PUBLIC GENERAL LAWS

General Relief

5. (1) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Article.

(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him, and in such case a like bond may be required and an order made to protect the rights of such persons. But no attorney appointed under this Article to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Article shall not impair any right or title acquired by a bona fide purchaser for value under such judgment.

(5) At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Article, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

6. When an action for compliance with the terms of any contract is stayed pursuant to this Article no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

7. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within sixty days thereafter, the court may, in its descretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

(a) Stay the execution of any judgment or order entered against such person, as provided in this Article; and

(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Article.

8. Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Article may, except as otherwise provided, be ordered for the period of military service and three months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed again the others.

9. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

Rent, Installment Contracts, Mortgages

10. (1) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $80 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months, as provided in this Article, or it may make such other order as may be just.

(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

11. (1) No person who prior to October 17, 1940 has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or instalment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or instalment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any instalment falling due during the period of such military service, except by action in a court of competent jurisdiction: Provided, That nothing contained in this section shall prevent the modification, termination, or cancellation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during or after the period of military service of the person concerned.

(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in sub-section (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

(3) Upon the hearing of such action the court may order the repayment of prior instalments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, except as provided in section 13, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Article unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

12. (1) The provisions of this section shall apply only to obligations originating prior to October 17, 1940 and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occuring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, except as provided in section 13, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

(a) stay the proceedings as provided in this Article; or

(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

13. No court shall stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, where said motor vehicle, tractor, or accessories are encumbered by a purchase money mortgage, conditional sales contract, or a lease or bailment with a view to purchase, unless the court shall find that 50 per centum or more of the purchase price of said property has been paid, but in any such proceeding the court may, before entering an order or judgment, require the plaintiff to file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part.

Taxes

14. (1) The provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this Article, for a period extending not more than six months after the termination of the period of military service of such person.

(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the date when this Article ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of this State for such redemption.

(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

15. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Article remains in force shall be entitled to the relief and benefits afforded by this Article, if such service is similar to military service as defined in this Article, and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service.

16. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service.

Administrative Remedies

17. Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Article, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Article to the contrary notwithstanding.

18. (1) In any proceeding under this Article a certificate signed by the Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, and the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

(2) Any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificate to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

(3) Where a person in military service has been reported missing he shall be presumed to continue in service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction; provided, that no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Article ceases to be in force.

19. Any interlocutory order made by any court under the provisions of this Article may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

20. This Article shall remain in force until May 15, 1945; provided, that should the United States be then engaged in a war, this Article shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter; provided, further, that wherever under any section or provision of this Article a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Article, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting or other transaction.

Sec. 2. And be it further enacted, That the provisions of this Act are intended to be supplemental to, and in furtherance of, the Act of Congress known as the Soldiers' and Sailors' Civil Relief Act of 1940. Nothing in this Act, nor the omission of any matter from this Act, shall become construed to be in derogation of any right, privilege or protection granted to persons now or hereafter in the military service of the United States by said Act or any subsequent Acts of Congress.

Sec. 3. And be it further enacted, That if any one or more sections, clauses, sentences or parts of this Act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause or provision of this Act in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Sec. 4. And be it further enacted, That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public health and safety and being passed by a yea and nay vote, supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved: April 28, 1941.

What Banshee Is

A banshee is the domestic spirit of certain Irish or Highland Scottish families, supposed to take interest in their welfare and to wail at the death of one of the family.

Ancient Oven in Use

In almost constant use since it was built by monks 500 years ago, a brick oven in King's Lynn, England, has been demolished to make way for a road project.

Non-Sleepers Seek Sympathy?

People who complain about poor sleep do not sleep as poorly as they say, according to a psychologist. He states that they are bragging or seeking sympathy.

Ambrosia Is Ragweed

Ambrosia, which means delectable, unbelievably sweet and so delicious as to be beyond imagination, is the botanical name for ragweed.

Knights of Bath Explained

The name Knights of the Bath is derived from the ceremony of bathing practiced at the inauguration of a knight as a symbol of purity.

Vegetables Only for Livestock

The Fourth-century Norseman cultivated vegetables solely for his livestock. He thought it was disgraceful to eat any himself.

Million Taps for Map

More than a million hammer blows were necessary to make the maps for a Braille edition of a world history.

Flint Glass in 1673

Flint glass was introduced into England early in the Seventeenth century. By 1673 it was in general use.

Doggy Indian Custom

A well-dressed woman was observed in Charleston, S. C., carrying a lap poodle in a canvas bag on her back.

Teakwood 2,000 Years Old

Teakwood found in Ancient cave temples in southern Asia is estimated to be at least 2,000 years old.

Porterhouse Steak

Porterhouse steak was named by Charles Dickens after the Porter House hotel in Sandusky, Ohio.

School Attendance

It is estimated that about 30,000,000 children between 5 and 17 are in school in the United States.

Unfurling, Furling Flag

A flag is unfurled when open, furled when drawn into close compass about the staff.

