THE EVENING NEWS.

GEORGE Q. CANNON, EDITOR AND PUBLISHER

UNDER the heading "Teaching Youth How to Sin," a San Francisco exchange has the following, which is a very had showing for the morality of

"Can any better evidence be had of the demoralized state of society in San Fran-cisco than that which is afforded by the cases than that which is afforded by the caparness with which her citizens purchase and read such publications as the Days' Doings,' the "sporting Times,' and other papers of that class? Thousands upon thou sands of these obscene and nasty publications are sold every weak—the high and low in the scale of society alike patronizing low in the scale of society alike patronizing them. Talk about the svils of melodeous, 'diver and beer-cellars! Why, these are inculenters of healthy morals compared with the blighting influence which such papers as we have named exert upon the minds of our soms and daughters. We hear that the grand jury intend having a stop put to the sale of these papers, but the report is almost too good to be true."

Our contemporary is sound on the subject he discusses, and no subject can be mooted more deserving the attention

and interference of a grand jury. The whole welfare of society, temporal and spiritual, in time and eternity, depends upon virtue and morality; and no agent is more potent in destroying those great conservers of happiness than the reading of obscens and immoral publications. This is especially true with regard to the young; and unfortunately they are the class who, for want of experience and matured judgment, are the most addicted to such reading. A different. The perusal of one of the mandlin love stories or sensation novels. read, and the more exciting and emotional the better. To such inexperienced renders Days Doings, Police Gazette, Mysteries of London, and other works of the same licentious and libidinous cast are tidbits, and are ever welcomed. Better, infinitely better, would it be for young folks if they never learned to read at all than, having learned, to indulge in such reading. It not only destroys the capabilities of the mind for all intellectual or studious pursuits, but it creates a pruriency which is inimical to virtue,—the very foundation and bulwark of all healthy, permanent

This subject is worthy of the utmost consideration from parents and grand juries everywhere; for the printing and circulation of obscene literature is the cause, at least indirectly, of a very large share of the licenticument, dissipation, unfaithfulness to the marriage tie, and every species of crime which now so fearfully diagrace and correde the vitals of modern society. Where the young are allowed indulgence in indiscriminate reading, they are being "taught to sin," with a vengeance.

The heads of families in Utah should give special attention to this subject. Here many families are very large, and hence the need of increased vigilance and circumspection. A taste for reading among children may be made an ingaloulable blessing to them; but in this, more even than in almost any other youthful pursuit or occupation, is needed the counsel and supervision of guardians and instructors. A taste for good and useful reverse; and when once developed is a oped normally and need righteously good only is the result; but that which is capable of conferring the greatest Utah and on the same day appointed happiness when used legitimately, becomes a curse when abused

in the local column, of the probability bill being passed in Congress, granting a pension to the soldiers of

diverse manufactured and seem to the content of the process of the court and the such other officers and souther of the process of this Court, and and the such was allowed to the process of this court, and and one and performed the executive bear of the process of this court, and and souther of the process of this court, and and souther of the process of the of the proce

roll the name of any person when ever it shall appear, by person when ever it shall appear, by person satisfactory to him, that such name was put upon such roll through false of fradulent representations as is the right of such person to a penalty under the provisions of this act. The loss of a certificate of discharge shall not deprive the applicant of the benefits of this act, but other proof of services perthis act, but other proof of services per-formed and of an honorable discharge, if satisfactory, shall be deemed sufficient. SEC. 4. And be it further enacted, That SEC. 4. And be it further enacted, That the provisions of sections twelve and thirties of an act entitled "An act supplementary to 'An act to grant pensions," approved July four, eighteen hundred and sixty-four, and of sections two, three, and four of an act entitled "An act supplementary to several acts relating to pensions," approved June six, eighteen hundred and sixty six, shall be applicable to the pensions granted by this act.

senced at Washington, D. C., to be hanged on the 24th ult., but President Grant gave him a respite until the 17th inst. Grady believes that his sentence will be commuted, the Washington Star says, although he continues the use of his prayer-book, to be prepared if, as he says, "the worst comes to the

