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you forget it. Ring Phone 88.
WELLMAN,

RICE'S SECOND WILL.
The One Held by Patrick Filed for
Probate by Counsel.

SIGNATURES ALIKE.
Patrick Is Preparing Another Paper
to Be Filed—More Claimants
for Participation in the Rice
Wealth Show Up.

New York, Dec. 1.—M. E. Harby, the attorney representing Albert T. Patrick, has filed in the surrogate's court what is called the "second" will of the late Texas millionaire, William Marsh Rice. In the petition accompanying the will, counsel for Patrick says:

"Your petitioner further states that the estate given to the petitioner in and by the said last will and testament of William Marsh Rice must be taken subject to a trust in favor of certain purposes and beneficiaries intended to be benefited by the said will."

Counsel also said he is now preparing for execution by Patrick a paper in which the petitioner may in legal form make effective the instructions constituted the secret trust, the provisions of which it is promised, will be made public about the middle of December. Among the bequests on the so-called second will are the following:

To the William M. Rice institution for the advancement of literature, art and science, of Texas, \$250,000; to each of the directors of the William M. Rice institution \$5000, and to A. H. Cohen of Houston, Tex., \$5000. All bequests are subject to the condition that the beneficiaries accept without contest, "and that they will execute such conveyances and of whatsoever nature to the said Albert T. Patrick, as he may demand; and any legatee not so doing is forever barred from taking under this will or in any manner inheriting any portion of my estate and such portion shall inure to said Albert T. Patrick."

Following these bequests the will says:

"I give, devise and bequeath to Albert T. Patrick formerly of Texas, all the rest and residue of my estate, real, personal and mixed, heretofore or hereafter accruing and wheresoever situated."

Lawyer Sargent filed the petition signed by Patrick asking that the second will be admitted to probate and the citations issued to the several heirs at law and next of kin to Mr. Rice mentioned in the partition.

R. W. Pottor, who represent W. M. Rice, Jr., John D. Bartine and James A. Baker, Jr., the executors of the will, executed by Mr. Rice in 1896, with a handwriting expert, made a microscopic examination of the signature of William M. Rice of the two wills. Both wills are signed "W. M. Rice."

Although there is a resemblance in both signatures the signature to the will filed by Patrick is said to be almost a fac simile of the signatures to the two checks presented for payment on the day on which Rice died, while the signature to the will of 1896, differs somewhat in regard to the formation of the initial "M." The will of 1896 is a written document whereas the second will is typewritten, nothing being written with pen and ink save the names of Maurice M. Rice and David L. Short, the witnesses of the instrument.

Patrick was substituted as executor of the "second" will for J. D. Bartine, of Somersville, N. J., who had been an executor to the 1896 will. The first will was witnessed by W. O. Wetherbee of Brooklyn and William F. Harmon, of Brooklyn. Wetherbee is a clerk in the office of Swenson & Sons, who refused to pay the checks for \$65,000 and \$25,000 respectively on the day of Rice's death.

While the alleged last will of Rice was offered for probate a new claimant for the fortune of the dead millionaire was having her claims perfected by an attorney, E. W. Childs of Brooklyn.

Miss Kate Rice, 70 years old, who is declared by her niece, Mrs. Bridget King, to be a sister of Mr. Rice, will share in the distribution of the Rice fortune if the plans of their lawyers can be carried out. Mrs. King declared that Miss Rice is the youngest of the late millionaire's sisters, and she says this fact may be established through the surrogate's records of Kings county.

One of Mr. Rice's sisters died in Brooklyn 35 years ago, according to Mrs. King, and left considerable property. Miss Rice, she says, received a part of this estate. If it can be proven that William M. Rice was one of those among whom this property was divided, Mrs. King feels confident that both she and Miss Rice will get a part of the Rice fortune which is now in litigation.

Lea Taken to Nashville.
Nashville, Dec. 1.—W. F. Lea, the bookkeeper charged in connection with Thomas Brady with defrauding the First National bank of this city out of \$50,000 has arrived here under charge of detectives. Lea left here last Tuesday.

