Supreme Court in Test Case Decides in Favor of Liquor Restriction.

SALARY WARRANTS

State Employes Must Accept Certificates Which. However, Will Be Taken by Banks -- Other Supreme Court Decisions.

The local option liquor law adopted election 21 of article 1 of the constitupassed the taking effect of which shall depend upon any authority except as provided in the constitution. The law as already taken effect, and the vote in a psycinct, district or county merely Setermines the contingency upon which prohibition shall become operative in he district where the vote is taken

The Kay law of 1905, for monthly payment of salaries of state employes, not authorize the Secretary State to leage a warrant in the abof an available appropriation.

SALEM. July 2 - (Special.)-The Su eme Court today handed down a deision sustaining the validity of the local option liquor law adopted by the people in June, 1904. The opinion written by Chief Justice Wolverton holds that there is nothing in the constitution which prevents the adoption of a liquor law to take effect locally upon a vote of the people of the district affected.

brought by P. F. Fouts to recover from the city of Hood River the saloon license fee he had paid in advance before the local option law became effective. The city refused to pay on the ground that local option law is unconstitutional and that there is nothing to prevent the sale of liquor under the license. The Circuit Court upheld the local option law

No Warrants for Salaries.

Another important decision rendered today is that in which the Supreme Court holds that the Kay act of 1905, regarding the payment of salaries of state employes monthly, does not authorize the issuance of warrants. So far as the employes at state institutions are concerned this decision has little effect for arrangements have already been made by which the banks will take up the salary claims at face value. The employes will fare as well as though they received

Fouts vs. Hood River.

Fouts, respondent, or City of Hood appellant, from Wasco County; W. L. River, appellant, from Wasco County, W. L. Bradshaw, Judge; affirmed; opinion by Chief Justice Welverton, Justice Welverton. The single question present in this case was whether the local-option liquor law adopted by the people is in Totation of section 21 of article 1 of the constitution which says that "no taw shall be made to depend upon any authority except as provided in this constitution." The optnion of the Supreme Court cities many authorities in

The present law when enacted was complete in itself, requiring nothing else to give it validity. It became effective as a law from the time of its enactment; all its provisions were then susceptible of unrestricted operation. When the time came for 10 per cent of the voters of any authorized district to petition the County to order an election a way was provided and open, and so the very steps are prescribed in their regular crefer until an election determines the question of the expediency or inexpediency of enforcing prohibition within the district involved. The law provides for all these things and this it did as it came from the people duly adopted. It is not the election that breather into the act its validity or stably. The act is complete and an active, living force without it, but the election as is designed and which is constituted a part of the enginery of the law, does contribute to determine the contingency upon which prohibition shall become operative or not according to the popular will in the incalling where involved. The new law is but supplementary to the old. It does not amend on pepsal the old or any part of it although it that supplementary to the old. It does not amend on pepsal the old or any part of it, although it that supplementary to the old. It does not amend one pepsal the old or any part of it, although it that provides to or permanently to change its functions. The present law when enacted was com-

The opinion says that the workings of the act is not aptly devised as it reads that in every precinct, etc., that shall re-turn a majority vote for prohibition the "take effect" on the first day of January, or July, as the case may be but the undoubted intendment is that proshall "become operative" or not within the territory involved, dependen on the contingency to be determined by a vote of the people concerned.

It was argued that the constitutional envention manifestly intended to prevent the adoption of local option laws such as this, for it refused to insert prohibitory liquor laws in the list of special or local laws which may be enacted to take effect upon a vote of the electors interested. The court holds, however, that the member of the convention who offered this amendment intended to create an exception, so as to permit a general prehibitory liquer law, providing for that and noth ing else, to take effect upon a vote of the

Gibson vs. Malbeur County.

