

FRAGMENTS.

SUNDAY services in the Tabernacle and church, as usual.

U. S. ATTORNEY DICKSON wore a suit of triumph as he left the courtroom at 10:30 a. m. to-day.

Several new hitching posts are being placed along the edge of the ditch west of the Tithing Yard.

A man in a suit is at the City Hall. She is a black woman, and has a star in the face. The owner is requested to come and get her.

THE District Court only held a ten minutes session this morning, but it was one fraught with interest hardly surpassed during the trial of the Clawson case.

A regular monthly meeting of the Board of Education will be held at 11th Ward school house tomorrow at 10 o'clock p. m. A full attendance is desired.

It can be said of W. H. Dickson, which cannot be said of all who have acted in his office: he knows how to be a gentleman and a prosecutor at the same time.

John M. Young, of Lehi, has raised a potato weighing 5 1/2-16 lbs. James K. Young, of the same place, has one weighing 5 1/2-16 lbs. which was raised by Leonard Young, of the same place, and weighed 6 1/2-16 lbs. and was raised by Leonard Young.

James Sorenson & Carlquist, furniture dealers, are out with a new advertisement. They are advertising a new line of furniture, and have a full supply of goods from which to select, including home-made as well as imported articles.

BAPTIST services at 11 a. m., subject: How churches benefit communities. Dr. De Witt will lecture at 7:30 p. m. Subject: The Irrepressible Conflict. Mr. McClosky and Mrs. Newcombe will sing.

LOCAL NEWS.

Will Open.—Messrs. Fox and Symonds will have their new photographic apparatus at No. 222 S. opposite St. James Hotel, open for business next Monday; they will also be found at the stand it being their intention to photograph both places.

Temperance Lecture.—Rev. Mr. T. H. will lecture in the Methodist Church to-morrow (Sunday) evening, at 7 o'clock, on the subject of the Suppression of the Liquor Traffic. Special subject—"The Bottle and the Ballot." All visiting strangers will be made welcome.

Lecture Arranged For.—On the 25th of November, at the regular meeting of the Caledonian Society, a lecture will be delivered by C. W. Penrose, subject—"The Mountain Meadow Massacre." Ample seating room will be provided. Non-"Mormons" as well as members of the Church are cordially invited. Services begin promptly at 7 o'clock.

Palace Hotel.—On Monday Riggs and Shear will open the Palace Hotel, in the fine, large new building near the corner of Main Street and Third South Street, where all guests will be treated with every attention, and will be afforded the best of accommodations. Read the advertisement of the new hotel in another column.

A Special Discourse.—To-morrow, (Sunday) evening, at the 12th Ward Assembly Room, a special discourse will be delivered by Elder C. W. Penrose, subject—"The Mountain Meadow Massacre." Ample seating room will be provided. Non-"Mormons" as well as members of the Church are cordially invited. Services begin promptly at 7 o'clock.

H. B. CLAWSON, Bishop 12th Ward.

Monster Murders.—At the store of Mr. Brooks, west of Butcher's Row, First South Street, a basket of groceries and a bundle of clothing were found. The bundle was a bushel. They are of the Mammoth Pearl variety and are valued by Mr. Woodbury, of the same store. He has a bushel of the same variety consisting of four pounds. He proposes sending the same to the New Orleans Exposition.

From Tennessee.—Brigham A. Holbrook, of East Bountiful, having recently returned from a mission, called on the other day. We learned from him that he left there April 10th, 1883, and arrived in Wilkes, the Kalm, Jackson, and Overton counties, Tennessee. He assisted in baptizing six persons, attended 13 meetings and bore testimony to the truth of the Gospel 113 times. The largest congregation addressed was composed of 600 people. He had plenty of friends, food and shelter. He walked 3,150 miles on foot, and rode 800 miles on horseback, or by wagon, etc. During a portion of the time his health was poor, being afflicted with chills and fever.

