

"A number of representatives of the railroads and of the Guggenheim interest, it is said will reach Ely within the next few weeks to go over the ground carefully and arrive at more definite conclusions."

"One of the reasons that has been given to these men, to convince them that a road would be a good investment, is that the smelters at McGill will require great tonnage of silicious ores in their treatment of the low grade copper ores of this district."

"There are millions of tons of low grade ores in the Goldfield and Bullfrog districts, which at this time cannot be smelted, nearly all at San Francisco. The road to Ely will be but 180 miles in length, which would cut off several hundreds of miles that the ores would have to be carried if handled at San Francisco."

### SOME OF THE BENEFITS.

"The road, which is now under way, is the development of Ely and of Goldfield and the tributary districts, most important. Such a road would make marketable the vast tonnage of low grade ores in those districts, and would be the means of giving employment to thousands of miners and workmen of all classes. The payrolls would be increased enormously."

"For Ely and the Nevada road would be equally important, as it would throw to this camp this enormous tonnage for treatment in the smelters, and would make Ely the greatest smelting camp in the entire country, if not in the entire world."

"Another important feature, which would be of great, of almost incalculable value to Ely, is that the town would be on the line of an independent transcontinental railroad system."

### MOFFATT ROAD.

"The Moffatt road, which is now employing thousands of men in its construction between Denver and Salt Lake, will be completed within a short time, and the distance between these cities will be decreased by nearly 200 miles. The Moffatt road has completed train arrangements from Denver through to the east."

### WESTERN PACIFIC.

"The construction of the Western Pacific from Bows to Salt Lake is being pushed forward at a record rate, and steel is being placed at rate that has seldom been paralleled in western railroad building. This road has completed traffic arrangements with the Nevada northern railroad between Bows and Ely, and will begin to run its trains to this town within the next few weeks. Traffic arrangements could readily be made between the Moffatt road, the Western Pacific, the Nevada Northern and the Ely & Goldfield road, which would give a direct line from Denver to Goldfield by the shortest route."

"At the present time the distance from Goldfield to San Francisco by way of Reno, through the Nevada Northern, is about 700 miles."

### CUT IN HALF.

"As the crow flies, the distance from Goldfield to San Francisco is not more than 350 miles. It would be but a small matter to finance a road over the shortest path from Goldfield to San Francisco, which would then give a short line from Denver to Goldfield, saving many hundred miles of travel."

"In the event that the road were constructed from Goldfield to San Francisco, it would have no effect on the smelter industry here, the difference in distance between the two points being so great that they could not be overcome and the ores would naturally gravitate to Ely for treatment."

### LOW RATE ON ORES.

"I have had assurances while in New York," said Mr. Rickard last night, "that a low rate would be given for the treatment of Goldfield ores if they could be placed on the tracks at the smelters. There is enough low grade ore to warrant the construction of a road to Ely from Goldfield, and I am of the opinion that the road will be built at an early date. I am not likely to go into the details of the proposition, but it is my opinion that Ely will not only be the smelter center of the state, but the railroad center as well, within a short time."

### "That Good Coal"

BAMBERGER,

161 Moighn Street.

## Ask for McDonald's Dutch Chocolate

coates then you  
will get the best.

ABE RUEF'S NEW HOME.  
San Francisco, Cal., Sept. 23.—Abe Ruef is no longer confined in the former residence of former Mayor Schmitt on Filmore street. Mayor Ruef took up his abode at Pacific Hotel street in a private residence where he is secured to two rooms. Guards were also cut down to two.

### TO U. OF U. STUDENTS

We have your text books at less than publishers' list prices. General school stationery at correspondingly low figures. Get our printed price list. DESERET NEWS BOOK STORE. The leading book concern, 6 Main St.

### BORN.

McGOWEN.—To the wife of A. McGowen, Sept. 23, a fine baby boy. All well.

### DIED.

VOYLES.—At Toledo, Ohio, Sept. 23, 1907, of a lingering sickness lasting many months, Lillian E. daughter of Sylvester H. and Lillian E. Vowles, of 1118 North 14th Street, born Feb. 11, 1882. Notice of funeral later.

### R. E. Evans, Florist, 30 S. Main St.

Funeral Designers & Specialists. Phone 361.

### Union Dental Co.

218 South Main.  
HONEST WORK  
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