

IS BO THE OTHER LEGAL?

Writers' Alliance Case Presented to Judge Sears.

HOW FAR MAY PERSUASION GO?

One Side Says Parade of Banners Before a Place is Illegal—Other Says Not, if No Violence is Employed.

In arguing the motion to dissolve the injunction in the suit of A. J. Hall, proprietor of the Palace Restaurant, against the Writers' Alliance, M. F. Pike and others, Henry E. McGinn, attorney for the defense, yesterday contended that the injunction is too freely used. He asserted that where the men are doing no act of violence, the present tendency of the courts is to refuse to issue any injunction. The case was assigned to Judge Sears for hearing.

The preliminary injunction order, which was issued by Judge Sears, restraining the Writers' Alliance from distributing circulars, interfering with Hall's employees and customers, and parading in front of the restaurant with a banner, Mr. McGinn argued that there is no actual violence to entitle persons to an injunction. He read decisions bearing upon the question. He said: "In a case in 1911 California reports, similar to this, it was alleged that the defendants conspired together to prevent workmen from remaining with the plaintiff, and caused circulars to be distributed which injured his business. This case was decided by the Supreme Court in 1899, which held that the complaint must fail." The attorney laid particular stress on the case of Sherry vs. Perry, tried in Massachusetts, where it was held that banners could be carried in front of a place boycotted. He read the decision of Chief Justice Field, who offered a dissenting opinion. The attorney also read the opinion of Chief Justice Holmes in the same case, as follows:

If it be true that workmen may combine, with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view of getting the greatest possible return, it must be true that when combined they have the same right that combined capital has to employ their interests by argument, persuasion, and the bestowal or refusal of such advantages which may otherwise lawfully be obtained. It is not when many people thought that, apart from violence or breach of contract, strikes were wicked, as organized refusals to work. I suppose that intelligent economists and lawyers have given up that notion today. I feel pretty confident that they equally will abandon the idea that the right of the employer to workmen of social intercourse with a man who shall enter their antagonist's employ is wrong. If it is dissociated from any threat of violence, and if it is the sole object of prevailing, if possible, in a contest with their employer about the rate of wages, the fact that the object of the act by which the benefit to themselves is to be gained is to injure their antagonist does not necessarily make it unlawful, any more than when a great host of men, in the price of certain goods for the purpose and with the effect of driving a smaller antagonist from business. Indeed, the question as to how to be settled as long ago as 1842 by the good sense of Chief Justice Shaw.

Mr. McGinn said: "I understand that during the recent labor troubles in San Francisco the Holmes decision was cited in support of the Writers' Alliance. I also read the decision of the Oregon Supreme Court in the case of Longshore Printing Company vs. Howell, in which the court held:

A court of equity will not hesitate to issue an injunction to prevent the commission of an act which is a deliberate step to take, in the face of a law which forbids it, and which is about to be destroyed or irreparably and lastingly injured, and that the danger is pressing and imminent. The allegations by plaintiff that the members of a certain trades union conspired to compel him to submit to the union's dictation upon pain of being expelled from the union, and that the union's executive committee entered his premises without license and ordered his employees to strike, and that subsequently the union ordered another strike, both of which he refused to obey, and that the defendant induced the City Council to reject plaintiff's bid for city printing, though the bid was the lowest made, and other acts not necessary to be stated, do not show such a continual and malicious persecution of plaintiff or interference with his business as to justify the issuing of an injunction.

Henry St. Rayner, counsel for Hall, took up the entire afternoon presenting his side of the case. He read from a great many authorities and endeavored to show that a number of the decisions relied upon by Mr. McGinn were cases in which injunctions had been issued. The attorney urged that injunction is the only remedy, where the acts and injury are continuous, as an adequate remedy could not be given in an action at law. He said the courts have decided against the carrying of banners, the pasting of placards, or pickets, intercepting employees and trying to persuade them to quit their employment. He referred to a decision in which the courts enjoined placards, which merely requested masters to keep away from a certain place, and the banners and placards in this case were very much worse. One of them, counsel said, read: "Kilpatrick vs. Kilpatrick, Davis vs. Davis, December 8; Holcomb vs. Thompson, December 11; Wells Fargo & Co. vs. Reid Back et al, December 16; Reid vs. Thompson, December 17; Folsom vs. Lindley Bros., January 12.