THE Washington Star speaking of the manufacture of salt from the waters of Great Salt Lake, as described in our columns a short time since, says:

"From this favorable beginning much may be expected in the future. The source of supply is both rich and friexhaustfole, and when to these advantages are added the experience which must come with time, the well-known industry and economy of the Mormon people, and a properly adjusted freight tariff, it is not too much to predict that the vast saline deposit known the most addicted to such reading. A as Great Salt Lake may yet become a man or woman of mature years, possessing an average share of intelligence and judgment, will rarely give way to immoderate indulgence in this pernicious habit and an occasional half hour over habit, and au occasional half hour over oss, and her agricultural capacity, one of a novel does such a person no particular the richest States of the Union. That it harm; but with the young it is very of the continent we do not doubt."

> THE Alta California is endeavoring trade of the interior, and the continental rallroads which are being constructed or projected north or south of San Fran- lation in the nature of a quo warranto cisco will create strong competitors for the commerce of the Pacific. Green the commerce of the Pacific. Green
> peas at Christmas and strawberries all
> the year round are satisfactory, the
> Alfa admits, but it never heard of a
> demurrer was filed which, on argucommonwealth or a great commercial city being founded upon phenomenal judgment against the Territorial Margrowths of that description. The day may come when even green peak at Christmas, it says, may not be sufficient to save San Francisco. What it wants is an effort to secure the current of trade which is setting in that direction. It calculates there are not more than four or five years yet, during which San Francisco can not have any compet tion or rivalry, and it is time to work if there be any life at all thereabouts.

LEGAL ARGUMENT ON TERRI-TORIAL OFFICERS.

TETTITORY OF UTAH, Supreme Court, October Term, 1870.

JOHN D. T. MCALLISTER Territorial Marshal. The United States by Charles H. Hampstead, Attorney of the United States for the Territory of Utah on the relation of

Error. neeph M. Oer. United States Marshal. PLFF'S, BRIEF-ABSTRACT OF THE In the Court below-the Third Judi-

cial District of Utah. The defendant reading is as easily cultivated as the in error filed a relation against the plaintiff in error, which shows that the United States by its Attorney for Utah genuine delight. But it is with this as with all other of our mental and physical powers and capacities,—If developed normally and used rightsously pended Joshia Hosmer from the office then sets out in detail the issuing of the diction of the Court in a case over commission to him by President Grant, the Court by law, has not jurisdiction, the eath of office and bond as provided by the laws of the United States of record, give such court jurisdiction? wided by the laws of the United States of record, give such court juris showing that the relator had been fully And this leads to one more well qualified to fill that office. The information then says that "by reason of
the premises it become and was the
duty and right of the said Joseph M.

And this leads to one more
the consent of of the parties confer jurisdiction to a court over a case, where, by
law, the Court has not jurisdiction of
the subject matter of the suit? 1812. On the 14th mit, a bill on this Orr under and by virtue of the laws of subject was approved by the President the United States to execute all processive United States, and as there are a see issuing out of the District and Supreme Courts of the said Territory or directed by any Judge thereof, and to decide; and considered in a judicial do and perform all and singular the execute to determine the matter in differences. we have no doubt they will peruse its cutive business of said Courts to have between the parties. This implies provisions with great pleasure. They and enjoy the fees and emoluments of three things:

That one John D. T. McAlister Terri-torial Murshal of Utah Territory at the present time assumes its have the right Be if enacted by the Senate and House of Sureman and Sureman and Sureman of the United States of America in Congress assembled. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of the surviving officers and enlisted and drafted men, including militia and volunteers, of the military and naval service of the United States, where and that the said John D. T. Me served sixty days in the year with. Alister so assuming such rights and an-

nd, and oath of office as alle

It then says from that time until the not, on its own motion or on the motion of the parties, district the suit?

