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SALT LAKE CITY, FEB. 26, 1907.

NO "LEGAL TANGLE."

The anti-Mormon mouthpiece in this city has done everything in its power to confuse the minds of the citizens upon whom it has any influence, regarding the real issue in the case against Senator Smoot. It now follows up its devil-fish tactics by trying to make a "legal tangle" of the constitutional arguments of Senators Knox, Hopkins, Foraker and Beveridge. "All or them," the sheet says, "carried the idea that a man legally and properly elected by the legislature of his state, and himself possessing the qualifications prescribed by the federal Constitution, could not be expelled from the Senate. And yet, all of them equally carried the idea that if Smoot had been a polygamist it would have been proper and necessary to exclude him from the Senate." This presentation of their arguments can be made for no other purpose than deceiving the dupes who take their cue from the most unreliable specimen of journalism in this country, into believing that the vote of the Senate on that case was influenced, or at least justified by glaring sophisms.

The fact is that the constitutional argument adduced by the senators was unanswerable. It was consistent and logical, Senator Knox, for instance, maintained:

"The Constitution provides that the Senate shall be the judge of the qualifications of its members; a majority of the Senate can determine whether or not a senator possesses them. The Constitution also provides that the Senate may, with the concurrence of two-thirds, expel a member."

There is no contradiction, no "legal tangle" in these two propositions. Senator Knox fully explained the position he defended. He said:

"Anyone who takes the trouble to examine the history of the clause of the Constitution as to the qualification of senators must admit that it was the result of a compromise. The Senate also provides that the Senate may, with the concurrence of two-thirds, expel a member."

So much for the duty of the Senate to judge of the qualifications of the senators. But their duty does not end there. Senator Knox continued:

"By another provision—the Constitution enables the Senate to protect itself against improper characters by expelling them by a two-thirds vote. If they are guilty of crime, offense, immorality, dilatory, or gross impropriety during their term of service."

This was the position of Senator Knox and the other Senators who argued the case from a constitutional point of view. The Senate, they said, decides by a majority vote as to the constitutional qualifications of a Senator; it can expel, by a two-thirds vote, but only when immoral, or improper conduct is proved. This is no "tangle." It is a proposition as plain as truth.

The conspirators endeavored to make a "tangle" out of the case. They asked the Senate to expel by a majority vote a member against whom no charge could be preferred except his religion. They asked the Senate to become a party to a scheme that involved the trading of the Constitution in the dust, by bribery. This the Senate refused, and the senators gave the reasons why they could not, without doing violence to the fundamental law of the country comply with the demands of the misguided crowds. They understood clearly the danger involved in the proposition to set the Constitution aside and invoke an alleged "unwritten law," as one of the anti-Mormon senators suggested, Senator Knox said on this point:

"The perfection of human liberty under law will only be attained under the American Constitution when each of the dual sovereignties within its sphere exerts its powers to the utmost limits for the public weal, when the States and the artificial bodies they have created cease to deny and resist the rightful and full exercise of the national power over national affairs; when there are no attempts to encroach upon the undeniable reserved powers of the States for the aggrandizement of national power; when the States discriminate between wise policies designed to meet the imperative needs of modern conditions and domestic assaults upon the foundations of the republic for political or personal purposes; when the people shall not be vexed by unnecessary legislation about their daily affairs, and normal conditions are undisturbed by the lawless agitation—agitation fomented by ignorance and insincerity and misrepresentation those just and constitutional policies of the time which had a due beginning, and shall have a due ending when their work is accomplished."

"I know no tenet in the new propaganda of constitutional construction that begins to contain the danger to our country involved in the contention that a senator of the United States may be deprived of his seat whenever the majority of the Senate concludes that there are doctrines taught, or have been taught in the past, by some church organization, to which he belongs which that majority believe to be, or have been, dangerous."

The conspirators, naturally, are charged because their dangerous plots against our free institutions were detected and exposed. But neither the senators who so ably defended the

constitutional rights of Utah, nor anyone else, need to notice the impotent outbursts of anti-Mormon rage. It will spend its fury against the rock of truth, as the storm-tossed waves against the Eddystone lighthouse. The onslaught may seem irresistible at times, but past experience teaches us to expect that, though wave after wave may break against the solid foundations they will swiftly descend on the other side, in the form of harmless spray.