State of Oregon, upon the relation of L. Gibson, appellant, vs. County Court Malheur County, respondent, from Malheur County, George E. Davis, Judge,

affirmed; opinion by Chief Justice Wol-This was a mandamus proceeding to the County Court Malheur County to make an order prohibiting the sale of liquor in Nysan precinct where probibition had carried in a local option election. In the lower court a demurrer writ was sustained and this deision is affirmed for the reason that the plaintiff does not allege that the neces-sary petition was filed the election ordered to be held, etc., which allegations are necessary in order to show that the election was duly held. The opinion says that when an election has been regularly held and probabilion has carried, sine County Court has no discretion, but must

Calbreath vs. Dunbar. J. F. Calbreath, appellant, vs. F. L. Dun-

bar, Secretary of State, respondent, from Marion County, William Galloway, Judge. affirmed; opinion by Justice Bean. Section 2398 of the code provides that the Secretary of State shall not issue a warrant upon the State Treasurer unless an appropriation is available for the payment thereof. The Legislature of 1905 passed what is known as the Kay law. previding that the superintendent of the asylum shall make out a payroll each month and the Secretary of State shall lasue a warrant for the amount. This act repeals all acts in conflict therewith. The Supreme Court holds that the purpose was to make salaries payable monthly instead of quarterly and to sim-

plify the work of payment, and not to

amend the law regarding the issuance of warrants. It is held that the two laws can and should be construed so that both may stand, and that the Kay act does where no appropriation has been made

O. R. & N. vs. Umatilla County. Oregon Railway and Navigation Com-pany, appellant, vs. Umatilia County, re-spondent, from Umatilia County, W. R. Ellis, judge, affirmed; opinion by Justice

The plaintiff brought this proceeding by writ of review to annul the action of the County Court in levying a tax upon its property, for the reason that the court had no jurisdiction, the name of the owner was not properly given and the property not sufficiently described. The preme Court holds, as did the lower court, that it is not necessary that the County Court enter at large in its journal its estimate of necessary revenue before O R. & N. Co." are a sufficient indication of the name in this instance, and that in a review proceeding the court will not hold that "R. R. Bed" and similar abbreviations are an insufficient description, for the county has a right to show in a proper proceeding that these abbreviations have a definite meaning

nd are fully understood, Charles A. McCrary and wife, appellants vs. G. W. Biggers, respondent, from Union County, Robert Eakin, judge, af-firmed: opinion by Justice Bean. Lettie E. Rice respondent, vs. Wallowa County, appellant, from Union County, Robert Eakin, Judge, affirmed, opinion by

Chief Justice Moore.

John Atucker appellant, vs. S. Otten-heimer Estate, respondent, from Baker Robert Eakin, judge, affirmed; by Chief Justice Wolverton. Moses Taylor respondent, vs. Isabella Taylor, appellant, from Umatilia County, W. R. Ellis, judge, affirmed; opinion per

MAYOR SOMMER ALLOWS FEW DAYS' GAMBLING.

Twenty-One and Craps Chief Diversion of Fourth of July Celebration.

OREGON CITY, Or., July 2 .- (Special.) -Oregon City is an open town, and va-rious games of chance are being played. Mayor Sommer, when questioned regard-ing the situation, stated that conditions would be tolerated only until after the three days' celebration in this city.
At any rate, the gambling situation

Clackamas County is now put right up to the District Attorney and the county officials. In a number of interviews given out at the time the Milwaukie poolroom was first started. Mayor Sommer took the stand that if the authorities did not interfere with the games at Milwaukie he would throw down the gauntlet and make Oregon City an open town. The resumption of gambling, including "Il" and craps, in addition to poker, which has always been played here since ex-Mayor Caufield's administration, is con-sidered by many as evidence of the ful-fillment of the Mayor's promise.

Two strangers from Portland, with the aid of local sports, captured the bank roll in a "21" game in a Maih-street saon here last night.

KILLS VERMIN AND MEN.

Two Janitors Die From Breathing Disinfectant Fumes.

BLACKPOOT, Idaho, July 2,-J. S. Nehr and Ferdinand Lefiobic were found dead today in the Blackfoot flourmills. The men locked themselves in the mill Saturday night for the purpose of fumigating it with bisulphide of carben, with the object of exterminating vermin, and admenished Mr. Robert, the proprietor, not 25 1-8. to enter the mill during Sunday, as to do so would interfere with their work. When the mill opened today, both were found dead, evidently having been over-come while making an effort to unlock the door. Nehr leaves a family at Bonner, Mont. Leflohic's parents reside here.

