

Rachel and Fredrick Holmes Bring Action Against Local Corporation for Death.

RECOVER \$30,175. SEEK TO

Frank Holmes Was Accidentally Killed At Defendant's Works Last Summer by Being Crushed.

Rachael Holmes and Frederick W. Holmes today filed suit in the district court against the Portland Cement company of Utah to recover the sum of \$30,175 as damages for the death of Frank Holmes, who was killed at the defendant's works on July 30, 1903, by being crushed in the machinery while he was engaged in oiling the same. It is alleged that defendant negligently permitted a set screw to project from the machinery in such a manner that the clothing of Holmes was caught and he was hurled around upon a shaft wheel and crushed to death.

FRIENDLY SUIT.

Judge H. S. Tanner Made Defendant in An Action in District Court.

Judge H. S. Tanner of the civil division of the city court, has been made defendant in an action in the district court for a writ of certiorari filed by John S. Critchlow, ex-officio clerk of said city court, to determine the length of time after a judgment has been settled by garnishment proceedings a defendant may come in and claim exemption. The action is a friendly one and is the result of the proceedings in the case of the Mammoth Mercantile company against Stephen Markham. Judgment was rendered by Judge Tanner in favor of plaintiff for \$64. The Grand Central Mining company, where defendant was employed, was garnished and paid to the clerk of the court \$59.90 the amount due defendant.

Five days after the money was paid in, Deputy Clerk George Maycock paid it over to the plaintiff in the case. few days later defendant came in and claimed that \$32 of the amount was exempt and Judge Tanner ordered the clerk to pay over the money to him. The clerk claims that the rule of the is that exemptions must be claimed within five days after the money is paid in on the execution. The law does not state how long the money shall be kept under such circumstances, so the district court is called upon to decide the matter.

COURT NOTES.

Gertrude Sparks has filed suit for divorce in the district court against William L. Sparks on the ground of failure to support. They were married in this city on Aug. 11, 1898.

dedicated by the public. Thus, in schools, the public must not use the building at all when occupied for school purposes, nor must it be used at any other time if such use will interfere with the proper and usual arrangement of the school furniture. Within these imitations the trustees have a right to permit the use of school property for eligious, public and educational gathtrings of any nature, and such use has always and universally been approved. Thus, the United States supreme court room, the halls of Congress, and other public federal buildings have frequently been occupied for national funerals, memorial services or other national gatherings. State capitols and state in-stitutions of every sort have frequent-ly been the scene of state balls and public state meetings; county court houses and city halls are the usual places for holding public conventions; and similarly the country school-houses have been permitted to be the public assembly hails for the rural citi-

Nor do I think that it is contrary to public policy for schoolhouses to used for occasionally entertaining the pupils of the school with concerts or even school dances, Such recreation is as much a part of public education as the military drills and marching usually taught in well regulated schools and the mere fact that such recreations interfere with the seating furniture of the school is no valid objection, be-cause no inhibition exists against such interference, if done for school pur-poses. But it would be contrary to the spirit of the law if such infant recrea tions were used as a means to evade the letter of the statue. Children's dances are permissible and legal, but they cannot upon any pretense be turned into a dance to which the general public is invited and participates. When that is done the recreation is no longer for school purposes, and comes clearly within the condemnation of the Supreme court decision above cited.

It is apparent that the trustees have misconceived the purport of the Su-preme court decision and the decision of this court upon the preliminary hearing, and that they entertain the opinion that a public dance is only pro-hibited when wholly initiated as such, and not forbidden when it follows a permissible children's recreation dance. In this they are wrong, and they should be enjoined from such an act.

The injunction must issue, neither party to tax witness fees, all other costs to be taxed against the defendant trustees

Let findings and judgment be entered accordingly.

IMPORTANT DECISION.

The following important decision was rendered by Judge H. H. Rolapp in the case of I. T. Terry against Josep Car-ver et al., trustees of school district No. , of Weber county.

