HILES CORNERED BY FERNSTROM.

City Attorney and His Assistant Shown How Little They Know

ABOUT THE WATER QUESTION.

Howl and Agitation About Ownership of Cottonwood Flow Was Completely Exploded by Councilman.

s heated discussion in regard to the rights secured by the city to waters of Big Cottonwood creek in the contracts of exchange with the farmers, held before the waterworks comnittee of the city council last night, Chy Attorney Hiles and his assistant, H. J. Dininny, who was the chief instigater of the latest agitation on the water proposition, were cornered and unmercifully defeated in their purpose and were shown very forcibly how litthe they knew about the whole scheme and how little they had attempted to et information on the matter. Fernfrom was the leader in the discussion all the way through, and he simply made the agitators look ridiculous, and uploded their great howl about the ity not being entitled to any water at under the contracts entered into

th the farmers. with the farmers.
With great emphasis Mr. Dininny and
Judge Hiles both stated that there was Judge Hiles both stated that there was nothing in the contracts showing what amount of water the city was entitled to, and further that there was nothing in their office, in the office of the city engineer or anywhere of record which would enable them to determine the water intended to be conveywould enable them to determine the amount of water intended to be conveyed. They were then informed by Ferngrem that the rights of the companies to the waters of Big Cottonwood had been adjudicated by the county commissioners sitting as a board of arbitation in the year 1880, and that the ward made by that board had been approved by the district court, and is now on record with the clerk of the court. Further than that it was adnow on record than that it was ad-equit. Further than that it was ad-mitted by City Engineer Kelsey that he had a copy of the decree of arbitra-tion on file in his office, where the city attorney and his assistant could get it my time they wanted it. Notwith-sanding this disclosure the attorneys for the city were not satisfied and ser authorized to call before the com-mittee Special Counsel F. S. Richards, farmer City Attorney Dey, former Asmey Ashby Snow, who represented e farmers, so as to get further in-mation from them.

HILES STARTED IT.

The matter came up in pursuance of a resolution introduced by Ferry on londay night, at the request of Assisting City Attorney Dininny, instructing the waterworks committee to ascertain that water rights the city had secured from the farmers under the contracts of exchange. Judge Hiles started the om the farmers under the contracts exchange. Judge Hiles started the ussion by stating that the contracts e indefinite and uncertain in that y did not state the definite amount yed to the city by the ir-nies. He thought that omission was fatal, but stated that haps it could be remedied if there re some data or memoranda statsome definite amount of water nsferred. So far as he could ascerfain there is no such data, but he was ards, who was special counsel for the committee had some data hich will supply the omission. He was asked by Fernstrom if that

de was asked by Fernstrom if that was the only objection he had to the contracts, to which he replied that it was the principal objection, although the contracts were in his judgment by one-sided in favor of the irrigation companies. Fernstrom then proceeded to enlighten the legal lights of the city as to what the court records. s city as to what the court records tow in the matter, which information and have been secured by the atarneys had they looked for it.

FERNSTROM REPLIES.

He said that in the year 1880, the ating under authority from the Legis-ature, sat as a board of water comissioners and adjudicated the rights the waters of Big Cottonwood creek between nearly all of the owners. be decree of arbitration was sub-tied to the district court." he said. allied to the district court," he said.

Ind was approved by it and is now of record in Minute Book F. page 154.

Is date is Nov. 29, 1880, and, so far as these companies which have traded with the city are concerned, the decree shows that the Big Ditch company is the owner of 19.6 sixtieths of the entire flow of the creek from January 1 flow of the creek from January 1 g June 30 each year and of 21.3 six-ths after June 30. The Lower canal empany is the owner of 5.6 six-ths during the first half of each year 56.1 sixtleths during the last half. Hill Ditch company is the owner is sixtleths the first half of the and 2.8 sixtieths during the sec-

ow under these contracts the city ceive all of the rights of the des to their portions of the wasemantes to their portions of the wases of the creek and we have a decree
it the district court fixing those rights
sentiely, and I believe there is no
session but that the city will get the
full amount of the water owned by the
companies which is nearly one-half of
the entire flow of Big Cottonwood. As
far as these contracts re concerned
they are the same as the Parley's
test contracts of exchange, which ex contracts of exchange, which he been in effect for 20 years and he been attacked in the courts on all is and have been upheid."

