

FRAGMENTS.

The September number of the Century can be obtained at J. H. Parry & Co's.

The athletic exhibition of the Olympic Club will be given at the Opera House to-morrow evening.

The Odd Fellows' excursion to Lake Park has been postponed from to-morrow to Friday, September 10th.

The infamy of the late bathing trains has been well known for years.—Tribune. And yet the organ of vice defends what it so frankly confesses to be infamous.

JOHN WILLIAMS, a railroad employe, who was shaken from a moving freight car some days ago, at the Union depot, Ogden, having an arm cut off by a car wheel, died last night yesterday.

Some damage was done in the western and northeastern portions of the city last night by the inundation of gardens and sidewalks, caused by the heavy rains. In some places sidewalks were disfigured by having gullies walked in them.

Shortly before going to press to-day, a little boy named Fred Dabridge brought to this office a package of letters and papers, including the Central Pacific railroad baggage checks, which, he said, he had just picked up on the street. The owner may obtain them by calling at this office.

YESTERDAY, as the wife and daughter of Samuel Knowles, of Willard, were driving in a buggy, one of the lines dropped from the hand of the lady who was driving, and, becoming excited, the driver began to yell on the other line; the horses became frightened, whirling round and round until the vehicle was tipped over and the occupants were thrown violently to the ground, sustaining some ugly bruises. The daughter had her left leg broken just below the knee.—Ogden Herald.

LOCAL NEWS.

Returned from the Coast.—Bishop John C. Cannon, wife and children returned to-day from a visit to San Francisco. They are well and enjoyed their trip.

Damage by Storm.—The D. & R. G. W. eastbound train could not get through to-day, owing to the damage to the track by the heavy storm at Pleasant Valley. The through passengers were returned to Ogden, from where they continued their eastward journey over the Union Pacific.

Escaped.—The Herald has received the following dispatch:

BIRMGHAM CITY, Sept. 1, 1898. Willard S. Hansen, proprietor of Box Elder Dairy, who was under arrest for unlawful cohabitation, escaped from Deputy Steele this afternoon while waiting for the train at Collins-ton.

Free Messages.—The following telegram has just been received by the manager of the Western Union Telegraph Office in this city:

OMAHA, Neb., Sept. 2, 1898. Manager, Salt Lake City:

You are authorized to send free messages of relief to the charitable and suffering. By order of President Green. (Signed) J. J. Dickey, Sup't.

An Afflicted Couple.—A notice in another column announces the death of the last child of Brother and Sister Wood of Show Low, Apache Co., Arizona. Some years ago at Wood's Cross, Utah they buried two children from diphtheria, and last summer their home in Arizona was destroyed by fire, also half a mile of fencing, which allowed range stock to ruin their crops. They were thus left homeless and destitute. In the midst of their afflictions, which entitle them to sympathy, they manifest great patience.

A Railroad Rumor.—The rumor has reached this city that the Chicago, Burlington & Quincy Railroad now has a corps of surveyors at work in the Utah country, laying out a route for a railroad through Uintah Valley, and in the vicinity of Ashley, the Uintah and Ouray Indian agencies, and the newly established Fort Du Chene. Whether the route will lead up the Minnie Maud and through Soldier's Canyon to Price, or, following up the Du Chene River, come into Salt Lake Valley via what is known as the Strawberry route, is a matter of conjecture.

There can be no question, however, as to the richness of Uintah Valley, from an agricultural point of view. The portions of it situated in natural fertility any other portion of Utah Territory. But much to the regret of would-be white settlers the most fertile portions of Uintah Valley are embraced in the Indian reservations. There is much good country that section, however, which is open to settlement, and the advent of a railroad would soon work a wonderful change in its state of development.

