DESERET EVENING NEWS.

TRUTH AND LIBERTY.

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THE EVENING NEWS

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WEEKLY.

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Sell dry goods, groceries, carpets, hardware, crockery and glassware, boots and shoes, hats and caps, leather and findings, and all sorts of general merchandise, wholesale and retail.

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Does a general banking business, and receives deposits in sums as low as one dollar.

PATENTS

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BUILD ALL SIZES OF FARM AND SPRING WAGONS;
Fully Warranted for One Year.
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FIVE DOORS SOUTH OF Z. C. M. I.
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[ORIGINAL.]
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OR, THE
Secret of a Fair Face
An Item of Interest to Every Lady who Desires to be More Beautiful than she now is.
Unfortunately not one woman in a hundred, subjected to the whims or an American climate sufficient that beds and starting point of real beauty, a pure and clear complexion.
What nature has thus denied, art must be called upon to furnish.
It can be done; it is done daily. Prof. W. E. Hagan placed beauty within the reach of every unfeminine daughter of Eve when he discovered that surprising article known in fashionable circles as the true secret of beauty, and called
MAGNOLIA
BALM
The MAGNOLIA BALM is a sure device for creating a pure and blooming complexion.
It conceals all natural blemishes in the most surprising and effective manner.
It removes all roughness, eruptions, redness, blotches, freckles, and tan with magical power.
It drives away all evidences of fatigue and excitement.
It makes the paleest face beautiful.
It gives the complexion a dazzling purity and makes the neck, face, and arms appear gracefully white, and plump.
It makes a matron of 35 or 40 look not more than 20 years old, and changes the rustic maiden into a cultivated city belle.
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Ladies who want to make themselves attractive can make an absolute certainty of it by using HAGAN'S MAGNOLIA BALM, and we know of no other way. It is the cheapest preparation in the world, all things considered, and may be had at any drug store.

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OFFICE: Main Street, in the Old Constitution Buildings, opposite Z. C. M. I.
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☞ Special attention given to Obstetrics and Diseases of Women. d169

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Residence 4 blocks East of Post Office South side of Street.
Special study has been given to Obstetrics, Diseases of Women, and Diseases of the Eye and Ear. d109

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The Patent for the Territory.
For Sale Cheap. A Smart Man can make $10,000.
Model and sample of fruit at WM. JENNINGS & SONS.
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Agent for the Territory.

JAKE HEUSSER & BRO.,
(Successors to J. H. HAGUE,)
Main Street, 1st Door South of Wells, Fargo & Co., Salt Lake City,
DEALERS IN
GUNS, PISTOLS, AMMUNITION AND FISHING TACKLE.
Practical Gunsmiths.
☞ All work in our line done NEATLY, PROMPTLY, and Satisfaction Guaranteed. d201

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HUCKS & LAMBERT'S
PIONEER
H. & L. AXLE GREASE.
Lubricates your Axles Perfectly—without Gumming, Heating, or Cutting.
Warranted to Prevent Friction, and to
WEAR TWICE AS LONG
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For Sale Everywhere!!!
In Barrels, Half-barrels, Five Gallons, Cases & 2lb. Tins.
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PLUMBER, TINNER,
Steam and Gas Fitter.
Respectfully announces that he has secured the agency for this Territory of W. H. Warner's low pressure
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Manufactured under S. J. Gold's patents. Also Gold's
HOT AIR FURNACES.
Persons wishing to warm up Churches, Public Buildings, Stores or Private residences by either steam or hot air will find it to their interests to correspond with me on the subject.
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Opposite City Meat Market.

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Last Night's Dispatches.

EASTERN.

Important Land Decision.

WASHINGTON, 28.—The commissioner of the general land office, to-day, rendered his decision in the case of the Southern Pacific Railroad Co., of California, involving an important question as proper interpretation of the Act of July 31st, 1876, which requires the land grant companies, before receiving patents, to pay the cost of survey, selection and conveyancing. Commissioner Williamson holds that this requirement was a new burden or the condition imposed upon the original grant, and that, therefore, it is applicable only to lands earned after the date of the new enactment, and not to any lands earned prior to that date. He also holds, incidentally, that this provision does not apply to any road, in regard to which Congress did not reserve the right to amend the original grant, and that it is not applicable to lands granted to a State to use in its discretion for the encouragement of the construction of railroads.