Settled Out of Court. The suit of Ed Wilson against Detective John Cordano, to recover \$2500 for alleged false arrest and 30 minutes' detention, was dismissed by Judge Francis. The defendant, who stated that the case had been settled out of court.

IF YOU WANT TO KNOW The latest thing in repartee or slang, Jack Symonds will give it to you this week at The Fredericksburg. He can get almost as many good, fresh and original ideas as Jimmie Montague, and also a great many that Jimmie would not be guilty of. Jack Symonds arrived here on the Indrapura from a seven months' tour of Japan. He found many funny things there, from an American standpoint, and he is exploiting some of them. He is bright and original, and his auditors have the benefit of it. He will be here only this week. You should not miss him. The photo of a Roman soldier, and his inscription, "Republique Française," on the reverse side is a shield, with the words, "Medaille Coloniale."

Club Journal for November. The Club Journal for November is brimful of bright and timely thoughts for women on many subjects of the hour. The leading article was written for the Journal by William McIntosh, editor of the Buffalo Evening News, who sums up the situation of the women of today very clearly and truthfully. Mrs. Booker T. Washington has contributed an article on the "Education of the Negro," and also been secured by The Fredericksburg for the week. Her statutory impersonations are marvelous. The house has had a distinct hit in her engagement.

BONDED FOR \$100,000. Magnolia Group of Mines Taken Over for Pittsburg Capitalists. The Magnolia group of gold mines in the Granite District in Eastern Oregon has been bonded for \$100,000 by L. Y. Keady, of this city, who is acting for Pittsburg capitalists. The group includes nine claims, and is in the center of a district that has a large number of profitable properties.

HONOR FOR A SOLDIER

FRANCE CONFERS A MEDAL FOR VALOR ON PORTLAND CITIZEN.

Fought in the Algerian Campaign Nearly Half a Century Ago, and Saved a Comrade's Life.

After nearly half a century a soldier of France in the Algerian campaign of the late '50s, who has been a resident of Portland since 1870, has been rewarded for distinguished service and exceptional bravery in defending a wounded comrade against a horde of savage Arabs, thereby saving the man's life. The deed of valor was performed in 1857, when the French were engaged in subduing the Kably country, and but recently M. Scheydecker, the recipient of the honor, has had conferred upon him the Medaille Coloniale by the French Government. The decoration carries with it a pension if Mr. Scheydecker lived in France, but he long ago renounced his allegiance to the tri-color, and is now a citizen of the United States, and prefers to stay here and forfeit the pension.

In the year 1857 France sent 40,000 men into the Kably country, which lies along the Atlas Mountains, to conquer the nomadic Arabs and add the country to the French colonial possessions in Africa. Scheydecker, then a young man, who had already proven himself a good soldier, was with the Zouaves, in which he had enlisted in 1849. With a comrade he was on an outpost in advance of the main body. The country was under cultivation, and each little garden was surrounded by a bamboo hedge, which furnished an excellent screen for the Arabs. One of their sharpshooters potted Scheydecker's comrade in the knee. Then the Arab suddenly appeared from their hiding places a score of Arabs, armed with spears and rifles, intent upon killing the wounded man. Scheydecker defended the helpless soldier valiantly, receiving spear thrusts and several bullet wounds, which fortunately were not sufficiently serious to disable him. The Captain of the company to which the men belonged sent a squad of soldiers to the rescue, and they succeeded in beating the assaulting party off and carrying the wounded man back to the line.

To this day Mr. Scheydecker bears marks of wounds received in the fray. In 1858 his term of enlistment expired, and he returned to Paris, and thence to his native Alsace, where he was engaged as a landscape architect until the outbreak of the Franco-German War. He served until the close of hostilities. When Bismarck wrested Alsace and Lorraine from France, Scheydecker left his home and went to Paris, rather than live under German rule.