GROWTH AND EXPENSES.

It is not so many years since the expression, "a billion dollar Congress" was used as a term of reproach of the national legislature. Now we have a "billion dollar" session, and close to a two billion dollar Congress. It is thought that the appropriations during the present session will exceed the billion-dollar mark with \$200,000,000. The appropriations of the first session of the Fifty-ninth Congress, aggregated \$79,589,183.16, making a total for the Congress of about \$2,000,000,000.

Among the appropriations are \$25,000,000 for work on the Panama canal. Increase in salaries of national representatives and postal employees has been granted. For new battleships, \$20,000,000 has been granted, and the largest river and harbor bill since the establishment of the government, carrying approximately \$53,000,000, has had \$10,000,000 added in the Senate. Further, a coast artillery has been added to the equipment of the army which will cost Uncle Sam several millions a year. In the diplomatic service several foreign ministers and representatives will have their salaries increased and \$15,000,000 has been added to the bill providing for the pensioning of veterans of the Civil war.

Popular government is not, as has been supposed by superficial observers, cheap government, but it is the best so far devised by man, and it is worth all its costs legitimately. That the country is in a position to meet such enormous obligations for government purposes, in addition to all state and local demands, is the best proof of the efficiency of government by the people. The country is growing and the expenses necessarily increase with the multiplying of interests that crave attention.

PROSPECT OF PEACE.

The dispatches from Paris say that both Moderates and Conservatives rejoice in the prospect of peace in France. The religious controversy has lasted long enough. The Prefect of the Seine seems to have consented to negotiate with the Archbishop of Paris on the subject of the contract for the lease of the churches, and this is regarded as sure to end in some satisfactory arrangement.

The churchmen ask that the parish priest be recognized as master in his own church. This has been proved necessary by the fact that radical municipalities have permitted the use of the churches for other than sacred purposes. In one locality it is proposed to hold open market in the cathedral. In another place the "maire" has undertaken to regulate matters of a purely ecclesiastical nature. The clergymen also ask that only priests in good standing, that is to say those who are commissioned by the regularly appointed bishops, be permitted to use the churches. This is made necessary by the fact that "heretics" are trying to obtain Catholic churches for the propagation of anti-Catholic doctrines.

It is earnestly to be hoped that a compromise can be effected by which the right of Catholics to worship according to the dictates of their consciences may be maintained. For that is the real issue in France. By the agreement entered into in the year 1801, between Napoleon and Pope Pius VII, known as the Concordat, the church property confiscated during the revolution, remained in the possession of whoever held the title, and Napoleon agreed to pay the salaries of the priests out of the state treasury. This agreement was broken in 1866, when the French parliament passed the bill of disestablishment. By this law the control of ecclesiastical buildings and property was given to local societies, "associations cultuelles," and government payments were discontinued to all clergyman except such as were then upon the list.

The turning over of the church buildings to local societies may look innocent enough on a casual consideration of the measure, but when it involves the control of the consecrated edifices and the worship performed therein, it is a measure of aggression against religious liberty inspired, we have no doubt, by anti-religious agitators.

SOME COMMENTS.

The readers of the "News" will be interested in the comments of the press upon the Smoot case. We append a few editorial utterances. The Oregon Standard points out how the decision of the Senate will some time prove a valuable precedent. It says:

"Senator Reed Smoot retains his seat. That is good news, but the most encouraging feature is not that the man is triumphant but that the high legislative body in this country did not bow down to a clamor, started and sustained by a propaganda of money, and thereby set a precedent declaring it to be the right thing to oust a member on purely religious grounds. There will come a time in this country, in the heat of some great national controversy, when the rule established by Congress will serve the ends of justice. What that national bitterness will be we cannot foresee. It may be over the Jews. A storm will be raised against them and it will be proposed to drive them from the Senate. Then the vote on the Smoot case will be cited and it will be retold how religious prejudice was appealed to in the past, how the women of the country were deceived, how petitions by the thousands were directed at the senators in an effort to sway them and how, notwithstanding the usual tactics resorted to and the undue pressure brought to bear, the United States Senate refused to be made a party to the crusade and firmly stood for exact justice as written into the Constitution of the United States, guaranteeing religious liberty and according to each state a sovereignty in the selection of its representatives. The result will be that the Jews, or Protestants or Catholics, whichever is made the object of attack, will remain in full possession of their rights, regardless of the excitement of the hour, thankful that the record in the Smoot case had served them so well."