Gen. Williamson's Decision on the Desert Land Entries.

Commissioner Williamson, of the General Land Office, in fulfilment of instructions, to-day, submitted to the Secretary of the Interior an elaborate report upon the subject of the suspended desert land entries in Visalia districts, concluding with a recommendation that the suspension be wholly removed. General Williamson recites that during the special investigation, conducted by the register and receiver, under the department's instructions, some 20 witnesses were called in behalf of the United States and about 30 for claimant, their testimony making two printed volumes, and the local reports of the land officers were all transmitted. He also transmits a printed volume of ex parte affidavits and statements, made by some 180 persons, received and forwarded by the local officers in behalf of the claimants, but as they were not taken in the mode prescribed by the instructions, and were objected to by the government agent. They are not considered to be properly in the case.

Gen. Williamson says: I have carefully examined all the testimony given before the local officers. The examination was commenced with reference to an entry made by Jas. B. Haggin, but soon became general, so as to include all the country where there was a doubt as to its desert character. Each witness was interrogated fully as to his knowledge generally, and of the particular portions, so that investigation was made of all the entries. Much of the testimony was not very perspicuously given and is rambling in manner, yet I think it is the best to be procured, and that it enables us to see the facts and decide the case intelligently as to all tracts involved without sending for further proof. He finds that all the witnesses for the claimants are unanimous in testifying according to their respective knowledge, that all the lands in controversy are incapable of growing any agricultural crop without artificial irrigation. He remarks that some of the witnesses are interested parties, or employed by claimants, and their testimony is accordingly scrutinized, but there is no report that any one is wholly unworthy of belief, and besides these witnesses, there are others, such as A. Stine, Walter James, Doctor McLean, and Messrs. Howdell, Crocker, Lambert and Barker, whom General Williamson characterizes as entirely worthy of credit, who testify that none of the land will produce agricultural crops without artificial irrigation, and that such is the common experience on Kern Island.

Commissioner Williamson next reviews the testimony given by witnesses called in behalf of the United States, and finds that so far as they have a general knowledge of the country, they substantially agree that all the land in Visalia District, outside of the five townships near the new and old Kern River, southeast of Bakersfield, may be considered desert in character. This view is also taken by the attorneys for the government, who have shaded only these townships on the maps forwarded to the department, to indicate which lands are really in controversy.

General Williamson then proceeds to examine, in detail, the testimony given by government witnesses concerning these five townships, and as the result of their adjudications, arrived at the following conclusion: With three statistics of rainfall, etc., it is a well-known fact that the climate is hot, and that the earlier settlers, with a choice of selections, have for years, been compelled, at great expense, to resort to artificial irrigation as almost to exhaust the ordinary supply of water. We are prepared to believe that the few parcels left will certainly refuse any agricultural crop without the aid of water artificially brought to them, and that they are included even in the general description of Kern Island, where the precarious growth of wild grasses is found during some seasons, and which, in my judgment, are not at the best, of sufficient value to be called an agricultural crop, within the meaning of the statute. The desert entries in the five townships are all made by 21 different persons, and comprise only 2,443 acres in a total of over 115,000 acres. One witness testified that the best and most easily watered lands were taken by the early settlers, and these desert entries are doubtless parcels least desirable for any purpose and most difficult to irrigate.

The commissioner also finds that the low cottonwood and willow clumps, which fringe the sloughs are not of such a character or amount that any of the tracts entered can be designated as timber lands, the evidence demonstrating that all the lands entered are agricultural in character, though nearly worthless without irrigation.

Commissioner Williamson proceeds: The testimony shows that no one man has nominally claimed to enter more than he is entitled to under the law, but that many have entered adjoining tracts and are jointly irrigating the entire body of land entered. There is no evidence which proves that this is not in good faith, and for the real benefit of all. It seems that low canals are necessary, and many persons desiring to enter land are unable to build a ditch and could not afford to do so, except in common with others. This seems to have been the practice with prior settlers. It seems reasonable and even necessary, that if one man is to have only one section or less, and I think there is nothing in the statute or intention of its makers to prohibit combined enterprises, to make a large district of desert land available. It seems that in this case money has been loaned by one of the parties, Haggin, to others, and a contract made purporting to give him a lien therefor on the lands. In case the certificates are not assignable or the claims inalienable before a patent issues, then the contract for a lien on the land is simply void. I think that the question is not properly before us in the case.