In 1878 Oregon was represented at the World's Fair, held in Paris, by a comprehensive exhibit of the resources of the state. Mr. Scheydecker was attracted by the amazing array of products, made inquiries as to the country, and in February, 1878, came to Portland, and has lived here continuously ever since. The French Government, through its successive Ministers of War, has endeavored to confer upon all soldiers of the Algerian campaign, who deserve the honor, the colonial medal. Mr. Scheydecker's residence was but recently learned by the authorities, which probably accounts for the retarded reward.

The medal is suspended from a tri-color ribbon, with a bar having upon it the word "Algerie." On the medal proper is the profile of a Roman soldier, and his inscription, "Republique Française." On the reverse side is a shield, with the words, "Medaille Coloniale."

A RAILROAD TO BOHEMIA.

Means the Shipment of Much Ore to Proposed Smelter at Portland.

I. H. Bingham, of this city, who is interested extensively in the Bohemia mines, has just returned from there, after spending several days among the camps. He predicts lively times in that portion of Lane county on the completion of the railroad from Cottage Grove. Right-of-way men are now within six miles of Champion Basin, the proposed terminus, he said, and as soon as the various details are completed, expects grading to begin. Some little delay is anticipated in getting through a portion of the forest reserve, and an attempt is being made to have three townships restored to the public on account of their value in minerals.

The Musick, Star and Helena mines, Mr. Bingham says, are to be tapped by a series of long tunnels from Champion Basin. The one connecting with the Helena is to be 2500 feet long and through this ore is to be run for shipment to the proposed smelter at Portland. This building is three miles from Cottage Grove. Right-of-way men are now within six miles of Champion Basin, the proposed terminus, he said, and as soon as the various details are completed, expects grading to begin. Some little delay is anticipated in getting through a portion of the forest reserve, and an attempt is being made to have three townships restored to the public on account of their value in minerals.

The proposed railroad from Cottage Grove will pass through a well-wooded country for five or six miles, and after that, through heavy timber, which will be thus rendered available for market. A light, uniform grade has been found by the surveyors up New River, Frazer, Brass and Champion Creeks. A new telephone line is to be in operation between Cottage Grove and Champion Basin by December 15.

The section has thus far been very mild in that vicinity, no snow having yet fallen near the mines, and the stage road is in very fair condition. Provisions for the winter are plentiful, and the army camp on this side of the border, being most cordially received and entertained by the inhabitants. Tuesday they were in Tacoma, Wednesday in Seattle, Thursday in Portland, and Friday in Astoria. They had the limited train over the O. R. & N. for the East. Passenger Agent Seaman accompanied them to the depot around the circle, just reaching home last night after escorting the Easterners to the state line at Snake River.

The party was composed of W. B. Jerome, general agent of the New York Central line at Chicago; M. C. Roach, general Eastern passenger agent of the New York Central Railroad at New York; Joseph W. White, general agent of the Boston & Albany, at Boston; H. J. Rhein, general Eastern passenger agent of the Lake Shore, at Buffalo; L. D. Heuser, general Western passenger agent of the Michigan Central at Chicago. They had come down the Columbia before it was light, so they had no view of the scenery then. But in returning up the river on their way back they went quite a distance up the scenery of the Columbia gorge. They had been looking for striking scenes all along the coast, and they were free to admit that this was a country of superior natural attractions, but after all this experience they were not open-mouthed and unwinning eyes at the views spread in such splendid confusion before them. The weather was fine, and Columbia River scenery never showed itself to better advantage. They voted this the finest scenery in the world.

General Freight and Passenger Agent Miller, of the Southern Pacific, is absent at Puget Sound for a day or two. Manager Koehler and Superintendent Fields, of the Southern Pacific, will leave this morning for a tour over the Oregon lines.

People of Willowa County, having wearied of relying on promises for the extension of steam railroads in that section, have organized a project for building a trolley line between Egin and Eastport. The survey for this line is now in progress.

H. W. Canton, president of the Chase National Bank, of New York, and a director in the Great Northern and O. R. & N. Companies, arrived in Portland over the Northern Pacific Sunday evening, and went out on the same evening over the O. R. & N. for the East. He had been spending a week in the State of Washington.