The executive duties of this Honorable See Dred Scott case 19 Howard, pp. 394,

The production of the fact that these controversies to which the United States shall be a party;

The executive duties of this Honorable See Dred Scott case 19 Howard, pp. 394,

thority to do and perform any portion Peters 148; Capron vs. Van Mordan 2; the relator, by reason of the promises of the promises any of the few or employments of the office of all this is found in the relation, or to receive any of the few or employments of the office of all this is found in the position that the law has not given the position that the law has no of the United States Marshal of Utah Territory. And he denies the allegation that he, this defendant, is now, or that he heretofore has been, in the exercise of any executive duty of this Honorable

Courts, when either of said courts is exercleing its jurisdiction as a District or Circuit Court of the United States. But he claims, as it is his right and duty to and by virtue of the election, bond, oath and commission as aforesaid, he has the right and it is his duty to act as Territorial Marshal of Utah, and as such to be the executive officer both of the Supreme and District Courts, when such courts are not exercising their case by these rules. The coursel made jurisdiction as Circuit and District and the Court ruled two points: Courts of the United States, and in cases not arising under the Constitution of and laws of the United States. After

against the Territorial Marshal. Afterwards a motion was filed by the

A writ of error brings the case to this Court.

The errors assigned are: 1. There is no law of the United States which authorizes the Attorney of the United States to file a relation in the nature of a quo warrante against an officer of the Territory; the Court there-fore, erred in not dismissing the suit, for want of jurisdiction. 2. The Court below is not authorized, by any law of the United States, to

the United States, nor against an officer of the United States, nor against an officer of the Territory of Utah. It therefore erred in antertaining the suit. of the residon of the suit.

3. By law, the United States Marshal in the Territory of Utah is authorized to discharge the duties of the executive office of the Supreme Court and the District Courts, and to serve their processing their purisdiction and laws of the United States. It is a proceeding in the exercise States or when they are exercising their jurisdiction as Circuit and District Courts of the United States. And the Territorial Marshal is authorized by law to act as the executive efficer, both of the Supreme and District Courts in or the territorial marshal is authorized by law to act as the executive efficer, both of the Supreme and District Courts in or the supreme and District Courts of the United States. And the Territorial Marshal is authorized by law to act as the executive efficer, both of the Supreme and District Courts in or the territorial marshal is authorized by law to act as the executive efficer, both of the Supreme and District Courts in or the territory of a common law proceeding, well-known in England and in the colonies at office of the United States; nor do I find any authority to entertain a suit of quo warranto against as an office of the United States; nor do I find any decision of the Supreme Court of the United States; nor do I find any decision of the Supreme Court where such a suit of quo warranto against as office of the United States; nor do I find any decision of the Supreme Court of the United States; nor do I find any authority to entertain a suit of quo warranto against as office for the I suited for the Supreme Court of the United States; nor do I find any authority to entertain a suit of quo warranto against as office for the Supreme Court of the United States; nor do I find any authority to entertain a suit of quo warranto against as office for the Supreme Court of the United States; nor do I find any authority to see of the United States; nor do I find any authority to see of the United States; nor do I find any authority to see of the United States; nor do I find an of the Supreme and District Courts, in all cases when these Courts are exercis-ing their jurisdiction in cases not arising under the Constitution and laws of the United States, and when they are not

exercising their jurisdiction as Circuit and District Courts of the United States. The Court therefore erred in rendering judgement of ouster against the plaintiff in error, and in favor of the defend-ant, the mid Joseph M. Orr.

The first question presented in this record is, whether or not a defendant, who on being sued in a court that has no jurisdiction of the subject matter of the suit which appears from the plain-The answers to these questions may be

three things: 1. A party description of the last of these in the subject matter and the one to be considered. To illustrate the matter a little more fully, let us suppose the party plaintiff and the party plaintiff and the party defined by law; or that their pointed them, we see no necessity for the party plaintiff and the Territorial limits of the jurisdiction of the Courte, but the subject matter of the United States. It is and right of the subject matter of the United States. It is a present the subject matter of the United States. It is a present the subject matter of the United States. It is a present the subject matter of the United States. It is a present the subject matter of the United States. It is a present the subject matter of the United States. It is a present the subject matter of the United States. It is a present the subject matter of the United States on the subject of the subject matter of the United States. It is a present the subject matter of the United States on the subject of the subject matter of the United States on the subject of the subject matter of the United States on the subject of the subject matter of the United States on the subject of the subject matter of the United States on the subject of the subject matter of the United States on the subject of the subject matter of the United States on the subject of the sub A party plaintiff.