The plaintiff, a taxpayer in school dis-trict No. 2, brings the action against the school trustees of the district for the purpose of obtaining a decree of the court enjoining them from permitting public and private dances to be held in the Warren schoolhouse, an edifice ered by public taxation of the dis-

trict, for educational pur oses. The court, after briefly summarizing the case, renders his decision as foilows

"The school trustees justify their action of permitting dances in the school-house, first, upon the ground that by the provisions of section 1822, Rev. Stat., they have a right to 'permit a school-house, when not occupied for school purposes, to be used for any purpose which will not interfere with the seating or other furniture or property," and that these dances did not so interfere; and, second, upon the ground that the

DESERET EVENING NEWS: SATURDAY, MARCH 26, 1904.

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the north, while there, but at the same time the ice is out of the upper Snake river generally, frost is out of the ground in sections and some spring plowing has already been done.

While there the colonel ordered set out some 6,000 trees, fruit and shade varieties, in addition to some thousands already planted. He has ordered road grades and will build some miles of a model highway to demonstrate the practicability of good roads in winter, and the reducing of the cost of market-

ing farm products. It may not be generally known but it is a fact that Col. Holmes is one of the largest farmers in this intermountain country, cultivating some thousands of acres upon which he derives an annual profit of from \$5 to \$8 per acre, which is good rental value on land worth \$69 to \$89 per acre. This land went beg-ging a few years ago at \$19 to \$20 per acre, the increased value being made by the permanent improvements and the reliability of the water supply. His crop estimates for the coming

season based upon the acreage to be put in at about 50,000 bushels grain, 10,000 bushels potatoes, and 2,500 tons of hay. He owns an elevator at Idaho Falls and holds his grain for the best market price.

This season he will break up about 500 acres more, which is nearly the same as for several years past, and un-der the encouragement of the depart-ment of agriculture will make some tests as to different methods of cultivation and the more economical use of This regardless of the fact that he

controls his own irrigation system and is at liberty to waste water if he chooses.

GOOD WORDS FOR UTAH.

Mrs. Anderson and General Alford Tell Somo Truths in the South.

Fort Worth yesterday had a distinguished musical visitor in the person of Mrs. Kate Bridewell Anderson of Salt Lake City, who was returning from Houston to her home and stopped off a day to meet General George F. Alford of Dallas, to confer with him about a Confederate tri-state league in the mountain states. She is adjutant of the camp of Daughters of the Confederacy in Salt Lake City, which General Alford organized last October. Mrs. Anderson comes from New Or-

leans and is one of the famous Bride-well sisters; another is Mrs. Annie Bridewell Allen of Houston, whom Mrs. Anderson has been visiting, and the third is Carrie Bridewell, the prima dona now playing a concert tour under the direction of Robert Grau. Mrs. Anderson has appeared in public but little during the last few years, though she has recently made some professional en. gagements and rather expects to come this way professionally in the near fu-

Notwithstanding her devotion to music, she finds time for some club work and is especially active in the Daugh-ters of the Confederacy, which she Confederacy, which she aused to be organized in Salt Lake City.

Regarding the "Mormon" question, which is now on the public tongue, Mrs. Anderson said: While I have no sympathy for Mor-

monism in its common accepta-tion. I have great respect for Mormon women, many of whom I have come to knew well. They are moved by a deep sense of religion and their sin-cerity is not to be questioned."



Ninth.... Tenth Eleventh.. Tweifth.. Thirteenth 6:30 6:30 6:30 6:30 6:30 ourteenth. lifteenth ixteenth. eventeenth Fighteenth

Scandinavian meetings are held in this city every Sunday at 10 J'clock, a. m., in the Assembly Hall. All are cordially invited.

Religious services in the German language are held every Sunday morning, at 13 o'clock in the Assembly Hall.

Proposed New Stake.

All members of the Priesthood of the Church of Jesus Christ of Latter-day Saints, residing in wards Eleven, Twelve, Thirteen, Eighteen, Twenty, Twenty-first and Twenty-seventh are Twenty-first and Twenty-seventh are requested to meet in the Assembly Hall in Salt Lake City, Monday, March 28, at 7:30 p. m.; for the purpose of considering the organization of a stake comprising these wards. Also on the following Friday, April 1, at the same place, at 7:30 p. m., all members of said Church residing in the show mentioned wards will meet

in the above mentioned wards will meet to complete the organization. JOSEPH F. SMITH, JOHN R. WINDER. ANTHON H. LUND.

