

NINE JURORS DECIDE IT.

The Fisher Company Wins the Twenty-Thousand Dollar Case.

NEW JURY LAW APPLIED.

Judge Zane Throws a Divorce Case Out of Court.

The Value of Suburban Lots to Be Judicially Determined—The Story of a Check—Him of the Courts.

Among the enactments of the last legislature was one providing that in all trials of civil actions a verdict could be returned by three-fourths of the jurors. Under this law it is not necessary for the twelve jurors to agree, as heretofore, but nine of them may bring in a verdict. The first application of this law in the Third district court was yesterday in the big damage case of the American Publishing company vs. the A. Fisher & Co. company.

The fact that a large sum—\$20,000—was involved, that it had occupied the attention of the court for six days, and had been most stubbornly contested by able counsel, had awakened much more than usual interest among the members of the bar and the legal fraternity turned out in large numbers to hear the verdict read.

It was to the effect that the jury found the jury found the issues for the defendant, and was signed by nine jurors. In this panel there were only eleven jurors and two of the number held out for the plaintiff.

The Salt Lake bar is about evenly divided as to the merits of this law, but as yet its constitutionality has not been passed upon by a higher tribunal. The jury allowed Judge Zane's instructions relative to that matter of bringing in a verdict and the instruction was given at the request of both plaintiffs and defendants.

The plaintiffs will undoubtedly appeal to the supreme court of the territory, and it is not likely that the case will stop until it has been passed upon by the highest tribunal of the United States.

A QUESTION OF RESIDENCE. The next matter taken up was the divorce case of Floy R. Griffin vs. James B. Griffin. The complaint alleged failure to support as the grounds upon which the plaintiff sought her decree and Mrs. Griffin was appointed guardian of the person of the child.

She testified that she was married at Butte, Mont., on March 10th of the present year and resided there until June. "Did you go there to live?" said the court.

"Yes, sir," replied the witness. "Well, in that case," said his honor, "you have not resided in the territory a year prior to the bringing of your suit, and hence I cannot further consider the action."

Mrs. Griffin's attorney explained that she had resided in Salt Lake several years prior to going to Butte, and that she really only went there for the purpose of being married, but the court was of the opinion that she should reside here a year after her return.

SEIZURE ON A WORTHLESS CHECK. The regular calendar was taken up by the case of Phillips, Neb., vs. Fairbank & Co., Garwood and C. W. Vostok. The complaint alleged that Vostok on Dec. 18, 1891, executed a check on the Zion Savings Bank and Trust company for \$300, to the first named defendants. They cashed it and the amount was paid in full by the plaintiff. Subsequently the check reached the bank upon which it was drawn, for payment, and was returned with the legend, "no funds," across its face.

Hence the plaintiff sued all the defendants for the amount, with \$4.30 and interest as interest and protest fees. Trial was had before the court, and after argument upon the points of law involved, was submitted.

Kansas City Hardware company vs. James Nelson; jury instructed to bring in a verdict for the plaintiff, which they did in the sum of \$19.30.

A. F. Edwards vs. F. Hoops et al.; continued on adjournment. Philip Sader et al. vs. George D. Charleston; continued at defendant's cost. Samuel Gunn vs. Thomas Armstrong; verdict for the defendant.

STRICT ORDERS. Pierpont Manufacturing company vs. L. B. Orton; motion to strike out answer submitted. Elijah Whitaker vs. J. E. Fulton et al.; dismissed withdrawn and five days to answer.

Margaret E. Cottrill vs. Learned Cottrill; motion for alimony, costs and attorney fees pending and dismissed. Maggie Herman vs. F. J. Herman; motion for alimony, costs and attorney's fees submitted.

American Cig. Leather company vs. the Standard Cig. Saddle company; the two cases consolidated and stay of execution granted to file statement until Feb. 1, 1893.

