

STATE SCHOOL LANDS

WHO IS TO HAVE THE CONTROL OF THE MONEY?

Chamberlain's Contentions in Court, State Land Boards in the Past Have Violated the Law.

SALEM, Or., June 7.—If the contention of District Attorney Chamberlain that the act of the Legislature of 1880 took away from the State Land Board the direct management of the state school funds and conferred upon the clerk the positive duty of receiving, receipting for and paying over to the State Treasurer, is correct, the Chamberlain-McBride board, as well as all its predecessors and successors, have openly violated that law. The portion of the act quoted by Mr. Chamberlain makes it the duty of the clerk "to receive and receipt for the same, and to pay the same to the State Treasurer."

Two classes of funds are mentioned: The money arising from the sale of lands and money payable to the State. The money received from the latter source never passes through the clerk's hands. It is paid out from the treasury department, the loan notes and reports of the department and when the money is paid back it goes directly into the treasury department. The clerk of the board does not receive, receipt or pay over to the State Treasurer a dollar of this money. The board ignored the legislative act conferring upon the clerk the positive duty mentioned, evidently without any authority to take away from the board a power and duty imposed by the constitution. If they recognized the validity of that act, they would have complied with its provisions. The receipts on account of the loan funds amount to several hundred thousand dollars annually. If the board claimed and exercised the right to handle this portion of the trust funds, how can they deny its right to handle all the funds it is difficult to understand.

The constitution also provides that a State Treasurer shall be elected, whose duties shall be prescribed by law. It is now proposed by the State Treasurer, who was one member of the board and acted by authority of the board, to receive and receipt for the money, and to pay the same to the State Treasurer. This is a violation of the constitution. The constitution made the Governor, Secretary of State and State Treasurer a board for the sale of school lands and for the investment of the funds arising therefrom, and provided that their duties should be such as might be prescribed by law. It is this last clause which authorizes the Legislature to provide a clerk who shall handle the money, relieving the board of the liability therefor. The Legislature provided for such a clerk who should give a bond in a sum to be designated by the board. The board fixed the bond at \$500.

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It is not difficult to see where there is a difference. The constitution does not say that the State Treasurer shall receive any money. It says his duties shall be prescribed by law. The constitution says that the State Land Board shall sell the school lands and invest the funds, and shall have such duties as may be prescribed by law. It does not say they shall receive money, but when it makes it their duty to sell the land there would seem to be a necessary duty, by implication, of receiving the money. The implied duty in this case is stronger than in the case of the Treasurer. If, then, the Legislature can relieve the board from liability, why can it not relieve the Treasurer from the responsibility of receiving state funds? The framers of the constitution did not intend that in either case the officials should be relieved from the liability which is the necessary consequence of the duties prescribed. The framers of the constitution realized the importance of the school funds, and desired that state people should be careful in the selection of the Governor, Secretary of State and State Treasurer, they assigned to these officials the sacred duty of caring for the school funds. That the Legislature should relieve the board of responsibility there is little doubt, but whether it had the power to do so is questionable. If it had the power, then the Legislature should relieve the Treasurer from responsibility, and thus open the way for other steals as big as that by which the school funds were robbed of \$1,000,000.

EXPERTS WILL NOT BE EMPLOYED

County Officials Will Probably Unite in Checking Up Books.

SALEM, Or., June 7.—Two men yesterday applied to the Marion County Court for a job expertizing the books of the various county officials, and wanted only \$25 a day for the work. The County Court considered the request, and upon investigation, concluded that under the present methods of conducting county affairs, the work of examining the county books is not so difficult as to require the employment of experts. It is said that Marion County keeps a more complete set of books than any other county except Multnomah, and that under the present system the County Court can determine by a brief investigation the exact amount of money each official should have in his hands. The clerk keeps an account of the disbursements, and makes up the total of this roll will therefore represent the difference between the total of the tax roll and the total of the payments to the Treasurer. The Sheriff keeps carbon copies of all receipts issued by him, showing the page and line in the tax roll where the name of the taxpayer's amount of tax, etc., will be found. When he pays money to the Treasurer he takes duplicate receipts, one of which he keeps with the County Clerk. The Clerk keeps an abstract of all warrants issued upon the Treasurer, and when these are paid by the Treasurer they are returned by the Clerk, and marked paid on the abstract. With the exception of a few miscellaneous fees, the amount of which can be readily ascertained, the County Clerk's books show the amount of money the Treasurer has received and paid out. The Clerk keeps all receipts in duplicate, filing one copy so that the County Court can determine what amount of fees the clerk

collected and paid to the Treasurer. The proposition has been made that just before the expiration of the terms of office of the present officials all the officers unite in checking the books of each office, thus saving the county the expense of expertizing the books. This plan will probably be adopted.

