

BUSINESS FOR THE COUNCILMEN.

Reports Which They Will Act Upon Tomorrow.

City Clerk's Statement Regarding Providence Street Improvement.

The Finance Committee Treat of a Variety of Petitions—Report of the Board of Public Works.

The following reports will be acted upon by the city council tomorrow.

City Clerk Luckenbach's report is as follows: In the matter of grading, curbing and sidewalking Providence street from Seventh to Ninth street:

Notice of street work was published December 17, 1892. Time for protest expired January 3, 1893. No protests have been received. On January 14, 1893, council acquired jurisdiction to pass the final ordinance.

It will now be in order for your honorable body to pass the ordinance ordering the work, if you so see fit, which said ordinance is herewith submitted.

In the matter of grading, curbing, sidewalking and sewerage of Iowa street from Washington to Sixteenth street:

Notice of street work was published December 19, 1892. Time for protest expired January 3, 1893. No protests have been received.

On January 11, 1893, council acquired jurisdiction to pass the final ordinance. It will now be in order for your honorable body to pass the ordinance ordering the work if you so see fit. Said ordinance is herewith submitted.

I have the honor to report that the contract with John Farrell for the removing of dead animals expires on the 30th day of January, 1893. And also that the lease with George P. McLain for the city corral expires on the 1st day of March of the present year.

FINANCE COMMITTEE.

The finance committee report as follows: Recommend that the report of the city auditor showing the condition of the funds for month ending December 31, 1892, be filed.

Recommend that petition No. 805, of T. J. Dye, asking for a rebate of \$30 on account of taxes for the year 1890-91 be denied.

Recommend that petitions No. 672, from Charles Silent, et al., No. 723, from John A. Clineo, and No. 775, from W. J. Quintard, be filed.

In the matter of petition No. 743, from F. A. Sanborn, asking for a rebate of \$3 on account of taxes paid on assessed value of improvements on lot 1, block 3, Los Angeles Improvement company's subdivision of lots 4 and 5, block 39, H. S., for the fiscal year 1891-92, when no such improvements existed on the property, the city assessor having reported to this committee that the facts set forth in said petition are true, we recommend that the sum of \$3 be returned to petitioner upon the presentation of a proper demand on the tax fund for the year 1891-92.

Recommend that petition No. 33 of H. Vogt be referred to the city assessor to report to this committee as to the facts therein set forth.

In the matter of petition No. 774 from F. E. Howe for a rebate of \$39.60 on account of taxes paid on the west 122 1/2 feet of lot 6, block 12 O. S., on account of the so-called horizontal raise for the year 1889-90, the city tax and license collector having reported that the statements therein contained are true and correct, we recommend that the sum of \$33.25 be returned to petitioner on the presentation of a proper demand drawn upon the tax fund for 1889-90.

Recommend that petition No. 21 from P. Gance in reference to the publication of city advertisements in the French weekly newspaper, be considered and acted upon by the council as a whole.

Recommend that the sum of \$19.86 be transferred from the tax fund of 1887-88 to the tax fund of 1890-91 and that the sum of \$2.94 be transferred from the tax fund of 1887-88 to the cash fund. Said transfers being made for the purpose of closing up the tax fund of 1887-88 and the tax fund of 1890-91.

Recommend that the city clerk be instructed to notify all officers that all supplies, other than those covered by contract must be purchased through the supply committee of the council.

BOARD OF PUBLIC WORKS.

The board of public works reports as follows: Recommend that the street superintendent be instructed to road up Key West street between Thirty-second and Jefferson street for the purpose of carrying away the storm water, which accumulates at the intersection of Thirty-second and Key West streets after each rain storm.

Recommend that the street superintendent be instructed to clean the gutters at the intersection of Twenty-sixth and Hoover streets, to let storm water away.

In the matter of petition No. 20 of August Schutte, in reference to grade of sidewalks on Pearl street, near Fourth street, we recommend that the same be referred to the city engineer for solution.