CANADIAN WORKING ITS WAY Will Probably Get a Terminal in

Spokane. SPOKANE, July 2.-The Canadian Paci fic has won the first round in its fight to secure terminal grounds on the north bank of the river in this city for its new line, the Spokane International. In the Superior Court this morning. Judge Superior Court this morning, Judge Huneke instructed the attorneys for the Spokane International to prepare findings of fact in their favor, rejecting the Great Northern suit to secure a 50-foot right-ofway through the new terminal grounds the Court holding that the Spokane International had shown priority of possession

and good faith. No Titles in "Overlap" District. VANCOUVER, Wash., July 3. - (Special.

Word has been received, here by the register and receiver of the land office from the Commissioner-General to hold up all applications made in the "overlap flatrict, where evidence shows entry subsequent to January 1, 1898, and prior to February 1, 1906. Action will be taken

The order has been made owing to th insettled titles of the district, which comprises a large part of Southwestern

Teachers Get Certificates.

SALEM, Or., July 3—(Special.)—The State Board of Education today granted teachers' papers as follows: State certificates-Mott-H; Arnold El-gene; Katherine Petrain, Portland, Nellie E. Marvel, Olex; Fred S. Crowley, Rickreall: Marie Church, Monmouth: Mabel C. Mickey, Medford: Anna Wagner: Stafford. State life diplomas-Grace Murray, Eugene: Lenore E. Powell, Brownss Morria, Scio: Carrie M. Ridings, Mar-

Queer Requests of Suicide.

HOLLISTER Cal., July 2.-Gustay A. Kohn, a native of Hamburg, Germany, committed suicide here by taking morphine. He left a will in which he di-rected that his heart should be cut out and placed on his coffin outside of his body. The doctor performing the service is to receive \$50. He asked that no one should see him after death, and that no mourners should follow him to the grave,

Prisoners Celebrate Fourth.

SALEM, Or., July 1 .- (Special.) -- Prisoners at the Oregon pentientiary will-give a minstrel and musical entertainment in the prison chapel on the evening of July About 20 prisoners will participate, y a few persons outside the prison force will be admitted.

R. E. McFarland in Bankruptcy.

LEWISTON, Idaho, July 2 - (Special)-R. E. McFarland, ex-Attorney-General of Idaho, filed with the Referee in Rank-ruptcy a perition of voluntary bankruptcy. He alleges assets, less exemptions, to the amount of \$600, and liabilities of \$5000.

Colle and Diarrhoes.

Pains in the stomach, colic and diar-rhoe are quickly relieved by the use of Chamberbaln's Colic. Cholera and Diar-rhoea Remery. When in need of such a medicine give it a trial. For sale by all

Farmhand Terrorizes Whole Family All Night.

KILLS HIMSELF IN MORNING

Forces Woman to Parade at Point of Gun and, Driven to Cover, Barricades Himself in a Room for Hours.

HILLSBORO Or. July I .- (Special.) returned this Sheriff John W. Connell returned this evening from the H. D. Jennings ranch near Gaston, where Harry McDonald, aged between 25 and 49, committed sufcide this forenoon after terrorizing the

amily through the entire night. McDonald came here with the nings several years ago, having been picked up by them in the Siskiyous while they were en route to Oregon from Cal-Mornis. He worked on their farm near Gaston until last February, when he left. He returned to the ranch Sunday front of the house

A posse headed by Deputy Sheriff Charles Wescott, of Gaston, went to the ranch at 5 this morning and tried to take McDonald, who barricaded himself in a room upon their approach. Harry Russell of the posse commanded him to come down stairs. McDonald opened fire and shot twice, one shot from the revolver powder burning Russell's face. He retired to the room and said he would not be taken alive and threatened to kill anyone who approached.

Sheriff Connell was notified at I o'clock this morning and left for the

Jennings ranch. About 26 minutes be-fore he arrived McDonald shot himself, using a string tied to the trigger of asher gun and placing the muzzle in his mouth. The gun was discharged by his foot and the top of his head blown off. Sheriff Connell fired two or three shots into the room after demanding entrance. Being satisfied that the man had killed himself, he climbed up a ladder and dis-covered the dead man lying on the floor. Before killing himself McDonald had written a note saying: "For the Jennings family, Good-bye to all." Pinned yesterday was he located. Lewis is a to the note was a printed extract, "Jealousy." While the Jennings are ret-Donald had killed a men in California, at presen He was fairly well educated and wrote a City Jail.