E. E. McGurrin et al. vs. Fannie L. Coffin et al.; decree of foreclosure entered for plaintiffs.

SUBURBAN LOT VALUES. A Real Estate Dealer Sued for Charging Too Much. Ann Farnell has begun suit against J. B. Hamilton in Justice Geo. C. Cook's court and demands a judgment on the sum of \$100 against the defendant on the grounds of fraudulent representation relative to the value of certain property purchased by the plaintiff. Some time ago Hamilton plotted a lot of land near White Lake, about three miles and a half west of the city, and went over into Colorado to dispose of some of the lots. While there he met the plaintiff and sold her two lots for the sum of \$350. She paid him upon the installment plan until she had blown in a total of \$465, when she came to Salt Lake to look the matter up. She then concluded that the lots were not as valuable as she had supposed and now brings suit to recover the amount paid and makes a tender of the deed which Hamilton had given her. Frank B. Stephens is the plaintiff's attorney and W. H. Dickson will look after the interests of the defendant. The case bids fair to be an interesting one, as it is understood that Hamilton sold a number of lots upon like representations and a test case will be made out of the present litigation.

Should Close on Sunday. Christopher Fair, a bartender at the Walker House, was arrested by Deputy Marshal Will Goodsell yesterday afternoon on the charge of keeping his shop open on Sunday. He was released upon his own recognizance when taken before Commissioner Greenman and will be given a hearing at 4 o'clock this afternoon.

Sanders Goes Back. Judge Zane signed an order yesterday for the transfer to Idaho of William Sanders, under indictment in that state for fraudulent registration, and Deputy Marshal Will Goodsell will leave this morning with Sanders, whom he will deliver up to the Idaho authorities. Sanders was arrested here last Saturday evening.

The Fifteen Thousand Dollar Case. The \$15,000 suit of Louis Hyams and J. A. Ervin vs. Simon Bamberger and O. J. Salisbury, was resumed before Judge Anderson as referee yesterday afternoon. The evidence was all in and the case was partially argued at adjourning time, and the argument will be concluded this morning.

Hum of the Courts. In the case of A. M. Johnson and M. L. Erickson vs. Frederick Gress, in which Justice Hall rendered judgment by de-

fault in favor of the plaintiffs for \$299 some time ago, the defendant yesterday argued a motion to set aside the default and judgment, and the matter was taken under advisement.

The attorneys of D. V. Diamond, who is under an indictment charging him with fraudulent use of the mails, have filed a motion asking that his bonds be reduced from \$2,000 to \$500.

S. E. Ritchie, the clothing club man, who has been given a great deal of free advertising recently, failed to appear for sentence in Commissioner Mayo's court yesterday, and his bonds were declared forfeited. The amount was only \$50, and it will be paid by his attorneys.

In the case of Claude M. Raybould vs. W. H. Jacobs, a replevin suit for certain articles valued at \$165, Commissioner Morrison yesterday sustained a motion for non-suit on the grounds that the wrong plaintiff had begun the action.

The case of George H. Tousey et al. vs. George A. Etzel et al. is shortly to be taken to the supreme court on appeal from the Third district court.

Judge Zane announced yesterday that he would make a setting of equity cases this morning at 10 o'clock, for trial beginning on Dec. 19 and continuing for two weeks.

Supreme Court Filings. Transcripts on appeal have been filed in the supreme court in the Blazard will cases, five in number.

The case of John J. Olsen vs. the Oregon Short Line & Utah Northern Railway company has been filed in the supreme court on appeal by the defendants from the Third district court.

A transcript on appeal in the case of George Everett vs. the Oregon Short Line & Utah Northern Railway company has been filed in the supreme court from the Third district court.

Probate Court. There was only one order made in the probate court yesterday, as follows: Estate and guardianship of J. C. Platt, a minor; final discharge of guardian made.

Before Justice Gee. In the police court yesterday John Adams was convicted of vagrancy, and Judge Gee sent him up for twelve days.

James Clark, against whom a similar charge was booked, was acquitted. The case of Fred Dust, charged with indecent exposure, was dismissed for want of prosecution.

John Doe fired a pistol within the city limits and paid \$2 for his indiscretion. T. W. Gorbett was assessed \$5 for interfering with an officer.

A. W. Brown, Fred Worth, James Brown, Francis Austria, John Doe and Peter Hawkins, plain drunks, were fined \$5 each, while John Trainor was fined \$10 for putting pills on his leg.

Guy Dumas, a young Jim the Penman, who was taken in recently for trying to pass checks to which the name of Ell Gordon had been forged, at the Mill Clothing store and Perill's, entered a plea of guilty, and was held to await the action of the grand jury, his bond being fixed at \$1000. He was unable to find sureties and went to jail.