In the matter of petition No. 19 from Jas. Day et al., to have constructed between Main and Los Angeles streets, on Fourth street, a cement sidewalk on the north side of said street, we recommend that the same be granted and the city engineer instructed to present the necessary ordinance of intention.

Recommend that the street superintendent cut water ways on side streets and fill gutters where washed out on Seventh street above Zanja No. 7, near the Sisters' Orphan's home.

In the matter of petition No. 17 from L. N. Breed et al., to have Center place, formerly Mott Alley, opened between Third and Fourth streets, we recommend that the petition be granted and the city engineer instructed to make survey and map of the property to be taken in accordance with the petition and furnish the same to the city attorney to draft the necessary ordinance.

In the matter of the improving of Council street from Belmont avenue to Union avenue we recommend that the bid of Robert Sherer at the following prices—grading and graveling at \$2.60 per lineal foot, curb at 48 cents per lineal foot, sidewalk at 16 cents per square foot, sewer complete at \$1.10 per lineal foot, manholes at \$85 each, flush tanks at \$110 each and lampposts at \$15 each be accepted and the accompanying resolution of award adopted.

We recommend that petition No. 32, from George H. Stewart, in regard to striking names from protests for the improving of Hope street, be filed, as proceedings having been abandoned.

We recommend that the street super-

intendent be instructed to make an examination of the grading done by private contract between Pearl and Alvarado streets on Seventh street, and accept such as is done in accordance with specifications heretofore adopted.

ANOTHER MAN HEARD FROM.

In Favor of Holding the Irrigation Congress at Los Angeles.

James Stevenson of Omaha, Neb., was one of the delegates to the last irrigation congress, held at Ogden in 1889, and at the close of that body's labors was chosen as one of the executive committee to locate the next congress.

Secretary Wiggins addressed him a letter last week in relation to holding the next one, some time during September, 1893, and has received a reply from him that he knows of no place better adapted for the holding of such a convention than Los Angeles, and that he will use his utmost endeavors towards having the irrigation congress held here.

GEN. BUTLER'S CAREER.

GENERAL McCOOK'S OPINION OF OLD BEN.

He Was Not a Soldier, but Possessed High Administrative Powers and Ability in Many Ways.

"I cannot give you much of an opinion about General Butler," said General McCook yesterday to a HERALD reporter in response to an inquiry, "for I never met him, and what I think of him is based on hearsay evidence. You ask what I think of him as a soldier. I do not think he was a soldier; as far as I remember, he never commanded a line of battle or issued an order in the field. Of course what I know or think of him is based entirely on hearsay evidence, as I never served with him, never really knew him, and only saw him on one occasion, when we both took breakfast at Willard's hotel in Washington, he at one table and I at another.

"As an administrative officer, his success at New Orleans puts his reputation beyond question. His administration of affairs in that city was productive of good. His hanging of Mumford for hauling down the flag at the custom house has been criticized, but that was the time for severe measures, and they resulted in much good throughout that part of the south.

"He was essentially a governor, rather than a soldier, and as I have said, he seemed to have been born to take charge at New Orleans.

Butler was a most peculiar man but in all particulars showed an able mind. He showed his erratic nature in his opinion of West Point graduates. In his talk and in his look he spoke in a most derogatory manner of West Pointers, yet he always surrounded himself with them, if I remember right an overwhelming majority of his subordinates being from that school.

"I have always held a high opinion of General Butler, because of my complete confidence in the justice and correctness of President Lincoln's judgment; Mr. Lincoln I knew relied very much on Butler's opinion, and frequently consulted with him and asked his advice. As a politician, as an administrator, as a lawyer, and as an able man Butler stands high, and it is not derogatory of him to say that he was not a soldier. He might have been if he had had the opportunity, but he served his country well and ably wherever he found himself."

THE POLICE COURT.

An Alleged Assault on a Little Girl. Other Notes.

There was a large crowd at Justice Seaman's court, but it was all outside of the prisoners' dock. An alleged immoral assault case was to be heard, and every seat was occupied. John Lorenzi was charged with attempting an outrage upon Annie Giavanella, aged 4 years.