The Idaho Statesman believes the Senate decision will have an influence

for the establishment of harmony. That paper says in part:

"The Statesman feels the result of the case will be beneficial. The long hearing has served to call attention to the sentiment of the country, and there can be no doubt that had Mr. Smoot been a polygamist, the vote would have been far different. The hearing and the result will tend to final harmonious adjustment of all matters respecting which there have been complaints. Moreover, this result draws a sharp distinction between an unlawful practice and membership in a church organization. Indubitably it serves to admonish us that the legislative power can be rightfully directed against practices only, not against any religious belief."

The Rigby, Idaho, Star, rather jocularly asks:

"The vote in the Reed Smoot case Wednesday resulted in favor of the senator retaining his seat, the same standing 42 for to 28 against. No bill to oust a polygamist, and long-haired men back seat, who have been so vehemently vociferating regarding something they know nothing of, kindly get out the way and let the procession pass."

The Washington Herald of Feb. 15, has an excellent synopsis of the address of Senator Knox. The closing paragraph of this article is as follows:

"Polygamy, Mr. Knox asserts, is dying out in Utah. There are no more polygamous marriages. The long Smoot inquiry did not develop a single polygamous marriage entered into since the admission of Utah as a State. If a few years polygamous families will be so scarce as to be objects of curiosity. 'As practical men,' Mr. Knox asks, 'should we not be content with that?' We think that they should be. The matter cannot be bettered by thrusting out of the Senate on merely sentimental grounds a man who is responsible neither for the existence of polygamy nor for its temporary continuance, and who has taken an oath as senator, without any mental reservation, to uphold the Constitution and laws of the United States, including the prohibition of plural marriages contained in the compact with Utah under which that State was admitted to the Union."

This, we believe, is the view every well-informed, conservative citizen will take of the situation. Polygamy is an issue of the past in this State. It would not have been revived for campaign material by the conspirators, except for purposes of deception.

The Sacramento Bee says poignantly: "After fighting for three years to unseat Reed Smoot, the legally-chosen Senator from Utah, the bigots were routed yesterday when a decisive vote was taken in the United States Senate, and that body voted by 42 to 28 that Smoot was entitled to his seat."

"Entitled to his seat (forsooth)! There is not a single Senator there better entitled to his seat. No scandal of any character ever attached to Reed Smoot or his election. He is a Mormon, but not a polygamist. He has ever fought polygamy. He has ever been a model husband and father, and a moral man."

"And that is a far more than can be truthfully said of number of the Senators who bitterly fought him because he dared to be a Mormon."

Charity and growing always begin at home.

It looks as though March were preparing to come in like a lion.

A Chicago man has just died from the glanders. That was a horse on him.

A man would rather lose a dollar than put a cent of extra postage on a letter.

No one ever lived who believed more in the right of petition than ex-Queen Liliuokalani.

That Madison Square Garden tower seems to have been an unclean inside as a tower of silence.

How often fond parents mistake the freshness of their children for over-brain development!

Dubois anti-polygamy amendment resolution is dead, dead as Julius Caesar. Requiescat in pace.

The Texas senate has given Senator Bailey a clean bill of health. The tears he shed were not idle tears.

When it comes to imposing income taxes truly may it be said "they do these things better in France."

It would puzzle a Philadelphia lawyer to trip Evelyn Nesbit Thaw. As a witness she is a past master at answering questions.

Sarah Bernhardt professor of dramatic art at the Conservatoire, Madame Currie professor at the Sorbonne, France honors herself in honoring them.

Perhaps Mark Twain wears an evening suit of white broadcloth for the same reason that Phineas Barnum plowed with an elephant—to make people talk about him.