INDUSTRIAL FIZZLE. A Report on the "Christian Home Association of Utah."

A Magnificent Government Institution Given Up to Seven Women and Thirteen Children. The attention of the public is called to the most magnificent and conspicuous monument to legislative folly in the country by the annual report of the Utah commission on the "Industrial Christian Home Association of Utah." This is the title given the administrative board of that immense and costly structure that adorns Fifth East street between First and Second South. It was erected by the government several years ago, as a cost of some \$50,000, at the suggestion of several female agitators, who made it appear to Congress that a refuge for the "victims of polygamy" was one of the "crying needs" of the times. That the institution has been a dismal failure from the outset has been apparent to anyone who has passed the building and noted its deserted aspect, but the best proof of its collapse is supplied by the above mentioned report.

It is shown that the average number of inmates has been seven women and thirteen children, and the total cost of support of the institution was \$2,269.33. The appropriation was \$4,000, leaving a balance of \$1,730.67.

The commissioners concede that "this institution has not been as successful as was hoped for by its friends," but its success was "solely dependent upon the number of those who might accept its charities, but very much depended upon the moral character of the inmates." The report says: "The question has been raised several times as to whether it would not be better to discontinue this charity and to discontinue and allow the building to be turned over to the government to be used for other purposes." But Senator Edmunds had protested in the following language:

SPORTS OF ALL SORTS.

Williams' Next Antagonist Sails from Australia.

Secretary Tracy on the Trotter—Jim Corbett Measured—General News Concerning the Athletic Sports.

Dan Creedon, the famous Australian pugilist who will probably be matched against Jim Williams soon, has sailed for San Francisco and is expected to arrive there in a few days, when negotiations will commence.

TRACY'S REASON. For Thinking That Trotters Will Out-Spend Runners.

The sensational prophecy made by Secretary of the Navy Tracy a few days ago to the effect that at a day not far distant the trotter would equal if not excel the runner, created a great stir in the sporting world. The secretary is known as one of the cleverest students of the breeding problem living, and naturally his statement commanded attention from horsemen everywhere, and Mr. Tracy has seen fit to make a further statement in regard to the matter.

"Two years ago," he says, "When I predicted that within two years a mile would be trotted in 2:30 or better and that in ten years' time a horse would be found that would do the mile in two minutes, the proposition was received with amazement by some and with derision by others. Nevertheless, I have been right. Within one year from the time I made the former prediction, and I shall not be at all startled to hear at any time after July 1, 1893, that the two minute trotter has arrived. It may not be generally known but it is a fact, that so long ago as ten years, in a controversy with Mr. Wallace of the Trotting Register, I predicted that the time of the trotter would be reached in many years to come. On the other hand, Mr. Wallace maintained that 2:10 was about the limit of its power at the present time, and that was in me, then, is that horses at the trot, even at that time, had in some portion of their heats or trials shown a two minute gait. I took it for granted that as the light harness horse would gradually improve and that it was only a question of time when a horse would be bred that could carry for a full mile at the speed shown in an eighth of a quarter, as the case might be, of a two-minute clip. Did I think it necessary, I could name a score or more of horses that have shown enough speed in an eighth of a quarter, if maintained for a mile, would have solved the two-minute problem beyond question."

"How much has the improvement in driving, shoving, harness, tracks and sulkes had to do with the increased rate of speed within the past ten years?" "They have contributed something, but in my opinion not more than the percentage of ten. Horses, as I have heretofore stated, years ago, when all the accessories were crude, showed marvelous speed for short distances. Now, with the aid of modern harness, the horse himself is the main factor in lowering of records. He is nearing perfection. Mind, I do not say he has reached it by quite a number of degrees, but the light harness horse is gradually approaching the goal, and whatever may have been achieved in 1882, the most sensational period in the history of the trotting horse, is due more to the logic of evolution of the animal than anything else that can be named."

THE CHAMPIONS' MAKE UP. Deficient in Some Respects, But a Model in Others. Superintendent Murphy of the Cincinnati gymnasium, and his assistant, Frank Brennan, captured James J. Corbett in his den at the theatre one afternoon and requested him to allow them to measure him according to the "Gymnasium." Seeing there was no way out of it, the champion acquiesced with his usual good nature.