It is alleged that he was insane, coroner is inclined to believe that he was simply desperately jealous. Coroner Brown went to the scene of the tragedy this afternoon. Mrs. Jennings, with whom McDonald was infatuated. be found when the called for her evidence.

HOSE RACES AT OREGON CITY

Astoria and Home Teams Each Capture an Event.

OREGON CITY, Or., July 3.-(Special.) -In the first day's hose races here to-day. Oregon City and Astoria each capfored one first, Vancouver taking second money in both events.

test in 38.4-5. Astoria failing to make connection, the time being 38. Vancouver cook second money, making the race in 3.4-5. The Astoria 29 1-8. The Astorians captured the dry test this afternoon in 34, in what was a beautiful race. Vancouver led off and covered the distance in 2% Oregon City followed, and the timekeepers caught the time at M flat, but an investigation by the judges disclosed that Peters, the nozzieman, had lacked by one-half a turn of the nozzle of complying with the con-ditions governing the race, and thereby the home team forfeited all claim to the prize. Following the unfortunate fluke, which was but a repetition of Astoria's ill luck of the morning, the Astoria lads nade the race in 34 flat, and got first

In the wet test this morning, Peters, Oregon City's nozzleman, fell when near the end of the course, both wheels of the cart passing over him below the knees, but he pluckily jumped to his feet and ran the distance of two lengths of hose and attached the nozzle in time to win race for Oregon City. He excaped

TRAVEL FROM BAY CITY TO FAIR IN ONE DAY.

Over One Hundred Thousand. People Leave on Trains in Two Days, More Are Going.

SAN FRANCISCO, July 3 .- (Special.) -All records for travel have been broken here during the last few days and the exodus continues unabated.

During Saturday and Sunday 100,000 people left the city, 50,000 of whom it is figured have departed for Summer vacations. Twenty-five thousand left today, and it is estimated that 100,000 more will leave tomorrow. course, does not represent San Fran-cisco alone, but includes the tourist travel of the state and the East which pours through the city.

The rush at this time is due to the holidays and closing of schools, which

ended their term on Friday.

If the travel along the coast is heavy
the exodus toward Portland, Shusta and the Sleffras is even heavier. Twenty extra sleepers had to be attached to the trains leaving here for Portland and Tahoe yesterday. The Portland train took 12 extra ones and there were seven put on the travel to Tahoe. Some idea of the travel can be gained from the fact that No. 12, bound for Portland, was run in two sections and Train 16 on the same day and also bound for Portland was run in three sections and took 1590, making a record of 3000 pasengers on trains 12 and 15 for one day. Eight extra clerks have had to be put to work to get out tickets and ship them for sale for other points. Every available coach and Pullman car is being used by the Southern Pa-

the pressure. TROLLEYS IN THE YAKIMA

sponse. Extra sleeping cars on the

trains have tended but little to reduce

Ten Miles Will Be Pushed Through in Year and One-Half.

for North Yakima is now assured by see H. Rose, the promoter, He wed here today from Lisbon, N. D. Andrew Sandager, president of the State Bank of Lisbon, who is his chief backer in the scheme to go over the field. E. S. Hawkins, who surveyed and constructed the White Pass and Yukon Railway, has been engaged as engineer for the undertaking. He will arrive here Wednes-day to put a force of men in the field to

make the preliminary survey. Mr. Rose under the franchise he gets is to have ten miles of electric railway built up the Naches Ahtanum and Moxes valleys by January 1, 1967. He has put up a forfelt of \$5000 to begin the work within six months, Mr. Rose says he will begin work as soon as the plans are

PREFER GOVERNMENT SCHEME

Strong Opposition to State's Reclamation in Yakima.

OLYMPIA, Wash., July 3 .- (Special.)-Sovernor Mead left today for Prosser to deliver the Fourth of July oration. On Wednesday he will visit Yakima County company with Land Commissioner E. W. Ross and confer with the residents of that section concerning the state's re-

clamation scheme in the Yakima Valley The conference has been brought about by the strong opposition that has deceloped in Yakima and Klititas Countles to the state's selection of the 55,000 acres. It is this selection that has been pending before the Interior Department for several months which, it is claimed by Government reclamation engineers. night snapped a revolver twice at the will prevent the Government proceeding bired man and compelled Mrs. Jennings with any work in the Yakima Valley if to march up and down the highway in the selection is approved.

