

WORD AT VERMONT

Prosecutor Devotes Five Hours to Assailing Testimony Favoring Defendant.

AMBITION DEEMED MOTIVE

Attorney Gearin to Open for Defense This Morning—Lawyer for Government Outlines Alleged Fraud—Finish Friday.

Attorney Henry was unable to conclude his argument against Hermann in the five hours in which he spoke to the jury, and the special prosecutor will be required to finish Friday. Attorney Gearin will open for the defense this morning.

Attorney Henry, in quiet tones, recounted step by step the story of the alleged Blue Mountain conspiracy against the state school lands and the United States, as theorized by the Government. His address lacked the characteristic fire of the "Honey orations." The prosecutor told of the alleged "consuming ambition" of Hermann, and sketched the array of testimony, saying it is circumstantial proof that Hermann was one of the conspirators who procured the Blue Mountain withdrawal and that his reward was planned to be political honor and not monetary gain.

Throughout the argument the Government prosecutor attacked the veracity of Hermann in an attempt to show the defendant was more interested in a political preference than in the public good; and that Hermann's motives were not sincere. The argument was directed particularly against the testimony by Hermann that he had stood at all times for the repeal or modification of the Blue Mountain law of 1897, not applying it to unsurveyed lands, and that he was the originator of the idea that came to Hermann from an attorney in the office of the Secretary of the Interior.

Hermann's Stand Assailed.

Reverting to the testimony of Hermann that he considered the Blue Mountain law the "mother of all laws in this country," the prosecutor said:

"The timber and stone act is the grandfather and the grandmother of all land-frauds in Oregon, and without it there would never have been any land-frauds in this or any other state, and this defendant would not now be here on trial."

Hermann started out by saying that he was the only man in the Interior Department who was looking out for the interests of the state, and that he went before the committee on public lands in advocacy of remedial legislation. Hermann said from the witness stand that Hiltchcock assumed that he was making an argument, and the witness was unable to understand what he wanted, except the repeal of the timber and stone act. That was the only time which would cure all the trouble.

"Compare the attitude of Hermann with the attitude of Hiltchcock and the jury will be led to believe that Hermann was giving the people buncombe. Hermann knew that Congress would not repeal the Blue Mountain law at that time, and that if he was not repealed until after the indictments had been returned against these defendants it would result in a great clamor from the public."

"Hermann was the man above all others who was charged with saving the public lands from timber thieves. Hermann had the knowledge, and referred to it in his reports for 1900 and from year to year, but the lands could not be saved by the special agents of the type of Loomis and others who were in the field and submitting fraudulent affidavits over paltry sums of \$2 and \$3 a day, or by writing acceptances for boxes of grapes and oranges. The lands could have been saved by Hermann had he read the newspapers during his many visits to Oregon from 1885 to 1901, talking with people who knew what was going on."

Defendant's Veracity Attacked.

Attention was directed to the letter from "Citizen" which reached the Commissioner in January, 1900, and which pointed out the operations of Hyde and Benson in the Cascade reserve. It told Commissioner Hermann that Hyde was the owner of the 40,000 acres of school lands which at the time belonged to Oregon, and which the papers considered, belonged to E. P. McCormack. The scheme as outlined in that letter, the attorney asserted, was identical with the plans put forth by Mays and his associates in the Blue Mountain reserve case, and from that basis the prosecutor assumed that it had been in the hands of Hermann.

"Valk is the only man who testified that there was a matter of fact in the hands of Hermann," said Henry. "Attorneys for the defense will say that because Valk was in the employ of Benson and was retracting, this trust as an employee of the Land Office, he should not be believed. I admit that Valk is not a man of high character, but he could not be believed by the men of high standing to justify him. But as between Valk and Hermann, who has the deeper interest in the matter?"

"If Hermann admits that he saw that letter he had just as well plead guilty, and for a similar reason the Commissioner would not admit he saw the Zabriskie letter and Holsinger report prior to the Blue Mountain case. We are going to show that Hermann lied on a number of occasions, and that he never hesitated to do so when the truth would hurt him. Valk had no interest in the Land Office and did not want to tell the truth all he had to do was to get his forgetter in working order."

"Citizen" Letter Cited.