Game Warden Quimby insists upon a strict regard for the letter and spirit of the game law, and to that end sprit of the arrest of G. Covach yesterday for having upland birds in his possession, out of season. He set 21 birds in all, and they were placed in cold storage pending the result of the prosecution. There are 20 native pheasants, 20 Chinese pheasants, 20 quail and eight blue grouse in the collection.

The privilege of having these birds on hand expired Saturday night at 12 o'clock. Mr. Quimby avers, and he had notified all dealers last week that the law would be strictly enforced yesterday and found birds only at Covach's place. This dealer thought there should be several days of grace; but as all the other dealers had sold out, even at a sacrifice, in order to comply with the law, Mr. Quimby could not see his way clear toward any other course. The defendant was placed under \$200 bonds, and is to be arraigned today in the Municipal Court. The penalty in such cases ranges from a fine of \$25 to \$200.

GRAIN-O! GRAIN-O! Remember that name when you want a delicious, healthful, and economical breakfast. It is made of the best of the grain, and is a most strengthening food. It is not a stimulant, but a healthful and nourishing food. It can be drunk with great benefit. Costs about 1/4 as much as coffee. See and ask your grocer for Grain-O.

When you feel bad, take Hood's Sarsaparilla. It will make you decidedly better.

LIQUOR SOLD TO BOYS

JUVENILE QUARTET THAT FOUND IT EASY TO GET DRUNK.

But Now the Police Have Taken a Hand and Saloons Will Have to Be More Careful.

Carl Fisher, the 8-year-old boy, who was seriously ill as the result of taking several drinks of whisky obtained from a saloon on Union avenue, south of Russell street, a few days ago, is at the home of his mother, 742 1/2 First street, North. He is the son of Henry Fisher, who is absent from the city. The little fellow was seen yesterday. He has entirely recovered from the effects of his party. The boy said there were four in the saloon, his brother, Raymond, Harold Stark and Dicky Follett—and that they had no difficulty in obtaining the liquor. Carl bought it in a bottle. Dicky Follett, one of the party, had a short distance from the home of the Fisher boy. Just at present he is taking an enforced vacation from school, having been suspended for truancy. He was seen yesterday at his playhouse, which has just finished. He does not appear to be a bad boy. In speaking of the affair he said that the Stark boy said that whisky was like candy, and they concluded that he did not get any of the whisky, but that Carl and Harold took the bottle and helped themselves. Dicky said they got the whisky in a saloon on Union avenue, and the bartender very promptly gave them what they asked for.

Police Commissioner Rankin, who discovered the condition of the Fisher boy and sent him to the police station, said yesterday the Chief of Police had issued strict orders to the patrolmen that no liquor shall be sold to any one under 20 years of age, even if provided with an order from the parents. There will, he said, be no exception made. At most of the saloons, especially the outskirters, children with orders from their parents have been sold liquor. The order was issued after the Fisher boy came near dying, and is being generally obeyed. The Police Commissioner commended the order and want it strictly enforced.

TO WIDEN MILWAUKIE ROAD. Property-Owners Offer 10-Foot Strip From Milwaukie to County Line. Richard Scott has offered to donate a strip of his land for the widening of Milwaukie road from Milwaukie to the Multnomah County line. The owners of property on the other side of the road are willing that the road should be widened, and will give a strip on that side. This will make 10 feet on each side, and make an 80-foot roadway. If the boulevard committee can get through the various golf links to Milwaukie, they may swing the route of the boulevard around toward the eastward and make connection with the Milwaukie road at the Multnomah County line.

The golf people, it is stated, have now secured the Lambert tract. The boulevard commissioners are still hopeful that they may consent to have the boulevard extended through their ground to Milwaukie.

To Celebrate Starting of Woolen Mill. The Seilwood Sub-Board of Trade will proceed with arrangements for celebrating the starting up of the Portland woolen mill. It had been the intention to have the affair take place in the factory building, but unless a bridge can be built across Crystal Springs Creek, it may have to be held in the public hall at Seilwood.

East Side Notes. Samuel Morrow, who has been very ill since the death of his son, James B. Morrow, is improving rapidly.