Tes and the water was taken away the us and then given back again after those contracts, augmented Tud.

e contracts," suggested Tud-Judge Hiles wanted to know why ures given by Fernstrom had en inserted in the contracts of

and also by Tuddenham that was a dispute between the Big company and some other comas to 2-69 of the water and for reason the companies would not to have any definite amount aler stated in the contracts. He also informed that the city had water stated in the contracts. He is also informed that the city had a set the water and had to be satisfied with what the farmers would

DININNY TO THE RESCUE. dge Hiles then retired to the ground and his assistant, Mr. Din-





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inny took an active part in the discussion. He insisted that the contracts were too indefinite and did not transfer were too indefinite and did not transfer any water to the city at all. Fernstrom came back with the statement that they conveyed all of the rights the companies had in the waters as ad-judicated by the decree of arbitration. This was denied by the assistant city attorney who said that there was no amount stated in the contracts here. amount stated in the contracts hence the city would not receive any definite amount of water.

He was advised by Fernstrom to read the decree of the court and then he would find out how much water the city would get. Fernstrom then produced a copy of the revised ordinances which contained the contracts with the farmers who owned the Parley's creek waters and read a clause from that contract showing that the Big cottonwood contracts are practically

Because the city entered into one fool contract is no reason why it should make another one," retorted

Dininny.

"That contract is just as good as you can draw," said Fernstrom. "and if I was a betting man I would bet any thing on earth that you could not get as good a contract as that today with the farmers. I don't believe it is right for the city attorney to attack the city interests as he has done. He should always be ready to defend its rights."

"I am not attacking the city's rights," protested Dininny.

"Yes you are," retorted Fernstrom.

THEY DON'T UNDERSTAND.

Tuddenham then put the following question to Dininny: "Do you mean to tell me that if a company transfers all of its rights to certain waters to the city and those rights have been settled by a decree of the court that such a transfer is not good?"

"No. I don't say that," replied the attorney.

The whole trouble with you people is that you don't understand the con-tract," interposed Fernstrom. "Of course, there are parts in the contracts that we did not like, but the city had to take that or nothing."

Mr. Dininny then cited a recent in-stance where a Murray man, claiming an interest in the waters of the creek, went up to Big Cottonwood and put in a dam an dproceeded to divert the wa-ter. The attorney did not know what could be done with the man, because there was nothing in his office showing what the rights of the city were in the

Fernstrom then told him that the city had protected itself against such a proposition by filing on all of the win-ter waters of the creek. The filing was made in the state engineer's office and no one but the city is entitled to those waters. Copies of these filings are also in the city engineer's office, where the city attorney could have seen them if he desired. These filings and also the decree of arbitration show just who has rights in Big Cotton-wood.

THE USUAL RESULT.

The assistant attorney then asked it it was not a fact that this whole water proposition was carried on in secret by a secret committee. In answer to that Fernstrom replied that the got his information on that matter from the Tribune, and, as usual, there was not a particle of truth in it. He stated further that a special water committee was appointed by the president of the council upon a communication from the mayor, and that the com-mittee held executive sessions to which all members of the council were in-vited, but the work being done was kept out of the papers so as to get the best possible terms from the farm-ers. This committee, or rather the city engineer for the committee, made a complete report to the council of its transactions, and all the contracts were submitted to the council for approval

and were discussed on the floor of the council. At this point Wells expressed his dis-approval of the actions of the present administration in relation to the mat-ter in very forcible language. He said: "It seems to me that all of this public agitation is very detrimental to the inagitation is very detrimental to the in-terests of this city and it makes me tired. We hired Mr. Taylor to make contracts with these farmers and kept the dealings from the papers because we thought it to the best interests of Salt Lake City to do so, and I suggest, gentlemen, that this committee hire some one right now to go out and try to make contracts for other water which we need. We ought to get a move on us and get this other water instead of sitting around stirring up such a howl. This agitation only makes the farmers think that the city has no rights whatever in the waters out there and can only cause us trouble. We need the waters of the Tanner ditch and l say get some one out there at once to make a deal with those interested in that water. In order to make the best possible contracts we must keep this matter quiet and not have it con-

tinually discussed by the press.' MANY QUESTIONS ASKED.

Chairman Mulvey then asked A. J. Davis what he knew about the meetings of the former special water committee. He replied that he knew very little, as he only attended one or two. "You were invited, were you not," nquired several of the members of the

Mr. Davis admitted that he had been invited, but that he had been out of the city a great deal of the time, and when he was here he attended a meeting and he was here he attended a meeting and was told to keep things quiet, as the city wanted to "bunco," the farmers, so he decided not to attend any more of the meetings if the public could not know what was going on. In the next breath he admitted that the farmers had tried to "bunco" the city, by askins, the cuestion of Economics of the city, by askins, the cuestion of Economics of the city, by askins, the cuestion of Economics of the city, by askins, the cuestion of Economics of the city, by askins, the cuestion of Economics of the city of t the question of Fernstrom if it was not

true that Attorney Ashby Snow had told his clients to make the best con-tract they could, because the city had to have the water and would come to their terms. In reply to this Fernstrom said that Mr. Snow had been very favorable to the city's interests in the en-

tire transaction.

