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SALT LAKE CITY, - DEC. 15, 1899.

NEITHER "SAFE" NOR "SAFE."

The New York Mail and Express, in opposition to the views of the New York Times on the power of exclusion vested in Congress, quotes the words of Dr. Lyman Abbott, whom it lauds as "a distinguished clergyman and a cogent reasoner," and says:

"Dr. Abbott's contention, which supports our own as heretofore expressed, is this: The intent of the Constitution is that no man shall be admitted unless he possesses the qualifications which it enumerates. Aside from this limitation, which the fathers deemed fundamentally essential, it leaves either house of Congress free to exclude for the absence of any other qualifications the possession of which it may deem necessary to its own dignity and the common welfare. In other words, the Constitution does not intend to confer on Congress the consideration of the qualifications for admission set down, but to make of these a sine qua non for a member-elect."

"This is the same and the safe view—the view taken by the House, without regard to party."

That may be the "safe and the safe view" of this question, but is it either safe or sane to assume that when no other qualifications than those required by the Constitution exist in form of law, either house of Congress can impose a new qualification, simply on the objection of a member against another, based solely on popular sentiment? Suppose it is conceded that Congress has full power to decide what qualifications, in addition to those named in the Constitution, "it may deem necessary to its own dignity and the common welfare." Will it be claimed by any "sane" person that such qualifications can be required, before they have been passed upon in the form of a law or a rule properly adopted by that body?

In the case under consideration, no such additional qualifications had been enacted, adopted, or even proposed. A member-elect, possessing all the qualifications required of other members, was prevented from taking the oath of office by the action of the House, and that objection did not relate to the absence of any qualification required by law, or rule, or regulation in existence.

If this can be made effectual in the present instance, what is there to hinder its being carried out against other members, who may be the subjects of popular aversion aroused by their religious or political enemies? Where is the "safety" or the "sanity" of such a proceeding? A law or a rule or a requirement of any kind, to be legal must have been passed upon and adopted before it could be required of any person. It does not take any great familiarity with constitutional law or the rules of a legislative body to see this simple point. It only needs a little common sense.

We are asked whether if Mr. Roberts, when he presented his credentials, had been afflicted with smallpox or bubonic plague, the House would have been bound to receive him. We answer most certainly. He would be entitled to his seat, although it might have been found necessary to submit his case to medical examination and attention before allowing him to mingle with his fellow members, if he were insane enough to attempt to do so, knowing his own condition. But his right to the seat to which he had been duly elected, could not be disputed on the ground of his ill health, for that is not a disqualification to the office of a Representative in Congress. A member may be adjudged as fully entitled to a seat in Congress, although conditions may be such that he must not for the time being occupy that seat. There is no parallel between such a case and that under consideration.

The same sage authority that asked the silly question which we have striven to answer, announces its belief "that any position which nine-tenths of men of all parties decide is right ought not to be questioned." We are thankful to say that we do not coincide with this view. It is neither "safe" nor "sane." We join with the leading lights of the country, Jewish, journalistic and judicial, in the firm conviction expressed by many of the Congressmen themselves, that in excluding the member from Utah who possessed every qualification required by existing law, a great mistake was made, and that it was occasioned by shameful pandering to a popular outbreak aroused by religious fanaticism and political conspirators. There is no valid excuse for the outrage which has been perpetrated upon the excluded member and upon the sovereign State of Utah.

A COMMON MISTAKE.

Here is a certain Congressman-elect now charged with a certain crime. The crime charged is a felony. A man charged with or convicted of a felony cannot sit in the House of Representatives. Is this man innocent or guilty of the crime with which he is charged? If innocent he has a right to a seat in Congress. If guilty he has no right to a seat.

The foregoing is from an editorial in the Sacramento Bee. It is strange that our California contemporary, which is usually clear on public questions, should make so great a mistake on this new

very popular topic. The gentleman who is kept out of his seat in Congress, is not charged with a "felony." An impression prevails in some quarters that he is accused of the crime of "polygamy." That is not true. The offense which his enemies are endeavoring to establish against him, is, under the law, a simple misdemeanor. If he could be convicted of this after trial before a jury, that conviction would not deprive him of the right to vote or to hold office. It is no bar to these privileges of citizenship in Utah, nor do we believe it is in many if any of the States in the Union.