Cable Bill May Be Knocked Out.
Washington, Dec. 1.—Marconi's proposition to telegraph from Europe to America without wires may knock out out the Pacific cable bill.

Rejected Chilean Proposal.
Valpariso, Dec. 1.—It is reported here that the Bolivian congress in secret session rejected the Chilean proposal.

TITLES CLOUDED.

The Attorney General's Ruling Affects a Large Number of Sales.
Austin, Dec. 1.—In response to an inquiry from Land Commissioner Rogan, the attorney general's department passed on an important question involved in the recent mandamus case of Reed vs. Rogan, in which the supreme court held that the assignee of an actual settler who had made proof of occupancy could not purchase additional land without actual residence.

This invalidates the sales of thousands of acres in the west bought by cattlemen from actual settlers on one section. The attorney general holds that the sales were illegal, and further that the land commissioner is not compelled to place the lands on the market, but it is discretionary. The last is of much importance, as the commissioner may not officially declare the sales illegal and place the lands on the market, which would result in great loss of money and contests with land jumpers. On account of the legislature, he may hold up the matter for its action.

An attempt will be made to have the legislature validate the sales, and influence will be brought to bear to have the land commissioner withhold his official action until the legislature passes on the matter. Should the legislature refuse to validate the sales, it will be compelled to make an appropriation to refund payments. The land would therefore be placed on the market and sold again, the same amount of money returned to the treasury and the state would not suffer but the present owners would. Thus grounds for affecting validation.

MADE NO PROPOSITION.

Not Particular How Claims Are Paid by the Turkish Empire.

Washington, Dec. 1.—No proposition has come to the United States government from Turkey looking to the payment of missionary claims under the guise of an order for a warship to be built in the United States. While it is hardly expected that any formal proposition of this kind will be forthcoming it is of course, beyond the power of the state department to prevent or interfere with any arrangement that the Turkish government may enter into with American shipbuilders and individual claimants. The principle, after all, to have the claims paid and the state department officials are not very particular as to the form in which the payments are paid.

Perhaps they are indifferent in this respect because of knowledge of the fact that the Turkish government might be terribly embarrassed by the pressure of European creditors were the United States government to insist upon certain forms of procedure in this case.

There are no new developments in the negotiations respecting the exequatur of Dr. Norton.

May Cancel the Award.

London, Dec. 1.—It is probable, says the Constantinople correspondent of the Standard, "that the contract for a cruiser to be built in the United States will be cancelled as soon as the Kentucky departs, for it is difficult to see how the money is to be found."

CHARGED WITH SWINDLING

An Alleged Texas Physician in Trouble at New York City.

New York, Dec. 1.—Charged with obtaining money under false pretenses, a man representing himself as Dr. William A. Ferguson, formerly of Galveston, Tex., but who is alleged to be Gov. Moses of Charleston, S. C., was arraigned before United States Commissioner Shields and held in bail of \$1000 for examination on Thursday next. The prisoner is said to bear a close resemblance to the notorious South Carolina governor or "carpetbagger" fame, whose record is in every police headquarters in the country.

"Dr. Ferguson" was arrested on Tuesday last on complaint of Dr. Jarman who alleged that Ferguson had swindled him out of a small sum of money and was continually annoying him.

The federal authorities wish to send him to Washington where he is wanted on charges of swindling. Dr. A. H. Snares of Washington appeared against him.

Odd Suit Against a Rabbi.

Peoria, Ill., Dec. 1.—In the circuit court here Abraham Wallowitz filed a suit for \$10,000 damages against Rabbi Friedman of the local congregation of orthodox Jews, and the case is an unusual one. For several years Wallowitz has been butcher for the entire congregation and only the "kosher" or purified meats which he furnished were the members of the congregation allowed to eat. It is said that Wallowitz cleared \$12 a day from the custom of his fellow worshippers. Recently the butcherman had a misunderstanding with the rabbi and the result was the rabbi publicly denounced the butcher from the altar of the church and placed a ban upon his meats. Wallowitz's business, he alleges is ruined, and he sues to recover damages.

An Eight-League Club.

