To the Trade

September 28th.

Horse Blankets

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OUR SPECIAL

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Two Special
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Orders a
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John Macdonald & Co.

Wellington and Front Sts. East,
TORONTO.

AT OSGOODE HALL TO-DAY.

High Court of Justice: Randall v. Atkinson, appeal from report, Beatty, Blackstock & Co.; Lindsay v. Township Albion, appeal from award, T. J. Blain; Whitmark v. Imperial, for injunction, McCarthy & Co.; re Fattullo v. Orangeville, to vary award, Johnston & Co.; Heath v. Hart, to continue injunction, McMurrich & Co.; Winn v. Fielding, for judgment on pleadings, Scott & Co.; Trusts & Guarantee v. Morgan, to discharge receiver, Cameron & Co.

THREE BURNED TO DEATH.

Disastrous and Fatal Fire in a Dwelling at Evansville, Ind.

Evansville, Ind., Sept. 27.—Three boys were burned to death to-day in a fire which destroyed the dwelling of Michael Wiltze, a wealthy farmer living near Buckskin. Mr. and Mrs. Wiltze escaped, but their two sons, aged eight and 11 years, and John Griece, a 17-year-old farm hand, perished.

Three Respected Residents Gone.

The death occurred early yesterday morning of Mrs. Leonard, mother of Mr. J. W. Leonard, general superintendent of the Canadian Pacific Railway, at the residence of her daughter, Mrs. Fair, Toronto Junction. Deceased had been in ill-health for a number of years, and of late had been very low. She was 80 years of age, and had been a resident of the Junction for many years.

Mrs. Helen Mae Macdonald died on Tuesday at her late residence, 13 North-street. Deceased was the widow of the late John Macdonald, and stepmother of the late Senator John Macdonald. The funeral will be private.

Mrs. Anne M. Bryson, who for more than 20 years was matron of Toronto Jail, died on Tuesday night after a brief illness. The funeral will take place from the jail to the Necropolis this afternoon.

Lead Pipe Thief Sentenced.

Magistrate Denison yesterday convicted Mrs. Mary Elliott of 65 Jackson-avenue of a charge of receiving $70 stolen by her son. She was sentenced to 60 days in jail.

James Lear, who stole a quantity of lead pipe from 10 Grosvenor-street, was committed to the Central Prison for 18 months.

For stealing a bicycle from Miss Murphy's millinery store, John Basey was sent to the same institution for nine months.

Joseph Adams, a colored boy, was released after promising to leave the city.

When Joseph Marco was charged with assaulting Mary Beresford, the complainant did not appear. Marco was remanded till to-day.

Thomas Davies was acquitted of a charge of defrauding the Graham Ice Company.

Charles Hamilton of 154 York-street was released to appear again next Wednesday on a charge of stealing $21 from Margaret Walker.

Funerals of a Day.

The funeral yesterday afternoon of the late Mrs. Thomas McKnight was attended by a large concourse of friends. Services were conducted at the residence of her daughter, Mrs. S. S. McMurray, 39 Argyle-street. Interment took place in Mount Pleasant Cemetery.

The funeral of Gordon, infant son of Thomas and Phoebe Lillian Hatch, took place from 10 Reid-street. Only the immediate friends of the family were present.

The remains of the late James Whitley were quietly laid at rest in the Necropolis, the funeral leaving his late residence at 120 Agnes-street. Many of the colored residents of the city attended the obsequies.

John Downey is Dead.

The death occurred early Wednesday morning of Mr. John Downey, father of Alex. Downey, the official stenographer of the Admiralty Court, after an illness of some months. Mr. Downey came to Canada from Coleraine, Londonderry, Ireland, in the early forties, and resided for many years in the West End of the city, where he was well known and highly respected. The funeral will take place this afternoon at 2 from his son's residence to St. Philip's Church, where services will be held by the Rev. J. Fielding Sweeney, D.D., rural dean, and will proceed thence to Mount Pleasant Cemetery.

Decision To-Day.

The License Commissioners are making preparations to move on Oct. 1 from their present quarters in the Land Security Company's building to Temple building.

The Commissioners will hand out their decision this afternoon in the application of Martin Wade for a transfer of his shop license from Adelaide and Portland-streets to 1068 West Queen-street.

The Venezuelan Verdict.