SHEEPBREEDER IS MISSING.

Foul Play is Feared—Man Has Not Been Heard From for a Week.

BAKER CITY, Or., June 7.—A sheepbreeder, who was working for Mr. Jacobson, in the Maple district, is missing, and his friends are very anxious. He has been gone for more than a week, and no trace can be discovered of him. A large searching party was out looking for the missing man Monday. His friends were at the idea of suicide, as he was young and prosperous, and so far as known, there is no reason why he should desire to take his own life. There is one \$200 note in his pocket, and his friends found the sheep near the camp the next day after the young man disappeared.

Carnival Attractions.

The committee in charge of the Red Men's carnival, which will take place on the occasion of the meeting of the Red Men's grand lodge here during the week of July 2, have decided on several features, among which are the following: An Indian village, with 25 Nez Percés men, 25 Umatilla maidens; Red Men's parade in costume, with prizes for the best costume; lodge and lodge further from home; a day for high schools, baseball, night parades, with illuminated streets. On the last day there will be a Mardi Gras carnival, and at night a parade with floats, illustrative of Eastern Oregon industries.

DEATH OF MAJOR L. S. TESSON.

Medical Director of the Department of the Columbia. VANCOUVER, Wash., June 7.—Major Lewis S. Tesson, medical director of the Department of the Columbia, and Post Surgeon of Vancouver Barracks, died today from pneumonia. He has been sick about a month. No arrangements have been made for the funeral. The remains may be taken to St. Louis. Tesson was 48 years of age. He was born in Missouri and joined the medical department of the United States Army 25 years ago at St. Louis. He had served in the most important army posts in the United States. He had been medical director of this department since July, 1900. He was one of the most popular men in army circles here. A widow survives him.

Old Resident of Aberdeen.

ABERDEEN, Wash., June 7.—Daniel Mervant, an old and much respected resident of this city, died today, aged 82 years. He leaves several married daughters, one of whom is Mrs. N. L. Harrison, of Berlin, Or.

Brother Sues Him for \$2146 50.

VANCOUVER, Wash., June 7.—Harvey H. Grider, a well known actor, has sued his brother, Fred Grider, for \$2146 50. The suit is for a portion of the money which the plaintiff claims to be due to him for a property, situated in St. Croix, Wis., which the defendant alleges the defendant sold as agent for the plaintiff in 1892 and has since neglected and refused to turn over the proceeds to the plaintiff. The sum of \$1500 is alleged to be due as reasonable compensation for plaintiff for the board and lodging of the defendant and his family for a period of 15 months. The case is likely to attract considerable interest on account of the prominence of the parties, who are brothers, and other circumstances surrounding the case. Harvey H. Grider is an old and respected resident of this place.

Moral Crusade Not Improbable.

PENDLETON, Or., June 7.—Henry Drauer was convicted yesterday in the Circuit Court of the crime of gambling. His attorneys have filed notices that they will ask for a new trial. It is not improbable that this case will stir up considerable of a moral crusade against gambling. At any rate, it will probably cause some prosecution against men who are conducting games in Pendleton. Drauer was arrested two weeks ago for going into a gambling place and taking \$18 from the roulette bank roll. He had played and lost. He does not deny that he took the money, but sets up the plea that gambling is illegal, and that the money on the roulette table was not legal property of the man running the game, and that, since he had lost his money there, he was entitled to take it back.

Eugene Briefs.

EUGENE, Or., June 7.—The house occupied by A. M. Simon, just across the river from Eugene, on the Linton place, has been placed under quarantine on account of smallpox. The regular annual inspection of the regimental and companies A and C, of the Fourth Regiment, U. S. A., took place last night. Colonel James Jackson officiating. Colonel Jackson highly complimented the militiamen for their soldierly bearing, prompt and accurate response to commands, and general efficiency.

Corvallis Wants Sunday Train.