When it comes to high finance it is impossible for the layman to distinguish between investment and speculation. The late dixit of the high financier decides it in the last resort.

The Cubans want Governor Maxwood to rescind General Wood's order prohibiting cock-fighting. Bad as it is, it is better than the fighting incidental to the ordinary Cuban revolution.

"Judges in New York often sit on the bench without coats; counsel are bald headed and wear their ordinary office clothes," says the London Standard. As to this we cannot say but we do know that judges in New York sit in judgment.

Agent Senator Knox's attitude towards Senator Smoot and his right to his seat in the Senate, a correspondent of the Pittsburgh Gazette-Times says: "Senator Knox is right in his recently expressed views relative to Senator Smoot's seat. My views are: Should it be necessary to shape all things to suit the present day hypocritical religious bigotry then the proper way of proceeding would be to return a state to its former territorial condition and, in the case of Utah, make its statehood rest on the complete obliteration of polygamy, thereby satisfying the affected, not the really good people. To refuse a sovereign state's representative is outrageous."

NATIONAL RESOURCES.

Chicago Record Herald. As the direct result of President Roosevelt's message, sent to Congress last week, on the question of the proper treatment of the public coal and iron lands, the public lands committee has the honor to report itself. It now agrees with the president

in the main and has voted to report a bill embodying the principle that "mineral fuels, like the forests and navigable streams, should be treated as public utilities." The bill agreed on provides that "the president may from time to time cause to be leased and operated such portions of the unappropriated public coal lands of the United States as he may deem necessary or expedient, in order to prevent the coal supply of the country from passing into the control of monopolistic concerns and in order to protect the people against unreasonable prices of fuel." The leases are to be for periods not longer than twenty-five years, and no person or company shall be permitted to operate more than 2,500 acres.

THE RISING GOLD PRODUCTION.

Peoples Chieftain. The report from the Rand district of the Transvaal shows that the gold production of gold in this territory is considerably in excess of that for the same period of 1906. The output for the first month of this year was \$1,875,000 as compared with \$1,750,000 for the same month of 1906. With a good deal of steadiness, month after month, the prospect is that the output in this region for the twelve months of 1907 will reach \$20,000,000, or may even exceed that figure. The Rand district is the most productive of the many world famous gold regions. During the calendar year of 1906 the output of this district produced \$129,000,000 of the world's aggregate of little more than \$400,000,000. The United States stood second with an output of about \$99,000,000. There is every indication of a heavier production of the yellow metal in the United States during the present year, so that it will not be surprising if the world's aggregate output for the twelve months reaches a grand total of \$425,000,000. This, however, will only be in keeping with the annual increase which has been maintained since the end of the Boer war. The Rand district is the most productive of the many world famous gold regions. During the calendar year of 1906 the output of this district produced \$129,000,000 of the world's aggregate of little more than \$400,000,000. The United States stood second with an output of about \$99,000,000. There is every indication of a heavier production of the yellow metal in the United States during the present year, so that it will not be surprising if the world's aggregate output for the twelve months reaches a grand total of \$425,000,000. This, however, will only be in keeping with the annual increase which has been maintained since the end of the Boer war.

EXCLUSION WANTED.

San Francisco Call. What the Pacific coast wants is exclusion that will exclude. What the President offers is not exclusion at all, but merely a polite request to the Japanese to stay away. Under this arrangement Japanese laborers can come here if they want to come. There is no machinery provided for keeping them out. There does not appear to be any means to prevent their landing on our shores, and they can cross the border from Mexico or Canada without difficulty.

STAGE AND PUBLIC MORALS.

Louisville Courier-Journal. The public is neither so terribly vicious nor, as a whole, so easily led into the paths of rectitude and into bog and morass as two or three plays or operas will play the deuce with public morals, although they may play to crowded houses until the condemnation of those who go to satisfy curiosity and remain to be nauseated with putridity, turns the tide of popular favor away from the door of her whose house is the way to death. Instead of being a deadly enemy because the wicked seem to prevail for the moment in Stangeland and the righteous are confounded, let us turn our thoughts to the banter, subtlety and wit that light opera is being revived in London and will perhaps come to America ere long.