Relief Society Conference.

The general annual conference of the Relief society will be held in the Salt Lake Assembly Hall, in this city, Sat-urday, April 2, 1904, meetings com-mencing at 10 a. m. and 2 p. m. It is ex. pected that each stake organization of the Relief society will be represented by the president or an authorized representative. All members of the society are cordially invited to attend the conference. Bishops and brethren in-terested in the charitable work of the Restant the character work of the sisters will be most welcome, also of-ficers and members of the Y. L. M. I. A. and Primary associations. BATHSHEBA W. SMITH, Desident

President.

ANNIZ TAYLOR HYDE. IDA SMOOT DUSENBERRY, Counselors.

There will be a meeting of the gen-eral, stake and local officers of the Y. L. M. J. A. Tuesday morning at 10 a. m., April 5, 1904, in the Fourteenth ward assembly hall. All M. L. A. workers and friends are cordially invited to at-tend. ELMINA S. TAYLOR, President. ANN M. CANNON.

ANN M. CANNON, Secretary.



the Primary associations will be held in room 202 of the business college of



ing secretary. GENERAL CHURCH NEWS.

Sult has been filed in the district William Bartling, the purcourt by chaser of the Lace House stock, against David Keith and James Ivers, the owners of the building in which the stock is located, to enjoin the defendants from attempting to take possession of the building during the term of the lease formerly held by the Lace House ocmpany. It is alleged that the company had a verbal lease on the building until Aug. 30, 1906, at a rental of \$550 per month. Plaintiff claims to be the owner of the lease and asks that the same be enforced and that defendants be restrained from terminating the same on April 1, as they threaten to do.

IN A FIGHTING MOOD.

Clerk and Attorney Nearly Come to Blows at Ogden Today.

(Special to the "News.")

Ogden, March 26 .- This morning Clerk Hollingsworth and County Judge A. G. Horn engaged in a wordy dispute in the clerk's office over th matter of certain papers which Mr. Horn wanted immediately but which Clerk Hollingsworth said he could not have for five days. The attorney falled to see the point and in no uncer-tain terms told Mr. Clerk that he was altogether too officious and should be called down for his lack of courtesy to patrons. The clerk would have none of his lip and immediately notified the sheriff to remove the irate attorney from the boundaries of his office; but as no sheriff came Mr. Horn left the office swearing vengeance on the man who dared dictate to him. It is un-derstood there has been bad blood between the men for some time past and it is regarded as a wonder that they did not come to blows at this morning's hearing.

A complaint was sworn to this morning before Judge Howell by C. E. Pe-terson, local manager of the Studeterson, local manager of the Stude-baker Wagon company, against Thom-as J. Thomas, charging him with grand larceny. Thomas, it appears, pur-chased a hack some time ago for which he agreed to pay the sum of \$500. He was unable to make the payments and last evening he went to the home of Mr. Paterson and informed him that last evening he went to the home of Mr. Peterson and informed him that he had returned the back to the com-pany's warehouse. When Mr. Peterson went to the warehouse, however, the hack was not there and as Thomas was missing from his accustomed haunts he concluded he had skipped out with the recovery heree the suit out with the property, hence the suit. The police have been notified and are

The police have been notined and are on the lookout for the man. Mrs. L. G. McKinney was given a preliminary hearing this morning be-fore Judge Howell on the charge of forgery, it being alleged that she forz-ed the name of Elizabeth Billings to a deed for a certain piece of property on Pacific avenue. The testimony of Mrs. Pacific avenue. The testimony of Mrs. J. Green, a Salt Lake dreasmaker, brought out the fact the she, at the request of Mrs. McKlassed igned the name of Mrs. Billings deed in Marke of site, brings arety of Mrs. McKinney. The day as sworn to before Charles Stoutt, a notary pub-lic, and duly filed in the recorder's office. Mrs. McKinney now claims the property. The testimony was such as convince the court of her probable guilt and she was bound over to the district court in bonds of \$500, which she furnished. The defendant is the wife of the late L. G. McKinney, once a prominent manufacturer of this city. This morning J. Greer and John D. Sommers were arraigned before Judge Howell on the charge of vagrancy, preferred against them by John Grei-ner, proprietor of the Bismarck ga-loon. When examined the men testified that Greer left \$65 on deposit with the barkeeper of the saloon, which the latter refused to give him when so requested. On this showing the hearing was continued till this evening at 7 o'clock, when Greiner and his bartender will be asked to rise and