Attorney Henry drew the inference that Hermann was bearing the "Citizen" letter in mind when he told Emmett Callahan there was no need to worry because Oregon men were acquiring Blue Mountain school lands. Hermann, Clerk Holsinger, who said that Hyde and Benson had secured the 40,000 acres in the Cascades and he hoped there would be no protest when it was known that the Callahans had been shut out of the Blue Mountains.

"It is plain," continued the prosecutor, "that Mays and Sorenson heard about the deal in the Cascades. We know that Sorenson later secured an addition to that reserve, and they needed a comfortable fortune from the school lands. Then the gang looked around and found that all the school lands in the state had been grabbed. They decided to treat one. Then poor old, uneducated Hermann got into town looking after his stipend concerning friends and favors. It was not a bad motto—he never forgot a favor or failed to reward a friend—but a better one would have been, 'Well done, thou good and faithful servant.'"

"The visit by Hermann to the oil fields

DECS TO

of California, argued Attorney Henry, was made in a private car with a crowd of magnates headed by Hyde, the land magnate.

Returning to the Senatorial aspirations of Hermann, the prosecutor analyzed the letters of Brownell and Loomis. Attorney Henry used the Brownell letter, as an attack upon the reliability of all the testimony given by Hermann. Hermann had testified that he knew C. P. Huntington only in a casual way, but was forced to admit the authorship of the letters wherein he wrote he possessed an interest in the land, and would be able to secure a position for Brownell in an appointment as Southern Pacific attorney.

Attorney Henry closed his argument for the day in upholding the testimony of Meldrum, asserting that Hermann had misrepresented the chief incident when the letter was dated going to the office of the Surveyor-General in September, 1902. The memory of Witness Baumhoer, who testified for the defense that Hermann was not there when Mays called, was attacked because Baumhoer could not say any of the men were who attended the evidence of Cathcart, who contradicted Meldrum, upon the plain ground that Meldrum was not in Portland at that time. Attorney Henry disputed the evidence of Cathcart, who contradicted Meldrum, upon the plain ground that Meldrum was not in Portland at that time. Attorney Henry disputed the evidence of Cathcart, who contradicted Meldrum, upon the plain ground that Meldrum was not in Portland at that time.

Henry Praises Defense.

Beginning his argument before the jury Attorney Henry announced his belief in the guilt of the defendant. He said he would not appear at a preliminary hearing, but that the prosecutor maintained that he was not attempting to lead the jury to a like conviction of mind, but believed it the duty of an attorney to point out the relation which one piece of testimony bore to another, as an assistance in determining a verdict. He congratulated the jury that its tongue is not tied, and that it is free to follow the evidence as it sees fit.

Attorney Henry called attention to the fact that Hermann had been accused of attempting to procure fraudulently a large amount of school lands in Oregon, and described the method by which the conspirators were to transfer the land to the United States under the operation of the Blue Mountain law. By this method the conspirators in the case, all evidence as to Williamson has been eliminated from this trial.

Document Not Needed.

Passing to the charge of the formation of a conspiracy involving Hermann, Attorney Henry contended that the Government was not required to show a written agreement had been entered into between the men named in the indictment.

"The court will instruct you," he said, "that if you believe the minds of Hermann and some one or more of the other members of the conspiracy met at some common point, and the acts of Hermann tended to assist in any manner in carrying out the purposes of the conspirators, the Government will ask a verdict of guilty as charged. By this instruction the connection of Hermann beyond a reasonable doubt."

Referring to testimony as to the reputation of Hermann given by the attorney, Attorney Henry said that it had been presented by men of standing, but all of them had been for many years connected with politics. He then called attention to an editorial in The Oregonian of December 20, 1902, showing the character of the defendant. He asked the jury to consider the editorial in mind during the argument. The editorial interposed no objection to the statement of Hermann, but said that the State Land Office or his entry into the Senatorial campaign in this state. It described Hermann as a "cleek and oily politician, of unimpaired and unimpaired character."

"During the time Hermann occupied the witness stand," said Attorney Henry, "he showed that he was truly in palaver and untruth unsurpassed. We got both from the stand in cartloads, but sometimes it took an hour to get a direct answer."