Once more we will explain the legal difference between the crime of polygamy, and the offense with which the Congressman from Utah is accused. Congress itself defined these offenses. The Edmunds Act of March 22, 1882, was the first United States statute against "polygamy." The Act of Congress of 1882, was framed against "bigamy." The Edmunds law made the act of marrying a plural wife or husband, to be "polygamy," and fixed the penalty in a fine not to exceed \$500 or imprisonment not to exceed five years, or both. This may be properly termed a felony.

The continuation of marital relations with plural wives, or rather the living together in such relations with more than one woman, was defined as "unlawful cohabitation," with the penalty of a fine not exceeding \$300 or imprisonment not exceeding six months or both. It is this offense that is now charged against the Representative from Utah.

The Bee should also understand that no criminal case was entered against the gentleman, until he had left the State of Utah and was in the East attending to some business just previous to going to Washington. It was purposely held back by those who entered into the scheme to deprive him of his seat, for fear that he could not be convicted.

When he presented himself in the House of Representatives to take the oath of office, he was to be legally held innocent of the offense charged against him, because he had not been convicted by a court. He is now virtually on trial before a committee composed of men who voted against him in the House, sitting apparently as a Police Court, but acting in the capacity of prosecutors, attorneys and a jury, sending for witnesses against the accused all the way to Utah, but declining to hear witnesses in his favor who are present in Washington.

Does not the Bee perceive that even if the gentleman so treated were charged with a "felony," he must be convicted before a competent court before he could be debarred from taking the oath of office, and the seat to which he had been legally elected? Also that even then, the proper procedure would be exclusion by a two-thirds vote? Popular demand when it is against the law, the established rules of Congress and the Constitution of the United States, ought not to sway men chosen to make laws for this great nation, nor should it blind the eyes or smother the intelligence of newspapers that have the power to direct public thought.

THE NEW CENTURY.

A papal decree solemnly dedicating the year 1900 as the holy year, permits the celebration of midnight mass in all Catholic churches on the night of December 31st. This, it is said, is a privilege never before granted to the Roman clergy, except the Pontiff himself. Roman Catholics are also given the privilege of receiving the holy communion at this mass, and the decree is taken as an evidence of the earnestness with which the Pope looks forward to the beginning of a new century.

But the wording of the decree is further thought to decide, as far as the Catholic world is concerned, the question of the true beginning of the twentieth century. The Pope says:

"Therefore, in order that the year 1900, which is about to begin, and which it is devoutly hoped will usher in a far more happy century by the aid of God and of His only begotten Son, our Savior, have an auspicious opening and may close after a prosperous course, his holiness, Pope Leo XIII, graciously grants," etc.

Whether his holiness, by the expression, "will usher in a far more happy century" intended to say that the next year is the first of the twentieth century, or not, it is bound to again start the discussion which has occupied the attention of many for more than a year.

The question may not be of much practical value, since after the end of the year 1900 there will be no doubt that the twentieth century of our era has actually commenced, but it is nevertheless strange that difference of opinion should exist on a strictly mathematical and apparently very simple proposition. The Chicago Tribune not long ago submitted the question to Professor W. H. M. Christie, director of the royal observatory at Greenwich, and received this answer:

"In reply to your inquiry, I beg to inform you that the twentieth century began on January 1, 1901. It has been generally agreed to call the first year of the Christian era Anno Domini 1, not A. D. 0, and consequently the second century begins with A. D. 101, 100 years after the beginning of the first year, and so on for the succeeding centuries. The question was fully discussed at the Century dinner at Glasgow on April 15, 1876, when the Lord Dean of the Guild, after quoting various authorities, gave his decision as arbiter that the nineteenth century did not commence till January 1, 1901. An account of the meeting was printed for private circulation at the time."

The entire controversy is settled by the fact that there is no such year as the year 0 of our era. The year 1 is the first year and the year 100 is therefore the last of the first century. For the same reason the year 1900 must be the last of the 19th century.

The expression in the papal decree, which is thought to point to another conclusion may not do so necessarily. For it would not be inappropriate to say metaphorically that the last moments of the present century are ushering in the new century, without being part of it. John the Baptist ushered in the Christian era, though his commencement is not dated from the time of his birth.

ABOUT THE BOERS.

The report that Ladysmith has been relieved by General Buller, and that thousands of Boers have been captured, is still without official confirmation, but in all probability some such news will be received before long.