In this I cannot agree. I think the proper limitation upon the use of school property has been placed by the Legislature of this state, and that is that no use of public property shall be had which in any way interferes with the

dances held since the hearing upon the preliminary injunction shows that their intent is simply to advance the physical and educational welfare of the pusissippi congress.

supreme court of this state has The placed an interpretation upon section 1822, which leaves no doubt as to their neighbors who have been intimate with him since boyhood that he has but one wife, and that he leads an exemplary meaning. In the case of Lewis vs. Bate-man (73 Pacif 509) the court says: That where, and that he leads an Exchaptary life. I can't see that the senate inves-tigation has developed anything to cause his removal. He is not guilty of polygamy and he is not under the coercion of the Church authorities. If the converting of a part of a school building into a dance hall is unauthorized, and contrary to public policy, as it would in effect be a misappropriation of trust property, and opposed to the he is unseated I am bound to think it will be a cas eof religious persecution." principle that citizens cannot be taxed for private purposes. Under that decision it is clear that a

dance held in a public schoolhouse, to which the general public is invited, is a legal wrong, for the perpetuation of which an injunction will issue upon the complaint of any interested taxpayer. It is also contended by the plaintiff that any use of the school building, other than the mere holding of class studies and class recitations, is unauthorized, as opposed to public policy. and that in so far as section 1822 be-stows such right upon the board of trustees it is unconstitutional and void.

Salt Lake Millionaire Will Harvest an Immense Crop in Idaho This Year.

Fort Worth Record. EASTER SERVICES. At the Sixteenth ward meethinghouse omorrow evening at 6:30 o'clock the following Easter program will be rendered under the auspices of the Y. M. and Y. L. M. I. A. of the ward: Duet, "Come Holy Spirit,".

COL. HOLMES, FARMER.

week, reports very stormy weather in

Col. Edwin F. Holmes, who returned from his Idaho ranches one day this Anthems, "Hail Immanuel," and

ene in Ilinh D. S. university on Monday fell, visited the home of Apostle Reed April 4, immediately at the close of the afternoon session of the general con-Smoot, whom he had met several years before at a meeting of the Transmisfernce. All interested in Primary work "Mr. Smoot is an admirable man." said General Alford. "I know from his

are invited to be present. LOUIE B. FELT, President. MAY ANDERSON, Secretary.

CRANITE STAKE.

Granite Stake Fast Day.

As the general conference of the Church will commence on the 3rd of April, the first Sunday in the month, April. which is the regular fast day, the Saints of the Granite Stake of Zion will observe the monthly fast on Sunday, March 27, 1904.

March 27, 1994, All home missionary appointments for March 27 are cancelled, with the ex-ception of the county infirmary. FRANK Y. TAYLOR, EDWIN BENNION, Florence Raleigh and Alice Webly

JOHN M. CANNON. Stake Presidency

Granite Stake Meetings.

The regular monthly meeting of the home missionaries of the Granite stake of Zion will be held on Wednesday, March 30, commencing at 7:30 p. m. A full attendance is desired. WM. McEWAN, Clerk.

The monthly Priesthood meeting of

A STATE OF THE OWNER OF THE OWNER

Dr. Brimhall of the Brigham Young university was in Salt Lake today, having come up from the Garden City this morning to attend a meeting this afternoon of the Church board of ex-aminers, which is in session for the purpose of agreeing upon the contents of the summer school circular that is about to be issued. Dr. Brimhall says the higher departments of the uni-versity have a greater attendance for this time of the year than ever before in its history and that the institution is flourishing splendidly.

Ben E. Rich, president of the Southern States mission, has returned to Salt Lake for the annual Church conference, but will spend some time in Idaho before that time. He reports conditions as favorable and promising in his section of the country.

TO CURE A COLD IN ONE DAY

Take Laxative Bromo Quinine Tablets, All druggists refund the money if it fails to cure, E. W. Grove's signature is on to cure. E. W each box. 25c.