CORVALLIS, June 7.—Petitions are in circulation here asking the Southern Pacific to establish a Sunday train service between Portland and Corvallis, over the West Side. About 250 signatures have been secured and many additional names are expected.

Suit Against City of Lebanon.

ALBANY, June 7.—A complaint was filed in the Circuit Court today in the case of Mary A. Irwin vs. the City of Lebanon, in which \$2000 damages is asked, on account of injuries received from falling through a defective sidewalk several weeks ago.

Oregon Notes.

Beaverton is planning a Fourth of July celebration. The Washington County Court has accepted the Woolly bridge from the contractors, and has paid him \$34. The receipts of the Baker City Police Court last month amounted to \$242 50. Gambling fines amounted to \$200. The City Treasurer had on hand June 1 the sum of \$268 68. Ten clips of wool stored in the Shanks warehouse have been sold lately at prices ranging from 11 cents to 11 1/2 cents. Several other clips not yet in have been contracted for at the same prices. Several men were seen last Sunday dynamiting fish in a hole on Deep Creek, near the Shanks' Landing. They had their trouble for their pains, for, being discovered just as the shot was fired, they had to flee in order to avoid having their identity disclosed. Mr. and Mrs. W. Cobb crossed the Cascade Mountains by the Santiam route about 10 days ago. They found snow for 10 miles, and it averaged about five feet deep. At times they had horses hitched to the wagon. It took them four days to cross the summit. They tried the McKenzie route, but failed. Three eight-hour wagons were loaded at Sumpter several days ago with 20,000 pounds of ore from the Badger mine, in the Siuslaw district for shipment to the Selby smelter at San Francisco. The three teams, on their return trip to the Badger, hauled out about 6000 pounds each of groceries, provisions, blasting powder, fuse, iron and general mining supplies. The Sumpter Transportation Company has a contract to haul not less than 50,000 pounds monthly of ore from the Badger to the railroad for shipment to the smelter. Hereafter the ore will be delivered at Whitney, and the mine people expect to increase these shipments to 100,000 pounds before Fall, according to a Sumpter paper.

\$17,000 SALE OF WOOL.

MADE BY BAKER CITY MAN TO EASTERN DEALERS.

Figure Paid Was 9 1-2 Cents Per Pound—Deal Breaks Proposed Woolgrowers' Combine.

BAKER CITY, Or., June 7.—S. A. Heller, of this city, sold all of his wool today, which he bought last year and this, over 90 bales, for \$17,000. The wool was at a figure which averaged 9 1/2 cents per pound. This is the largest single sale of wool ever made in Eastern Oregon. This deal breaks the proposed woolgrowers' combine, which it was proposed to form at a meeting of the growers of Eastern Oregon to be held here early in July. Mr. Heller, being the largest holder of wool in this section, his participation was necessary to make the combine successful. The wool was sold to Eastern dealers.

FARMERS' MEETING.

The Successful Agriculturist Must Have Set Plans.