Birmingham, Ala., Dec. 1.—The Southern Baseball league meets here on Dec. 15 to complete the circuit and appoint a schedule committee. It is proposed to admit Atlanta and Little Rock, making eight clubs league with Birmingham, Chattanooga, Nashville, New Orleans, Memphis and Shreveport.

Closed Down.
New York, Dec. 1.—The Rogers locomotive works at Paterson, N. J., has closed down finally. Several offers have been made to purchase the plant, but all have failed.

WAS WITH THE BOERS.

Captain Reichmann Tells of His Observations in South Africa.

Washington, Dec. 1.—Captain Carl Reichmann of the Seventeenth infantry, who was detailed by the war department to report on the operations of the Boer forces in the South African war, has returned to Washington.

"It is difficult," Captain Reichmann says, "to tell what the Boers are going to do. General DeWet's motto was, 'Fight until our children grow up,' and it begins to look as if the Boers might be working that way now. They are a persistent, obstinate people, crude and simple in their manners, tough and strong as the hunters from Kentucky and willing to undergo hardships.

"Fifty-two thousand men in all were furnished by the Boer republics to carry on the war, but not more than 35,000 of that number were in the field at any one time. When fights occurred between the contending forces it was usually in the ratio of at least five British to one Boer. The latter were good shots and the British usually attacked in the open which probably accounts for the relative small number of Boers lost. The contest now being carried on is a guerrilla warfare. Until the Boers lost the railroad to Lorenzo Marquez they carried on a regular warfare, moving their base along the railroad."

Captain Reichmann registered a vigorous denial against the charge that he had led the Boers in the contest with the British. During the entire fighting of three hours he was in the company of the Dutch and French attaches.

FAKE DISPATCHES.

Yellow Journalism in London Turned Down by DeWet's Victory.

New York, Dec. 1.—A dispatch to The Journal from London says the dispatch of Lord Roberts announcing the capture by the Boers of 400 men makes the stories published in London papers during the last week look ridiculous. By actual count DeWet has been captured a dozen times. The Boer forces are completely routed regularly twice daily with thousands killed and wounded. Every foot of ground in the two republics is pacified weekly while practically every dispatch ends with the statement that only a few widely scattered bands of guerrillas now remain. Every correspondent who showed the slightest desire to tell the truth has been banished, and nothing but painfully evidently doctored dispatches reach England.

"The afternoon papers, only six hours before the news of DeWet's victory arrived, contained the most ridiculous headlines announcing a great victory over DeWet."

Kitchener Takes Charge.

London, Dec. 1.—The war office announces that General Roberts has handed over the command of the British troops in South Africa to General Kitchener.

It is further asserted that the queen approves General Kitchener's promotion to be lieutenant general with the rank of general, while in command, in South Africa.

The Garrison Relieved.

Vryburg, Cape Colony, Dec. 1.—The garrison of Schweiser-Reuke has been relieved by a column of troops sent from here. The beleaguering Boers resisted but were driven off.

Sympathizes With Kruger.

Paris, Dec. 1.—The senate has unanimously adopted a resolution of sympathy with Kruger in the same terms as that which passed the chamber of deputies.

Consecrated a Bishop.

Fort Wayne, Ind., Dec. 1.—Rev. Herman Joseph Alerding, late of St. Joseph's parish, Indianapolis, has been consecrated the fourth bishop of the Catholic diocese of Fort Wayne.

Appeal to the Governor.

Houston, Dec. 1.—The strike situation involving the Southwestern Telephone company is about the same as it has been for the past fortnight, except that a letter has been received here showing that the officials of the telephone company in an application to the governor of Texas at Austin for protection to their property have set forth their grievances. The letter showed what the company has passed through and is tackling at this time. The main part in it was the protection of property, which has been granted by the laws of the United States.

To Protect the Linemen.

Richmond, Tex., Dec. 1.—Manager Walters of the telephone company left Friday with a party of 20 Fort Bend county young men to guard the linemen working between here and Houston on the telephone lines. An additional crowd of nine left Friday afternoon.

Caught Cutting the Wires.

Houston, Dec. 1.—A man was arrested in the lower part of the city just after he cut several hundred feet of wire of the Southwestern Telephone company and piled it in his buggy to drive away. He and the buggy and wire were taken to the jail.