Attorney Henry, in dwelling upon Hermann's ambition to become a Senator, asserted it was that ambition which caused him to bring ex-Special Agent Loomis from Washington to Oregon. Loomis had been accused of forwarding "crooked" account vouchers to the department, and had received a coat of whitewash from the hands of the Inspector Dixon. It was argued by Attorney Henry that the same motive caused Hermann to retain Ormsby in the forestry division, and which caused Hermann to wink and close his eyes to the land frauds which the Government contended he knew all about.

"Why did not Hermann write these agents on whom he was relying for correct information?" asked the prosecutor. Henry told them to wake up and answer honestly on the conditions out here and in California. Instead we find him in September talking with two of the land fraudsters in the office of the Surveyor-General, and both of those men probably in position to help his ambition."

Attorney Henry asserted that he did not contend that it was wrong for Hermann to order the temporary withdrawal of the Blue Mountain Forest Reserve. He asserted that it had been proven that Hermann had knowledge of the fact that Mays and Sorenson were manipulating school lands at the time that the withdrawal was made.

Interview Cited as Base.

He pointed out that shortly before the conspiracy began Hermann had announced in an interview that he would not recommend the formation of more forest reserves, and that it was natural that Mays and his associates should attempt to get Hermann to change his mind in this instance.

"The witness also," argued the attorney, "and they probably knew that Hermann was only posing when he gave that interview to the papers, and that the people had a right to know the position the Commissioner would allow them to steal the land behind his back."

Attorney Henry made a point of the testimony of Clerk Holsinger, who said that Hermann required all Oregon letters to come to his personal desk and forbade the stenographers to peruse them. Holsinger also testified that Hermann always dictated replies to Oregon people.

"There was nothing wrong with Hermann answering those letters himself," said Attorney Henry, "and if he had been an honest man he would have admitted it, instead of ducking and dodging around by saying that many of them never saw, because his secretary would answer some, and refer others to the divisions. He ducked and dodged because of a guilty conscience."

"Crime always sears a man's conscience, and soul, and brain, like a brand burned into the bark of a tree. It may heal over from the outside, but years later the brand can be found in the heart of the tree. Hermann was attempting to cover up something when he was in that witness chair."

DECS TO

Judge Withholds Fire Alarm Case Settlement.

SECOND HEARING IS GIVEN

National Automatic Company Consents Board of Fire Commissioners Made Contract Amounting to Franchise.

After a second hearing before Presiding Judge Morrow, of the Circuit Court, the demurrer to the complaint in the case of the National Automatic Fire Alarm Company against the city remains undecided by the judge.

After prolonged argument, in which each of the attorneys present took several turns, the judge said he was not prepared to sustain the city's demurrer to the company's complaint, but would hear the case on its merits. During the arguments City Attorney Kavanaugh began to ask Attorney H. W. Hogue, representing the company, a few questions, evidently for Judge Morrow's benefit.

City Electrician Testifies.

City Electrician Savarian was present, and was called by the judge to give testimony regarding the manner in which the automatic alarm attaching interferes with the city's fire alarm system. He was not placed under oath, however, and his testimony was not taken on hand to contradict his statements, as it had not been contemplated that the case would go to trial until the demurrer to the complaint was disposed of and the city's answer filed.

The City Electrician said there is constant danger that the automatic alarm company's wires will be cut, and that the interference of the city fire alarm system, but to the great danger of the public.

Alleged Contract Made?

"We contend the Board of Fire Commissioners made a contract with which amounts to a franchise, which will last forever, and entitles us at all times to use the city's fire alarm wires for our auxiliary system," said the attorney. Some points of law that were taken up before Judge Morrow last week were threshed out by the attorneys.

Judge Morrow, after the attorneys for the automatic alarm company cited authorities, said he thought their points well taken. He indicated he would decide upon the demurrer until he reread the authorities submitted by both sides.

WEHRUNG WINS \$3000 SUIT

Verdict Demands Payment of Country Club Manager's Salary.

The Portland Country Club and Livestock Association must pay W. H. Wehrung \$3000 for his services as manager during last year, a jury has decided. The court sustains the decision of the jury in the Circuit Court. A sealed verdict for the amount was returned Wednesday night and read by the clerk in Judge Cleland's department yesterday morning. Attorney George Joseph, representing the plaintiff, then called attention to an editorial in The Oregonian of December 20, 1902, showing the character of the defendant. He asked the jury to consider the editorial in mind during the argument. The editorial interposed no objection to the statement of Hermann, but said that the State Land Office or his entry into the Senatorial campaign in this state. It described Hermann as a "cleek and oily politician, of unimpaired and unimpaired character."

