THE EVENING NEWS.

Friday, . . May 22, 1874.

COURT PRACTICE IN THE TERRITORIES.

SUPREME COURT OF THE UNITED STATES.

No. 189—*October Term*, 1873.

[CONCLUDED.]

A clause in the 13th section of the act, however, has been referred to, by which it is declared "that the Constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Montana as elsewhere in the United States," and it is argued that by virtue of this enactment, all regulations respecting judicial proceedings which are contained in any of the acts of Congress, are imported into the practice of the Territorial courts. But this proposition is not tenable. Laws regulating the proceedings of the United States courts are of specific application, and are in truth and fact, locally inapplicable to the courts of a Territory. There is a law authorizing this court to appoint a reporter. In one sense this law is not locally inapplicable to the Supreme Court of the Territory; but in a just sense it is so. The law has a specific application to this court, and cannot be applied to the Territorial Court without an evident misconstruction of the true meaning and intent of Congress in the clause of the 13th section above referred to. That clause has the effect undoubtedly, of importing into the Territory the laws passed by Congress to prevent and punish offences against the revenue, the mail service, and other laws of a general character and universal application; but not those of specific application.

The acts of Congress respecting proceedings in the United States Courts are concurred with, and confined to, those courts, considered as parts of the Federal system, and as invested with the judicial power of the United States expressly conferred by the Constitution, and to be exercised in co-relation with the presence and jurisdiction of the several State courts and governments. They were not intended as exertions of that plenary municipal authority which Congress has over the District of Columbia and the Territories of the United States. They do not contain a word to indicate any such intent. The fact that they require the Circuit and District Courts to follow the practice of the respective State courts in cases at law, and that they supply no other rule in such cases, shows that they cannot apply to the Territorial courts. As before said, these acts have specific application to the courts of the United States, which are courts of a peculiar character and jurisdiction.

Whenever Congress has proceeded to organize a government for any of the Territories, it has merely instituted a general system of courts therefor, and has committed to the territorial assembly full power, subject to a few specific or implied conditions, of supplying all details of legislation necessary to put the system into operation, even to the defining of the jurisdiction of the several courts. As a general thing, subject to the general scheme of local government chalked out by the Organic Act, and such special provisions as are contained therein, the local legislature has been entrusted with the enactment of the entire system of municipal law, subject also, however, to the right of Congress to revise, alter, and revoke at its discretion. The powers thus exercised by the Territorial legislatures are nearly as extensive as those exercised by any State legislature, and the jurisdiction of the Territorial courts is collectively co-extensive with and correspondent to that of the State courts—a very different jurisdiction from that exercised by the circuit and district courts of the United States. In fine, the Territorial, like the State courts, are invested with plenary municipal jurisdiction.

It is true that the district courts of the Territory are, by the Organic act, invested with the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and a portion of each term is directed to be appropriated to the trial of causes arising under the said Constitution and laws. Whether, when acting in this capacity, the said courts are to be governed by any of the regulations affecting the circuit and district courts of the United States, is not now the question. A large class of cases within the jurisdiction of the latter courts would not, under this clause, come in the Territorial courts, namely, those in which the jurisdiction depends on the citizenship of the parties. Cases arising under the Constitution and laws of the United States would be composed mostly of revenue, admiralty, patent, and bankruptcy cases, prosecutions for crimes against the United States, and prosecutions and suits for infractions of the laws relating to civil rights under the XIVth and XVth amendments. To avoid question and controversy as to the modes of proceeding in such cases, where not already settled by law, perhaps additional legislation would be desirable.

From a review of the entire past legislation of Congress on the subject under consideration, our conclusion is, that the practice, pleadings, and forms and modes of proceeding of the Territorial courts, as well as their respective jurisdictions, subject, as before said, to a few express or implied conditions in the Organic act itself, were intended to be left to the legislative action of the Territorial assemblies, and to the regulations which might be adopted by the courts themselves. Of course, in case of any difficulties arising out of this state of things, Congress has it in its power at any time to establish such regulations on this, as well as on any other subject of legislation, as it shall deem expedient and proper.

The judgment is affirmed.

Chief Justice Waite did not sit in this case and took no part in the decision.