Washington, Sept. 27.—Word comes from Paris that Chief Justice Fuller and Justice Brewer, the American members of the British Venezuelan Court of Arbitration, will sail for home about October 19th. This is accepted as decisive that a final decision of that important case will be rendered prior to that date.

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GUINEA TROUSERS

is their continued and increasing popularity. We would like you to see these wonderful materials. They are $8 and $9 values for $5.25.

SCORE'S HIGH-CLASS CASH TAILORS
77 KING STREET WEST.

ONTARIO'S DEFENCE HAS BEEN FYLED.

Continued from Page 1.

and described as the "manufacturing condition," and being a regulation for the manufacture of all logs into sawn lumber within the Dominion of Canada.

(12) That your suppliants applied to the Commissioner of Crown Lands for the renewal of the said licenses for the year 1898-1899, and the said Commissioner of Crown Lands, assuming to act in pursuance of the statute in the preceding paragraph hereof mentioned, offered to your suppliants license containing a clause or condition as follows: "The manufacturing condition, that is to say, that all pine which may be cut into logs or otherwise, under the authority of this license shall, except in the case of logs or timber cut and in use in Canada for any purpose for which logs or timber in the unmanufactured state are or may be used, be manufactured into sawn lumber in Canada, that is to say, into boards, deal, joists, lath, shingles or other sawn lumber, or into waneyboard or square or other timber in Canada."

(13) That your suppliants refused to accept the said licenses, and demanded from the Commissioner of Crown Lands licenses free from the said condition, but the said Commissioner of Crown Lands refused to grant the same.

(14) That your suppliants have complied with all conditions and regulations, and are now entitled to the issue of a license for the year 1899-1900 free from the said conditions.

(15) That your suppliants contend that, notwithstanding the said statute, they are entitled to remove the logs cut by them upon the said Lands from the Dominion of Canada for the purpose of manufacturing the same in the State of Michigan, but the officers of Your Majesty's Government for the Province of Ontario, acting under instructions from the Commissioner of Crown Lands, refuse to allow the removal of the said logs; and insist that the same shall be sawn in the Dominion of Canada, and threaten to and will seize the same if any attempt is made to remove them, and will also enforce the penalties provided by the said Act.

(16) That the Commissioner of Crown Lands refuses to issue to your suppliants licenses for the said lands for the year 1899-1900, except licenses containing the said "manufacturing clause."

(17) That your suppliants claim, as the fact is, that upon the proper construction of the said Act, chapter 961 Victoria, the same was not intended to and does not apply to licenses issued in renewal of previously existing licenses under the then existing regulations, but only to licenses thereafter to be issued for the first time.

(18) That your suppliants claim, as the fact is, that there was no power on the part of the Lieutenant-Governor-in-Council to pass the said regulation set out in the said Act, on the seventeenth day of December, 1897, and that the same, in so far as it purports to be a regulation affecting the renewal of licenses previously existing, was inoperative and void.

(19) That your suppliants claim, as the fact is, that upon the proper construction of the said Act, chapter 9, 61 Victoria, the same was not intended to, and does not, apply to licenses issued in renewal of previously existing licenses under the then existing regulations, but only to licenses thereafter to be issued for rights subsequently sold by the said Commissioner of Crown Lands.

(20) That your suppliants further claim that even if the said Act shall be construed as intended to apply to licenses issued in renewal of former licenses, the same is inoperative and void, as being an interference with trade and commerce, and ultra vires and beyond the jurisdiction of the Legislature of the Province of Ontario to enact.

Your suppliants therefore humbly pray:

(1) That it may be declared that your suppliants are entitled to a renewal of the said licenses without the said manufacturing condition, and that the Commissioner of Crown Lands may be ordered to issue them licenses without such conditions.

(2) That your suppliants may be declared entitled to remove any logs cut on the said lands from the Dominion of Canada.

(3) Damages for the refusal of the Crown Lands officials to permit the removal of such logs.

(4) The costs of this petition.

The Crown's Answer.