The following is a correct table of the result: Age, 35 years; height, 5 ft. 4 in.; weight, 187 lbs.; neck, 17 in.; chest, contracted, 40 in.; natural, 41 in.; inflated, 41 in.; right arm, upper, 14 in.; lower, 12 in.; left arm, upper, 13 7/10 in.; lower, 12 1/5 in.; waist 34 in.; thighs, right, 22 3/10 in.; left, 22 3/10 in.; calf, right, 14 1/2 in.; left, 14 3/10 in.; circumference of shoulders, 49 1/2 in.; circumference of hips, 38 1/2 in.; depth of chest from point of the sternum to the navel, 18 1/2 in.; through chest from nipple to point of scapula, 19 in.; wrist, 7 in.

"I am more than ever convinced," said Superintendent Murphy, "when you see the Corbett and his head fighter. His measurements would indicate the speed and fine action of the race horse character, so to speak; but, although there is a logical connection of the sternum-cleido-mastoides, trapezius-latisimus dorsi and infra-scapular, the general tendency of the champion's measurements are to run under the artist's thumb. What I mean is that his ability as a prize fighter rather than a professional athlete is shown by a physical standpoint.

"Take, for instance, Billy Muldoon, who, although not a champion, has at times been famous for his prowess, his eighteen-inch arm, forty-nine inch chest, etc., seems enormous compared with our champion. In proportion, however, size of muscle is secondary to speed, science and sand, as Corbett stands ready to prove, and so the matter rests."

LANKY DOB. He Writes a Gossipy Letter About Sporting Matters.

Bob Fitzsimmons is just now one of the most conspicuous figures in the prize ring, and the position he occupies is a unique one. Since he was matched against Hall the newspapers have teemed with articles concerning the great middle-weight, but it is seldom indeed that anything from his own pen finds its way into print. From Boston, Bob has written the following interesting letter to a friend in Sydney:

"I think I can fairly lay claim to the middle-weight championship. I have been the best of them so in that line at present there is nothing for me to do. Producers of wind bags and news-paper fighters are to be met with in every civilized country. I take no notice of such cranks. There is only one man living who most fight me before I retire from the ring. That individual is Jim Hall, and believe me that even will come on some day, and I give you my word that I will give Mr. Hall such a lesson in boxing that he will remember it the remainder of his life. He won't get me to go out for fifteen days, but I will give Foley's, so that he might go to America, an undefeated man. You know that quite well, for that blessed 'Smiler' was referred on that occasion and yourself. I understand, everyone present must know that I went out purposely just to oblige Hall and that person who was running him. Notwithstanding all these facts, 'Smiler' has reported throughout the states that

Hall whipped me in real earnest. Wait till I get Mr. Hall inside a twenty-four-foot ring, and he will begin to think he's mistaken in his occupation.

"Oh, I say, what a terrible grueling Jackson gave Paddy Slavin. I should think it took all the fight out of Paddy for a long time. Peter Jackson is liked by every one in this country and so is his friend George Godfrey.

"Joe Choyinski, whom you know well, is never tired of speaking of the kind treatment he received from Australians during his stay in your country. J. C. Goddard is also another man of grit, and is bound to do well so long as he keeps clear of Peter Jackson or Jim Corbett. I can't remember to have met myself to fight either of these men, especially the former—he'll meet his Waterloo sure. But just let me tell you this: There is no man breathing on this earthly paradise who can lick Jackson. Peter, fit and well, can donkey lick the whole lot—Corbett, Goddard and Slavin. As for Slavin, Jackson would do him up badly inside of two rounds.

"Is Jack Fuller still alive? Just ask him about a private trial I gave Jim Hall at Morlake's. I think he was present and kept me from having a fight. He will tell you how I knocked the stuffing out of Hall, and had the light been in earnest, and for a wager you would never again have heard of the Hall as a fighter. I tell you, my friends, Hall will remember the punching I gave him at Morlake to the end of his days. It was just like Paddy Slavin; he never forgot the private trial I gave him in the private bar at Foley's. Good-by. More news next mail. I am, etc., "BOB FITZSIMMONS."

General Sporting Notes. The elliptical chain wheel is a material aid to light work.