Will Test Suffrage Law.

Washington, Dec. 1.—The national Afro-American council has appointed a committee to see that the validity of the Louisiana constitution of 1898 is tested before the federal supreme court. The opinion of a number of leading lawyers north and south has been obtained respecting suffrage and the supreme court will have before it shortly cases, that it is believed, will secure an expression of its opinion respecting these suffrage laws.

THE MINES OF MIDWAY.

Where the Earth Yields Treasures to Those Who Search.

(Special Correspondence.)
MIDWAY, British Columbia, Nov. 21.—Dropped down among some of the richest mineral bearing mountains in western Canada and bordering the picturesque Boundary creek and Kettle river is what is known as "the most beautiful spot in British Columbia." Several years ago this spot was made the site of what is now a thriving town. From its location in the middle of the stretch of territory between the Rocky mountains and the Pacific ocean and being on the international boundary line separating British Columbia from the state of Washington the town was called Midway. Midway, while being a mining center, has many other commercial interests, but the preponderance of capital invested in ore getting in the Rock creek mining division naturally places in the van the traffic in the product of the numerous shafts sunk deep in the bosom of Mother Earth.

Mine hunting is one of the most thrilling and enticing pursuits ever invented in the human mind. The hopes and expectations, the uncertainty of their fulfillment, the suddenness with which big finds are made and great fortunes discovered, the freemasonry of an outdoor existence and the latent resources called into play by unforeseen happenings all tend to hold the searcher a slave to his profession. The passing of years and the whitening of the hair cannot loosen the clutches of the prospecting fever, and once a man starts out on such a career he will find his very blood infected with the germs. Many and varied are the stories of mining adventure that are told in and about Midway.

Probably no one connected with this region has had more interesting experiences than Captain Robert C. Adams, an adventure loving capitalist from Montreal. Captain Adams was the founder of Midway and is the owner of immense tracts of land hereabouts. His holdings in the Yale district amount to more than 1,000 acres, and he holds title to 50 or 60 mines and claims now in operation. Captain Adams has tramped and camped weeks and months at a time among snow capped mountain tops and scaled walls like precipices to perilous heights in quest of gold and silver. His reminiscences would fill a volume.

While pushing up through the Kootenay district in the direction of the upper Arrow lake Captain Adams once narrowly escaped losing his life. He followed Boundary creek northward from Midway for about 15 miles and then struck out to the eastward for a few miles to reach the Greenwood ramp. He remained there a day and a night to replenish his supplies and, taking an Indian guide, aimed for the lower Arrow lake. The lower lake connects with the upper body of water, and the captain's intention was to traverse the lakes by canoe and then branch out into the country at a suitable point. After 3 1/2 days of canoeing—at which he is an expert—Captain Adams made a landing on the west bank of the upper Arrow lake opposite Nakusp. Rugged mountains barred his way and he was compelled to begin his

hunt. Two days of mountaineering found him on the crest of a small peak, at the foot of which flowed the Mosquito creek. The side sloping down toward the stream impressed the captain as a likely hiding place for deposits of silver. He resolved to satisfy his curiosity before returning to the Arrow lakes.



THE MIDWAY VALLEY.

The task he had planned for himself was bristling with danger. The particular spot which he wished to investigate was situated directly below a glacier marked cliff. To reach it made necessary for him to descend the face of the rock in some manner. The captain was equal to the occasion, and unslinging a light but strong piece of rope he carried across his shoulders he hastened the end to a sapling overhanging the brink and climbed hand under hand to the base. There with a small sized pick which he carried at his belt he excavated a hole. While intent on examining the dirt a large piece of rock from under the roots of the tree to which the captain's rope was fixed crashed down the cliff. He had barely time to crouch closely into the burrow as the mass, several tons in weight, swept past him. Captain Adams was a prisoner and in cramped quarters. He was not released until five or six hours after, when a party of prospectors from the gold quartz mines, attracted by shots he had fired from his revolver, pried away the obstruction. The captain was badly cut and bruised as the result of his confinement, but he soon recovered and received the congratulations of his deliverers on his close call.

FREDERICK R. TOOMBS.