The mother of the girl testified at length to the effect that the young man had frequently visited her house and had often taken the children out to play. It was also shown by the testimony that while the defendant was quite a distance from the house with the child it was partly a public highway, and that she could at all times see the young man and her child from her house. His honor took the case under advisement.

Lou Foo answered to his name when Clerk Bert Lewis asked him to stand up and answer to the charge of petit larceny in stealing a calico dress. Foo said he was a good Chinaman, gave \$100 bail and demanded to be tried by a jury of his peers.

George Glenn, who was charged with defrauding a hotel out of \$75, received a remittance from home yesterday, paid the bill, and the case was dismissed. The hotel people being satisfied, evidently, that no crime was committed, after they had received their money.

THE SUPERVISORS.

Proceedings at Yesterday's Meeting of the Board.

At the meeting of the board of supervisors yesterday the resignation of Fred J. Teale as a member of the world's fair committee was accepted and placed on file.

Judge W. H. Clark of department two of the superior court was granted a telephone.

The application of Tax Collector Hewitt for deputies for January was received and referred to the committee on retrenchment.

The matter of the levy of a special school tax in Santa Anita school district of \$1200, was referred to the district attorney for an opinion.

The office of health officer for University was declared vacant, the board having learned that Dr. C. Pratt, the former health officer, had removed from the district, and Dr. L. T. Holland was appointed to fill the vacancy.

Guaranteed Cure. We authorize our advertised druggist to sell Dr. King's New Discovery for Consumption, Coughs and Colds, upon this condition: If you are afflicted with a Cough, Cold or any Lung, Throat, or Chest trouble, and will try this remedy as directed, giving it a fair trial, and experience no benefit, you may return the bottle and have your money refunded. We could not make this offer did we not know that Dr. King's New Discovery could be relied on. It never disappoints. Trial bottles free. C. E. Bennett, man's drug store, 222 North Main street. Large size 50c. and \$1.

Oberlin's Home Brew. Maier & Oberlin's Lager, fresh from the brewery, on draught in all the principal saloons, delivered promptly in bottles or 99c. Omeo and Brewery, 444 Aliso st. Telephone 91.

500 canary birds and cages for Christmas presents, at No. 124 West Fourth street.

WILLIAM PAUL'S REGISTRATION.

Judge Smith Holds the Grand Jury a Legal Body.

Two Brief Opinions Received from the Supreme Court.

Happenings Yesterday in the Courts. Cuzman F. and Gully—Notes of Cases Acted On. New Edits.

Judge Smith yesterday overruled the demurrer in the case of William Paul, charged with illegal registration. The principal point which counsel raised was that the grand jury which returned the indictment against the defendant was illegally drawn and impaneled, the same points having been raised in other cases now pending in the superior court.

Judge Smith, in overruling the demurrer, handed down the following opinion in the case:

The motion to set aside, though covering much ground, may be condemned under three heads.

First—That the indictment is not found, indorsed and presented as prescribed in the code.

Second—That the members of the grand jury who found the indictment were so biased and prejudiced against the defendant as to prevent them from acting impartially in the matter.

Third—That the grand jury was an illegal body.

As to the first objection, by an inspection of the indictment it seems to comply in every portion with sections 940, 943, 944. It was properly found, indorsed and presented in accordance with those sections. Irregularities in selecting, summoning and impaneled the jury cannot be considered under that head. (See People vs. Southwell, 46 Cal. 241, People vs. Colby, 54 Cal. 37, and People vs. Hunter, 64 Cal. 65.)

Second, that the grand jury was biased, etc. Under this head counsel contended that because the same grand jury that found the indictment in question had previously indicted the defendant for the same offense and it had been set aside for informality and resubmitted to them, that therefore they must have been convinced of his guilt at the time it was so resubmitted, and therefore disqualified under sec 896 Penal Code, which provides for right of challenge for actual bias. But it must be remembered that this is the same case first submitted to the grand jury, that there is no pretense of any bias against defendant when the grand jury was impaneled, and it is plain that as a general rule challenges must be interposed at the time of impaneling a jury, and only when defendant has not been held to answer for actual bias. But it must be remembered that this is the same case first submitted to the grand jury, that there is no pretense of any bias against defendant when the grand jury was impaneled, and it is plain that as a general rule challenges must be interposed at the time of impaneling a jury, and only when defendant has not been held to answer for actual bias.