Great Britain now has a force in South Africa of over 100,000 men, while, according to all accounts, the white population of the two republics, including men, women and children, is less than 100,000. Deducting from this number the women, the aged and the minors, it will be seen that the fighting force of the Boers cannot be half of that of the British now in the field. In all human probability the Boers will be compelled to break up from the positions they have occupied so long on British territory and devote themselves to the defense of their own country. And then, the war is likely to begin in real earnest.

A letter not long ago written from Johannesburg and published in the London Chronicle, throws much light on the Boer character and the spirit in which they have entered upon this unequal struggle. At the outbreak of the war, rifles were distributed to the burghers, and the outlanders who were willing to join them, and at once all large shops were closed and business generally suspended. In twenty-four hours the male population was transformed into an army.

The farewell from home was pathetic. There was no weeping. "Do your duty," was the word of farewell by the women to their husbands, brothers and sons. In the words of the letter-writer:

"An old Boer finds his son of 15 years or thereabouts has stolen away and has asked for a rifle from the 'veldkornet' to join the troops. The old man in the end approves his son's desire. 'Behave as a man,' is his word of leave. Old and young, rich and poor, without murmuring, without discouragement, all have flocked together at the first summons, leaving all behind, because the country is in want of them. No glittering of epaulettes or buttons, no music, no bombast or boasting; only calmness and seriousness in those resolute, tawny heads! England will never win!"

The call for volunteers was liberally responded to. In one village 490 men were asked for and 670 presented themselves. The military authorities endeavored to refuse 250, but that was out of the question. In another place 150 were called for, and 300 appeared. Old and young seem to be fired with religious enthusiasm. They rely on Providence for the final outcome of the struggle.

And who can say they are not right in that? They may lose battles and see many of their number sacrificed on the altar of patriotism. They may even forfeit their independence, but a people with implicit faith in the Almighty will still be under His protecting care, and finally what appears to be a crushing defeat may be for the best. There is a deep philosophy in the ancient saying: "Though He slay me, yet will I trust in Him."

A BRIEF REPLY.

The St. Paul Pioneer Press we regard as a live newspaper, generally up to the mark on current public questions. Therefore we are somewhat surprised to see in its editorial columns an article in regard to "The case of the United States versus Utah," which crowds more errors into a little over half a column than we have seen in a secular journal for some time.

The Press should read the Enabling Act and the Constitution of Utah in reference to the "compact" between the people of Utah and the government, before indulging in further flights of fancy or arguments as to its scope and meaning. Also the Press should inquire into the facts regarding the course of the "Mormon" Church, its missionaries and its journals before telling such fairy tales as those in which it indulges.

We will not take up space at this time to reply to all the mistakes in the Press article, but simply repeat the irrefutable statement that Utah has fully and faithfully adhered to the "compact" made with the nation, and that plural marriages are not performed by the "Mormon" Church, nor are they advised, taught, encouraged, or permitted, either by that Church or by the State of Utah. Let that suffice until something more than state gossip, groundless rumor and proofless suspicion are adduced to the contrary.

WAGES RISING.

Whether the reported advance of ten per cent in the wages of the New England cotton mill operators is an evidence of permanent prosperity or not, it certainly means much to the beneficiaries, at a time when the cost of living has so materially increased. About 75,000 workmen are said to be interested in the advance, and the increased sum they will draw is estimated at \$105,000 weekly. There must be an unusual activity in that branch of industry to warrant such a raise of wages.

One effect of it is almost sure to be a demand by laborers elsewhere to be treated similarly. It will be argued that what employs in one section of the country can do, others should be able to do. It can only be hoped that employers and employees will meet one another half way in order that what is reasonable may be acceded. Otherwise disturbances are likely to occur, which must to a great extent neutralize the effects of the prevalent prosperity.

TANTALIZING TALMAGE.

On the Sunday previous to the meeting of Congress, a number of sermons and speeches were delivered in the churches at Washington, D. C., among which was a discourse by Rev. Dr. W. L. Talmage, which elicited some pungent comments from Congressman Bailey. These were published in part, being sent in regular press dispatches to the papers of the country. The Washington Times, however, gave them in full with some comments. The article is worthy of reproduction, and we therefore here append it in full, as it appeared in the Times of December 9th.

It has often been remarked, by observers of human affairs, that one thing usually leads to another, and this

truth has received a fresh illustration with the last few days. In view of the recent agitation over the Roberts case, the ever-ready and always remarkable Dr. Talmage saw fit to preach a sermon on the subject. This sermon inspired sundry reflections in the mind of a gentleman who read it and analyzed it by the ordinary processes of logic; and these reflections are embodied in a letter to a local newspaper, under the signature of G. M. Bailey. Mr. Bailey reasons, by a series of steps which are as obvious as the multiplication table, that, supposing Talmage's position to be sound, that a reverend gentleman is confronted with a most distressing problem. He says:

"Polygamy is an abhorrent thing, and Roberts should be hung."