LATE LOCALS

L. A. Done, a miner at the Grand Central, is now at the Keogh-Wright ospital suffering from paralysis.

Miss Marian Groesbeck, a nurse at the Keogh-Wright hospital, is spending a week with her folks at Logan,

Geo. Meuller and Karl H. Mayer left his afternoon on a tour of Europe. Prof. Clark went east over the Union Pacific this afternoon.

The first case of typhold fever re ported to the board of health for a number of days past was reported to-The patient afflicted with the lay. disease is I. M. Fisher, Jr., son of County Auditor Fisher, who resides at 168 Second street.

A rare old Scotch supper was given by the Ladies' auxiliary of the Caledoman club at the residence of Wm. R. Gallacher, 1921 south Eighth East street, on Wednesday evening, March Covers were laid for thirty. After the supper, dancing and singing were indulged in by all the guests until the 'wee sma hours ayont the twal."

Former Private Allan Miller of K troop, Ninth cavalry, was buried this morning from Evans' undertaking parlors, the interment occurring at Mt. Olivet cemetery, Resident colored vet-erans attendd, and Rv. Dr. Boothe of the Calvary Baptist church conducted the services. The discovery of the army discharge papers of the deceased was the means of securing government aid in the burial, and thus ensuring a regular funeral.

Alfalfa has risen 50 cents per ton, and corn is up five cents, owing to the ina-bility of farmers to bring in their products because of the horrible condition of the roads. People in from Cache valley state that the wagon roads in that part of the state are practically obliterated, and people are going into Logan and Brigham on horseback when they go at all. No one wants to trav-el until the roads are in better shape, and when that will be, with the wea-

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be present. The continuance was grant ed.

SALT THEATRE GEOD MYTEL Wade R. Platt, the eleven-year-old son of Dr. S. W. Platt of Park City died on Thursday in this city of dropsy. The remains were prepared for burial at S. D. Evans' undertaking rooms, and were **TONIGHT** Last Time shipped to Park City today for inter-

ment Judge Morse today rendered a decree in favor of plaintiff in the case of Isaac Barton vs Ida Johnson et al, in which plaintiff is decreed to be the owner of the east half of lot 6, block 17, plat E

Salt Lake City survey. The Y. M. and Y. L. M. I. A. of the Sixteenth. ward will give a grand reunion in the ward meetinghouse Tuesday evening at 8 o'clock. A fine con-cert program will be rendered early in the evening, to be followed by a sup-per and dance. A full evening's en-joyment is promised.

THE OLD HOMESTEAD PROBATE AND GUARDIANSHIP. Denman Thompson will Positively Appear

The famous Double Quartetie. Consult County Clerk or the respective signers for further information.

-NEXT ATTRACTION-

Rose Cecelia Shay Grand Opera Co.

Thursday and Friday Next, Nothing But Fun!

EVERYTHING NEW

Prices, 25c to \$1.00, No higher.

GRAND THEAT

JONES & HAMMER, Mgrs

PRICES: Night-Soc., 50c., 75c. Matinee-Soc.

DIED.

Row of Flats.

FAREWELL TOUR

Denman Thompson

IN AN

ELABORATE PRODUCTION

OF

as UNCLE JOSH

Monday-"CARMEN." Tuesday-"IL TROVATORE." Wednesday Mat.-"BOHEMIAN GIRL" Wednesday Eve .- "FAUST." Prices, 25c to \$1.50. Mat., 25c to \$1.00. Sale today.

COMING

signers for further information. IN THE DISTRICT COURT, PRO-bate Division, in and for Salt Lake Coun-ty, State of Utah. In the matter of the estate of Emma H. Adkins, Deceased. Notice.—The petition of Brigham Smith, administrator of the estate of Emma H. Adkins, deceased, praying for the settle-ment of final account of said administra-tor and for the distribution of the residue of said estate to the persons entitled. has been set for hearing on Friday, the Sin day of April. A. D. 1994, at 10 o'clock a. m. at the County Court House, in the Court Room of said Court, in Salt Lake City, Salt Lake County, Utah. Witness the Clerk of said Court with the seal thereof affixed this 25th day of March, A D. 1994. (Seal) JOHN JAMES, Clerk. By David B, Davies, Deputy Clerk. Wilson & Smith, Attorneys for Petition-er. McFadden's