The World yesterday obtained a copy of the answer of the Crown to this petition. It was filed at Osgoode Hall by Blake, Lash & Cassels, who are acting in the matter for the Ontario Government. The case will be tried before Mr. Justice Street at Osgoode Hall on the 6th and 7th November next. Mr. Christopher Robinson, Q.C., and Mr. H. J. Scott, Q.C., will argue the case for the petitioners, and Mr. S. H. Blake, Q.C., will represent the Commissioner of Crown Lands and the Province. The answer of the Ontario Government to the petition is as follows:

In the High Court of Justice. In the matter of the petition of right of Robert W. Smyile and the Canadian Bank of Commerce, suppliants,

—and—

Her Majesty the Queen, respondent.

Filed this 27th day of September, 1899.

STATEMENT IN DEFENCE.

1. Her Majesty's Attorney-General for the Province of Ontario, in answer to the petition of right of the above-named suppliants, filed the 26th day of July last, says as follows:

2. Her Majesty's Attorney-General denies the various statements made in the said petition, and begs leave to refer to the various documents, when produced, which are referred to therein. Her Majesty's Attorney-General also begs leave to refer to and claims the benefit of all the statutes, regulations, orders-in-Council and other documents affecting the matters in question, and begs leave to refer thereto on the trial herein.

3. The legislation of the Province of Ontario dealing with the question of the issue of timber licenses in force at the date of the sale referred to in the said petition, and thence hitherto and now in force in the said Province, enacted that all licenses granted in the said Province are to be "subject to such conditions, regulations and restrictions as may from time to time be established," and also that "no license shall be so granted for a longer period than 12 months from the date thereof."

4. Under the said legislation the Commissioner of Crown Lands had no power to grant, nor could nor did the said suppliants acquire any enforceable right in respect of the licenses in question, beyond the period of a year from the date thereof.

5. At the expiration of a year from the date of each of the said licenses, the said Commissioner of Crown Lands, under the said legislation, and the rules and regulations of the Department of Crown Lands, has, on compliance with all conditions, regulations and restrictions in force, and not otherwise, the power to re-issue the license to the former licensee.

6. In the present case the said licensee did not comply with all the said conditions, regulations and restrictions, and the said Commissioner, as he was entitled and bound to do, refused to reissue the said licenses to the said licensee.

7. From time to time it has become necessary in the public interest to alter, vary and modify the conditions, regulations and restrictions on which the said licenses should be issued, and such changed regulations had been duly established and were in force during the years 1897, 1898 and 1899, and bound the said licensee, but they were not complied with by him, and, therefore, the said Commissioner could not re-issue the said license to him, but, on the contrary, it became his duty to refuse to do so.

8. It was necessary to the welfare of the Province that there should be the power whenever it was thought proper to modify the rules and regulations in respect of the terms on which timber licenses in the Province should be held. In order to preserve such control and so be able to insist on the observance of the rules and regulations from time to time established, and to maintain the right to deal with the timber lands under license, and to protect and conserve the lumber interests of the Province, it was legislatively determined that no license should issue for a longer period of time than a year from its date, and, consequently, all licenses have been always, and now are, so issued, and accepted and held by all the licensees of the Crown.

9. When the said licensee made the purchase, in the second and fourth paragraphs of the said petition referred to, one of the terms of the sale and purchase was that the purchaser purchased subject not only to all Crown timber regulations and to such orders-in-Council as were then in force, but to such as might thereafter be passed affecting territory under timber license from the Crown; and when the said licensee made the purchase, in the third paragraph referred to, one of the terms and conditions of sale and purchase was that the purchaser purchased subject to the then existing Crown timber regulations and to such regulations as might thereafter be established by order-in-council, and also to all orders-in-council then existing or thereafter to be adopted affecting licensed territory. The regulations complained of by the said suppliants were existing regulations duly passed and duly in force and not having been complied with, and the suppliants absolutely refusing to comply therewith, they ceased to have any claim to ask for or insist upon a re-issue of the said licenses.

10. Her Majesty's Attorney-General submits that the conditions referred to in the twelfth paragraph of the said petition is one within the authority of His Honor the Lieutenant-Governor-in-Council to impose, and which could properly have been established in the reasonable discretion of His Honor the Lieutenant-Governor-in-Council, and having been so passed that it is binding on the said licensee.

11. Her Majesty's Attorney-General further submits that the act referred to, being Chapter 9 of 61 Victoria, was intended to and does apply to all licenses issued or to be issued after the date of the said enactment, and therefore does apply to the licenses in question.