Held to Answer.—The case of the People vs. A. B. Thompson, for fraudulently obtaining money from A. J. Parry under false pretenses, came up before Justice Pryor this morning and was not concluded when the adjournment time arrived. At 2 p. m. it was continued. The evidence went to show that the defendant had represented himself as a wealthy cattle owner in Wyoming and a depositor in Wells, Fargo & Co's bank. The prosecution was unable to disprove the pretension as to cattle interests, but brought in Mr. George B. Brastow, chief accountant for that house, who testified that the defendant had not and did not on the 25th ult., have money there. The defendant made no defense, and on the showing made, the justice ordered that he be held in bonds of \$500 to answer to the grand jury. Not giving the bonds, the defendant was taken back to jail.

In the absence of Attorney Moyle, S. A. Kenner conducted the prosecution.

Bound Over.—The examination of Ezra T. Clark, before Commissioner McKay, was concluded yesterday afternoon after we went to press.

Marshal Dyer was called as a witness, and testified that the defendant had been allowed some liberty after his arrest, he being an aged man. He took advantage of this and endeavored to make his escape, but was found some time after by the deputies, hidden in the brush a short distance from the house. The Marshal said Miss Annie Clark had refused to give her name when subpoenaed, and had claimed to be a hired girl. The latter part of this statement was indignantly denied by Miss Clark.

The Commissioner said he would hold the defendant to answer to the grand jury, and placed the amount of bail at \$500. Mr. Moyle, for the defense, objected to such an exorbitant bond, but the Commissioner declared that it was because the defendant had tried to get away, and said he would demand heavy bail in every similar case. The bonds of the witnesses were fixed in sums varying from \$200 to \$500, and sureties were furnished for all.

THE HABEAS CORPUS.

CHIEF JUSTICE ZANE MAKES AN IMPORTANT RULING RELATIVE TO THE HOME-STEAD.

The hearing on the writ of habeas corpus, before Judge Zane, for the discharge of Messrs. Lee, Foulger and Ball, came up at 4:30 yesterday afternoon, instead of at 10 o'clock, as was expected. It will be remembered that Commissioner McKay refused to permit either of the three applicants to take the oath entitling them to a discharge. The case of

WM. H. LEE, of Tooele, was first taken up. The petitioner was sworn, and on examination testified that he lived in Tooele; he owned a house and lot worth about \$1,000, on which there was a \$250 mortgage; he also had a farm of 22 acres, worth \$800, with a mortgage on it for \$200. His indebtedness, in addition to the mortgages, amounted to about \$1,000. He considered his farm as part of the homestead. It was the custom of people who lived in settlements to divide their homesteads in the town and their farms some distance away. This custom had originated in early days when the settlers gathered together for protection from Indians.

James H. Moyle, for the petitioner made an argument, showing that under the law Mr. Lee's town lot and farm should be considered as one homestead. It was not necessary that the land should be in one piece, but where the circumstances and customs were as shown to be in the present case, the lot on which the family dwelling was located be separated from the farm, if the latter was used for the sustenance of the family. He therefore moved that the petitioner be discharged.

At the conclusion of Mr. Moyle's argument, the court adjourned till 10 a. m. to-day.

This morning Mr. C. S. Varian opposed the motion for the discharge of Mr. Lee, arguing that the homestead could not include separate parcels of land to the amount of the exemption, but must be confined to the residence or home of the debtor. In the present instance, the applicant resided on a town lot. A mile away was his farm of 22 acres, which was not occupied and used by his family, and could not be included in the homestead. It was no argument to say it was a hardship to the applicant. The only test was whether or not the farm was used as a residence. Under the circumstances Mr. Varian believed the Commissioner was right in refusing to discharge the applicant.

Mr. F. S. Richards followed. He maintained that it was the intent of the Legislature to provide not only a home for the family, but a means for their sustenance. The Utah statute differed from all others in this respect. It was not necessary that the homestead be one lot, or even contiguous lots, but could consist of separate pieces of land. The statute clearly implied that, in the provision "consisting of land not exceeding a certain value."