TALAMERICA SELDETEA STREET

same office upon the twenty-sixth of has been filed showing the existence under their authority; February 1870, with a commission, oath of any other Court having Jurisdiction and, in the case supposed, no demurrer time jurisdiction; and, in the case supposed, no demurrer time jurisdiction; the jurisdiction and jurisdiction and jurisdiction; the jurisdiction and jurisdiction and jurisdiction; the jurisdiction and jurisdiction; the jurisdiction and jurisdiction and

court and served the process issued by the tit, as he may lawfully do when this Honorable Court has been exercising its ner w. Everill 4; Dalles 7; Ebercombie and citizens of another State; urisdiction in cases not arising under vs. Dupuis 1; Cranch 423. Wood vs. 9,-To controversies between citizens the Constitution and law of the U.

8. and when it has not been exercising its jurisdiction as Circuit and District Court of the United States. He denies that he assumes, or at any other time he has assumed, to have the right or au-

jurisdiction to the Court in which the suit is pending, and that is good reason enough. No matter what court, if any, has jurisdiction so long as the Court in which the suit is brought has not the Judicial power. It is to be remembered by the suit is brought has not the Judicial power. It is to be remembered as the United States are plaintiffs; Territories all this judicial power, naturally and that the same count in the same court. In the United States the judicial power is distributed among their several courts, but in each case it is confined to cases over which the judicial power of the United States are plaintiffs; Territories all this judicial power, naturally and that the same court is the same court. In the United States the judicial power is distributed among their several court. In the United States the judicial power is distributed among their several courts, but in each case it is confined to case at Bar. At first view it would appear to be within the sixth class, as the United States are plaintiffs; Territories all this judicial power, naturally and the same court, if any, one which have any reference to the case over which the judicial power of the same court. In the United States the judicial power is distributed among their several courts. In the United States the judicial power is distributed among their several courts, but in each case it is confined to case at Bar. At first view it would appear to be within the sixth class, and the same courts are courts.

claim, that, by virtue of the laws of the one step further in the case, as any United States and of the laws of Utah, move is necessarily an exercise of the

1. That the motion was a plea to the jurisdiction of the Court, and 2. That it was filed too late, the antone of thousands of which are issued from the cheap presses of the country, or care and intensifies the appetite for more food of the same kind, and unless under the care and control of the same wind and which are supplied on the country to hashest, optum, or intoxicating stimulants, soon becomes intoxicating in the shape of a novel is expertly state of the state of th 3. That there is no law authorizing The counsel and the Court both fell complete sanction of adjudged cases the United States Marshal to file a reliation an error by confounding a well-lation in the nature of a quo warranto known rule of law in England (and Hodgeon vs. Bowerbank, 5 Crouch 303; into an error by confounding a wellperhaps in some of the American State

where the same rule of common law prevails, that their highest courts are courts of general jurisdiction, and have the jurisdiction in all cases where it is not by statute or custom taken from the United States vs. Hudson, I Goodwin, 7 Crouch 82; not by statute or custom taken from the jurisdiction in all cases where it is not by statute or custom taken from them, with the Courts of the United States vs. Beviu, 3 Wheaton, 36; the United States vs. Wilbur, 5 Wheaton, 76.

States, all of which, though not inferior Courts, are Courts of limited jurisdiction and have not jurisdiction in any case unless given to them by the Constitution and by an Act of Congress. See the authorities above cited and Gould's Pl. Chap. II. Sec. 31-37, both inclusive, 1 Chitty Pl., page 440.