The fact that one man encourages others by loans to make claims under the statute so as to have aid in procuring the water and the right of way, does not make a case, in my judgment, of entering several tracts for his own use, and does not savor of fraud against the government, but simply enables others and himself to enjoy the benefits of the law and accomplish what Congress seems to think desirable, namely, the improvement of land now nearly useless, which would not and could not be done by a single person.

Gen. Williamson notes that some of these entries are in townships where good land, easy of irrigation, had previously been cultivated, and suggests that the original reports which led to this investigation were based upon a hasty and mistaken supposition that all the lands were alike on location and character. His conclusions, after careful examination of the whole matter is, that the entries in question ought not to be cancelled, and he therefore unqualifiedly recommends the removal of their suspension.

Col. Bee and the Chinese Question.

The *Post*, to-day, publishes a brief and noticeable evasive letter from Col. Bee, in response to the telegraphed comments of the San Francisco press, on his utterances, as given by the *Post* of last Friday. He says the only correction he desires to make of the published interview is in reference to the inquiry: "How do the better class of California people regard the Chinese?" He says his answer was: "If we accorded such of them as desired the privileges granted to others, namely, access to our schools, they would make good citizens. The Eastern States do not deny them this right, and they want more of them to come here." Unfortunately for Col. Bee, the remainder of the interview, which he does not find in need of correction, is wholly different in tone and statement from this qualified assertion, and goes so far beyond it as to create suspicion that the modification is a compulsory afterthought, especially when the newspaper columns were open for such correction on Saturday and Sunday. In to-day's letter he says: "The sworn testimony of California's best citizens, given before the joint congressional committee, fully substantiate my views as given to the *Post*, as well as the report of the late Senator Morton, chairman of that committee. In conclusion, he remarks: "I believe there is generosity enough east of the Rocky Mountains to allow both sides of the question to be discussed by the press and people to the protest of the press of San Francisco to the contrary."

Destructive Fire.

PRESCOTT, A. T., 28.—A fire broke out at Fort Whipple, about one mile north of this town, at 8 o'clock this morning, totally destroying three government cottages, two occupied by Captain George W. Kingsbury, assistant quartermaster, and Captain D. J. Cragie; the other cottage was unoccupied. The loss to the government is $15,000, and the furniture of the occupants about $500; no insurance. The fire originated in defective flue. The persistent bravery of the officers and men saved the powder magazine, which would have involved serious loss.

McCrary Interviewed.

BURLINGTON, 28.—Secretary McCrary, to an interviewer, expressed the opinion that the Iowa Congressmen, elected in October, are duly elected and should be admitted. The republican House in 1871 admitted the democratic delegation from Tennessee under somewhat similar circumstances, the election committee reporting that the interpretation of the national law which was given by the State authorities should be accepted. The Secretary is not sure of a like fair decision by the present House.

The Bank Defaulter.

ST. PAUL, 28.—It now appears that the Merchants' Bank of this city is the heaviest loser by the defalcation of Chas. G. Etheridge. So far as traced he took with him $35,000 of the New York Exchange, of which $15,000 was issued by the Merchants and $20,000 by Minneapolis Banks, but paid with certified checks on the Merchants.

Yellow Fever Reports—Abatement of the Disease.

MEMPHIS, 28.—The board of health officially reported four deaths from yellow fever during the past 24 hours ending six o'clock to-night. Two additional interments reported by undertakers of parties who died of fever in the suburbs. No new cases are reported.

New Orleans, 28.—Up to six o'clock 4 deaths and 48 cases were reported to the board of health, of which there was only one new case; 47 not heretofore reported. The deaths for the week ending the 27th were 310, of which 177 were yellow fever, and 15 from other fevers.

The Howard Association, tonight, resolved to relieve the volunteer physicians on the 31st of October, and also discharge all the vehicles engaged on that date, when they will entirely close.

WESTERN.

A Denial.

SAN FRANCISCO, 28.—Those officers of the wrecked steamer *Georgia* who arrived yesterday on the *Colima*, deny the statements of passengers concerning the ill conduct of the crew and want of control over them by the officers.

$500,000 Fire.

The sash and blind factory and lumber yard of the Sierra Flume Company, at Chico, were burned this morning. The fire caught from the sparks from an engine. The loss is variously estimated at from a quarter to half a million dollars, probably nearer the latter figure.