A Fine Memento.—C. W. Carter, the enterprising photographer, has executed a good portrait of the late Prof. Louis Stigler, leader of the Fort Snelling band, with the verses composed by David Henderson and published in the Deseret News on the dying musician's last words: "We will finish the tune by and by." It is a pleasant memento, is clearly executed and will no doubt meet with ready sale at Carter's mammoth gallery, corner of Third South and Main Streets.

Y. M. M. I. A.—The Associations of this city will please make appointments for visiting next week, and each send two visitors to the Association next week above their own the week following (commencing Nov. 2nd), and send each week from time to time of the order of visiting. The Associations outside of the city will resume visiting as soon as possible in the same circuit as previous.

The Secretary of each Association is requested to send to John A. Evans, Secretary, Deseret News Office, with the delay, the list of officers, day and hour of meeting, that the list may be published for visiting.

JOSEPH H. FELT, Sup't.

Yesterday's Fires.—The loss on John Pitts' barn, etc., which burned yesterday afternoon, is about \$700, including barn, shed, six or seven tons of hay, corn, ice, poles, scales, tools, etc. Cause a little boy about three years old, making a bon-fire, having seen others burning rubbish in the field yesterday morning. About half past nine o'clock last evening, a fire was discovered, having started between a stack of lumber belonging to James Anderson, and Alex. Pitts' barn in the Sixth Ward. The neighbors soon gathered, and by good fire service the fire was quickly under control. The firemen arrived in time to completely extinguish the flames. The loss amounts to about \$700. Cause unknown, but probably a "small boy with a match."

LYDIA SPENCER.

SHE REFUSES TO BE SWORN OR TO AFFIRM, AND PASSES THE NIGHT IN PRISON—SHE IS BROUGHT INTO COURT THIS MORNING, TAKES THE OATH, AND ADMITS THAT SHE IS THE WIFE OF RUDGER CLAWSON—VERDICT OF GUILTY AGAINST THE DEFENDANT.

The climactic incident in the Clawson polygamy trial was reached yesterday afternoon, shortly after report closed for the day. It was the calling of Lydia Spencer, the witness stand, and her refusal to take the oath, or even to affirm, according to the legal custom before a witness gives evidence. Following is a verbatim report of the highly dramatic scene. John M. Young having testified simply to the extent of repeating his former evidence—Mr. Dickson said, "Call Lydia Spencer."

The lady named arose, and, amid a general stir of interest, walked up to the witness chair with compressed lips, determined air, and a face pale with emotion. The clerk asked her to swear up and down the oath. She answered, "I decline to take it." Mr. Dickson—"Will you affirm?" A.—No, sir.

Q.—What's your reason? A.—Well, I just decline to take it. Mr. Varian—"Will your honor instruct the witness in this case?" Judge Zane—"Do you decline to take the oath?" A.—Yes, sir.

Judge Zane—"Do you decline to affirm?" A.—Yes, sir. Mr. Varian—"You decline to be a witness, as I understand?" A.—Yes, sir.

Mr. Dickson—"We will ask your honor to wait for a few moments. We will contend, if your honor please, that this refusal to be sworn without any reason given is a contempt of court. There is no question about that. And we say it is contempt punishable under the United States laws. In the Organic Act this court, in United States cases, is, by express provision, invested with the power of a court of the United States circuit, contempt, if committed on the trial of the United States case, is punishable as contempt of court, and under the United States laws, and not under the Territorial laws. The Territorial law is limited as to its period of punishment—namely, five days. We claim that it is punishable under the United States laws; that it is in the discretion of the court to order the witness to be committed to prison for any reasonable time, and we wish your honor to hear on that question."

Judge Zane—"Very well. Mr. Dickson—I will ask the witness one or two questions before the argument is commenced. I understand that (addressing Miss Lydia Spencer) you decline to be sworn in this case?" A.—Yes, sir.

Q.—Is it because you have any conscientious scruples against taking an oath in any case, or is it simply that you decline to be a witness in this case?" A.—I do not care to be a witness in any case.

Q.—Do you decline absolutely to testify at all in this case?" A.—I do.

The prosecution had evidently anticipated just such an outcome as this, as Mr. Snow had left the room immediately before Mr. Spencer had been called. He now returned with his arms laden with law books, and asked, on the part of the prosecution, to be heard in support of the motion he was about to make.