12. Her Majesty's Attorney-General further submits that the said act is intra vires of the Legislature of the said Province to enact, and is operative and binding on the said licensee.

Claims That He Was Gold-Bricked.

The World had a talk with one of the Michigan lumber men a few days ago prior to the reply of the Government being filed. But he seemed to know at that time what the answer of the Government would be. At all events he contended that the Government were guilty of selling "a gold brick" to the unsuspecting licentiate. He put it still more tersely by saying "We were gold-bricked." Not only did the Government sell us the license with the right of renewal therein set out, but the advertisements of the sale and the speech of the official auctioneer were all to the same effect. Now they intend to plead, "We may have told you so and so; if we did we hadn't the power to put such a condition of renewal in the lease."

Relies on a Previous Commissioner.

Mr. H. J. Scott, Q.C., was also seen by The World. He said he was already in possession of the Government's defence to the petition of right. He declined to say anything further than that petitioner's contention had already been argued by no less a personage than Hon. R. W. Scott when Commissioner of Crown Lands. In his report as Commissioner in 1872, he discusses the issue in these words:

"The impression is entertained by many who are not familiar with the timber license system, and whose attention has been drawn to cases of real or apparent grievance alleged to be experienced by settlers from the scarcity of timber for the supply of saw mills manufacturing lumber for local use, in consequence of the pine lands where settlement has penetrated being covered by timber licenses, the holders of which, they point out, are exporting large quantities of the article to foreign markets—that the Government, as a remedy, should abolish the system and partition out the pine districts so covered by license for the use of settled localities, forgetting in their commendable zeal for the welfare of the settler that by so doing they would wrest from those who had been the actual pioneers of settlement rights honestly and legitimately acquired and recognized from year to year, so long as they had complied with conditions imposed by established regulations.

"It must be borne in mind that, since the year 1825, when the granting of licenses to cut timber was first introduced, down to and including the Crown Timber Regulations, promulgated by the Government of the late Hon. John Sandfield Macdonald, in April, 1869, the right to renewal of license has been continuously acknowledged, the only condition insisted upon to ensure such renewal being compliance with existing regulations.

"In 1845, an Order-in-Council was passed, in which it was provided that licenses were to be issued for one season only, but with the distinct understanding that renewals of licenses were to be granted on due compliance with conditions imposed with respect to them.

"An Order-in-Council, passed in March, 1849, not only repeats the right to renewal of license but permits the licentiate to transfer his limit by simple assignment.

"Under Act 12th Victoria, Cap. 30, an Order-in-Council was passed in August, 1851, in which the right to renewal is distinctly recognized; again, in an Order-in-Council, passed in August, 1855, it is stated that, in order to perfect the ground rent system, adopted in 1851, with a view to its stability and permanence, increased rent should be charged on limits on which the licentiate had not operated the previous season, the increased rent charged for non-occupation being again reduced to the minimum rate, should the licenseholder subsequently operate on the limit, a regulation clearly establishing the fact that as between the license-holder and Government the right to renewal of license was beyond question.

"The Crown Timber Regulations of June, 1866, provide that 'License-holders who have duly complied with all existing regulations shall be entitled to a renewal of their licenses,' and the regulations now in force, dated April 16, 1869, recite in the fifth clause that, 'License-holders who shall have complied with all existing regulations shall be entitled to have their licenses renewed on application to the Commissioner of Crown Lands.'"

From the above it will be seen that holders of timber licenses have certain vested rights recognized for many years; never disturbed by any Government, except for cause, or in the interests of settlement, and which cannot, in justice or equity, be abrogated.

Four Men Killed.

Altoona, Pa., Sept. 27.—Four men walking along the tracks of the Pennsylvania Railroad near Elizabeth Furnace, a few miles east of here, last night, were ground to pieces by a shifting engine which was running backward. The men were so badly mangled that identification is almost impossible.

25 cts. AT DRUGGISTS DR HAMMOND-HALL'S ENGLISH TEETHING SYRUP

is preferred by mothers because it is perfectly harmless to the most delicate infant. Not an atom of injurious drugs in a gallon of it. It takes baby through the entire period of teething in comparative comfort. Cures colic in ten minutes; prevents indigestion; cures sour stomach, and is widely recommended for cholera infantum. Used exclusively in the children's Hospitals of London, Berlin, Paris and other centres of Europe.