JUNCTION CITY, June 7.—The farmers' meeting held here Wednesday was addressed by C. L. Smith, who is in the employ of the Southern Pacific Company. Mr. Smith is trying to interest the farmers of the Willamette Valley in improved methods of farming. Mr. Smith said in part: "So far as the railroad company is concerned, this is purely a matter of business. It realizes that the present methods of farming are unsatisfactory and unprofitable; that the future prosperity of this beautiful and fertile valley depends upon a more intelligent handling of the soil, more and better stock, better care of the stock, more use of barnyard manure, and rotation of crops with clover, corn and wheat to furnish more and better food for hogs and cattle. That diversified farming will bring prosperity to the farmers is not a theory with the business men of the transportation companies—it is a demonstrated fact. Mr. Smith briefly told how dairying and diversified farming had supplanted wheat farming in Southern Minnesota, changing the conditions of the soil, and making it prosperous; from a credit business to a cash basis, thereby more than doubling the income of the farmer and making his life more comfortable. He also cited numerous successful farmers he had met in the Valley, who, with good cows, sheep, hogs and poultry, were making money easily and rapidly. They had silos, grew successful crops of corn, clover and vetches; their farms were highly cultivated, fenced and outbuildings in good repair; their cows went to pasture sleek and thrifty instead of 'Spring poor.' When it stormed, the cows were kept in the barn instead of wandering over the fields, washing better and saving the farmer. If the less prosperous neighbors of these successful farmers would trust less to luck, and keep more careful accounts, and do more thinking, they could revolutionize conditions on the farm. Following the address a very interesting and profitable hour was spent in asking and answering questions and discussing various topics, such as dairying, stock raising, in reply to the query whether a farmer with only eight or 10 cows could afford to buy a cream separator, Mr. Smith said: "Any farmer with half a dozen well-cared-for cows would find that the increased value of the warm skimmed milk for feeding calves and pigs would pay big interest on the cost of a \$100 separator. Another important consideration is that when a man begins to feed pigs, warm sweet milk is his best friend. If he has added interest in their care and development, and naturally leads to improvement in care and breeding. Each step in the line of improvement leads to the next, and our country needs more and more of this kind of progress. It is easy and natural. The use of the separator economizes labor, relieves the farmer's wife of much work, saves butter fat and secures a much better quality of cream. "But," said one man, "what can a poor man do who hasn't the money to buy a separator?" Mr. Smith replied: "Any farmer can buy a separator on time, and pay for it in small payments, taking a little out of the cream check each month. The increased quantity of prize often make the cost of the separator clear profit the first year. "Would you advise us to all quit farming and jump into dairying?" said one of the audience. "Most positively no," said Mr. Smith. "Never jump into anything; take it up step by step, gradually increasing your herd of cows, your hogs and your sheep, and so on, until you are able to do it. Study how to select a good cow and how to care for her. Grow more feed to the acre, thus keeping more stock on less land. Increase your wheat one-fourth to one-fifth of the farm in wheat, growing wheat on the same field but once in four or five years, and then sell at a profit. Buy a good cow and keep a few sheep and at least 100 hens; raise three or four pigs for each cow kept on the farm; feed them well and sell them when they are six months old. Have your own brooding pens and breed them twice a year; if they prove good mothers, keep them till they are 7 or 8 years old; have something to sell when the milk is low, or the season that suits your fancy. Taste and enthusiasm are important factors to success." The address and discussion stirred up the present and set them to thinking, which will no doubt result in progress in dairying and stockraising. Some of the most successful and progressive farmers in this vicinity were present, and took a lively interest in the speaker's address. The local creamery, which is conducted on the gathered-cream system, paid out \$1100 for cream in May, and is steadily increasing its output.

LAYING IN WOOD EARLY.

Prunegrowers, However, Are Paying Fancy Prices to Get It Out.

SALEM, Or., June 7.—The prunegrowers in the Red Hills country are losing no time in making provision for their fuel for drying this year's crop of fruit. The wood speculators had bought up nearly all the cut wood, so the fruitgrowers found it necessary to put choppers in the timber and get out their own wood, as it is not to be forced to buy just before the curing season begins. Charles Baker, of the Liberty neighborhood, says the price for the best wood cut is \$1 25 per cord for having good cut. This is a high price as choppers usually receive but 90 cents per cord. A man can cut a cord of wood in 24 hours, so the scarcity of standing timber in the Red Hills, but the choppers are few, and at this season men prefer other work.

NEW WHEAT DISEASE.

College Professor Will Visit Fields to Study It.

CORVALLIS, June 7.—Samples of infected wheat taken from fields of growing grain have been received at the experimental station of the State Agricultural College for investigation. One comes from a field near Lebanon, and another from a field on the Joseph Lane donation claim a mile northwest of Hallock. In each instance the symptoms are identical. The roots are rotting and a stellar decay extends as far up the stem as the first joint. The decay is so advanced that a gentle pull detaches the stalk from the root. Farmers in the vicinity of Peoria report a similar condition in that vicinity. One of the samples sent in for investigation came from wet and the other from dry land. The station authorities have not yet fixed the character of the disease, nor determined how serious it might become. Professor Jordan is shortly to visit the infected fields.

ADVERSE TO PROPOSITION

REPORT OF NAVAL BOARD ON LAKE WASHINGTON CANAL.

Either It or the Puget Sound Naval Station Would Have to Be Abandoned in the End.