Spike Lawns

Before fertilizing your lawn, spike it. This opens soil and permits moisture penetration.

Australia Protects Kangaroos

Kangaroos are protected by law in Australia. Their hides are in great demand.

My Week

by Eleanor Roosevelt

WNU Service United Features

I was a little late at City hall in New York city one morning because we encountered some pretty heavy showers, which always slow up driving. As soon as I reached City hall, the mayor appeared and we went at once to the council room, where there was a large gathering.

I was happy to see my friend, Mr. David Dubinsky, amid a number of familiar faces. The girls who modeled the clothes and the girls who sewed in the labels were all as pretty as could be.

These labels have a real significance. They gurantee that labor conditions are good and tell every woman in the United States that she is wearing a dress designed and manufactured in New York city, which today claims to be the fashion center of the world. Mrs. Dorothy Anderson will be the executive director of the New York Dress institute and I am sure that she will successfully promote the wearing of these dresses. Those shown us ranged in price from $1.95 to $295.

I was interested in the speed with which the girls sewed in the labels, and could see that this day was one of real excitement for them. May it also be a day which inaugurates a program providing more work for many people under better working conditions.

SOLDIERS AND SAILORS

I joined the mayor and drove up to the opening of the Soldiers and Sailors club at 99 Park avenue. This is to be a central bureau of information where any soldier, sailor, marine or aviator can find out what is planned and available in recreation along the lines of his particular interests. The lucky boys, 50 strong, who faced us, were all turned over

One of the "lucky boys" of whom Mrs. Roosevelt speaks in this week's column is introduced by the nation's First Lady to one of the pretty Power's models—his blind date for a day in New York.

to very pretty girls, who drew the names of their partners out of the mayor's hat. They then went off to show their escorts the town.

After lunch, I went to the Hotel Astor to see a collection of women's clothes, which a group of English manufacturers have brought over for sale to our big shops. They certainly have some perfectly delightful materials, which I am sure were made in Scotland. It is extraordinary that, in spite of all they have been through, they can still turn out clothes carefully made and showing no sign of being made under unusual conditions. They presented me with a dress they had made for me and brought over. It is very charming and I know I shall enjoy wearing it.

* * *

LETTER FROM ENGLAND

I keep receiving letters from people who head the Women's Institutes in England, an organization which is comparable to our Home bureaus, and which is affiliated with them internationally. The letters tell me what the seeds we sent have meant to them.

I received a letter from a woman with whom I went to school in England and who lives on the coast there. I quote part of her letter:

"It is splendid to feel that your great country realizes so fully what we are up against and there is a lovely feeling of kinship with all the peoples who are banded together to overcome this embodiment of evil. Indeed this is a righteous war and a crusade to save those who are oppressed. We are all sacrificing everything gladly for the sake of freedom and to save goodness, kindness and self-respect. Life here is curious, such an odd sense and a realization of the impermanence of all material things and possessions. One sows seeds, one plants and cultivates with a detached feeling, wondering subconsciously whether one will be there to reap the crops or whether their progress will be hastened by a bomb."

I can hardly realize that the little girl I remember could have written this letter, but it is one worth our considering.

* * *

REACTION ON ICELAND

Everyone that I have seen so far is relieved that the United States is taking over in Iceland, and thereby making sure that no enemy will gain a foothold at the northern end of this hemisphere. I am sure we are going to know more about Iceland than we ever have known in the past. I didn't know that it was the oldest democracy in existence, nor did I realize that many of her sons and daughters have come to settle in the United States.

The Washington Merry-Go-Round

Drew Pearson & Robert Allen

WNU Service

CHANGES IN PRESIDENT

WASHINGTON.—Recent months of war in Europe have made some significant changes in the habits and the outlook of the President. He is more serious, more worried. Also he is more circumscribed. The latter is important, because it means that he sees fewer people, loses some of his old contacts.

During his first eight years in office, probably no President in history was in closer touch with the country as a whole than Franklin Roosevelt. Not only did he see a great number of congressmen, labor leaders, business men and politicians during his daily routine, but he traveled more than any other President. Several times a year he took turns round the country, kept his ear to the ground, met all sorts of people.

Ever since the international emergency, he has stuck close to Washington. Not once has he got out into the Middle West, even during the 1940 campaign. Seldom has he gone farther away than New York or down the Potomac. Thus he has missed the relaxation, the rest, and the obvious joy he used to get from his roving junkets. Also he has missed his old personal contacts.

Note—The President boasts that he rests on a railroad trip, and this is really true. He seems to sleep better on a Pullman, and on occasion orders have been given to the train engineer to stretch out a run between towns in order to give the President extra sleep.

More Gold Braid.

Roosevelt's contacts thus are limited by remaining in Washington, and in Washington also, he is more circumscribed than ever. He does not see nearly as many members of congress and men from many walks of life as formerly. This is because he is concentrating so much time on national defense and foreign affairs.

All important decisions in the state department come across his desk. The freezing of Axis funds, the closing of German-Italian consulates, the speeches of Secretary Knox, have to get the President's O. K. Important decisions regarding the army and navy come to him, and a constant stream of questions regarding OPM and aid to Britain confronts him daily.