A CONQUEROR OF CONSUMPTION!
HALL'S BALSAM
FOR THE LUNGS,
ERADICATES
Coughs, Colds, Pneumonia, Bronchitis, Asthma, Croup, Whooping Cough, and all Diseases of the Breathing Organs.
HALL'S BALSAM
Is the LEADING SPECIFIC for CONSUMPTION.
It soothes and heals the membrane of the lungs, inflamed and poisoned by the disease, and remedies the night sweats and tightness across the chest which accompany it.
CONSUMPTION
is not an incurable malady. It is only necessary to have the right remedy, and HALL'S BALSAM is that remedy.
DON'T DESPAIR OF RELIEF, for the hectic specific may cure you, even though professional aid fails.
READ THE FOLLOWING:
Dr. D. D. Wright, of Cincinnati, sends us the subjoined testimonial: "I have prescribed Hall's Balsam in a large number of cases and always with success." He adds: that "in one case a patient was very apparently of confirmed consumption was restored to his usual health soon after commencing to take the Balsam."
John Kuhn, of Lafayette, Ind., writes: "One year ago I was to all appearance in the last stages of consumption and got so low one could count every rib and life twenty-four hours." Mr. Kuhn further states that "after taking nine bottles of HALL'S BALSAM he is now in perfect health, having used no other medicine."
The above brief extracts are taken from a
MASS OF EVIDENCE
which has been accumulating during a period of TWENTY-NINE YEARS, proving an efficacy of HALL'S BALSAM in all cases where the breathing organs are affected, and showing the estimation in which the remedy is held by the public and medical profession. Sold by all Druggists.
Price $1.00 per bottle.
JOHN F. HENRY, CURRÁN & CO.,
8 College Place, New York
Godbe, Pitts & Co., Agents. 1

NOTICE.

In the District Court in and for the Third Judicial District of Utah Territory, County of Salt Lake.

JOHN C. BAILEY, Plaintiff,
against
OLEF NEKIOS ENQUIST, Defendant.

The People of the United States in the Territory of Utah send greetings to Olef Nekios Enquist, defendant.

YOU ARE HEREBY required to appear in an action brought against you by the above named plaintiff, in the District Court of the Third Judicial District of the Territory of Utah, and to answer the complaint filed therein, within ten days (exclusive of the day of service) after the service on you of this summons if served within this County, be if served out of this county but within this District, within twenty days, otherwise within forty days, or judgment by default will be taken against you, according to the prayer of said complaint.

The said action is brought to recover from you the sum of $300, with legal interest thereon, from April 1st, 1877, alleged to be due plaintiff from you, for money borrowed by you from plaintiff April 1st, 1877.

And to obtain an order of this Court for a foreclosure of a lien of plaintiff's on certain certificate of deposit given you by Wells, Fargo & Co., on January 3rd, 1876, for the sum $456 and No. 4528, and delivered by you to plaintiff, as collateral security for the payment of said money borrowed of plaintiff, and for cost of suit.

And you are hereby notified that if you fail to appear and answer the said complaint as above required, the said plaintiff will apply to the Court for the relief demanded therein.

SEAL. Witness, the Hon. Michael Schaeffer, Judge, and the seal of the District Court of the Third Judicial District, in and for the Territory of Utah, this 4th day of Oct., in the year of our Lord one thousand eight hundred and seventy-eight.
5t C. S. HILL, Clerk.

CALL and SEE!
BRANSON KNITTER
Knit a sock in five minutes. Price $25.00.
TOTMAN FEED MILL,
For all kinds of grinding. Great many used in California. Price, $60.00. Co. rights for sale.
JOHN W. SNELL,
Manufacturer and dealer in
SALT AND LIQUID BLUEING
And INK combined.
For Sale, 2,000 *CEDAR POSTS*, 6,000 and 3,000 lb. Wagons, one Dray, one Sleigh Cutter, one Buggy Harness, single, one Dray Harness, Wood, Car Charcoal to arrive by 7th October, one 15-hand Horse for $80, Slabs, Wood, Merchandise. WANTED, ALL KINDS OF PAY.
IDAHO STORE. P.O. Box 319.

ADMINISTRATORS' NOTICE.

In the Probate Court in and for Salt Lake County, Territory of Utah.

In the matter of the estate of WILLIAM TURPIN deceased.