The California statute, which had been quoted by Mr. Varian, had no similarity to the Utah law. On the face of the latter, lands used for the support of the family were exempted as a homestead. The object was to prevent the dependence of the family. The land did not need to be in a compact body. The only tests were the use and value of the property. The distinction made by the Utah legislature had reference to the condition of the country. In its settlement, the inhabitants had lived in towns for safety, and had their farms near by. It was the intention of the Legislature to provide for just such cases. In all the decisions quoted by Mr. Varian as against the applicant, not one was based on the California statute. The intent of the legislature was so clearly applicable to Mr. Lee's case that an extended argument seemed but a waste of time. This intent was to provide a home and protection of the family from dependence and want to the amount of the exemption. This intention was shown by the use of the word "lands" in the statute, without reference to any dwellings or houses thereon.

The court, in rendering a decision, said it appeared from the evidence that the petitioner had served 30 days solely because he was unable to pay the fine imposed; that he had no personal property exempt from execution; he had two tracts of land, on one of which he resided; the value of the place of residence did not exceed \$1,000; the other was a tract of 22 acres, a mile distant, used for cultivation and pasture, and valued at \$800. Under these circumstances the petitioner asked to be discharged, on the ground that he had not \$20 worth of property exempt from execution. The only question was whether the 22 acres was part of the homestead. The Territorial statutes exempted lands, with the improvements and appurtenances, to a certain amount. The court considered that the proper construction of the statute should, in the interest of humanity, be liberal. The authorities read by counsel on either side had been in harmony as to the tests to be applied. The popular meaning of homestead was the dwelling occupied by a family as a home, and ordinarily referred to a compact piece of land. In the light of the reasons for the Territorial law, the question arose whether the lands comprising the homestead should be contiguous. The object of the law was to provide, not only for the head of the house, but for the family, protection from creditors. It was not only to furnish a home, but the use of the lands used in connection with the home, by the family, as a means of support. It would be useless to give a dwelling and provide them nothing to eat. The object of the exemption was the protection of the family. In this instance the petitioner was using the farm for the maintenance and support of his family, to protect them from hunger and want, and it would be difficult to draw a distinction between the tract of land near the dwelling and the house. Creditors could see from observation that the family were using the land as a homestead. The evidence showed that both tracts of the land should be considered in the homestead.

The petitioner was therefore ordered discharged.

The case of

H. J. FOULGER was next taken up. Mr. Foulger was sworn and testified that his real estate was valued at about \$1,000. His family consisted of his wife and four children entitled to the exemption.

On examination by Mr. Varian, the applicant stated that he had disposed of other property to his wives. They had asked that they be provided with homes for themselves, and he had divided his property between them. He retained no future interest in any of his property. Before his arrest he sold to his wives real estate valued at about \$200 and notes and mortgages to the amount of about \$200. A certificate of deposit in Z. C. M. I. for \$200 was also transferred to Mrs. Foulger. This latter transaction was after his arrest. He had no intention to evade the payment of any of his liabilities. He was a carpenter, but for three years he had been storekeeping, being employed on a salary. He was in debt at present, to the extent

of \$200.

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of \$200. At the time of the transfer he was not in fear of arrest, though he knew he was liable. He had not made the transfer with any reference to the arrest, or with any idea of fraud. His wife owned the furniture, which was worth about \$125 to \$150. The house was at 707 Second Street.

Mr. Moyle asked for the discharge of the petitioner on the ground that he had no property exempt from execution. It had been shown that all the transactions had been made in good faith. There was no slightest indication of fraud. There was no reason why he should not make the disposition of his property that he did.

Mr. Varian commenced to speak but the court interrupted him and said it was not necessary to argue the case, as he did not feel disposed to discharge the petitioner. He could pay the fine if he wanted to, even if the transfers were all made in good faith. The amount of Mr. Foulger's fine, and the cost of the trial, \$398.63, was paid, and he was set at liberty.

JOHN P. HALL was next called. He testified that he lived in the 3d Ward. His wife owned the homestead, worth about \$1500. There was one house divided for two families. His store was on the second premises. The stock, worth \$350, was covered by a mortgage to that amount. He owed over \$100 in addition to this. He had six children under age. Had outstanding credits to the amount of \$300 to \$400. The greater portion had been outstanding over two years some of the debtors had moved away. Most of the amounts due him were small, and were owing from poor people, who had no property exempt from execution. He had no notes for any of the indebtedness.