Martin broke into the discussion at this point and declared that the con-tracts were the most unbusiness-like he had ever heard of and that he had pre-dicted on the floor of the council a number of times that the city was buy-

number of times that the city was buying nothing but litigation.

It was admitted by Fernstrom, Tuddenham, Wells and Barnes that the city
would undoubtedly have lawsuits, as it
is impossible to get water in any of the
western states without litigation, and
further than that there are small water
users who are always waiting for any users who are always waiting for an opportunity to attempt to bleed the

"I will predict this," said Fernstrom "I will say that no matter how much litigation we have those contracts with

the Big Cottonwood companies will hold good through all of it."

MULVEY WILL INVESTIGATE. Mulvey then stated that it was his intention to call every person before the committee who can throw any light on this matter, as the city attorney wants something in his office for his guidance.
Tuddenham at this point turned to
City Engineer Kelsey and asked if he
had anything in his office showing what
rights the city had in the Big Cottonwood waters. The engineer replied that he had copies of the contracts, a copy of the decree of arbitration rendered by

emphatically stated that there was nothing in the engineer's office which would give him the desired information. He was unable to recover from the shock, so Davis came to his rescue, and moved that the city attorney be authorized to summon before the committee him any information on the matter. The motion was carried, and as soon as Atty, Richards returns to the city the committee will meet again and hear what he and the other attorneys in the matter have to say.

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WARD **ENTERTAINMENTS**

Twenty-second Ward—The amuse-ment hall of the Twenty-second ward was packed last night on the occasion was packed last night on the occasion of the presentation of the farce. "The Day Before the Wedding." and Gilbert & Sullivan's operetta "Trial by Jury." The presentations, especially that of the opera, went smoothly and apparently made a hit among those who witnessed it. After the performance the two companies were the guests of Mr. two companies were the guests of Mr. and Mrs. H. P. Nielson when music and refreshments were in order. Before the party eventually broke up, resolutions were passed thanking Con-ductor Winn for his untiring efforts in making the production a success, and mutual congratulations were in order The same bill will be presented again tonight and a big audience is already

Third Ward—Two farces, entitled, "Young Dr. Devine," and "An Interrupted Proposal," will be given in the Third ward meetinghouse this evening, under the auspices of the Young Ladies' Mutual Improvement association. A broom drill by 16 young ladies will also be a feature of the pro-

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GREATEST OF POETIC DRAMAS.

Professor Clark's Unqualified Characterization of the Book of Job.

IMPATIENT OF MEN.

Tonight the Superb Religious Drama, "David" Will be Given-"Elaine" This Afternoon

Prof. Clark of the University of Chi-

ago entrenched himself firmly and permanently in the hearts of the Salt Lake educated public two years ago, when he appeared here under the auspices of the M. I. A. in Shakespearean readings. A year later, the professor made himself again most welcome in the same role; and this season, he is once more with an admiring Utah public, favoring Ogden as well as Salt Lake people with his eloquent recitals. Prof. Clark was welcomed yesterday to this city, with fine audiences after-The afternoon lecture on "The ment of Beauty in Literature." perhaps one better appreciated by the feminine element of the community, because the feminine nature is more because the feminine nature is more approachable through idyllic sentiment, the graceful rythm and polished diction of poetic thought. The evening effort was one much more rugged in its nature, involving lines of thought at times flercely dramatic in their action, spectacular in their display, deep and far reaching in their consequences. and far reaching in their consequences reaching out into the length, the breadth, the hight, the depth of the most intense, the most profound of all human relations—the relations of the human with the divine. JOB THE IMPATIENT MAN.

Prof. Clark brought out all this in a remarkably effective descriptive recit-al of the Book of Job. No one can understand that wonderful poem with-out some insight into its spirit and the theology of the old Hebrew dispensation; and the lecturer did a skillful thing in so presenting the entire environment of the Book, in epitomized yet clearly distinguishable form, that the entire audience was able to understand it perhaps as never before, and almost without conscious effort. Prof. Clark seems to have a presence, a personality that puts itself at once in telepathic communication with an audience, and he has a sympathetic way of grouping and setting forth his ideas that holds attention and imparts the information to be setting.