Third—That the grand jury was an illegal body. Under this head counsel has advanced several causes. The view taken by the court renders it unnecessary to enter into a detailed consideration of these.

The causes urged by counsel under this head come within the letter or spirit of the causes enumerated in the code upon which a motion to set aside may be predicated. The causes upon which a motion to set aside an indictment may be based are specifically enumerated in section 995, penal code, and for these and none other can such motion be sustained. People vs. Southwell, 46 Cal. 141; People vs. Schmidt, 64 Cal. 260; and many other cases to the same effect are found in our reports.

Defendant's contention that the court had no right to order the resubmission of the case to the grand jury for the reason that the case was not dismissed at the instance of defendant, but on motion of plaintiff, must be untenable. Proceedings before grand juries were never a bar to another or second prosecution. They are purely ex parte, and until trial begun before petit jury, no jeopardy attaches. So that the motion to set aside must be overruled, and it is so ordered.

SUPREME COURT DECISIONS.

Two Brief Opinions Received Yesterday by the Deputy Clerk.

Deputy Supreme Court Clerk Ashmore received decisions in two cases yesterday. The opinions were very brief.

In the case of Spence vs. Scott, the court says: "Upon further consideration of this cause, after hearing in bank, we are satisfied with the conclusion which was reached by department one in its opinion filed September 2, 1892, and for reasons stated in said opinion, the judgment and order appealed from are affirmed."

In the case of the people of the state of California, respondent, vs. John Moran, appellant, the court, in denying the motion for a reversal, says: "The clerk, by mistake, having failed to make a record of the filing of appellant's brief in the foregoing action, it was not brought to the attention of the court upon the consideration of the merits of the appeal. Appellant now moves to set aside the judgment and grant a rehearing of the cause for that reason. Upon an examination of the specifications of error relied upon by appellant's brief, we find nothing to justify a reversal of the judgment. Let the motion be denied."

A Fresh Boy.

Yesterday afternoon Fred Rosner, a boy 15 years old, was before Judge Smith, charged with being an incorrigible. His mother, a Mrs. Rice, was present and told the judge how bad the young fellow was. She was unable to control him and he would neither go to school nor learn a trade. The boy was examined by the court and displayed a precocious depravity that very well justified the sentence of the court of three years at the Whittier school. The boy was perfectly self-possessed and not at all affected by the evident distress of his mother. When Judge

Smith committed him he coolly asked him if that was all, and when his mother tried to get some expression of feeling out of him at their parting the ungracious young fellow pushed her away and would not bid her good bye. His callousness to any feeling was remarked by everyone in the court room, and did not leave a very good impression upon those who saw it.

Guzman Guilty.

Francisco Guzman was tried in department one of the superior court yesterday upon the charge of burglarizing the house of Francisco Hernandez, at Azusa, on the night of October 21st last. Hernandez went out of his house, and although he came back very soon, Guzman had in the meantime pushed open a window, took a valise and several articles and got away for the time. In the valise were two \$10 bills. He was arrested and has awaited his trial for some time. The facts were very clear against him and he was found guilty of burglary in the first degree, Tuesday next being fixed for the time for sentence.

Court Notes.

Judge Van Dyke yesterday rendered judgment for \$984.03 for plaintiff in the case of the Pacific bank vs. Bath et al.; a suit upon a promissory note.

In the case of Meyer Lewis vs. William O'Reilly, a suit upon a note for \$2400; plaintiff's motion to exclude certain testimony was granted, and motion for a judgment on the pleadings was granted, the case not going to the jury.

Judge Smith yesterday granted a divorce to Henry Donnadieu from his wife, Mary Donnadieu, on the ground of adultery.