The handsome craft for R. D. Inman, under construction at Supple's boatyard, has been taken under the shed, and stands on the ways in the yard. It is a beautiful, trim craft, and built for great speed. The engines will now be placed.

Mrs. Ida C. Howitt, wife of L. T. Howitt, died at her home Sunday, at Russellville. The funeral will be held this forenoon at 11:30, at the Mount Zion Methodist Church.

The funeral of M. V. McArchie was held at his late home, East Thirtieth and East Ankeny streets, yesterday. Lone Fir Cemetery was the place of interment. The deceased was a well-known young man of 20 years of age.

The St. Mary's Catholic Club, of St. Mary's Catholic Church, Albina, was organized last week with a considerable membership roll. Following are the officers: President, J. J. Miller; vice-president, John Miller; secretary, J. C. Thomas; treasurer, Rev. D. P. Curley; director, P. H. Winston.

Wis. Bros., dentists. Both phones. The Falling. Creameries on Increase. Four New Factories, a Total of 107, in Oregon.

Creameries are constantly increasing in number in Oregon, according to Dairy and Food Commissioner Bailey, who furnished stenciled plates to four new ones last week. We now have 107 creameries in the state.

The four last creameries are located at Salem, Corvallis, Perrydale and Ballston. The companies do but apply for a stenciled plate upon which the words "Oregon creamery butter; full weight," are cut, with the name of the creamery. "Full weight" means that the roll or package shall contain 24 1/2 ounces of butter, as the law requires.

Mr. Bailey thinks he has secured a better quality of milk for Portland consumers by his system of surveillance. His deputy has been purchasing milk from the wagons indiscriminately for the purpose of testing the fluid as to its purity, and this has put milkmen on their guard. He feels assured that the milk delivered to Portland families is fully 25 per cent richer than that served before the law authorized him to keep an eye on the milkmen.

Portland people do not want watered milk," Mr. Bailey said, "and they prefer to pay more for the pure article. I therefore advise the milk producers to deliver a first-class article and charge a fair price for it. Consumers are more particular and at the same time more liberal in paying for an article than they used to, and they would not now return to watered milk if the opportunity were offered them that they would take to drink."

At the Y. M. C. A. Athletic affairs are booming at the Y. M. C. A., and Director Ringler is very busy arranging his work for the winter season. The handball tournament will begin next Monday evening, continuing every evening of the week. About 60 contestants have been made, and there will be more than 20 double entries. An indoor baseball team is being organized.

HE HAD BIRDS ON HAND.

Dealer Covach Arrested With Many Pheasants in Possession.

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When you feel bad, take Hood's Sarsaparilla. It will make you decidedly better.

THE SWEATING PROCESS!

Dr. Bull's Cough Syrup

will cure the cough and cold and heal the throat and lungs without leaving any bad after effects or danger of contracting a more serious cough. Be sure you get DR. BULL'S, with the "Bull's Head" on the package. Refuse substitutes offered by unreliable dealers. They are not as good as Dr. Bull's and will not cure. Large bottles 50c and 75c. Small bottles 25c. Dr. Bull's Cough Syrup at all druggists, 25 cents.

FREE—A Beautiful Calendar and Medical Booklet sent free from mail and one who will write A. C. MEYER & CO., Baltimore, Md., and mention this paper.

Diaries, Calendar Stands and Pads for 1902

We have the Largest Stock and Best Assortment in town. Selections made now can be reserved until January 5th.

THE KILHAM STATIONERY CO.

267 Morrison Street.

AND NEVER ITS LIGHT NEVER GROW DIM!

It won't, whether your house is lighted by electricity or gas, because our electrical contrivances will enable you to light a gas jet or turn on your electric light in parlor, dining-room or bedroom by simply touching a button—"we do the rest." Let Santa Claus touch the button and we will provide Christ's brilliance.

WESTERN ELECTRIC WORKS 305 1-2 Washington St., Portland, O. C.

You may find

People trying to have quality without price. It cannot be. Sometimes you get price without quality, but not here. Every dollar you bring here gets one hundred cents' worth. Nobody does more than that, or if they do the sheniff stuff it pretty soon.

Automobile tickets with every purchase. JOHN ALLESINA, 309 Morrison St., Opposite Pacific.