He then said that, in behalf of the government, however disagreeable it might be, he begged to move that this lady be committed for contempt for refusing to act as a witness in this case. In making that motion he asked, not that she be committed for two, three, or five days—which would be the limit of the length of imprisonment for contempt under the local Territorial Statute, under the special practice act of 1874, and applicable to civil cases, but that she be committed for her refusal to exercise the broad power conferred upon him as the representative of that court—the court of general jurisdiction—and to commit this lady to imprisonment for such a time as his honor might see fit.

Mr. Snow then cited the case of Miss. Snowfield, the reputed second wife of George Reynolds, and proceeded to make an address on that celebrated case when Mr. Bennett objected to the argument proceeding in the presence of the jury.

The jury were therefore conducted to another apartment by the bailiffs.

Mr. Snow proceeded by citing the Connelly case, the Belle Harris case, and the Nellie White case, drawing attention to the brief imprisonment he had then endured for contempt; he then came to the present case, stating that the witness declined testifying on no conscientious grounds, but merely because she objected to giving evidence in this particular case. More than an hour was taken in making this address, during which various authorities to support the view that the Court possessed the power to imprison for contempt for any length of time it saw fit; during the whole argument Miss Spencer sat quietly in the witness chair, while the spectators yawned, shuffled their feet, and in other ways testified their weariness.

Mr. Varian supplemented the remarks of Mr. Snow by quoting other authorities, and concluded by asking that the witness be adjudged in contempt, and that if the final decision is not reached "now that the criminal be kept in custody and not allowed to leave court."

Judge Zane—"This is a case of contempt, there can be no question, and the order will be made giving the custody of the witness to the Marshal, to be held until the final judgment is rendered on this matter."

A brief pause occurred, during which Miss Spencer sat quietly awaiting the next move—every spectator stretching his neck to the utmost to gain a view of her.

Judge Zane turned to her and broke the silence by saying: Now, Miss Spencer, don't you know it is wrong for you not to be sworn or affirm and testify?"

A.—It may be.

Q.—That being so, you don't want to do wrong?"

A.—I decline to take it.

Judge—"You know the consequence of that you may have to be imprisoned, for how long I do not wish to say yet?"

A.—No, that depends on you.

far as the imprisonment is concerned. You will be committed to the custody of the Marshal until morning."

The Court then adjourned until 10 a. m. to-day, and the crowd reluctantly dispersed. Miss Spencer was taken out to the Penitentiary soon after, and passed the night under the same roof which shelters the condemned criminals of the Territory.

Saturday, Oct. 25th. The overwhelming majority of those who went early to court this morning, to avoid the crowd and secure a seat, within or without the rail, according to sex, social standing or the altitude of their self-esteem—arrived just in time to find the places they had mentally reserved already occupied, and anatomize themselves for not coming earlier. Before 10 o'clock every chair, table and bench was taken, many ladies being included in the crowd, and some standing up. This of itself is sufficient to show the size and quality of the congregation. The counsel for both sides, the jurors and the defendant were all in their places before Judge Zane arrived, his hearing for some reason, a little less punctual than usual.

At 10 minutes past 10 o'clock the Judge made his appearance, and about the same time Lydia Spencer, the recalcitrant witness, walked into the Court-room. She was sad-eyed and pale, and wore an expression which gave token of a night of agony. Her appearance awakened a feeling of sympathy in the breasts of all capable of feeling it, while others with those culture-like instincts which human beings sometimes manifest, sat gazing upon the picture of helpless distress.

"Call Miss Lydia Spencer," rang out the voice of Mr. Dickson, the prosecuting attorney. The lady arose from where she sat, and walked up and took the witness chair. Before anything further was done, Mr. J. L. Rawlins, her attorney, addressed the Court and asked the privilege, before final judgment was passed in this matter—praying that she should come to that—of being heard in Miss Spencer's behalf. His request was granted, and he resumed his seat.

Judge Zane (to witness)—"Are you willing to be sworn this morning?"