Rockford, Ill., will have her policemen mounted on bicycles.

The Olympic club offers to match Goddard against Charley Mitchell for \$12,000.

In Winona, Minn., cyclists are required to register their wheels and pay a license of 25 cents.

Klipfel, of Buffalo, has just completed his twenty-eighth century, and Foell, of Buffalo, has ridden thirty-two.

James Robertson of Loughlin, Ireland, aged seventy-two, is said to have ridden 2 1/2 miles during the past year on a machine that weighed seventy-two pounds.

The Olympic club is debating every inch of the way with its new rival, the present City, and the latter will have to make a big hustle to get the best lighting talent.

An offer has been posted by the Olympic club of New Orleans of a purse of \$2,000 for a man between Billy between and Dick Berge, the Australian light-weight.

An invention of a tire that will do its own swearing when punctured will do more to relieve the pressure upon the road-going cyclist than any other invention of modern times.

C. W. Toboldt, who has but one arm, made a score of 240 out of a possible 250, 15 yards off-hand, with a plain open-sight rifle, on a half-inch target, at Atlantic City last week.

Bill Baxter, the English feather-weight, is talking of a fight with George Dixon. The latter will go to England to meet him if the English will post a forfeit with responsible parties.

The members of the Yale crew are already practicing for the next year's race, although it is not the usual practice to begin work till after Christmas. It is expected to get the boys down to hard work by the middle of January.

Evan Lewis, the stranger, and Ernest Roeder are to meet in a mixed style wrestling match at the Olympic Club on March 2. The conditions are two falls catch-as-catch-can, two falls Greco-Roman, and if the match is not then decided to last for choice of holds for the final fall. The purse is \$2,000.

George Dixon will not bother any longer with Johnny Griffin. He will turn his attention to Australian Billy Murphy, who has been talking fight lately, and if he means business will give him a chance.

The University of Pennsylvania football team cleared \$10,000 on the Princeton game.

"Pat" King, the Staten Island middle-weight pugilist, who was matched to fight "Con" Riordan, of California, before the Conroy Island Athletic club, on Dec. 26, has come to the conclusion that he has bitten off more than he can chew with safety and expresses a willingness to return to the mainland, where Newton is now making overtures to "Bill" Slavin to take King's place.

"Billy" Plimmer of England, who is matched to fight "Joe" McGrath of Ireland, before the Conroy Island Athletic club the latter part of the month, began training for the mill yesterday. He punched the ball for an hour and took a ten-mile run. The little Englishman is kind of a great deal more trouble getting into his fighting weight, 110 pounds, than he did when he fought "Tommy" Kelly, the "Harlem Spider," for the championship of the world.

Professional oarsmen in this country are accidents, so to speak, but the production and training of scullers is a business in the country of Beach and Searle and Starnby and Lewis. John McMan, says an exchange. The great wilds of Australia are scored for likely material as well as the pine forests of our own country are searched for choice trees for spee-

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Some of the surgical operations we are prepared to perform are: Varicose Veins, Hydrocele, Club Foot, Crooked Spine, Crooked Limbs, Bow Legs, Wry Neck, Amputations, Circumcision, Stricture, Stone in the Bladder, Gall Stones, Fistula, Rupture, (this by a special operation which takes a radical cure in either male or female, in fact we can perform any and all operations.)

We invite all to call upon us and inquire into our methods of treatment. Remember we are here to stay, so that all patients submitting to our treatment have a guarantee that they will find us here consistently attend to them. Our property interests here show that we are not here for a few months, and our success so far proves that our patients are satisfied with our treatment and the benefits derived from the same.

To the sick and afflicted at assistance, who cannot call on us, write for symptom list, books and papers necessary, giving proper description of your case. We will then be in a position to prescribe the proper remedies adapted to your condition and thus treat you at your own home.

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Scratch till it bled. We had seven or eight doctors, without the least shadow of benefit. When Kitty had taken half a bottle of

Hood's Sarsaparilla she was better, and when she had taken 1 1/2 bottles she was perfectly cured and has shown

No Sign of Salt Rheum. For almost four years. Her skin is now as fair and clear as any child's in town." Wm. Fox, Williams State Bldg. Works, Fair Haven, Vt.

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