GROCERY STORE WANTED BACK

Former Owner Says Purchaser Misrepresented Mortgage Values.

E. T. Rehfeld accuses L. S. Winters of swindling him and filed suit in the Circuit Court yesterday, asking that his grocery store at 254 Third street be restored.

Less than a month ago, complained Rehfeld, he offered to sell out to Winters for \$1050. Besides his stock, he had a list of goods, which he had been using in keeping house in the rear of the store. As part payment the groceryman accepted a second mortgage, which was for the sum of \$200, and a first mortgage by the North Jersey Gas Company, of Paterson, N. J., face value \$500. Rehfeld declares the value of the bonds were represented to him falsely by Winters. In the mortgage, he says, Winters is selling out the stock of the store. He wants him restrained from making further sales, and asks that the contract of sale be rescinded.

NEWSBOY LITIGANT LOSES

Decision Is Against Lad Who Sued Railway for Damages.

Walter Conley, a newsboy, who sued the Portland Railway, Light & Power Company for \$5000 because of an accident in December, 1905, will not receive a penny. The jury which tried the case yesterday in a verdict for the defendant, which was read in Judge Bronaugh's department of the Circuit Court yesterday morning.

It was brought by Elizabeth Bolland, the lad's guardian. At the time of the accident he was 15 years old. His foot was cut off by a Fulton car at Fifth and Madison streets.

MURDER CASE IS CONTINUED

Witness III. Trial of Owen McLinden Is Postponed.

Because one of the state's witnesses in the Owen McLinden alleged murder case was too ill to be in court yesterday, the case was continued.

day, the case was continued. McLinden is accused of murder in the first degree by alleged beating of his brother, James McLinden, to death with a hammer in a quarrel.

County Judge Webster yesterday morning appointed J. P. McEntee administrator of James McLinden's estate. He must give a bond of \$200 to insure faithful performance of duty. After McLinden was killed, November 16, December 21, 1902, was appointed temporary administrator. By yesterday's appointment he is released from duty. The property is valued at \$3500, \$1000 of which is real estate. The heirs are Minnie Burns, a sister, and Owen, Bernard, Henry and Michael McLinden, brothers. Three of the brothers live in Ireland.

Insurance Agent Notified.

J. W. Rowland's suit against the Provident Saving & Life Assurance Society was thrown out of court by Circuit Judge Bronaugh yesterday on a non-suit. Rowland said he took out a life insurance policy with the company on December 21, 1902, with the understanding that he would be appointed advisory agent, and that in nine years the policy would be self-sustaining. He said he never as advisory agent, and never has netted him enough to pay the premium on his insurance, and that the company has taken a trick to take out the policy. He wanted his money, \$47.10.

Two Men Convicted, Paroled.

J. W. McClelland, accused of larceny by embezzlement, was placed on parole by Presiding Judge Morrow yesterday afternoon, after having pleaded guilty and having received a penalty of three years in the Penitentiary. He stole \$50 from the Pearl Laundry Company. J. J. Whitley was also placed on parole after having pleaded guilty to a charge of larceny. He promises to be good for one year.

Court Notes.

P. L. Austin has been fined \$50 by Presiding Judge Morrow, of the Circuit Court. He pleaded guilty to a statutory offense.

The city will be obliged to pay \$7250 for an acre on Mount Tabor, to become the site of the new city hall. The judge in Judge Gates' department of the Circuit Court, which tried the city's condemnation suit against W. A. Gronow, the owner of the land, yesterday a sealed verdict for this amount, which was read yesterday morning. The city's lawyers placed a value of \$2000 on the public.

SALES DRENNEN FILED A DIVORCE SUIT AGAINST WALTER DRENNEN YESTERDAY.

She married him in Vancouver, Wash., October 17, 1887.

PIE HUNT IS ALL IN VAIN

Detectives Get Urgent Call, but Evidence of Crime Is Lacking.