Anderson is sentenced to 30 days in jail. The following is a correct schedule of the interclass basketball games:

December 6—Noon vs. Evening. December 12—Five o'clock vs. Evening. December 20—Five o'clock vs. Noon. December 27—Evening vs. Noon. January 1—Evening vs. Five o'clock. January 8—Noon vs. Five o'clock.

PORTLAND, Dec. 2.—8 P. M.—Maximum temperature, 41; minimum temperature, 48; river reading at 11 A. M., 4.1 feet; change in river from 24 hours, 0.6 foot total precipitation, 3 P. M. to 5 P. M., 0.35 inch; total precipitation since Sept. 1, 1901, 11.29 inches; normal precipitation since Sept. 1, 1901, 12.05 inches; deficiency in precipitation, total sunshine Dec. 1, 0:00; possible sunshine Dec. 1, 8:54.

WE MAKE THE CELEBRATED ANTI-RUST LUBRICATING OIL. WE MAKE THE CELEBRATED ANTI-RUST LUBRICATING OIL.

With his clothing in tatters, James Anderson, a species of Weary Willie, was before Municipal Judge Cameron yesterday, charged with drunkenness. "I'm guilty, Your Honor. Let me go this time, and I'll not come back in a hurry," Anderson whined.

"You have told me that story too often," remarked the Judge. "Then Jailer Robert says 'This man is no good for anything, except getting drunk. We would not trust him to sweep out a room. Altho we care for in life is to sleep, two meals a day, and booze.'"

"Well, we are to deal more sternly with cases similar to this in the near future. We will have an ordinance framed to deal with such men as this one goes to work."

FOOD FACTS. How Now Properly to Feed the Body. Physicians nowadays realize how necessary it is that the food contain the right elements that the body requires to rebuild itself, and replace the loss that occurs each day from activity and energy.

If one lifts an arm that means the expenditure of a small amount of energy, and the farmer who speaks of certain deposits from the food. This means a certain loss, and this loss must be made up each day from food. If the food does not contain the things required, nature holds a flag of distress, such as sickness of some sort sets in, meaning that there is something lacking in the food.

The reason physicians so generally advise the use of Grape-Nuts Breakfast Food is that they know from what it is made and what it contains. The medical journals in various parts of the world have given the analysis. The famous London Lancet went so far as to make a very careful analysis by its own chemist. Its remarks are worth repeating.

"The preparatory process undoubtedly converts the food constituents into a much more digestible condition than in the raw cereals. This is evident from the remarkable solubility of the preparation, no less than one-half of it being soluble in water. The soluble portion contains chiefly dextrin and no starch. According to our analysis the following is the proportion:

Moisture 4.02 per cent Mineral matter 1.02 per cent Fat 1.09 per cent Proteids 15.90 per cent Soluble Carbohydrates 48.00 per cent Unaltered carbohydrates 25.97 per cent

"The features worthy of note in this analysis are the excellent proportion of proteids and mineral matter, and soluble carbohydrates. "The mineral matter is rich phosphoric acid. Our analysis shows that it is a nutritive of high order, since it contains the constituents of a complete food in the right proportions, and in an easily assimilable state."

"Notice the carbohydrate total is about 75 per cent. These produce energy and warmth. The phosphoric acid, soluble mineral matter comes, as do all of the other ingredients, from the field grain, not one particle being introduced as a drug.

"Physicians know that the soft matter in the brain and nerve centers through the body are made from the elements of albumen acted upon by phosphate of potash. Albumen is a very common article in almost every food, but phosphate of potash does not exist in all foods, nor is it found in easily digestible form always. However, in Grape-Nuts, these elements exist, and are present in the body in an easily digestible form, and explain the reason why users feel the new spring of life, the brain and nerve power increased, after they have been using Grape-Nuts for a time. There is a reason for it. The doctors know it, therefore they prescribe Grape-Nuts."

MORTGAGE LOANS. On improved city and farm property, at lowest current rates. Building loans. Installment loans. MacMaster & Birrell, 311 Worcester bldg. WAREFIELD, FRISB & CO., 229 Stark st.

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