Hornbuckle vs. Toombs, No. 139. Davis vs. Bilsland, No. 141. Hirshfield vs. Grimth, No. 228.

Davis and Strong, *JJ.*—We dissent from the judgments in these cases for the reason that this court has several times decided that claims at law and claims in equity cannot be united in one action even in the Territorial courts. And we think, if a change in the rule is to be made, it should be made by Congress.

Waley, Wickes & Wing,

Importers and Dealers in

FOREIGN FRUIT,

148, 150 & 152 Reade St., New York.
Branch Office, 101 Water St., near Wall.

☞ Our Goods are kept by Z. C. M. I. and all its Branch Stores and all the Co-operative Stores in the Territory. d148 1y

The above Medals present an array of irrefutable testimony in favor of the following named goods, well worthy of the serious consideration of all who want the best and most economical; each medal represents a decision of a separate Board of Scientific and Dilettante-ish Jurors. No greater evidence of superiority can possibly be submitted. Comments of the Manufacturers are add nothing the etc.

DURYEAS' SATIN GLOSS STARCH!

IN SIX POUND BOXES AND ONE POUND PAPERS.

Try it. Gives a Beautiful White and Glossy Finish, besides renders Fabrics very Durable. No other Starch so easily used, or so Economical.

☞ USE IT ONCE, YOU WILL USE NO OTHER. ☜

DURYEAS' IMPROVED CORN STARCH,

Manufactured by a greatly improved process, from the Best Selected Indian Corn, and warranted perfectly pure.

Pronounced by JURORS of GREAT INTERNATIONAL EXPOSITION, PARIS, 1867, to be the "PERFECTION of QUALITY."

☞ A trial will insure its popularity everywhere. None genuine without "Duryeas" on every package. For sale by Grocers generally.

Be sure "Duryeas" is on every Package.

General Depot—29, 31 and 33 Park Place, N. Y.

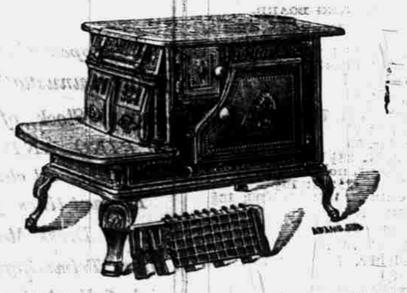
d97 s15 6m eod

CINCINNATI TRADE.

Grand Medal of Merit!

VIENNA WORLD'S FAIR, 1873

AWARDED TO THE



MONITOR COOKING STOVES

For Coal and Wood.

The Best Bituminous Coal Cooking Stove in the World.

THE MONITOR has gained a far-famed reputation. No higher encomium can be bestowed upon a Cooking Stove than to say that every house-wife who uses it speaks in its praise and recommends it to her neighbors and friends, for economy, cleanliness and reliability in all its operations.

34,687 MONITORS NOW IN USE

ALSO THE CELEBRATED

SANTA CLAUS COOKING STOVE!

For Coal and Wood, WHICH HAS SUCH A DEMAND ALL THROUGH THE TERRITORY, FOR BEAUTY AND EXCELLENCE, CANNOT BE SURPASSED.

All our STOVES are kept For Sale by Z. C. M. I. and all its Branch Stores; also by all the Co-operative Stores in the Territory.

MANUFACTURED BY

Wm. RESOR & Co., Cincinnati, O.

d248 s26 wf3 m ea

GRAND NEW STYLES!!

Magnificent Cases

OF SOLID WALNUT!

NO PAPIER-MACHE NOR SAWDUST ORNAMENTS

Used in their construction. We have just received another shipment of our

SUPERB ORGANS!

Which we will sell for Monthly Payments, running through

ONE OR MORE YEARS,

And at prices THIRTY PER CENT. LESS than are asked for inferior Organs. Call and compare prices and quality before purchasing elsewhere, and thereby save from $50 to $75.

CALDER & CARELESS

GENERAL AGENTS

For Mason & Hamlin Organs.

d81 tf

ALL KINDS OF

PURE CANDY

NUTS, RAISINS, FIGS, ETC.

Everything of the Best Quality and Low Prices.

H. WALLACE, First South Street.

d35 tf

IMMENSE BARGAINS!!

Reliable Testimony!