To the Creditors of said deceased:

ALL PERSONS having claims against the said deceased are hereby required to exhibit them, with the necessary vouchers, within ten months after the first publication of this notice, to either of the undersigned Administrators of said estate, at their respective residences in North Jordan precinct, Salt Lake County, Utah Territory.

GESHUM M. SPENCER,
GEORGE MOSES,
Administrators
North Jordan, Sept. 29, 1878. d260

DAVIS, HOWE & CO.,
FOUNDRY & MACHINE
SHOP,
SUCCESSORS TO
NATHAN DAVIS & SONS
All kinds of Milling and Mining Machinery, Wrought and Cast Ironwork, manufactured to order
Water Jackets, Tuyeres, Sing Pots and Carts, Bellows Blowers, Furnace Fans, Hoisting Machinery, Ore Wheels and Axles, etc., etc.
Also Brass Work of all description.
First West Street,
Near NORTH TEMPLE ST., S. L. CITY

THE DESERET NATIONAL BANK
Of Salt Lake City, Utah.
Paid up Capital, - - - $200,000
Surplus and Profits, - - - $50,000
WM. H. HOOPER, President,
H. S. ELDRIDGE, Vice-Pres't,
WM. JENNINGS
FERDINAND LEE,
JOHN SHARP
GEO. Q. CANNON,
L. S. HILLS, Cashier.
Directors.
Exchange on the Principal Cities Throughout the United States and Europe Bought and Sold.
Collections made and promptly remitted.

PASSPORTS.
BRETHREN going to Europe can obtain their Passports by applying to CHAS. W. STAYNER, Attorney and Counselor-at-Law, who, besides attending to Land matters, has all the necessary instructions from the Secretary of State, respecting Passports, and is provided with the needed blanks for application. Passports forwarded when received, to the president of the European Mission.
Office north of Salt Lake *Herald*, Salt Lake City.

Established May, 1876.
FASHION,

GENTLEMEN,
Call and examine our stock of
Fall and Winter Goods.
PANTS TO ORDER, FROM $5.50.
Cloth sold by the Yard and Cut Free of Charge.
CLEANING AND REPAIRING.
BUCKLE & SON,
Tailors and Woolen Drapers,
MAIN STREET,
OPPOSITE THE WALKER HOUSE.

GREAT REDUCTION
IN
BUILDING MATERIAL
AT THE
NEW LUMBER YARD.
LUMBER
From $18 to $25 per M.
DOORS,
WINDOWS,
BLINDS,
MOULDINGS,
SASH,
PICKETS, and
SHINGLES
At prices that will remind our patrons that the promised "good time coming" has arrived.
MASON & SELLS,
Opposite Residence of Geo. Q. Cannon, SOUTH TEMPLE STREET.

JOE BARKER,
CUTLER, LOCK AND GUNSMITH
SAWS SHARPEND, STOVES REPAIRED, GUNS RESTOCKED, ETC.,
COMMERCIAL STREET.
In all cases of Scrofula, CANCERS, FITS, RHEUMATISM, Chronic and Acute, WORMS and WORM FEVERS, consult
DR. E. L. PLANT.
Market Row, Salt Lake City.

BUILDING ROCK:
White Sandstone For Sale
One and a half miles north of Warm Springs, good road, $5.00 per cord, also
LIME AND SAND
of the very best quality.
RADCLIFF BROS., Propr's

THOS. OAKEY,
Planing Mill,
Box Factory,
And Lumber Yard:
EASTERN SASH & DOORS
Shingles Lath & Pickets,
DOOR & WINDOW FRAMES
Wood Turning, &c.
Factory: First East Street, between Third and Fourth South Streets, Salt Lake City, Utah, P. O. Box 187.

I HAVE JUST RECEIVED
ANOTHER CAR LOAD
OF THE

ST. LOUIS
EXCELSIOR
LAGER BEER!
Which we offer at LOWER RATES than any other first-class beer in the market.
FULL LINE OF ALES, WINES, LIQUORS AND CIGARS, AT BOTTOM FIGURES.
WALKER BROS. & CO.

BALED LUCERN!
IN TIGHT PRESSED BALES.
75 CENTS
Per HUNDRED POUNDS, Delivered.
TO BE HAD ONLY FROM
J. B. MEREDITH,
Half Block West of Tabernacle.
GEO. F. BROOKS,
First South Street.
J. B. ELDER,
On State Road.
d240