In considering the relation we are to keep continually in our mind that, in this case, the Court was sitting, not the courts of guo warranto is not named among them. The original jurisdiction as prescribed by Congress, prohibits

United States, in a case supposed to have arisen under a law of the United Sec. 17 and p. 231 Sec. 13, defines the lation in the nature of a que warranto which I do not find any authority to Dinited States, in a case supposed to sarily arising under a statute, but in quo warranto of the Supreme Court of

the case may be, may arise pursuant to law, and therefore may be lawful; but the proceeding itself supposes it to be against law, and always so alleges. Where courts have ageneral jurisdiction in all cases, the jurisdiction in this will be included. Not so where courts, like those of the United States, are courts of lating to certain civil rights, provided the lating to certain civil rights. imited jurisdiction. Where the juris- for issuing the writ of quo warranto is not conferred upon the Courts by statute, the Courts are forbidden to exauthority, nor for judicially prohibiting a body corporate, created by itself, from

to create a body corporate, and when we further consider that all officers of the appellate jurisdiction of the Suthe United States are appointed by the President, by and with the consent of the SuPresident, by and with the consent of the Suthe Sanate or by the suppointment of a Manual Sup

NE SOCE

any cath required to be taken under the provisions of this act, shall be guilty of saring and the Sensitary of the Interior shall cause to be stricted from the peaking the sensitary of the Legislative Anomaly of the Territory of United States, provisions of this act, shall be guilty of shall cases in law and equity and the sensitary of the Interior of the Territory of United States, provisions of the Sec. If and Donkling's Tractice, p. 121. United States shall extend:

In the name of any person when to the office of Territorial Marshal. It then sets out in detail the commission of the office of Territory of United States in the time and with the name of the Governor to him, his eath of the Governor to him, his eath of sections as to the right of such person to appear to the provisions of this act.

The loss of a certificate of discharge shall not deprive the applicant of the benefits of the menty-sixth of the same body to the same body to the same been filed showing the existence in the provisions of the benefits of the benefits of the benefits of the benefits of the same body to the same body to the same body to the same been filed showing the existence in the provisions of the benefits of the provisions of the same body to th

Court, or of the Supreme Court of this Territory, or served any process whatever which has been issued by either of said Courts, or any Judge thereof, that could lawfully be served or the duty lawfully discharged by the relate, and in the case last supposed is within the Judicial power of the United States and in like manner it may appear I submit with all due deference, if the Submit with all due deference, if the United States can be made a party to a controversy in any case by the action of its officers, except where the statutes of its courts can take it.

In the case last supposed is within the Judicial power of the United States are plaintiffs; and in like manner it may appear I submit with all due deference, if the United States can be made a party to a controversy in any case by the action of its officers, except where the statutes of its courts can take it.

In the case last supposed is within the Judicial power of the United States are plaintiffs; and in like manner it may appear I submit with all due deference, if the United States can be made a party to a controversy in any case by the action of its officers, except where the statutes of its officers, except where the statutes of the controversy or impliedly any the proceeding. The authority to institute the controversy and law case amay not be expressly given, or it may be implied from the nature of the controversy, in all these cases there ought to be and officer of the Supreme and District Courts and District or may be made, in any case in an of the United States are plaintiffs; and in like manner it may appear I submit with all due deference, if the United States are plaintiffs; and in like manner it may appear I submit with all due deference, if the United States are plaintiffs; and in like manner it may appear I submit with all due deference, if the United States are plaintiffs; and in like manner it may appear I submit with all due deference, if the United States are plaintiffs; and in like manner it may appear I submit with all due deference

those courts are exercising the jurisdic-cesses of the Supreme or District Court tion conferred upon them, both by the in all cases arising under the laws of

The United States vs. Devermany, Crouch, 61; McIntyre vs. Woods, Crouch 504; Livingston et al, vs. Vaninin this case, the Court was sitting, not as a Territorial Court but as a United States Court, exercising its jurisdiction as a Circuit and District Court of the to the Circuit or District Courts for the

violation of or in opposition to law. The law is one thing, and the case is offen another and very different thing. The exercise of the office or franchise, as the case may be, may arise pursuant to the case may be lawful; but

diction is confined to only a few classes by the courts of the United States, under of cases, and those classes by statute are distributed among several courts, making it applicable to that class and where the law-making department has purposely neglected to call into action a purposely neglected to call into action a the 2nd session of the 41st Congress, iarge portion of its judicial authority. page 143, sec. 14. This is the first and the such an event, and this is our case, the only Act of Congress authorizing we are to conclude that, whatever power the issuing of this write. the only Act of Congress authorizing the issuing of this writ.