Miss Spencer—"Yes."

Q.—What shall I ask you, and what shall I ask you to do?"

Mr. Dickson—"What month was it?"

Witness—"I don't remember."

Q.—"It was in the year 1883?"

A.—"Yes, sir."

Q.—"And in this city and county?"

A.—"Yes, sir."

Mr. Dickson—"That's all."

Judge Zane (to witness)—"You are discharged from custody."

The lady left the stand and soon after passed out of the room, many of the crowd following her and straining their eyes to get a glimpse of her before she was lost to sight.

Mr. Dickson now announced that the prosecution submitted their case without argument, and rested here, with the understanding that the other side had no evidence to offer.

Mr. Bennett arose and said it was mutually agreed that the case be submitted without argument or evidence for the defense, but he added that they desired to hand in a bill of instructions which it would require a little time to prepare, and asked that a respite be given until two o'clock for that purpose. The other side assented, with the stipulation that they be allowed to see the instructions before they were handed in. This being agreed to, Judge Zane granted the time asked for, and ordered that the Court take recess until 2 p. m.

The jury were charged, as usual, against holding converse outside of their own number, etc., and then committed to the sworn care of a couple of bailiffs, who conducted them to the jury room. It was now 1:30 p. m. The throng moved slowly out of the building, impeded at intervals by little knots of gossipers, busily discussing the outcome of the morning's session.

A few minutes after the above hour Chief Justice Zane took his seat and ordered the jury roll to be called. All present.

Mr. Bennett stated that on further consideration the defense had decided to present no request for instructions. The Judge asked the prosecution if they had any request to make, and on receiving a negative answer, proceeded to charge the jury as follows:

Gentlemen of the Jury—I will read to you the charge. The Court charges you that the laws of the United States of America, in force in the Territory of Utah, declare that every person who has a wife living and marries another, is guilty of polygamy, and that the offense is a crime against the laws of the United States, and that the defendant stands charged, states that on the 1st day of August, 1884, Rudger Clawson, the defendant, married Florence Ann Dinwoodey, with whom he is still living, as a second wife, and that she has not been divorced, and that afterwards on the 1st day of June, 1884, he married Lydia Spencer in the same Territory. The laws of the United States also declare that any male person who cohabits with a female, and one woman is guilty of a misdemeanor, and the second count in the same indictment charges that on the 1st day of August, 1884, on divers days between that day and the 1st of August, 1884, the defendant cohabited with Florence Ann Clawson and Lydia Spencer, treating them as his wives.

The Court charges you that cohabitation in a legal sense, as applied to the laws of the United States, means the living together of a man and woman as husband and wife, or under such circumstances as to create a reasonable belief of the practice of sexual intercourse. To both points of the indictment the defendant has pleaded not guilty, and the law presumes him innocent until the evidence shows him guilty beyond a reasonable doubt.

The Court further charges you that it is not necessary that the evidence show the marriage to have been actually consummated on the particular days named in the indictment.

Gentlemen, you are the sole judges of the credibility of the witnesses, of the weight of the evidence and of the question of the facts material to the issues. You should diligently and impartially consider all the evidence before you, and reach such conclusions and verdicts with respect to the guilt or innocence of the defendant on both counts of the indictment as you may think to be your best judgment.

The Court charges you as to the form of your verdict—that if you find the defendant guilty on both counts of the indictment, the Court will find him guilty on both counts of the indictment, and on one count of the indictment, and not on the other, you will in your verdict name the count upon which you find him guilty. If you find the defendant not guilty you will say that. If you find the defendant not guilty, you will say that.

The jury then retired, Mr. Bennett asking and receiving permission from the court to make an exception to the instructions at any time in the future. It was about fifteen minutes after 2 o'clock when the jury withdrew, and seven minutes later they retired into the presence of the court and resuming their seats in the box, were

asked by the Judge if they had agreed upon a verdict. The foreman, Mr. Bowers, answered "We have," and handed a paper to the clerk who read aloud from it the following:

VERDICT. "In the District Court for the Third Judicial District of Utah Territory, County of Salt Lake. The United States vs. Rudger Clawson; polygamy. We, the jurors empaneled in the above case, and the defendant, Rudger Clawson, duly on both counts of the indictment, as charged in the indictment, do hereby find the defendant guilty on both counts of the indictment, and on one count of the indictment, and not on the other, you will in your verdict name the count upon which you find him guilty. If you find the defendant not guilty you will say that. If you find the defendant not guilty, you will say that."