JUST FOR FUN.

The Fading Widow. "The Browns have a cook—a widow—who's a perfect dandy. They're worried to death about her." "Is she giving notice?" "No, taking it."—M. L. Wildman in Woman's Home Companion.

Those Dear Girls. Miss Kiek—"Ethel is to be married next month, and she says Walter wants to be married in winter, as he thinks she needs a rest." Miss Knock—"She does need a rest, considering the way she ran after him, but I don't know he knew it."—Nan Russell Dunnigan in Woman's Home Companion.

Incident in the Side Show. The living skeleton tastes what is a spread on his bread, and in displeasure sighs, "oleo!"

In a cage near by a lion stoops his restless movements and listens intently. Then, so feeling assured that he has fully dreamed that some one called him, he resumes his oscillations.—G. T. Evans in Woman's Home Companion.

Nowadays. Teacher—"Wilfred, name some of the great reformers." Wilfred—"Spelling or religious, ma'am?"—P. P. Pitzer in Woman's Home Companion.

Philadelphia Once More. "Why do you think Philadelphia would be such a cheap place to live?" "Because we'd have no running expenses."—Henry Miller in Woman's Home Companion.

The Unquiet Stairs. In a recent suit in a Cincinnati court a lawyer was cross-examining a German, the point under inquiry being the relative position of the doors, windows and so forth, in a house in which a certain transaction was alleged to have occurred.

"And how, my good man," the lawyer said, "will you be good enough to tell the court how the stairs run in your house?" The German looked dazed for a moment. "How do they run?" he repeated.

"Yes, how do the stairs run?" "Well, continued the witness, "when I am upstairs they run down, and when I am downstairs they run up."—Harper's Weekly.

Where It Belongs. Yeast—"To what family does the prune belong?" Crimmonbeak—"I don't think it belongs to any family. It is a boarding house product."—Yonkers Statesman.

Grand Theatre
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Matinee Wednesday, 2 p. m.
The Record Breaking Melo-Drama.

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SPRING WEARABLES

THE most interesting store news for the ladies refers to the new Spring Models and Styles that are now being displayed. Each day for the past month has brought us new, beautiful creations that add to the splendor of the display—making a showing of charming and exclusive Spring Wearables for Women that will please and satisfy even the most exacting

Ladies' Suits

No woman will wisely choose a spring coat or suit without first seeing the collection assembled here. The Eton suit will again be a great favorite, and the hip jacket and cut-away tailored coat—form fitting—will be exceedingly popular. We are showing a large variety of models in the staple colors—browns, navies and blacks, as well as the newest designs in dainty and exquisite novelties, stripes, checks, plaids and combination cloth and silk. Also a very beautiful variety of bretelles, semi dressy effects that are among the most fashionable of dress accessories. The price range is from \$15.00 to \$90.00

New Coats

For ladies and misses that are simply idealistic in style, make-up and effect. In novelty checks and stripes, also a large variety of Coverts—loose fitting, half tight fitting and form fitting, a splendid line, ranging in price from \$6.00 to \$25.00. We are showing a very fine line of Ladies' separate Eton Jackets in Black Silk, and also a very handsome variety of black and colored Broadcloth Coats for ladies in tans, reds, browns and blacks. Automobile Coats in Silk Rubber, light weight, dressy effects, shower and dust proof; also a large line of Cravenettes or Traveling Coats in the new spring models.

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AUDITORIUM!

RICHARDS STREET.

Interest now centers on the two main events to take place at the big rink on Richards Street, the ladies' championship race, Tuesday, Feb. 26, and the Mask Carnival, the 28th. The ladies' race is between Miss Blanch O'g of Salt Lake, and Miss Eva Turner of Ogden, these two young ladies raced a tie two weeks ago here, they are very evenly matched, and the race promises to be interesting. The Mask Carnival will be the largest ever held in Salt Lake, costumes for rent at the rink. All prizes furnished by and on exhibition in the window of Boyd Park Jewelry Store, Main Street.

Rink opened, 10 to 12 mornings, 2 to 5 afternoons, and 7:30 to 10:30 evenings.

Ladies admitted free mornings and afternoons except Saturday.

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