WASHINGTON, June 7.—The Naval Board appointed under the terms of an act of Congress, to examine into the advantages of Lake Union, Washington, as a fresh water basin for laying up naval vessels, has made an adverse report upon the proposition. The majority, composed of Captain Thomas Perry, senior member; Lieutenant-Commanders G. H. Peters and A. B. Willets and Ensign Record, and in substance, after careful examination, that having in view the best interest and welfare of the Navy, a fresh water basin, in this location separated by some distance from the canal attached to the Sound, would be expensive to maintain, and in the end, one or the other would have to be abandoned. The minority of the board, composed of Captain W. B. Burrill and Naval Constructor Frank H. Hibbs, made a strong plea in favor of the proposed naval basin, and discuss at some length the engineering work which would be required to carry out the project.

SPECIAL MARK OF RESPECT.

Militiamen Will Wear Mourning for Colonel Weisenburger.

OLYMPIA, June 7.—The following general order was issued today by Adjutant General Drayton, of the Washington National Guard: "Announcement is made of the death, June 5, 1901, at his home in Whatcom, of Colonel J. J. Weisenburger, commanding officer of the First Infantry, Colonel Weisenburger was mustered into the National Guard of the State of Washington, September 17, 1890, as Captain of Company F, First Infantry, May 2, 1888. He served with honor and distinction until the muster out of that regiment. He was on detached service commanding a battalion of picked men in the Calamba expedition. He commanded a battalion of scouts at Santa Cruz; was brigade commander on the Laguna de Bay expedition, comprising two battalions of the Fourth United States Infantry, one battalion of the First Idaho Infantry, United States Volunteers, one battalion of the United States Volunteer Sharpshooters and Hawthorne's Mountain Battery. Immediately after the muster out of the Washington Infantry, he was commissioned Colonel of the National Guard of Washington and assigned to the command of the First Regiment. "As a soldier he not only commanded the respect of his equals and superiors, but he was loved and esteemed by every man who served under him. As a man, who was recognized him as a noble gentleman. His urbanity and kindness toward all with whom he came in contact and his unselfishness and fearlessness were marked characteristics. His careful and conscientious performance of every duty with which he was charged, no matter how disagreeable or hazardous, was an example to all. As a special mark of respect to his memory, all officers will wear the customary badge of mourning for a period of 30 days. In all armories of companies belonging to his regiment, his name will be draped in grape for the same period. "By order of the Commander-in-Chief, J. J. Drayton, Adjutant-General."

CLAIM AGAINST SPAIN.

Brother of One of Victims of Natue Asks for \$20,000 Damages. DAVENPORT, Wash., June 7.—E. H. Paige, the photographer, has filed a claim of \$20,000 against the Government of Spain for the death of his brother, Frederick Paige, who was one of the victims of the ill-fated battle of Manila. Mr. Paige's brother was 24 years old at the time of his death and was the recipient of a number of medals from the United States for his marksmanship and bravery.

DECISION EXPECTED TODAY.

Supreme Court Has Capital Punishment Law Under Consideration. OLYMPIA, Wash., June 7.—Attorneys Bates, of Tacoma, and Preston, of Seattle, appeared before the Supreme Court today in support of a motion for a writ of habeas corpus to compel Judge Snell, of Tacoma, to sentence Murderer Boyce, under the old capital punishment law, to be hanged by the Sheriff of Pierce County upon a day to be fixed by the lower court. Attorney-General Stratton, as an attorney, and not in his official capacity, looked after the interests of Judge Snell at the hearing, during which the matter pertaining to the Rand law, as regards its constitutionality, were thoroughly discussed. The court took the matter under advisement. It is the hope of the attorneys for the writ that the Supreme Court will hold that all of the Rand act is unconstitutional, and that therefore it does not repeal the old capital punishment law now in force in this state, and that consequently the old law only will be operative now or for the future. It is said a precedent of a similar holding by the California Supreme Court, which was cited, if followed, would obviate all difficulties connected with the punishment of those now or hereafter to be convicted of capital crimes. It is expected that a decision will be announced tomorrow, as it would seem

QUOTATIONS ON MINING STOCKS.

Table with columns for stock names and prices. Includes SPOKANE, BOSTON, and SAN FRANCISCO sections.

HABITS OF SOCIAL WASPS.

L. O. Howard, Government entomologist, contributes an interesting article, which is of social interest to the wasp family. In THE SUNDAY OREGONIAN, TOMORROW.