IN THE DISTRICT COURT, PRO-bate Division, in and for Sait Lake Coun-ty, state of Utah. In the matter of the estate of Louisa M. Graham, Deceased. Notice.-The petition of Lucy Graham Green, one of the heirs of the estate of Louisa M. Graham, deceased, praying for the appointment of commissioners to par-tition the real estate of said deceased, as described in the Decree of Distribution to the person entitled, has been set for hear-ing on Friday, the Sth day of April A. D. 1904, at 10 o'clock a. m., at the County Court House, in the Court Room of said Court, in Sait Lake City, Sait Lake Cour-ty, Utah. Star Cast of Famous Singers, Dancers and Comedians, NOT A DULI, MOMENT.

ty, Utah. Witness the Clerk of said Court with the scal thereof affixed this 25th day of March, A. D. 1994. (Seal) JOHN JAMES. Clerk. By David B. Davies, Deputy Clerk. Stephens & Smith, Attorneys for Es-

tate

Tonight Last Time. NOTICE TO CREDITORS.-ESTATE of Mary Ann J. Lyon Marihugh, De-ceased, Creditors will present claims with vouchers to the undersigned at No. 729 McCornick Block, corner of Main and First South Streets, Sailt Lake City, Utah, on or before the 2nd day of August, A. D. 1904 RICHARD E. CALDWELL "DOWN BY THE SEA." Special scenery and effects. NEXT ATTRACTION, Richards & Pringie's Minstrels.

RICHARD E. CALDWELL, Administrator of the Estate of Mary Ann J. Lyon Marihugh, Deceased. Date of first publication March 26th, A.

1904 Thomas Adams, Attorney.

MOSER.—A1 623 west First South stret, this city, March 26, 1904, Joseph H., 201 of George and Elizabeth Chaid Mose, aged 14 months and 24 days. Funeral Sunday, at 2:20 p. m., from par-ents' residence. Friends invited. DUNCAN.-In this city, March 24, 1994, epilepticus, Henry Duncan, aged

epilepticus, news Fourth North Funeral from 422 west Fourth North Funeral from 422 west Fourth North street, tomorrow, Sunday, at 12 o'clock

ERICKSON.-In Salt Lake City. March 26, 1904, of general debility Jemsina Drickson, aged 75 years. Funeral from Joseph E. raylor's under-taking parlors Sunday at 2:30 p. m.

KELLER.—At East Mill Creek, March M. 1904, of bronchitis, Meiva C. Keller, aged one year. Funeral will be hold Sunday at 1 p. m. from parents' residence, East Mill Creek.

BOLTO.-At Holy Cross hespital, this city, March 26, 1904, from bowel trouble, Francis Bolto, aged 65 years, becased was a carpenter by trade, and has been a resident of the Third ward for si years. Third ward meetinghouse, Friends are in vited.

SPRINGTIME time of all times when Is most needed,-the blood is impure,

are also needed.

a spring medicine and have found it an excellent blood purifier. It also cures disorders of the stomach." PAUL D. COOK. Springfield Center, N. Y.

cine in the world for cleansing the blood. We have taken it in the spring for years. One bottle does wonders in putting new life in us when we are all run down." MRS. FRANK GROVER, Gray, Me.

"I used to be troubled with boils and carbuncles every spring, but since using a bottle or so of Hood's Sarsaparilla each spring I am relieved of these troubles. The medicine also strengthens my system." PEARSON L. TEXTER, Hagersville, Pa.

"I have been using Hood's Sarsaparilla for the last four or five years, and have been greatly benefited by it. I take it in the spring and feel well all the year round." FRANK RINALDI, Mabton, Wash.

Accept no Substitutes for Hood's Sarsaparilla and Pills. No Substitutes act like them.

Is also Hoodtime, for it is the

Hood's Sarsaparilla

complexion bad, appetite lost, strength gone,-the whole system is upset by an accumulation of humors.

"I have taken Hood's Sarsaparilla as

If there is constipation or biliousness Hood's Pills

Springhood

"Hood's Sarsaparilla is the best medi-