On cross-examination by Mr. Varian he did not vary from the above statement. He had had no other property to dispose of.

The court took a recess until this afternoon, when W. S. Burton, assessor of Salt Lake County, was called as a witness, and testified that real estate in the county was assessed at two-thirds to three-fourths of its value; two-thirds was the general rule; in some instances it went as low as one-half. The county court fixed a rate for the business portion of town at about one-half the value. When he was assessing, he usually assessed at two-thirds of market value. Was acquainted with Mr. Ball's property. It was assessed at \$1,000 three years ago. Mr. Ball thought it was too much, but witness did not. The property was now worth about \$2,000. Property had greatly depreciated during the last three years.

In answer to Mr. Varian, Mr. Ball said his house was not insured.

Mr. Varian asked that the petitioner be held in custody.

Mr. Moyle said that it was evident that the petitioner was a poor man and had not the required amount of property. He had no means to pay the fine, and the only way it could be done was for his wives to mortgage their home. This should not be required.

Mr. Varian said it was simply a question of law. Whether it was a hardship to the petitioner and his family or not had nothing to do with it. If the law contemplated providing for polygamous children, the property would be exempt, but if not it would not. This question he would not argue at present. It further appeared that the debtor had property in his store, and had various amounts owing to him. Mr. Varian thought the statute did not permit the court to discharge the applicant. The petitioner must show that he has not property to the amount of \$20 in excess of that exempt from execution.

Mr. Richards said it was necessary to show some rule by which to be governed in reference to these cases. A section referring to the discharge of the prisoner provided that if he was unable to pay the fine and had not the requisite amount of property, he should be discharged. This provision was made so that men could not be kept in prison for a fine which they could not pay in any way. This did not prevent the government from collecting the fine if the man had the property. The government had the right to garnish the debts and collect them if it could. This case clearly came under the statute, and the petitioner was entitled to a discharge.

The court ruled that the nominal value of the accounts may be considerable, but the actual value was the question at issue. The statute included credits due the party. In this instance the court could not find that the accounts were worth more than \$20. The petitioner was evidently a poor man, and should therefore be discharged.

Still in Custody.—Yesterday afternoon Leonard G. Rice, of Farmington, who was arrested on a charge of unlawful cohabitation and pleaded not guilty, was sent to the penitentiary in default of \$1,000 bail, pending the preliminary examination. The case was set for 10 a. m. to-day, but owing to a misunderstanding the prisoner was not brought in. It is said that he was quite ill this morning. The hearing will be continued at 10 a. m. to-morrow.

A Tricky Prisoner.—On Saturday last the term of imprisonment of several persons confined in the city jail ended. Jailer Phillips was off duty, owing to an accident, and met with one of the officers was acting in his stead. As the names of the prisoners to be released were called out, one Miller, who was wanted for burglary, presented himself in response to the call for William Worth, and was permitted to go at liberty. Worth remained in the backroom and next day applied for release. The error was then first discovered, and a search for Miller resulted in his arrest at Coalville by Sheriff Allison. Much to his discomfort, Worth was not liberated, and will now pay for his little game by answering to the charge of aiding a prisoner to escape.

WANTED Active Agents to sell Mining Specialties; big money; on commission or salary and expenses paid. Address, H. F. S. Y. & M. Co., 1015, Newport, Ky. dds

At A. J. Peterson's. The only Norwegian dealer in Salt Lake City, is the only place in town where you can get the genuine Norway and Holland herring. Norway anchovies and split codfish. A full assortment of first-class groceries at lowest prices. Produce taken in exchange. No. 87 E. Third South Street, half block east of Methodist Church.

Good Remedy in Every Case. D. A. Bradford, a paper dealer of Chattanooga, Tenn., writes that he was seriously afflicted with a severe cold that settled on his lungs and he had tried many remedies without benefit. Being induced to try Dr. King's New Discovery for Consumption, he was entirely cured by use of a few bottles. Since which time he has used it in his family for Coughs and Colds with best results. This is the experience of thousands whose lives have been saved by this Wonderful Discovery. Trial Bottles Free at Z. C. M. I. Drug Store.