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NEW BUSINESS ENTERPRISE.

The Rubber Planting Industry is Gradually Coming Out From the Realm of Adventure.

TORONTO MEN'S PLANTATION

At Bluefields, Nicaragua, Comprises 800 Acres, With 90,000 Cultivated Rubber Trees.

"The rubber-planting industry is gradually becoming more of a business enterprise and less of an adventure," said Lawyer Gordon Waldron to The World yesterday.

Mr. Waldron first turned his attention to the cultivation of rubber in 1896, when he thoroughly looked over the ground on the Atlantic coast of Nicaragua, observed the climatic conditions, and drew his own conclusions as to modes of cultivation. In May, 1898, handling Canadian capital, he purchased from the Nicaraguan Government 800 acres of primitive land at Bluefields. With the aid of 50 workmen he has cleared and planted 200 acres of this area. He has just returned from a four months' stay on his plantation, and is enthusiastic concerning his enterprise.

Wonderful Tropical Growth.

The fact that the natives had literally destroyed the rubber trees near at hand, and had gone away inland on their devastating mission caused Mr. Waldron to consider the feasibility of cultivating rubber. He was encouraged in his determination by the presence of a few cultivated trees near at hand. The result is he has laid out 90,000 trees, and expects at least 75,000 of these to be satisfactory. It will take at least five years for these trees to reach maturity. From seeds planted last year thousands of trees have grown. These trees are from six to twelve feet high, and eight inches in circumference.

His the First Attempt.

Mr. Waldron's plantation is the first attempt, so far as he knows, to produce rubber on the Atlantic coast of Nicaragua, from Mexico to Colon. It is no little to the credit of his pluck that his pioneer steps have been followed by those of others, till now at least half a dozen individuals and companies have taken up land for the purpose of cultivating rubber as one would corn.

The supply of rubber from Nicaragua has fallen off within a decade from many millions to one and a half millions, because the very sources of supply have been destroyed by the ruthless native exciting. Those who have launched in the new epoch of the industry expect to increase the country's supply, and, reckoning on the authority of brokers, who should know, look for the price to remain ascendant at $1 a pound or near it. Granted that the cultivation idea will be successful, a mint of money may be made from raw rubber.

Commercial Rubber.

There are many kinds of rubber plants producing rubber in the tropical world. The well-known ornamental plant—ficus elastica—does not grow wild in America. It is found in India.

But there are two kinds of rubber trees having commercial value. First, the hevia brazilianis is found in the swamps bordering on the Amazon. Second, the castilloa elastica is found from Mexico to Peru.

The Para rubber brings a better price than the other, because more care is taken in curing it.

Agriculture Forsaken.

A peculiar thing about the industry is that agriculture has been forsaken for it, to the lasting injury of the people. The common people become cutters, and are sent out into the forests by rubber traders. They are away for three or four months, get fair pay, but forsake the tilling of the soil.

It may be that the cultivation of rubber trees will bring the people back to the soil.

Jews and Chinese.

Mr. Waldron said the most notable fact concerning trade in Nicaragua was that Jews are the wholesale traders, and Chinese the retailers. The Jews are the enterprising pioneers, who trust the Chinese to distribute their wares. The reason they choose the Chinese is that they can be trusted, while the Spaniard, the Mexican, the American and the British will stand watching. He knew one Chinaman who had a credit of $250,000 and controlled 30 retail stores.

Society and Climate.

"What social life have you in the South?" was asked.

"Oh, there is very little of that, though I have one neighbor, a French-Canadian, with whom I can occasionally spend a social evening. On my plantation I am the only white man, and am boss."

"Is the climate severe upon Northerners?"

"I have lived over a year in the country, and have never been sick a day, and have never used any medicine. It agrees with me."

BUFFALO AFTER HIM NOW.

Lord Minto Will Be Asked to Go and See Ground Broken for Pan-American Show.

Buffalo, N.Y., Sept. 27.—Representative Pan-American officials will go to Ottawa in a few days and personally solicit the presence of the Governor-General of Canada and the Lieutenant-Governors of the Provinces of the Dominion in Buffalo to assist President McKinley and members of his Cabinet, who, it is expected, will take part in the official ground-breaking ceremonies of the Pan-American Exposition. The date for the event has not yet been selected, but it is likely October 23rd will be chosen.