the information to be given. WORLD'S GREATEST POEM. The lecturer entered at once with pirit and enthusiasm into the evespirit and enthusiasm into the evening's theme. "Tonight," he said, "we are to consider the world's greatest poem, though it is the one least understood or read. And yet, Job ranks with Hercules, Agamemnon, or any other one of the greatest personages in sublime Greek history. The Book of Joh is in the realm of pure poetry. True, it is full of interpolations from Bildad, Zophar and Elihu, the three friends of the sufferer who came from afar to zophar and Ehnu, the three friends of the sufferer who came from afar to sympathize with him; but apart from this there never has been a poem writ-ten so sustained along the highest level ontinuous, unbroken thought. The poem has not a weak line; and even when the movement of the story seems to stop, our minds dwell on the trans. endent beauties of this marvelous pro-

PURITAN TREATMENT GONE. The Puritan treatment of it has passed away, and a truer investigation shows that the poem is illustrative of the fact that religious dealings manifest the highest source of all art. The great works of art manifest intense love and works of art maintest intense love and admiration for religious and spiritual things; and today, we are paying back to religion what she has given to us in the past. Religion is the mother of art; so we find the Bible full of artistic work, like the books of Jonah, Job

DRAMATICALLY SUPREME. The Book of Job is the supreme dramatic poem of the world; but is not well understood because of inaccurwell understood because of inaccuracies in the translation, and an incorrect knowledge of the theology of the times in which Job lived; and yet we are able to get at the essence of the story. The revised version does away with the arbitrary chapter divisions, and the redivision into cycles of historic scaling makes the Nork essence. toric action make the work easier of comprehension

The Book of Job is not a philosophic treatise; it is a drama, an active play through which we sense the human soul. It treats of a universal theme, which explains its hold upon the world. It is the story of a man struggling through darkness into the light. It gives many sided lessons, any one of which might furnish a theme for prolonged consideration. But we note one common theme that is announced in the words of the tester and the tempter. 'Does Job serve God for naught?' er. 'Does Job serve God for haught?' This is the main theme of the Book of

THE TEST OF MAN. Take from man all that is human, all that he lays stress on, plunge him into the depths of sorrow and tragedy and set him on an ash heap; only thus can we get at the test of a man's true moral nature. Though innocent, Job moral nature. Though innocent, Job is tested. Satan's sneering question is a challenge to God. "Does Job serve God for naught?" The answer is the unselfish devotion to God from a strug-gling soul enveloped in darkness, but unselfish devotion to God from a struggling soul enveloped in darkness, but behind the blackness of whose environment is shining the light of a beneficial Creator. Could Job hold the fort? He did, and so can we; and here lies the power, the force of the poet's art. It is emotional, intensely so, and the intellectual has nothing to do with it. We appeal through the emotional to God, and the poet does not present any appeal to the intellect. He outlines a strong dramatic action through the avenues of devotion leading to the soul.

AN ETERNAL TESTER.

AN ETERNAL TESTER. AN ETERNAL TESTER.

Satan seems to be one of God's an.
gels, an eternal tester who demands
of each one of us, "Doth Job serve God
for haught?" compelling us to contrast
our professions with our actual walk
and conversation. Satan is only dimly
outlined here; but Goethe shows in his
"Faust," Satan's motive more clearly.
It is to test, to destroy, and yet it unconsciously creates. Mephistophiles
actually leads Faust to the light, and consciously creates. Mephistophiles actually leads Faust to the light, and Job is led to Salvation. Job knows not his integrity until tested, and Satan is allowed to do this through several channels, as by the destruction of his channels, as by the destruction of his family, loss of property, and then the prolonged personal affliction of the man himself. And Job stood up before all successfully. But as weeks and months roll by, and Job's sufferings continue he for the time begins to lose his grip on God, and when his friends come to console him all they can do its to deep console him, all they can do is to dole out copy book maxims from the book of wisdom.

APPEARANCE OF FRIENDS. With the appearance of these three sympathetic friends the Book of Job properly opens. They hasten to justify God, each giving his contribution. Job replies, and so on until the end. They put their ideas gently to Job so tha

may be restored. Suffering and sin are synonymous in Hebrew theology; so that such a thing as suffering for righteousness was inexplicable at that time. Job never pretends to be sinless; at the same time he knows sinless; at the same time he knows he is innocent, and is justified in that innocence. That faith is the test, and as his friends grow sterner, Job looks up more to God. Then at last, believing God has picked him out for a special purpose, Job concludes God is trying him, but he is in despair at the shortness of the time left. Job is the most divinely impatient man that ever lived in search of truth. At the same time, he is the most patient in the loss of family and friends. He was impatient because he could not see why evil should fall upon the righteous. evil should fall upon the righteous