It was a quiet day yesterday in the office of the City Detective staff in the Woodruff building. Reports of crime were coming in and Detectives Tichenor and Howell were sitting about as emergency men awaiting something to turn up. The telephone bell rang and Captain Moore took the receiver.

"Boys," said he to the two detectives, "there is a report of a crime at 464 Gilman street, as fast as you can. The place has been burglarized."

Excitement ensued and the two detectives left their desks in haste. Half an hour later they returned and made out the following report of the crime:

"Restaurant burglarized. List of stolen property: \$2000. Description of stolen property, 1 apple, 2 cherry. They had barely finished the report when the telephone rang again. Someone had some very urgent information to impart. It was said about the burglary. Tichenor took the phone.

"This is Work's restaurant," the voice said. "We've discovered that there is a quarter of a pound of butter missing, too, that we'd like to have returned." It was an interesting report. The detectives went to see if they could identify any of the pies, but finally gave it up as a bad job and added a postscript to their report to the department, to the effect that after a thorough investigation of the case they had come to the conclusion that the evidence had been eaten."

PESTS TO BE HIS TOPIC

Professor Bridwell, of Corvallis, to Lecture Before Fruitgrowers.

"Orchard Pests" is to be the subject of an address before the Portland Horticultural Association, to be held in the auditorium of the Young Men's Christian Association Saturday evening at 8 o'clock. The speaker will be Professor John C. Bridwell, of Corvallis, who has been a member of the Oregon Agricultural College, Apple anthracnose, San Jose scale and the codlin moth have already been discussed. Professor Bridwell will give particular attention to other pests with which the orchardist has to contend.

The discussion following the address is expected to be of much interest. The entire subject of orchard pests will be thrown open and Professor Bridwell will answer any questions that may be asked concerning pest treatment.

At least one musical number will be provided.

The lectures on apple packing are soon to be given before the association. These are expected to be among the most practical addresses yet delivered. Interest in the course has been constantly increasing and it is probable that the weekly lectures will be continued for some time.

PERSONAL MENTION.

E. S. Edwards, a merchant at Seattle, is at the Lenox.

Bruce Clendenning, an attorney of Spokane, is at the Portland.

J. K. McGregor, a real estate dealer at Meridian, is at the Cornwell.

Miss Jessie Stanton, of Vale, registered at the Oregon yesterday.

William F. Laraway, a fruitgrower of Hood River, is at the Perkins.

Lee H. Washfield, a teamster of Anacortes, Wash., is at the Oregon.

Hood Craven, a prominent timberman of Dallas, Or., is at the Imperial.

H. William Fellows, secretary of the Golden Gate Water Company, is at the Perkins.

Harriet R. Labadie, lecturer, of Philadelphia, is registered at the Portland.

Guo H. Shumate, a business man of Eugene, accompanied by his wife, is at the Seward.

Roy Alexander, son of the proprietor of a department store at Pendleton, is at the Imperial.

J. H. Lauterman, an insurance man of Salem, is one of yesterday's arrivals at the Northla.

Guo H. Weather, a business man of The Dalles, accompanied by his wife, is at the Cornwell.

J. R. Burke, Deputy Fish Commissioner of the State of Washington, of Cathlamet, is at the Imperial.

Mr. and Mrs. C. H. Brown, formerly residents of Portland, registered yesterday at the Seward from San Francisco.

C. T. Coulter, a real estate dealer of

Vibrant Nerve Force Supplied to Man.

(From "Man's Maladies.")

Without stamina man is a failure. What is stamina? It is constituted of vigor, health, it is keen, responsive, vibrant nerve force, that gives wonderful inner strength of will, sustains a man's body, supports a wise mentality, makes manly and keeps friends. Keen, strong, sensitive nerves make stamina and with it man can excel in business, sports, pleasure and social favor. Without it he is apt to be weak, nervous, with cold hands, cold feet, nervousness, timidity, fearfulness, and a general lack of grit. It is impossible to act naturally under all circumstances, as a man with stamina should. It should be the aim of every man to correct the condition responsible for failure and unhappiness, for it can be done by the simple fulfillment of nature's law that the nerves receive their nourishment through the blood, which enables the nerve fluids to recover the vitality which is constantly taking place. The nerve fluids and body strength undergo constant changes, and unless the supply is equal to the demand the stream of health ebbs low and misery results.