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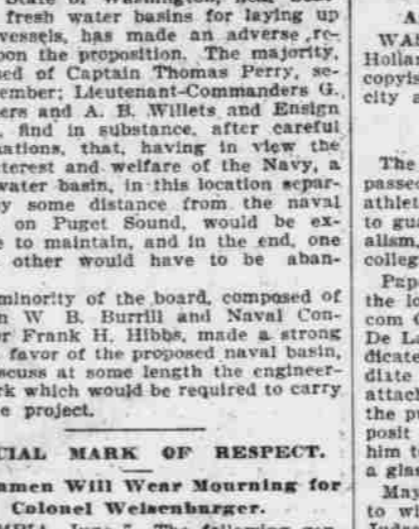
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What is Ovaritis?

A dull, throbbing pain, accompanied by a sense of tenderness and heat low down in the side, with an occasional shooting pain, indicates inflammation. On examination it will be found that the region of pain shows some swelling. This is the first stage of ovaritis, inflammation of the ovary. If the roof of your house leaks, my sister, you have it fixed at once; why not pay the same respect to your own body? You need not, you ought not to let yourself go, when one of your own sex



Mrs. Anna Aston.

holds out the helping hand to you, and will advise you without money and without price. Mrs. Finkham's laboratory is at Lynn, Mass. Write a letter there telling all your symptoms and get the benefit of the greatest experience in treating female ills. I was suffering to such an extent from ovarian trouble that my physician thought an operation would be necessary. "Lydia E. Finkham's Vegetable Compound" having been recommended to me, I decided to try it. After using several bottles I found that I was cured. My entire system was toned up, and I suffered no more with my ovaries."—Mrs. ANNA ASTON, Troy, Mo.

ORDERED TO FORT STEVENS.

WASHINGTON, June 7.—Lieutenant-Colonel J. S. W. Jacobs, Quartermaster at Vancouver Barracks, has been ordered to Fort Stevens, Or., to relieve Captain Thomas Downs, of his special duties in connection with the construction of public buildings at Fort Stevens. Upon the completion of this duty, Colonel Jacobs will return to Vancouver Barracks. Captain Downs, who is a volunteer officer, is to be mustered out shortly.

WAR CLAIM OF OREGON.

WASHINGTON, June 7.—A statement given out by the War Department today shows that all but \$177 of the claim of Oregon of \$40,528, for outfitting her volunteers during the Spanish War, has been paid. But \$195 has yet been allowed Washington on a claim amounting to \$4,000, which Idaho has secured all but \$1500 of her claim for \$2,335.

NEW OREGON POSTMASTERS.

WASHINGTON, June 7.—The following Oregon Postmasters were appointed today: A. H. Hanson, Galesville, vice Grant Levens, resigned; Sarah Schloeman, at Oak Creek, vice August Schloeman, resigned.

Epidemic of Diphtheria.

ASTORIA, Or., June 7.—There is quite an epidemic of diphtheria at Swenson in this county. Several children have died of the disease, and a number more are seriously ill with it.

POSTMASTERS' SALARIES TO BE CHANGED.

WASHINGTON, June 7.—The following changes will be made in the salaries of Oregon Postmasters: Albany, \$200 to \$150; Tillamook, \$100 to \$110; Prineville, \$120 to \$110.

Advertisement for Lea & Perrins' Sauce, featuring the brand name and 'The Original Worcestershire Sauce'.

Advertisement for Sapolio, with the slogan 'IT WAS BEFORE THE DAY OF SAPOLIO' and 'THEY USED TO SAY "WOMAN'S WORK IS NEVER DONE."'

Advertisement for Wine of Cardui, with the slogan 'START GIRLS RIGHT' and 'Many beautiful girls become invalids for life, because at the crucial period of puberty they pay no attention to the laws of health.'

Advertisement for Wine of Cardui, with the slogan 'WINE OF CARDUI' and 'taken every morning after a girl is twelve years old will bring the menses on properly and keep them regular.'

Advertisement for Wine of Cardui, with the slogan 'WINE OF CARDUI' and 'I read your advertisement in regard to Wine of Cardui in the Baltimore American, and it so favorably impressed me that on my visit to Baltimore during the holidays I purchased a bottle of it for my beloved daughter, who was suffering with female troubles.'

Advertisement for Wine of Cardui, with the slogan 'WINE OF CARDUI' and 'For advice and literature address, giving symptoms, "The Ladies' Advisory Department," The Chattanooga Medicine Company, Chattanooga, Tenn.'