CARL C. ASMUSSEN,

BRING very desirous to dispose of all his fine Jewelry, Watches, Clocks, Field and Opera Glasses, Spectacles, etc., etc., offers a rare chance to the public for investment.

The JEWELRY is selected with the utmost care, both for beauty and excellence. The WATCHES are unsurpassable both for strength and good going.

☞ All goods are warranted.

Appended are testimonials from most reliable gentlemen well known in the Territory:

"The Watch I bought of you in 1872 goes most excellently, never varies a minute; has never had any repairs to it since I got it, although it has been exposed to very hard usage. A. C. BROWN,
Brakesman U. S. R. R."

"The Watch I bought of you last year has proved to be the best article I ever had, having lost it twice in the water, once at the depth of six feet, besides a great many other hardships, and stands all with perfect ease, being always right to time.
JOHN SANDS, Camp Douglas."

"The Watch I bought from you is all that can be desired. As a timekeeper it beats anything I ever had, and stands the jolting and rough usage without the least variation. DANIEL G. BRIAN,
Paper Mill, Salt Lake Co."

And the like high recommends from Messrs. H. B. W. Cheales, Salt Lake City; C. J. Lambert, Paper Mill, Salt Lake Co.; G. C. Lambert, *Juvenile Instructor* Office; T. O. Angel, Church Architect, Salt Lake City; Cyrus Bates, Tooele City; Bishop E. F. Sheets, City; Bishop S. A. Woolley, City; Archibald Gardner, West Jordan; I. M. Stewart, South Willow Creek, and many hundred others.

☞ *Mark the address and call early.*

CARL C. ASMUSSEN,
Opposite Post Office,
d229 1y *SALT LAKE CITY.*

NOTICE.

U. S. LAND OFFICE,
Salt Lake City, U. T.,
April 8th, 1874.

COMPLAINT having been entered at this Office, by William B. Cole against Franklin Goodspeed, for abandoning his Homestead Entry, No. 1118, dated May 4th, 1871, upon the northwest quarter, Section 28, Township 2 South, Range 1 East, in Salt Lake County, Utah Territory, with a view to the cancellation of said entry; the said parties are hereby summoned to appear at this Office, on the 15th day of May, 1874, at 10 o'clock a.m., to respond and furnish testimony concerning said alleged abandonment. WILLETT POTTINGER, Register.

TREES.

50,000 Trees

of various kinds, for sale,

From 25c. to $1.00 each.

Also Roses, Garden and Greenhouse Plants, at my

NURSERY IN THE SIXTH WARD,

Two Blocks South and Two West of the Court House.

☞ *All Trees Warranted true to name.* ☜

THOMAS FENTON.

NEW YORK TRADE.

LOCKWOOD & HANNINGTON,

WHOLESALE DEALERS IN

Looking Glasses, Looking Glass Plates, *Mirrors*, Both French and German. *Also, PIER, MANTEL, and other kinds of FRAMES, to Order.*

No. 315 Pearl St., New York.

☞ Our Goods are kept by Z. C. M. I. and all its Branch Stores throughout the Territory. d84 1y

Benedict, Ball & Co.,

BOOTS and SHOES,

No. 134 and 136 GRAND ST.,

Corner Crosby,

d154 tf **New York.**

RUSSELL & ERWIN MANUFACTURING CO.

Manufacturers of

BUILDERS' HARDWARE

45 and 47 Chambers St., New York.

☞ *Sole Agents for National Screw Co's Wood Screws, and Russell, Burdsall & Ward Carriage Bolts.* d84 1y

LeRoy W. Fairchild & Co.,

Manufacturers of

GOLD PENS,

Pen and Pencil Cases,

110 William St., NEW YORK.

Medal for best Gold Pens awarded by Paris Exposition of 1867.

☞ The above goods are sold by James Dwyer, Salt Lake City, and other dealers throughout the Territory.