Public School Notes.

Three Public School committees met yesterday afternoon in the school offices.

The sub-Committee on Buildings recommended the appointment of Mr. John Davidson as caretaker of Ryerson School.

The Supply Committee passed supplies to the amount of $600.

The Property Committee passed accounts and adopted report of sub-Committee on Buildings.

The Lehigh Valley will make a special rate of $10.70, Suspension Bridge to New York and return, tickets good going Sept. 28 and 29, good for return until Oct. 4. For tickets and full particulars call on Robert S. Lewis, passenger agent, 31 Yonge-street, Board of Trade Building, Toronto.

Atlantic City excursion Wednesday, Sept. 27. Tickets only $10 the round trip from Suspension Bridge. Good for return until Oct. 11. Good for stop over at Philadelphia. 561246

Trips to the West.

The C.P.R. and G.T.R. are running their annual Western excursion to all points in the Northwest and Michigan. They are good going to-day, to-morrow and Saturday. A special train leaves the Union Station at 7.20 a.m. to-day.

The Demon Dyspepsia—in olden times it was a popular belief that demons moved invisibly through the ambient air seeking to enter into men and trouble them. At the present day the demon, dyspepsia, is at large in the same way, seeking habitation in those who by careless or unwise living invite him. And once he enters a man it is difficult to dislodge him. He that finds himself so possessed should know that a valiant friend to do battle for him with the unseen foe is Parmelee's Vegetable Pills, which are ever ready for the trial. ed

O. A. C. Changes.

William Rennie has retired from the superintendency of the O.A.C., and has been succeeded by Prof. Day, who will be aided by W. J. Price, B.S.A.

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Money
Money
Money
Money
Money

If you want to borrow money on household goods, pianos, organs, bicycles, horses and wagons, call and see us. We will advance you any amount from $10 up same day you apply for it. Money can be paid in full at any time or in six or twelve monthly payments to suit borrower. We have an entirely new plan of lending Call and get our terms

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Best Gold Filled Frames..... 1.50
The Best Glasses, per pair..... 1.00
Plain Frames..... .25

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Liquid Extract of Malt.

The most invigorating preparation of its kind ever introduced to help and sustain the invalid or the athlete.

W. H. LEE, Chemist, Toronto, Canadian Agent.

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DISEASED MEN NERVOUS MEN WEAK MEN . .

THOUSANDS of young and middle-aged men are silently suffering from the effects of evil habits in early youth or the latter excesses of manhood. Exposure may have diseased the blood. You dare not marry, for you dread the consequences. "Like father—like son." If married, you live in constant fear of impending danger. Our NEW METHOD TREATMENT will positively cure you.

CURES GUARANTEED

It restores lost tone to the nervous system, stops all unnatural drains, purifies the blood, vitalizes the sexual organs and gives strength and development where most needed. Our remedies are prescribed to suit the requirements of each individual case, as indicated by the Question Blank, so that no two patients are treated alike. This is the secret of our success. CONSULTATION FREE. BOOKS FREE. If unable to call, write for QUESTION BLANK for HOME TREATMENT.

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Hardwood, long
Softwood, long..
Pine wood, long..
Slabs, long.....
Cutting and Splitting 50c extra.

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is the safest remedy for all diseases. It destroys the Microbe in the system. Erysipelas, Eczema, Fevers, Indigestion, Diphtheria, Consumption, Liver and Kidney Trouble, etc. Agent for Toronto, 194 Adelaide-street east. The Radam Microbe Killer Co., London, Ont. 246

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Nervous Debility.

Exhausting vital drains (the effects of early follies) thoroughly cured: Kidney and Bladder affections, Unnatural Discharges, Syphilis, Phimosis, Lost or Failing Manhood, Varicocele, Obs Gleets and all diseases of the Genito-Urinary Organs a specialty. It makes no difference who has failed to cure you. Call or write. Consultation free. Medicines sent to any address. Hours—9 a.m. to 9 p.m.; Sundays, 3 to 9 p.m. Dr. Reeve, 335 Jarvis-street, southeast cor. Gerrard-street, Toronto. 246

One of the greatest blessings to parents is Mother Graves' Worm Exterminator. It effectually dispels worms and gives health in marvelous manner to the little ones. ed