WHIRLWIND COMES. Then there comes' a whirlwind, with succession of epigrammatic and arp divine interrogatories in which Job is taught a lesson that we must learn as well as he, as to the pres-ence of good and evil in the world. As when Job replies to his wife, "Shall we receive good at the hand of "Shall we receive good at the hand of God, and shall we not receive evi?" In all this did not Job sin with his lis." At last the storm passes, and we come to learn that the proper attitude toward suffering is rather one of contentment, and Job's attitude is more acceptable than false adulation. It might seem better in accord with a more modern concention if Job had a more modern conception if Job had been left with the expectation of hope to be realized in the bereafter. But the Hebrew conception knew no here-after; so Job's property and his gen-eral well being were restored in life, and he was made prosperous as never before."

WAS A GREAT WAGER. The lecturer then went on to ex-plain that the plan of action in this great poetic drama was a wager Satan makes a wager with God on the contingency of Job's integrity, and the wager is accepted. Job stood the supreme test, though he sat in sack supreme test, though he sat in sack cloth and ashes, and in terrible agony. In fact, his three friends sat upon the ground in his presence for seven days without saying anything, for they saw that his grief was very great. Job appeals to his friends for help, and all they can do is to try and bring him hope that the world is right, and repeat moral maxims to him. They are astonished at the contrast between Job's piety and his suffering, for there is no place in the theology of the day is no place in the theology of the day for innocence accompanied by suffer-ing. So they imply that Job must have sinned. Prof. Clark gave a most effectively dramatic and dramatically effective description of Job's agony, in which those most sublime expressions came from his lips, "I know that my Redeemer liveth, and that he shall stand at the latter day upon the earth; and though after my skin worms destroy this body, yet in the flesh shall I see God."

The lecturer also portrayed in vivid descriptive, the sublime sentiment, The Lord gave, the Lord taketh aways blessed be the name of the Lord.

JOB'S WEAKEST SPOT. Job's weak spot was his demand that God shall explain to him. Job's wonderful parody of the eighth Psalm was called, "What is man that thou shouldst magnify him?" etc. Bildad continues to insist, Can there be suffering without sin behind it? Can rushes grow without mire? Repent, and God will bless thee. Job replies amid his suffering, "God reigns eternal." He is holding fast to the truth, though through his inability to discount cern, to distinguish in the darkness, he feels led to see God then rather as an immoral governor of the uni-verse. The three friends do not un-derstand the problem at all, which leads the sufferer to sarcastically ob-serve. "No doubt ye are the people and wisdom dieth with you." The lec-turer here read copious extracts from the Book of Job illustrative of the thoughts proceeding from the sufferwith unrighteousness than flatter Him his denunciations grow more and more bitter as the tragedy progresses, as the horrible alternative of God's sup-posed unrighteousness is forced upon him. But Job never yields to the presumption of his three friends, for they can not meet his case.

BELIEVED IN VINDICATION. Job believes that some day his vindication will be made clear; that he will go down to the grave with his reputation unsmirched, to be cleared up perhaps 1,000 years from then, but certainly cleared. He believes also that

certainly cleared. He believes also that God will be his vindicator, and righteousness shall be known as righteousness, while the lamp of the wicked shall be put out. The lecturer through this part of the evening, worked up a skillful climax, in bringing out the magnificent poetry and the sublime, majestic sentiment. To Job the whole world seemed cruel because the whole world seemed cruel, because he had suffered so; but God rebukes him for the narrowness of his views. God gets beyond Job's personal ideas, and brings him out of his own environment, as is set forth in such un-surpassed grandeur of thought in the surpassed grandeur of thought in the thirty-eighth and forty-first chapters of the book; and then it is that Job realizes of how little account he is, as he says, "I lay my hand upon my mouth. I am vile." Then he concludes, "I have heard thee by the hearing of the ear; but now mine eye seeth thee. Wherefore I abhor myself, and repent in dust and ashes." This is the supreme passage in the took. All hitherto apparent contradictions have been reconciled. There are now no misgivings as to God's inare now no misgivings as to God's in-tegrity. Job knows that all is well, and he and his sufferings hold a place in God's inscrutable design; so in childlike reverence he acknowledges it. "Faust" triumphed, and God blesses Job for holding fast his integrity. Satan loses the wager; he finds that Job does serve God for aught.

"DAVID" TONIGHT.

The attention paid throughout the lecture was profound, and it is safe to say that every one in that audience went away with an interest in the Book of Job they never experienced

Prof. Clark gives a dramatic recital this afternoon on Tennyson's "Elaine," and this evening gives a dramatic re-cital, entitled, "Rice's Romantic Drama of David." ESTABLISHED

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