Astonishing a strong nerve force is supplied by the following valuable formula, which anyone can prepare in a few minutes, add one ounce of compound fluid balmwort, shake well, and let stand two hours. Then add one ounce of pure cadomene compound (not cadomene) and one ounce of pound essence cardiol. Mix. Shake well and take a teaspoonful after each meal and one when retiring.

The above ingredients, except the syrup, are rare concentrations of purest drugs without opiates, and are used for various prescriptions.

City Council Awards Contract for Water Mains in

Laurelhurst

The Addition with Character At Cost of \$55,000—Work to Be Started Immediately

Contract for Asphalt Paving in Laurelhurst Has Been Awarded at Cost of \$347,000

Contract for Sewers in Laurelhurst Was Given Out at Cost of \$53,000

These 3 contracts alone call for an expenditure of \$450,000 and it is estimated that the entire improvement work of Laurelhurst will be completed in about 6 months' time.

INVEST IN LAURELHURST

Spokane, registered yesterday at the Lenox, and will spend some time in the city looking after some real estate interests.

SAN FRANCISCO, Feb. 9.—(Special.)—Following are the Portland arrivals at the Palace Hotel today: Fred H. Green, George Lawrence, Jr., H. H. McManis, S. May and wife, Miss May, Mrs. C. H. Libby, De P. Glidden, D. J. Gilmarin, J. B. Robinson.

CHICAGO, Feb. 9.—(Special.)—Portland people registered at Chicago hotels today are as follows: At the Great Northern, Mrs. W. H. Davis, at the Stratford, Mrs. Northrup, Mabel Northrup; at the Palmer House, C. M. Hyrke; at the LaSalle, F. A. Nitchey.

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SAMUEL CONNELL, President.
G. L. MACGIBBON, Cashier.

DISCRIMINATION WINS!!!

In every walk in life discrimination between the true and the false wins and enjoys success. In questions of form, of style and of values, whether financial, commercial or medicinal, the judgment of the men and women who select and appreciate and utilize the true and genuine product, proves most profitable and most satisfactory to themselves and to all who follow them.

Therefore, in connection with so important a subject as the physical well-being of the people, the most eminent physicians insist on full information as to the wholesome nature and truly beneficial character of the component parts of the remedies used and prescribed by them, and the wise manufacturer not only supplies them with the knowledge desired, but also combines for them in proper proportions the very substances most approved by them and omits every objectionable substance. The world-wide acceptance of Syrup of Figs and Elixir of Senna by physicians and the well-informed of the world, as the best of family laxatives, is due to the universal satisfaction which it has given for more than a quarter of a century and also to the fact that it is a remedy of known quality and known component parts and to the further fact that the California Fig Syrup Co. presents it to the world simply as the ideal strengthening personal laxative to cleanse and sweeten the system gently, yet effectually, and to dispel colds and headaches and to assist in overcoming constipation. To get its beneficial effects—always buy the original and genuine, for sale by all leading druggists. The full name of the company—California Fig Syrup Co.—is always plainly printed on the front of every package.

Painless Dentistry

Out of town people can have their teeth extracted and fitted with dentures in one day if necessary. We give you a good crown for \$3.50. Molar Crowns 5.00. 22k Bridge Teeth 3.50. 22k Bridge Teeth 3.50. Enamel Fillings 1.00. Silver Fillings .50. Inlay Fillings 2.50. Gold Rubber 5.00. Best Red Rubber Plates 7.50. Painless Extraction .50.

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by a completely and promptly digesting all the food—stops dyspepsia and indigestion and "takes the stomach sweet." It is a "nature" relieve you, and if it fails, your money will be refunded by your own doctor, whom you purchased it. Every tablespoonful of Kodol digests 2 1/2 pounds of food. Try it.

TO-NIGHT We are here
THEY WORK WHILE YOU SLEEP

IT MAKES WEAK WOMEN STRONG IT MAKES SICK WOMEN WELL.

No woman's appeal was ever misdirected or her confidence misplaced when she wrote for advice, to the World's Dispensary Medical Association, Dr. R. V. Pierce, President, Buffalo, N. Y.

Dr. Pierce's Pleasant Pellets induce mild natural bowel movement once a day.