The case of J. F. Adams vs. Dr. David Burbank was finally concluded yesterday in Judge McKinley's court, as far as the taking of testimony was concerned, and the case went over until next Monday for argument.

Judge Wade yesterday granted a divorce to Mrs. Carrie A. Blackmer from her husband, J. K. Blackmer, the ground being failure to provide.

The petition of Hattie I. Moss for the adoption of Clemence Felton, 15 years of age, was granted yesterday by Judge Wade.

New Suits Filed.

Among the documents filed yesterday in the office of the county clerk were the following:

Petition of Walter L. Wotkyns et al. for the appointment of Walter L. Wotkyns as trustee in place of B. Marshall Wotkyns.

S. Halle vs. F. H. Barclay, suit for foreclosure of a mortgage for \$2000.

Crane company vs. Citizens' Water company, suit on a promissory note for \$477.11.

TWO INQUESTS.

The Death of Mr. Woodward—Frederick Mow's Sudden Demise.

Coroner Cates held an inquest yesterday over the remains of Mrs. Eugenie S. Woodward, who was accidentally burned to death at Sierra Madre on the previous day.

The horrible accident occurred in the morning, while Mrs. Woodward was preparing breakfast, during which a coal-oil stove was overturned. The oil from the stove immediately caught fire, which communicated to the unfortunate lady's clothing. Her screams brought her husband to her assistance, who wrapped the bed clothing about her and succeeded in checking the flames. Medical aid was summoned, but the suffering woman died in a few hours.

The remains were brought to this city yesterday and the funeral will take place this afternoon at 2 o'clock from 840 South Hill street.

Deceased was the wife of M. F. Woodward, well known in this city. Frederick Mow, a civil engineer and recently from Riverside, died suddenly in a lodging house on South Main street Friday evening. He was aged about 62 years and was suffering from cancer in the stomach. Coroner Cates held an inquest yesterday and a verdict was rendered accordingly.

THE WORLD'S FAIR.

The Meeting Yesterday of the Ladies' Auxiliary.

The ladies' auxiliary to the world's fair committee met yesterday, and more than usual enthusiasm was manifested. Committees reported favorably on progress of the work.

Mrs. Mary E. Hart, chairman of the historical committee, introduced Father Adam, who promised the committee, with the consent of the bishop, the 14 mission paintings. Mr. Sawyer said the painting of Pio Pico could be loaned to the association, and Miss Kelso stated that selections from the Southern California historical collection would be loaned, on guarantee of safety in transmission.

Miss Fish mentioned an ornithological display at Santa Monica, which could only be obtained by purchase.

Mrs. Lansing reported that the silk culture association is making many beautiful souvenirs in the silk line, and that the work on the orange wood mantle is progressing.

A collection of grasses is needed for the decoration of parts of the California building, and anyone desirous of furnishing the same may communicate with Mr. Wiggins, at the chamber of commerce.

A CRUSHED ACTOR.

He Asks Chief Glass to Get Him a Job.

There was a short serio-comedy in one scene at the office of the chief of police yesterday morning. An actor, formerly connected with an "organization of talent" recently stranded, entered the door of the chief's office in an "Ingomar, the barbarian-like" attitude, and after rehearsing his story of the wrongs of a cruel world, asked the chief to get him a job. He finally admitted that he had a trade, but did not have an opportunity to work in that line.

Chief Glass replied that he was not running an intelligence office. Exit crushed tragedian, left center door, calling down the vengeance of the "heavens" upon the world in general.

MUSIC IN THE PARK.

The Programme at Westlake Park Today.

The following programme will be rendered by the Douglas band this afternoon at Westlake park if the weather admits:

- March, Spring, Meyer.
Bridle, Blanche, Bayer.
Waltz, Visions of Paradise, Bennett.
Potpourri, Raguenaes, Meyerbeer.
Danza Mexicana, Rindoguto.
March, Cambaleno, Mendelssohn.
Overture, Zaupa, Herold.
Selection, Robert Le Diable, Meyerbeer.
A Solis Amazona, Losschner.