"Dr. Talmage's sermon published last Monday was the most eloquent arraignment of polygamy the country has ever seen."

"Dr. Talmage has charmed the people in years gone by with the thought that the good will meet their loved ones on the other shore."

"Hence in the new world, the elect will know the bliss of family reunions."

"This is a blessed thought for the pure in heart who travel through this vale of tears."

"If this is true, the program on earth is necessarily different from that in heaven."

"Roberts is said to have three wives, two too many for earth, at one time."

"Dr. Talmage will cross the divide, having lived in consecutive manner with four earthly wives."

"This is lawful, and it is civilization on earth."

"But there must be reunions in heaven."

"Dr. Talmage may have the same trouble in the next world that Roberts has in this."

What the next step in this chain of deduction may be it is a little difficult to say. If Dr. Talmage can be brought to reflect seriously on the question presented for his solution, it may give him a broader human sympathy with Mr. Roberts, or it may drive him insane. There seems to be nothing that he can do in the matter, from a practical point of view. He cannot unmarry himself, nor can he refuse support to earthly wives who are dead. It is hardly possible that he may admit having made a slight mistake in his calculations, but that, in the light of his past career, is a little more unlikely than the other two things.

If there is one subject on which Dr. Talmage has always been especially fluent, even more so than on his travels in the Holy Land, it is the condition which will obtain in heaven. He could not have known more about it if he had been a special correspondent of a yellow journal, commissioned to write a "feature story" for the New Jerusalem. He has described the climate, topography, politics, social customs, language, amusements and architecture of heaven in a way that one could almost find one's way about in the light from his minute descriptions. He has described the way in which the city is laid out, how the saints are given homes according to their occupations, and how the heavenly muses, sitting at long and well-laden tables, pause now and then to sing a song, or to utter their mouths and give a melodious blast on a sublimated horn, to express their utter content and joy. This may seem irrelevant to the devout reader, but it is what Dr. Talmage says. He has apparently pictured heaven as a glorified realization of the kind of city in which he would like to live on earth, with the people selected out according to their different degrees of piety, and all the gliding real gold, and good things to eat scattered about promiscuously.

It seems a little strange that in all this information there is no mention of Dr. Talmage's own home, where he will sit, surrounded by those who have shared his lot on earth, and present exactly the same tableau now presented by Mr. Roberts. Following out this argument to its conclusion, we find that other inhabitants of the heavenly city will be found signing bulky petitions to the Father, and Talmage consigned to outer darkness. And that would be sad, but interesting.

WASHINGTON'S WARNING.

It should be particularly appropriate at this time to re-read and reflect upon the farewell address of George Washington. Anti-imperialists, for instance, might study closely this paragraph:

"Is there a doubt, whether a common government can embrace so large a territory? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized by the voice of the people to declare the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to Union, while experience shall not have demonstrated the contrary, we must always be ready to distrust the patriotism of those who, in any quarters, may endeavor to weaken its bands."

"Crusaders" might consider these lines:

"One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection."

Or these:

"All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to disarm the powers of the Union, and to usurp the regular deliberation and action of the constituted authorities, are destructive to this fundamental principle, and of fatal tendency. They encourage every man to rebel against the laws, and to make himself a law to himself. It is the duty of all citizens to guard against such obstructions, and to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation, the will of a party, often a small, artful and enterprising minority of the community; and, according to the alternate triumphs of the different parties, to make the public administration the mirror of the dissensions and enmities of the faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests."

One more paragraph:

"The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party division, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, rises upon the ruins of public liberty."

One more motto in the prize ring. Yet it is a "civilized" sport.

There is nothing like a cut rate in the advance prices offered for next year's wool clip.

The Boston Globe asks "What shall we eat?" That depends very much on what we can get to eat.

The British forces have retired to

Modder river, "owing to lack of water." It certainly was not owing to lack of fire.

The defeated candidates for the Republican national convention now realize that neither of them is the "only town on earth."

The leading recent authority on surprise parties is a triumvirate composed of the Boer commanders Joubert, Swaneboel and Cronje.