For BRDS and BUREAU, Cheap and Best, go to Sorenson & Carlquist's, 116 Main Street.

For latest styles of SIDEBOARDS go to Sorenson & Carlquist's, 116 Main Street.

COAL! COAL! COAL! Weber, Rock Spring, Pleasant Valley and Red Canyon—all the Coals sold in the Salt Lake market. Our Weber is from the celebrated Grand and mines and we are mining better coal than ever before. No other Weber brought to the market and compare with it. All our coals are nicely screened and cleaned. Coal Department, Union Pacific Railway Company. A. J. GUNNELL, Agent. Office, Washatch Corner.

At this season of the year, the old and established remedy for DIARRHEA, COLIC, and all bowel complaints, BROWN'S BLACKBERRY AND GINGER, is in demand. People in all sections of the country know that it is one of the most efficient remedies for these ailments. The valuable properties of BLACKBERRY and JAMAICA GINGER ROOTS are actually combined in it, so that all diseases of the bowels yield readily to its influence. Every one should have a bottle of BROWN'S BLACKBERRY AND GINGER on hand. Sold by all Druggists at 50 cents per bottle.

ESTRAY NOTICE. I HAVE IN MY POSSESSION: One red STEER, three years old, crop of each horn about 18 inches, black and white, branded on right hip and shoulder and B and R reversed and combined on right side. One light-brindle COW, four years old, as a calf, split in right ear, branded JS or JE on left hip, light blue brand resembling M on left thigh. Will be sold at 9 o'clock a. m. of that day, at the 3rd Ward court house. J. E. SUTTON, Justice and Vendicator. Nephi, September 1st, 1898.

COHN BROS. BARGAINS! BARGAINS!! SPECIAL WRAP SALE!

We have a few of last season's Wraps, in Silk, Velvet, Brocade and Two-toned. Also a few Ulsters and Newmarkets which we will offer at 75c. on the \$1.00.

They are Good Styles and are REAL BARGAINS at these prices. WE ALSO HAVE A FEW SPRING or FALL WRAPS: All this year's goods, which will be sold at 75c. on the \$1.00.

WE HAVE A FEW SUMMER SILKS Left, which we are selling at 50c. on the \$1.00, to make a clean sweep of them.

Now is the opportunity to secure a BARGAIN Call and see for yourself. These Goods must be sold to make room for the Heavy Fall and Winter Purchases that Mr. L. Cohn is now making in New York.

COHN BROS.

DUNFORD'S Special Announcement!!

In order to CLOSE OUT the balance of our Summer Stock of HATS and CAPS, we are offering them at GREATLY REDUCED PRICES! To secure BARGAINS call early.

Our Stock of BOOTS, SHOES and SLIPPERS is complete with the Latest Styles and Best Brands, at Prices that will ensure satisfaction. Before buying call and see for yourself.

GEORGE DUNFORD.

33000 ROLLS WALL PAPER Just arrived, also an extensive line of CARPETS. At DINWOODIE'S.

DANIEL GREENING On Market Row, No. 74, keeps a first class article of everything in the Bakery Line, Groceries, Fruits and Vegetables. Fair dealing guaranteed. Mrs. Owen's "Cook Book and Household Hints" for sale. Call in and see a copy.

Becklen's Arnica Salve. This Best Salve in the world for Cuts, Bruises, Sprains, Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. FOR SALE at Z. C. M. I. Drug Store.

UTAH INVENTION. The Horse's Friend Sulky Plow. The cheapest, strongest, and lightest draft Sulky Plow in the market. It is endorsed by the celebrated Grand and Co. Call and see it at Z. C. M. I., and its Branch Stores, and at 131 to 135 S. Third West St. SALT LAKE FOUNDRY & M'F'G CO.