JAMES WILDE, Jr., & CO.,

Manufacturers and Jobbers of

Men's and Boys' Clothing,

314 and 316 Broadway,
S. B. MILLS. **New York.**

☞ *Our Goods are kept by Z. C. M. I. and all its Branch stores, also by all the Co-operative Stores in the Territory.* d84 1y

O. N. Y.

Spool Cotton

AND

Howard's Helix Needles

ARE THE BEST.

d84 1y

CLARKE'S NEW METHOD PIANO-FORTE

This Novel Device Simplifies Teaches Practical PIANO playing and Operatical music shortens Study. Gives NEW METHOD for the Pianoforte carries the pupil by easy gradations to the highest practica. results.

Sent by Mail. Price $3.75.

LEE & WALKER, Philadelphia
2t2 3m

ST. LOUIS TRADE.

BELCHER'S SUGAR REFINING CO.,

ST. LOUIS, MO.,

Manufacturers of

Cut, Loaf, Crushed, Powdered and Granulated

SUGAR!

White and Yellow Coffee Sugar, in Barrels, Half Barrels and Sacks.

Golden Syrup and Syrup Molasses,

In Barrels, Half Barrels and Kegs. All of Superior Quality.

☞ *Orders promptly executed.*

ADDRESS—Ed. T. Ware, Secretary.

These Goods are kept by Z. C. M. I. and its French Stores, also by all the Co-operative Stores in the Territory. 1115 6m

GRAY, KIMBROUGH & CO.,

Wholesale Importers of

HATS, CAPS AND FURS.

Buck and Kid Gloves,

MILLINERY GOODS,

411 and 416 FIFTH STREET, St. Louis

d145 6m

DODD, BROWN & CO.,

DEALERS IN

Dry Goods and Notions,

5th and St. CHARLES STS.,

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S. M. DODD. [d122 6m] JAS. G. BROWN.

St. Louis Paper Warehouse.

H. B. CRAHAM, & BRO.,

No. 113 NORTH SECOND STREET,

St. Louis.

d121 1m

J. P. LIGGETT. G. S. MYERS.

Late Liggett & Dausman, of St. Louis. Late Myers & Drummond, of Alton, Ill.

Registered Factory, No. 74, 1st District, MISSOURI.

LIGGETT & MYERS,

MANUFACTURERS OF

Chewing Tobacco,

Factory and Office,

Nos. 308, 310 and 312 Elm Street,

ST. LOUIS, MO.

d121 6m *Established 1830.*

Sugar-Cured DRIED BEEF and Breakfast BACON.

☞ Our Goods are kept by Z. C. M. I. and all its Branch Stores, also by all the Co-operative Stores in the Territory.

Chas. Rueppele & Co.

MALTSTERS

And Dealers in

HOPS, BARLEY,

And All Articles

For Brewers and Distillers Use.

OFFICE No. 25 SOUTH MAIN STREET,

Between Market and Walnut.

SAINT LOUIS, MO.

d261 1y

OWENS, LANE & DYER,

Machine Company

MANUFACTURERS OF

Portable & Stationary Engines,

CIRCULAR SAW MILLS,

Dealers in

WOOD and IRON WORKING MACHINERY, BELTING, MILL GEARING, WATER WHEELS, ETC.,

No. 717 North Second St., St. Louis, Mo.

d261 1y

MARSHALL & COMPANY

Western Foundry,

MANUFACTURERS OF

STATIONARY, PORTABLE

AND BRADLEY PATENT

STEAM ENGINES

Steam Boilers and Sheet Iron Work, Circular, Muley and Sash Saw Mills, Grist Mills, Grist Mill Machinery, Shafting and Pulleys, Quartz Mills and Crushers, Gas Works Machinery, etc., etc., etc.

Corner Main and Mullanphy Streets,

ST. LOUIS, MO.

d261 1y

FRIEDMANN & LAUTERJUNG

Manufacturers and Importers of

CUTLERY

And Proprietors of the Celebrated "ELECTRIC" RAZOR.

14 Warren St., NEW YORK
423 No. 5th St., ST. LOUIS, Mo.

☞ Our Goods are kept by Z. C. M. I. and all its branch stores. d294 6m

F. HAS. A. GOLDSMITH. E. LEHMANN.

GREAT WESTERN

CHEMICAL WORKS.

F. Ilse & Co.,

MANUFACTURERS AND IMPORTERS.

Specialties:—Chloroform, Ether, Spirits Nitre, and all sorts of essential Oils and Flavors. Also, Printers' Roller Composition.