WHEATON, ILL., ABSCONDER IS ARRESTED IN SEATTLE.

Once Wealthy Mortgage Broker and Society Man Now Fugitive Insurance Agent.

SEATTLE July 1-E. J. Lewis, an in surance agent, was arrested just as he was boarding a steamer for an up-Sound point yesterday by city delectives. He is believed to have absconded from Wheaton,

middle-aged man of good appearance, and had been working in Scattle and vicinity deent, it is supposed that McDonald as an insurance agent. When taken to was enamored of Mrs. Jennings and that his suit was not encouraged. It is popularly reported around Gaston that Mc-lier, and stated that he was not wanted He was locked up in the

> Lewis Owes \$100,000. CHICAGO, July 2.-E. J. Lewis, mort-

gage broker, disappeared from Wheaton, Iii., iast October. A sensation followed when examination of his books revealed shorting amounting to \$100,000. Many his creditors were women.

Lewis was a society man and golf enislast at Wheston and was trusted imn the districts surrounding the town who left lifeir money affairs entirely to him hewis had lived in Wheaton for over h years. There was no suspicion of ir-regularities in his business affairs prior to his disappearance.

COLEMAN BORE OLD GRUDGE FROM HOLIDAY SEASON.

He Rose From the Table, Shot and Fled-Victim Dies Reaching for Rifle.

CHEHALIS, Wash., July 2 .- (Special.) The Coroner's jury called by Justice of the Peace Coleman, of Riffe, to investigate the murder and suicide there yes-terday, found "That Julian Coleman and Mack Justice had been eating dinner with a family named Christian. T was no quarrel and no warm words. Coleman rose quickly from the started towards the door, pulled his re-The bullet passed through the right breast. Justice got up and staggered into the back yard. He bled profusely. but later re-entered the house and while in the act of reaching for a rifle hanging

n the wall, fell dead. "Coleman hastened to the bank of the Cowlitz River, crossing to Swale and, going half a mile around, came out within a quarter of a mile of Christian's home. There on the gravel bar he put A Skin of Beauty is a Joy Forever DR. T. FELIX GOURAUD'S ORIENTAL his gun to the side of his head and killed

The authorities are waiting for word from Justice's father at Boggs, W. Va., to learn what disposition to make of the body. It is stated the men had quarreled at the kiffe schoolhouse during the holi-day season. They left Chehalis together Saturday and had been drinking.

BUILD A THIRD SCHOONER E

Lindstrom Company Will Give Employment to One Hundred Men.

ABERDEEN, Wash., July 2-(Spe cial)—The John Lindstrom Shipbuilding Company landed its third contract to-day, when Oliver J. Olson, of San Francisco, signed papers for a steam schoon-er to be 189 feet long, with 13 feet depth of hold and 25 feet beam. The contract wo, one for Charles Higgins and one for Beadle Bros.

The three schooners will give employment to 100 men up to the New Year. These contracts will make one of the busiest seasons in shipbuilding ever known in Aberdeen. Fred Hart, secretary of the Gray's Harbor Towing Company since its or ganization three years ago, resigned to

day and was succeeded by M. R. Sher-

Find Money-Box Empty. NORTH YAKIMA, Wash., July 2

(Special.)-The mystery surrounding the robbery and setting fire the house of Mrs. Sallie Galler, a German, who claims to have been robbed of \$1800, is gradually being solved. The tin box in wi money was kept was found this afternoon under the house occupied by the robbed woman and a cloth in which the box cific on its northbound trains, and a hurry order for 30 more Pullmans has been sent East, but has so far no rehad been wrapped was found beneath ; potato hill in the garden. A search rant has been sworn out against three persons supposed to be connected with the robbery, but it has not yet been served

Homaki Free for a Day.

ABERDEEN. Wash., July 3 .- (Special -Curelessness of the Sheriff's office force permitted Anton Ilomaki, under sentence of four years at Walla Walla, to escape NORTH YAKIMA. Wash., July 1.— of four years at Walla Walls, to escape Sunday evening. Illomaki was arrested (Special.)—The electric 'alixay ayatem under the state law, which prohibits a

The Safety Valve of a **Credit Business**

OUR CREDIT-INDEMNITY BOND

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salers from the greatest danger that threatens them.