October 25, 1884. The jurors were asked if this was their verdict, and on affirming such to be the case, were discharged.

Mr. Dickson now made a motion that the defendant be committed for safe keeping to the custody of the Marshal, pending judgment upon the verdict and that he be not admitted to bail. An argument ensued and the Court sustained the motion, but reconsidered the matter and after further argument decided to admit defendant to bail on \$5,000 bonds.

BUSINESS NOTICES.

WHOLESALE CLOTHING BUYERS Will find the largest and best selected stock of men's and boys' clothing manufactured by myself and expressly for this market, now ready and offered to the trade at lowest eastern wholesale rates. Also a full line of hats, boots, gents' furnishings, blankets, quilts and gloves direct importations from the manufacturer, which I will sell to the trade at lowest prices. Orders promptly filled. L. GOLDBERG.

CHEAP SCHOOL DESKS.

We have on hand a few dozen of our old make School desks which we will sell at cost, and respectfully invite school trustees to examine our new Desk, which we claim is inferior to none in the market, and is better adapted to supply the people with Boots, Shoes, Hats, and Gents' Furnishings. Goods than ever before, and we advise his numerous friends to call and see him.

FINE WALNUT

Carved Wood Mantels, with Mirror and Grate, all complete at H. DINWOODEY'S Furniture Rooms.

Mr. George Dunford informs us that it is 30 years ago this month that he brought his first stock of merchandise to this city, and that he is better able to supply the people with Boots, Shoes, Hats, and Gents' Furnishings. Goods than ever before, and we advise his numerous friends to call and see him.

FOR SALE AT COST! A lot of Cane and Elder Mills, Avery Gang Flows and Coates' Hay Rakes. JOHN W. LOWELL & CO., Salt Lake and Ogden.

Home made and imported turnouts at Sandberg, Burton & Gardner's, opposite Z. C. M. I.

RETAIL CLOTHING BUYERS

Will find it to their interest by examining my large stock of men's, boys' and children's suits, which I sell from two to three dollars lower than the same can be purchased at any other house in the city. Call and see goods and prices.

STRANGE TESTIMONY.

A gentleman residing in Ogden at the time, says that he had been down for several months with inflammatory rheumatism in his right leg. A friend sent him a bottle of Britannia, and he used it, and he found immediate and lasting relief from its use. He is now, although two years have passed, thoroughly well. This, with other testimonials, would certainly warrant a trial of this celebrated preparation. It is a true and permanent cure, and the agent for the medicine, and sells it both wholesale and retail. It appears to be of only one kind, and is in fact is said to be a general tonic to the system of the patient, building up the strength while it removes the disease.

Particular attention is invited to our Magnificent STOCK OF DRESS GOODS! As usual we are showing many novelties in this line. Plain and striped Black Cloths, French Plaids, Armures, Corkerows, Chevrons, and a Full Line of French Tricots, Ladies' Cloths for Tailor-made Suits. We have Fifteen Distinct Qualities of Black Cashmeres and Twenty-five Different Styles and Qualities of BLACK Goods.

We are Showing the Largest Stock of SILK VELVETS in Town. In all shades, and in Black, at Extremely Low Prices.

OUR SILK STOCK IS ALWAYS THE LARGEST And Best Assorted in town.

VELVETEENS A SPECIALTY. Trimmings, Buttons and Laces. As usual leads in assortment, quality and at the lowest prices.

Flannels, Blankets and Comforts. This stock is very large and contains everything required.

Merino Underwear and Hosiery. Great attention has been paid to these Departments. The variety is much larger than ever. Anything that is needed for Ladies, Misses and Children can be found without cost.