I will how examine this case on its statute, the Courts are forbidden to ex-ercise. It is not intended to deny the authority of the United States, though such authority may well be doubted, to provide by statute for judicially ousting a person from an office under its own and 2d, the laws of Utah relating to The Act of Congress of Sept. 24th exercising a franchise. Yet, when we 1789, after creating the Circuit and consider that in the Constitution of the District Courts, and after setting bound. United States there is no express power to their judicial powers and regulating

each District, whose duty it shall

people, yet in their aphere are says: "There shall also be a Marshal for courts, meaning the Supreme and Disciple Courts, meaning the Supreme and Disciple Courts of the Territory, when explaining their jurisdiction as Circuit and peror. William addressed the troops: dising their jurisdiction as Circuit and litrict Courts of the United States. p. 504 to Histrict Courts of the United States.
He shall perform the same duties be yiand, 13 or the same regulations and penalties as the Marshal of the District lourt of the United States for the present Territory of Oregon.

By reference to the Organic Act of Oregon Territory we find nearly the state 236; until we arrive to the District Court for until we arrive to the District Court for

connection with the eleventh section, then both are rendered plain. A difficulty has arisen on account of the jurisdiction of the Territorial Courts Legislature. To settle this difficulty I foreign to the subject, which, however,

may throw some light on the matter. In England there are courts of criminal agrant of different States; the revenue, and still another having WEDNESDAY EVENING. tive apheres of judicial authority. In America, in some States if not in all, Thus we see eleven and only eleven America, in some States if not in all, The reason of all this is found in classes of cases to which the judicial these several jurisdictions have been "He were late this objection is made or may be made in any case in an inferior Court or appellate Court of the United States, but it is an information of its attorney on the relation of its Marshal, and we claim there is no authority at law for either and, there one step further in the case, as any move is necessarily an exercise of the Jurisdiction." The question is whether in the case before the Court their action is Judicial or extra Judicial, with or without the authority of Law to render the judgment or decree.

I will now examine this part of the case by these rules. The counsel made and the Court ruled two points:

I That the motion was a piec to the jurisdiction of the Court, and

In Error. On the Relation of Chas. H. Hempstead This case being of a kindred character to

the preceding one, they were both argued together. It is therefore not necessary to enter fully into the details. I will simply state that the United States Attorney, at the September Term of the District Court of the Third Judicial District of this Territory, filed a Relation in the nature of que rente sgainst the Plaintiff in Error, in which he set forth his appointment, com-mission and eath of office as District At-torney of the United States, and claimed that, by virtue of it, he was the Attorney of the Territory. The Attorney General answered, and therein set forth his election by the Legislative Assembly of Utah, his oath, bond and commission as provided by

To this there was a demurrer, which was sustained, and a writ of error brought the case to this court. The argument in this case was oral, at the Bar, and the attention of the court called to the following additional authori-

Utah Laws, p. 38, Secs. 4 and 5. Sec, 4 provided for the election and qual-

t shall be to prosecute in such district all delinquents for crimes and offences cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned, except before the Supreme Court in the district where that court shall be holden." Z. Snow in person.

> [SPECIAL TO THE DESERRET NEWS.] By Telegraph.

WESTERN UNION Telegraph Line

NEW YORK. Civil war imminent in France-Emigra

tion from the ceded provinces. NEW YORK .- The lodge of the Commercial Union, at a meeting on Saturday eve., fully approved the resolutions passed by the Chamber of Commerce on the 2sd instant, which had been previously adopted by the produce exchange, urging the payment of the local and general fund debt, by the issue and sale of bonds bearing interest

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