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"But," you say, "I have a good credit man." Very good. The boiler has a good steam guage. But it also has a safety valve.

You are human.

No human agency can, with certainty, guard against Credit Losses. That's why you have bad accounts on your books this very minute. And you can't tell what moment a whole

Protect

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succeeded despite the efforts of able at

torneys to free Ilomaki. Every avenue of escape was guarded and a search kept

up all night and today, with the result that Hemaki was captured tonight.

Object to Fishtrans,

union were instructed to bring suits against William Reese and William

against William Reese and William Reeves to restrain them from operating

their fishtraps, and also to compet them to remove the traps. The traps in ques-

side of the river near Point Ellice and are located in deep water, where the

gillnetters have been accustomed to drift. The papers in the suits were prepared today and will be filed in the Circuit

Court on Wednesday. They will charge that the traps "interfere with the com-mon rights of fishing."

Light and Heating Bids Exorbitant.

Captain Goodale, Constructing Quarter-master, U. S. A., has received instruc-tions from the Quartermaster-General to

reject all the bids recently received for installing hot-water heating systems and

LABIL

Made in all styles for men

who seek the maximum of

wear at the minimum of cost.

FAST COLOR FABRICS

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40 Sizes, 10e to 50e Each.

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ASTORIA, Or., July 3.-(Special.)-

were recently driven on the north

year's profit may drop—maybe several years.

It's possible—highly probable.

Every clause is clear, concise, positive. Payments to Policyholders Past Three Years \$2,127,930.00, which means that amount of Profits destroyed by insolvency of customers was restored in spot cash through our Indemnity.

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Sent free to any Manufacturer or Wholesaler who will write for it.

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Capital, fully paid, \$1,000,000.

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at Fort Stevens, as the bids were connan from living off the earnings of a As there is a considerable number of this class here, the police made a strong effort to secure a conviction and readvertise for proposals on the electric

and Dodson. ASTORIA. Or., July 1.—(Special.)— At the meeting of the Columbia River Fishermen's Protective Union, held on Saturday evening, the officers of the

Petitions Filed in Cases of Lauth

character and had inveigled him out of his money, making him temporarily in-sane. The Governor has the petition un-

execution is July 13: The Governor has also received a peti-ASK FOR LIFE IMPRISONMENT

of Jackson County asking that the death sentence passed upon Andrew Dodeon be commuted to life imprisonment. The rea-SALEM. Or., July 3.—(Special.)—Governor Chamberlain today received a per in the act; that Ingram was found tition signed by ba large number of citi-guilty only of murder in the second dethe sentence of death imposed upon that it would be unjust to give Dodson George Lauth be commuted to life into the greater punishment. The men killed prisonment. The reason urged is that William Dunlap. The date set for the the woman he murdered was of bad execution of Dodson is August II.





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MEN PAST 40, who find their vital powers wasting, quickly and thoroughly restored to vigorous health.

FRAIL MEN. It gives new life and vigor and builds up and makes them strong with a strength that lasts.

WORRIED MEN. Have you VARICOCELE, HYDROCELE? Under our method we

WORRIED MEN. Have you VARICOCELE, HTDROCELE? Under our method we care without surgery.

PIMPLED MEN. Pimples on fare and shoulders are a sure sign of weakness and are the first symptoms of lost vitality and eakness. Master the weakness now. Don't let take modesty ruin your health. Come to us at once and he quickly cured.

DISEASED MEN are quickly and antely cured with a thoroughness unknown to other methods. No mineral poisons used.

POISONED MEN in the first, second or third stage are purified and made clean in blood, thesus and hone promptly and permanently. Cure guaranteed.

PILES AND RECTAL ULCERS are painlessly tured to stay cured without surgery or interference with occupation. Our positive guaranteed in every case.

STRICTURED MEN. A positive, permanent cure by our safe, painless method, without the knife or the slightest inconvenience or loss of time. SELF-RUINED MEN are saved from the terrible consequences of ignorance and fully restored to bright, vigorous manhood. Every case guaranteed.

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The Best Hot Weather Medicine THEY WORK WHILE YOU SLEEP PREVENT ALL SUMMER BOWEL TROUBLES