No. 120 Nonest Levee,

ST. LOUIS, MO.

d251 6m

R. A. MITCHELL. DAVID JAMES.

Mitchell & James

RESPECTFULLY announce to the public that they have

REMOVED

To their new Premises on

West Temple Street,

Opposite the City Meat Market,

Where they hope, by strict attention to business and small profits, to merit the continued patronage so liberally bestowed upon them.

Tin, Sheet Iron & Coppersmithing

Furnace Work and Roofing.

GALVANIZED IRON CORNICE, GAS, WATER and STEAM FITTERS.

WEST TEMPLE ST.,

Opposite City Meat Market.

d198

FOR BARKERS.

CUTLER LOCK AND GUNSMITH

SAWS SHARPENED,

STOVES REPAIRED, &c.

COMMERCIAL STREET.

Appleton, Noyes & Co.,

525 Main St., & 110 Washington Ave.,

ST. LOUIS, MO.

WHOLESALE DEALERS IN

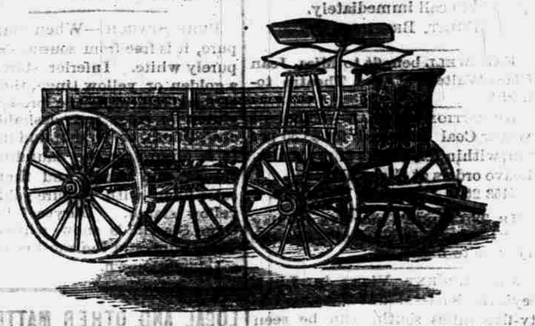
BOOTS AND SHOES

Manufacturers of the celebrated

ST. LOUIS CUSTOM BOOTS.

☞ EVERY PAIR WARRANTED. d288 1y

BAIN WAGONS.



THESE WELL-KNOWN WAGONS NEED BUT LITTLE SAID IN THEIR FAVOR. The extensive sales now being made attest their merits, and they are the favorite wagon now in Utah. They are Thoroughly Warranted for One Year. ALL SIZES KEPT IN LARGE STOCK.

Z. C. M. I., East Branch,

SELL the BAIN WAGON at PROVO,

At Salt Lake Prices.

We call further attention to the

WALTER A. WOOD MOWING and REAPING MACHINES,

Which we sell and are warranted to give satisfaction. Also the BEST SULKY HAY RAKE in the market.

We have the Largest Stock of Buggies, Carriages and Light Spring Wagons in Utah and sold for the least money. Call and see the extensive stock of good work at SUCH LOW PRICES.

We keep the Largest and Best Selected Stock of Hard Wood and Wagon Material at Lower Prices than any house in Utah, to which we call especial attention.

We have just completed a Large Two-story Warehouse, for the accommodation of the above goods.

Bain Wagon Depot—First Yard South of Theatre.

SEBREE & ROBERTSON.

DIRECTORY

OF

Salt Lake City and Utah Territory.

A WORK OF THE CHARACTER INDICATED BY THE ABOVE TITLE IS stringently demanded by public necessity. A twelvemonth ago, when the undersigned announced their intention of issuing such a work, another Directory was presented to the public, and they immediately withdrew their advertisement. There being no proposition to publish a Directory from any other quarter at present, and the importance of Salt Lake with the growing industries of the Territory calling for one, they propose issuing, on or before the 1st of April, a

DIRECTORY of SALT LAKE CITY and UTAH TERRITORY,

Compiled and arranged by

EDWARD L. SLOAN,

Whose former DIRECTORY of Salt Lake gave so much satisfaction.

THE DIRECTORY OF SALT LAKE CITY AND UTAH TERRITORY FOR 1874, will contain

A General Directory of Salt Lake City;

A Business Directory of Ogden, Provo, Corinne, Alta, Bingham and Ophir with

An Official Directory of every County and Municipality in Utah.

It will also contain a Chronological History of the Territory; a description of the various Mining Districts, with much interesting and reliable information relative to the leading mines and their development and to the Agricultural, Manufacturing and Industrial resources of the Territory.

☞ Canvassers soliciting Subscriptions and Advertisements will call upon business men and others in a few days.