Housekeeping Goods. Table Linens, Napkins, Towels, Crashos, Curtains and Curtain Nets, Quilts, and everything required for house-keeping use, have just been opened. All new and fresh.

OUR PRICES ARE PARTICULARLY ATTRACTIVE THIS SEASON. MAIL ORDERS RECEIVE OUR BEST ATTENTION.

Sandberg, Burton & Gardner. Manufacture all kinds of spring beds.

Orders for Weber Coal from Home Coal Company taken by Telephone either by H. Dinwoodey or at yard. (Yard telephone No. 300.)

Time in Baking Powder. Prof. R. A. Withams M. D., Medical University, Buffalo, N. Y., who is the highest authority on the "Cacodylate Tartrate (Improperly called Tartaric of Lime), advertised as the time found in Baking Powder is derived from the wines that produce Cream of Tartar. It is a constituent of the grape and its fruits, and is absolutely pure."

FILE! FILE! FILE!! Sure! Blue! Blue! Blue! One box has cured the worst case of 20 years' standing. No more of the old-fashioned "Blue Pills." William's Indian File Ointment its benefits cannot be overestimated. Its benefits give instant relief. Prepared by the same firm that has made private parts, nothing else. Sold by druggists and mailed on receipt of 25 cents. Write to Z. C. M. I. Drug Dept. FRANKLIN MEDICINE CO., Prop's., Cleveland, Ohio.

THOUSANDS SAY SO. Mr. T. W. Adams, Girard, Kan., writes: "I have used your Electric Bitters to my satisfaction. They give entire satisfaction and are rapid sellers." Electric Bitters are the purest and best medicine known and will positively cure Kidney and Liver complaints. Purify the blood and regulate the bowels. No family can afford to be without them. Sold at fifty cents a bottle by Z. C. M. I. Drug Store.

PIONEER BOLLER MILLS. In consequence of the present low price of the flour, the Pioneer Boller Mills Company have proportionately made a reduction in the price of their flour, which is not surpassed in quality by any article of the kind in the world.

They are also prepared to exchange flour for good, clean wheat (no other flour) and regulate the bowels. No family can afford to be without them. Sold at fifty cents a bottle by Z. C. M. I. Drug Store.

Utah Soap Mfg. Co's. Always Reliable! Warranted! Frost bites, inflamed eyes, burns, bruc, chafes, and old sores, cured at once or your money returned by your druggist. This is the positive warranty placed on every box of Brown's Arctic Salve by the Brown Medicine and Manufacturing Company. Only 25 cents.

WHEN TESTED THEM. No Cathartic Pills now manufactured will compare with Brown's Liver Pills, pure, reliable, and pleasant, but sure in their action. Dealers sell Brown's Liver Pills.

For the blood, use Brown's Sarsaparilla. For Scrofula, use Brown's Sarsaparilla. For Rheumatism, use Brown's Sarsaparilla.

OWING to Mr. Blaine's recent illness he has concluded not to do any more work on his book until he receives another supply of Yerba Buena Bitters.

FURNITURE!

Great Reduction in Prices. EACH DEPARTMENT Well Stocked With the LATEST NOVELTIES.

CURTAIN POLES, CORNICES. Lambrequins. IMPORTED AND DOMESTIC PLUSHES. COVERINGS.

WEATHER STRIPS, Roofing Paper. Building Paper. CEILING AND WALL DECORATIONS.

Shiela, Madras, SILK, TURCOMAN, APPLIQUE AND NOTTINGHAM

CURTAINS!

Wall Paper

H. DINWOODEY, 37 39 41, and 43 First South Street W, Salt Lake City.

COHN BROS. FALL ANNOUNCEMENT!

WE HAVE RECEIVED OUR LARGE STOCK OF CLOAKS AND WRAPS. Consisting of Brocade, Velvet, Plush and all the Leading Novelties new this Season. Also a complete assortment of Russian Circulars. Also a complete assortment of MISSES' and CHILDREN'S PLUSH SACQUES, HAVELocks and NEWMARKETS, the Largest Stock we ever carried in this line. Latest Styles, Fine Goods, Lowest Prices.

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