So the President sees far less of the men who helped to build up the New Deal, far more of army-navy officials, One Dollar Men and diplomats. Much of this is unavoidable, though part of it could be eliminated by more diversification of control.

However, this change in the President's mode of operation is not as important as the change which gradually has crept over his general outlook. On the surface, and in press conference, he is the same old wise-cracking, fun-loving Roosevelt. But underneath he is not.

No longer does he have the same zest for what he is doing. In the old days when he was building PWA bridges and WPA schoolhouses, writing labor laws, crusading for social security, fighting the big utilities, he loved every minute of it. He was building up, crusading for human needs and human rights. And his enthusiasm was boundless.

No War Enthusiasm.

Now, however, he knows that every step he takes in foreign policy, every dollar he spends for the navy, every man he inducts into the army, may be a step toward tearing down rather than building up. He believes the steps he is taking are absolutely necessary. But he has no enthusiasm for them. In other words, he has no enthusiasm for war.

Most of the men around Roosevelt believe that war is inevitable, and it may be that he does, too—though he has not admitted that publicly. But judging by his hanging back in opposition to his more vigorous military-foreign policy advisers, the President hates and dreads the idea of this nation going into war.

He hates the reactions and aftermaths of war, and he hates the idea of having history record him as a War President.

At the same time he believes that this country will have to move fast, and if it does not move now it may be too late. For the best definition of an isolationist, Roosevelt firmly believes, is one who by procrastination wants to see his women and children in the thick of the fighting here at home.

* * *

MERRY-GO-ROUND

Ben Welles, son of Undersecretary of State Sumner Welles, is working as a newsman in Panama.

Nelson Rockefeller, government worker, gets up at five in the morning, shuns parties, goes to bed at ten.

The Rockefeller office has been flooded with requests from movie stars who want to tour Latin America.

When senators fail to pay their bills at the senate stationery room, the disbursing office, instead of dunning them, merely docks the amount from their pay checks.

"America," latest popular booklet by David Cushman Coyle, has been officially endorsed by the American Legion, General Federation of Women's Clubs, the Council for Democracy, and the selective service board.

Around the House

After a number of dustings, Venetian blinds usually need a good soap-and-water bath. Go over them with a soft sponge frequently dipped in warm, mildly sudsy water. Rinse thoroughly with warm water applied on a soft cloth or sponge. Wipe dry with soft cloth.

* * *

It makes a big difference if you serve hot foods on hot dishes and cold foods on chilled dishes.

* * *

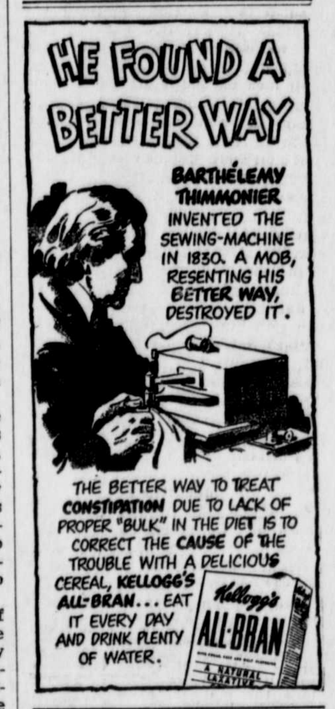
Heating thins molasses and makes it pour easier.

* * *

Screw tops or stoppers are apt to stick fast in the glass bottles which hold scent and lotions. To get the stopper out, tap sharply all round the neck of the bottle with a knife or spoon handle. It will then come out quite easily.

* * *

Small pieces of soap can be placed in a bag and used for washing clothing.



Small Details

To control our passions we must govern our habits, and keep watch over ourselves in the small details of every-day life.—Sir John Lubbock.

DUSTINE Powder 25¢ At Your Druggist

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Well-Ordered Mind

By a tranquil mind I mean nothing else than a mind well ordered. —Marcus Aurelius.

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DAISY FLY KILLER

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ALL VEGETABLE LAXATIVE PREPARATION

WNU—4 30—41

Aggravated Ignorance

Double ignorance is where a man is ignorant in his ignorance.

Watch Your Kidneys!

Help Them Cleanse the Blood of Harmful Body Waste

Your kidneys are constantly filtering waste matter from the blood stream. But kidneys sometimes lag in their work—do not act as Nature intended—fail to remove impurities that, if retained, may poison the system and upset the whole body machinery.

Symptoms may be nagging backache, persistent headache, attacks of dizziness, getting up nights, swelling, puffiness under the eyes—a feeling of nervous anxiety and loss of pep and strength.

Other signs of kidney or bladder disorder are sometimes burning, scanty or too frequent urination.

There should be no doubt that prompt treatment is wiser than neglect. Use Doan's Pills. Doan's have been winning new friends for more than forty years. They have a nation-wide reputation. Are recommended by grateful people the country over. Ask your neighbor!

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