After a night with the boys Yours for a clear head—Bromo-Seltzer.

THIS BIG STORY IS SWORN TO.

Mr. Amos Eddy of Compton and His Alfalfa Narrative.

A Crop Which Yields Ten Tons to the Acre in a Year.

He Backs His Statement with an Affidavit Which Will Be Framed and Exhibited with the Hay.

Mr. Amos Eddy of Compton sends in to the chamber of commerce, for the world's fair, seven cuttings of alfalfa which make an aggregate of 21 feet in length. The specimens represent respectively seven months' growth; and for fear the astonishing growth be doubted, Mr. Eddy accompanies it with the following affidavit:

State of California, county of Los Angeles; Amos Eddy, first being sworn, deposes and says that he is a farmer residing at Compton, county of Los Angeles, state of California, and is the owner and occupant of a ranch of said place, consisting of about 27 acres and has resided thereon for the past 20 years and cultivated the same; that the seven packages of alfalfa hay here exhibited, were grown and raised by him on said ranch and are specimens and samples of each of the seven cuttings during the year 1892, respectively, on the same land during said year and are a fair average of the whole field of about 18 acres; that the field as aforesaid yielded, for the seven cuttings during said year, about 10 tons to the acre, without any irrigation whatever. That the bales or packages here exhibited are only a fair average as to quality of the crops cut in this neighborhood; that the soil is alluvial, made by the overflow of Los Angeles river, in the year ago. That seven full crops or cuttings each year is about the average for the past 10 years, in this section. Amos Eddy.

Subscribed and sworn before me this 12th of January, 1893.

A. P. BENTLEY, Notary Public.

This affidavit will be framed and exhibited with the samples of hay in Chicago.

NOTES.

F. A. Gates of Garden Grove sends up a bunch of dates, the berries of which excel anything of the kind that has ever been exhibited in the chamber of commerce. It took one of the 40-inch display jars to hold them. They will be processed and sent forward with the balance of the exhibits to Chicago.

C. M. Wells writes from San Francisco that the spaces had been virtually allotted for California's exhibit of fruits in the horticultural building, and being very unsatisfactory the proposition is that a realignment will be made and the space for the citrus exhibit will be assigned in bulk, thus giving a better opportunity for displaying the citrus fruits. He also writes that the rules governing quantities are ready, awaiting the approval of the board, and will be out inside of a month. The different organizations have been waiting on these rules for the last six months, as they will determine materially what each individual will be required to prepare in the special departments.

At the last meeting of the state commission it was decided to hold a meeting of three of the members within a month in Los Angeles to pass upon the southern exhibit. In consequence of this meeting all persons having world's fair goods that are ready will pay immediately to their various organizations. This, of course, applies only to goods that are unperishable. Those prepared in Los Angeles county to be sent to the chamber of commerce.

It is desired to make an exhibit of photos of ranch life. All those wishing to make such exhibits will confer a favor by sending such photos to the Los Angeles county world's fair headquarters. Those desirous of having their dwellings exhibited in the revolving album will confer with W. H. Hill of Pasadena.

The United States government has made another demand upon the Southern California World's Fair association for samples of tobacco raised in this district, to be placed in the government display of tobacco raised in the United States. Specimens of cotton are also requested. Parties having samples of either product will confer a favor by sending such to the chamber of commerce.

Citrus growers want to bear in mind that there is a round trip ticket offered to the world's fair for the largest citrus exhibit, quality considered, by one individual.

It is desired to make the decorations of the California state building in Chicago as much of the native foliage as is possible. Persons having quantities of grasses that can be cured and retain their color will oblige the committee by communicating with them relative to the matter.

Dr. De Monco and associates' treatment is mild and soothing, and any child can take their treatment and medicines with ease. I can say that I now feel like another person—they have made such a change in me. My stomach has assumed its normal condition and I feel like a well man. I recommend Dr. De Monco and associates very highly, and advise all sufferers to call on me for special treatment and place their case under their skillful care."

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