SCHOOL BOOKS

At PARRY & Co's. For BRDS and BUREAU, Cheap and Best, go to Sorenson & Carlquist's, 116 Main Street.

For latest styles of SIDEBOARDS go to Sorenson & Carlquist's, 116 Main Street.

COAL! COAL! COAL! Weber, Rock Spring, Pleasant Valley and Red Canyon—all the Coals sold in the Salt Lake market. Our Weber is from the celebrated Grand and mines and we are mining better coal than ever before. No other Weber brought to the market and compare with it. All our coals are nicely screened and cleaned. Coal Department, Union Pacific Railway Company. A. J. GUNNELL, Agent. Office, Washatch Corner.

At this season of the year, the old and established remedy for DIARRHEA, COLIC, and all bowel complaints, BROWN'S BLACKBERRY AND GINGER, is in demand. People in all sections of the country know that it is one of the most efficient remedies for these ailments. The valuable properties of BLACKBERRY and JAMAICA GINGER ROOTS are actually combined in it, so that all diseases of the bowels yield readily to its influence. Every one should have a bottle of BROWN'S BLACKBERRY AND GINGER on hand. Sold by all Druggists at 50 cents per bottle.

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F. AUERBACH & BROTHER. FOR THIRTY DAYS ONLY! Great Reduction in Prices

Elegant Summer Silks at - \$0.50, worth \$0.75
" " " " 0.65, " 0.85
" " " " 0.75, " 1.00
Colored Silks, Latest Shades at 0.75, " 1.00
" " " " 0.90, " 1.25
" " " " 1.25, " 1.65

Black Gros Grain Silks, Best Makes, at 90c., \$1.15, \$1.25, \$1.35, \$1.50, \$1.67, \$1.75, \$1.90, and upwards, worth 25 per cent. more.

Brocade Changeants at \$2.25 and \$2.75, worth 25 per cent. more.

Black and Colored Satin Rhadames, Surahs, Two-toned Brocades, etc., at Lower Prices than ever before offered in this city.

ROSARY BEAD TRIMMED ROBES, Reduced from \$25.00 to \$17.50.

Proportionate reductions in White and Colored Wash Robes, French and American Dress Goods, Embroideries, Laces, Hosiery, Ladies' Underwear, etc.

WE ARE BOUND TO SELL THE BALANCE OF OUR LADIES' WRAPS

Of this Season's Importation, at Low Prices will do it. Note the following bona fide reductions:

\$ 9.50 to \$ 7.00 \$20.00 to \$15.00.
12.00 " 9.00 22.50 " 17.50.
15.00 " 11.00 27.50 " 20.00.
17.50 " 12.50 32.50 " 25.00.
Etc. Etc.

An elegant lot of Ladies' Mohair and Linen Ulsters Just Received.

Boys' (Waists at 20c., 30c., 40c., 50c. and upwards—Choice in Style and Perfect in Fit.

1001 OTHER BARGAINS TOO NUMEROUS TO MENTION.

Wholesale and Retail Buyers will find Ours the Best House West of Chicago for General Assortment and Honorable Treatment. Mail Orders Promptly Filled.

WE ARE NEVER UNDERSOLD.

ESTABLISHED 1864.

F. AUERBACH & BROTHER

THE WALKER BROS. CO.

Wish to inform their Customers, that they have RECEIVED ANOTHER LOT

— OF THOSE —

Men's White Shirts, At 50 Cts. Each!

Come and secure them before all are sold.

WE ARE MAKING CLOSING OUT PRICES

— ON ALL —

SUMMER GOODS

Particular attention is called to our line of MEN'S BOYS' AND CHILDREN'S

STRAW HATS!

ALL GREATLY REDUCED IN PRICE

DRESS GOODS in all Desirable Fabrics!

LACES, PARASOLS, UNDERWEAR, CLOTHING AND GENTS' FURNISHINGS, BOOTS AND SHOES, CARPETS, ETC., ETC.

All at Prices to Make Speedy Clearance!

Secure Bargains While You May!

R. K. THOMAS. THE WALKER BROS. CO.