It is to be hoped that Saturday evening next will be clear, so that everybody can take in the moon's eclipse, which is timed so that most people can get out to view the obscuration.

The telegraphed news regarding the famine in India is brief; but the fact that two and a quarter million people have had to receive relief tells a terrible tale.

The general supposition is that music is harmony; but it was not so considered at the American Federation of Labor banquet at Detroit, when the services of a non-union band were rejected.

A 25 per cent upward bound in the price of stoves and ranges, which is to occur on January 1st, comes pretty near being a prohibitive tariff to those contemplating a start in housekeeping. Yet love laughs at prices as well as at locksmiths.

Gen. Wheeler of Alabama is not the only "lightning" Wheeler who holds membership in Congress—Representative Wheeler from Kentucky, for instance, who quarreled with Representative Berry today.

The action of the late W. G. Saunders of Iowa, in bequeathing \$500 or \$1,000 to every one who had been kind to him or to his deceased wife, is a striking illustration of the fact that it pays to be kind.

A test of the legality of the demonization of silver would be interesting; but how it is going to be done on the lines indicated in a dispatch from Denver is a puzzle. Surely the case for the petitioner should be made clearer than the statement issued.

Tunneling under Gibraltar is a great scheme, and an accomplishment which would be a decided impetus to French enterprise in South Africa. But it will be well to wait till work is actively begun before figuring out the results to be attained. There are lots of subaqueous tunnels on paper now.

The McClure's Magazine, beginning with the December number, offers its readers something out of the ordinary, in a Life of Christ by the Rev. John Watson, illustrated by pictures made in Palestine, by Corvin Knapp Linson. We deem this literary enterprise worthy of special notice. In an age of skepticism and higher criticism, the Life of Christ told by a believer and a scholar should be of great value, for His life is, after all, the best exposition of Christianity.

The more that is learned of the Magerfontein battle, the clearer it becomes that the Highlanders were trapped and surprised there, while trying to surprise the Boers. The only thing that prevented a complete disaster was that they had more backing and more money. But they were caught just the same; and the list of traps into which British generals have plunged their men now includes Nicholson's Nek, Stormberg and Magerfontein.

The claim of capturing 10,000 Boers at any one time is too big for a probability. Not so many of them have congregated together thus far in a "capturing" distance. The story yesterday was merely to relieve the London stock market, and shows how heartless are the dealers there who have no consideration even for the feelings of their own people, whose hopes were dashed to pieces on learning that the report was untrue.

GEN. GATACRE'S DEFEAT.

The British commander seems to have been so confident of success that he neglected the ordinary precautions of scouting for the Boer outposts. He was in the thick of a battle before he was aware that he was in range of the Boer guns; and, finding his forces outnumbered, himself outgeneraled and his foes in impregnable positions and possessed of more artillery there was nothing left to do but to beat a retreat. The consolation remaining to the British forces is that the retreat to Maitso was made in an orderly manner. But their losses are astounding. The casualties reported are only two killed and seventeen wounded; but five hundred and ninety-six men are missing, nine being officers. The uncertainty of the fate of the missing is what is now disturbing the British public. It seems incredible that under the gallant fire to which the British troops were subjected only two men should have been killed, and that the equivalent of half a regiment—one-eighth of the force which entered the engagement—should be prisoners.

Chicago Record.

This disaster is almost certain to produce serious consequences. The primary object of the expedition was to defeat the Boers, to put an end to the disaffection among the Cape Colony Dutch. But this signal Boer triumph may be expected to increase Dutch disloyalty and many men of the country may be expected to flock to the burghers' standard. Even Gen. Methuen's communications may be endangered by this ill-adviced move. The contemplated union of Gatacre's and French's forces has been prevented and the difficulties of the simultaneous advance of the three British divisions have been greatly increased.

Los Angeles Express.

It is too much to expect a great nation like England to consider any proposition looking to a cessation of hostilities under existing circumstances, but just as soon as a decisive battle is fought and won, one way or the other, sleep should be taken by the powers to stop this needless slaughter. Unless there is intervention it looks as though the extermination of the Boers is a foregone conclusion, for despite the repulse of the Boers, it would be no deduction to the final triumph of England.

POSTAL SAVINGS BANKS.

Chicago News.

The best way to start any enterprise is to start it right. The postal savings bank is intended for the savings of the people and should be available as a place of deposit for any sum from a nickel to \$500 in one year, the maximum of the present bill. However, if this conclusion will condemn any of the opponents of the measure it may be

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