[It is respectfully requested that every facility be extended to the canvassers for the general and business directory, by furnishing them correct information as to names and residences.]

d56 tf **Salt Lake Herald Publishing Co.**

ESTEY!

ESTEY!

ALL NEW STYLES FOR 1874.

The Jury Award to Estey Organs received over 150 First Premiums from Industrial Fairs and Exhibitions.

The ESTEY ORGAN Works are the most extensive in the world, 600 workmen constantly employed.

All the ESTEY ORGANS have the wonderful VOX JUBILANTE and VOX HUMANA STOPS, which are beyond description in rich variety of tone.

13,000 Musicians testify that these Organs are Unequaled!

A Large Stock of the Celebrated

PRINCE

On hand. With 6 Stops, $125; with 8 Stops, $150.

Both kinds sold on Monthly Instalments, and Three Months' Lessons given free to purchasers. *Send for Illustrated Catalogues.*

DAYNES & SON,

Agents for Estey and Prince Organs,

SALT LAKE CITY.

LIME!

At the Mammoth Kilns. For good work, PLASTERERS will use no other but Mammoth Lime.

LIME!

The fact has long been established that no other

LIME!

In this vicinity gives such entire satisfaction.

Get the

BEST

For laying your foundations, for brick work, for laying bricks, and for every other purpose, use no other. It makes 30 per cent. more and better cementing mortar than any other offered to the public. Being in close vicinity to the railroad, we are prepared to deliver it at any railroad depot from Ogden to Provo.

A great discount allowed to furnishers using it in quantities for fluxing purposes.

Kilns Situate at Hot Spring Lake, P. O. Box 1202.

OFFICE—COMMERCIAL STREET,

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SAN FRANCISCO TRADE.

ESTABLISHED IN 1851.

G. VENARD,

SAN FRANCISCO,

Manufacturer of the ORIGINAL

CHARTRES COFFEE,

A Superior Article of Ground Coffee for Family use.

☞ Also of all kinds of Spices, Cream Tartar, Soda and Saleratus. d23 6m

BROOKLYN HOTEL,

Bush St., San Francisco,

Between Montgomery and Sansome Streets, *Adjoining the New Mercantile Library.*

Terms:—$2.00 Per Day.

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KELLY & ANDREWS,

PROPRIETORS.

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☞ The Coach, plainly marked "BROOKLYN HOTEL," will be at the Railroad Depots and Steamboat Landings, to convey guests to the Hotel, free of charge. d165 1y

O. L. ELIASON,

Practical Watchmaker,

First South St., East of DESERET BANK,

Keeps a Full Assortment of

Elgin Watches

IN GOLD AND SILVER CASES, GUARANTEED TIME TIMEKEEPERS, AT FACTORY PRICES.

—o—

Watches Made to Order with my own New and Improved

PATENT ATTACHMENTS,

CHRONOMETERS, WATCHES, CLOCKS, &c., REPAIRED AND ADJUSTED AND WORK GUARANTEED.

—o—

☞ MY STOCK OF JEWELRY has been selected with great care and is of Good Quality. I sell upon honor at prices that cannot fail to give satisfaction. ☜ d111 1y

BATHS!

WARM SPRING BATHS.

Private & Plunge.

—o—

THESE celebrated baths are open to the public at all seasons. Their medicinal properties are so widely known that it is needless to enumerate them.

Besides the Private Baths, the large and handsomely furnished Swimming Bath, 75 x 25 feet, for Ladies and Gentlemen, are now open. d204 1y. H. ARNOLD.

NOW READY!

CATECHISM

FOR

Children.

BOUND IN CLOTH.

CHICAGO TRADE.

W. & B. DOUGLAS,

MANUFACTURERS OF

PUMPS,

Hydraulic Rams, Garden and Fire Engines, Pump Chain and Fixtures Iron Curbs, etc.

Branch House, 197 Lake Street, CHICAGO, ILL.

☞ These Goods can be obtained at Z. C. M. I. and its Brunches. d84 1y

WARNER, MARSTON & FELIX

Manufacturers and Jobbers of

Cordage Twines,

WOOD AND WILLOW WARE,

Brushes, Brooms, Matches, Etc.

☞ 38 River Street, - - CHICAGO. ☜

☞ Our goods are kept by Z. C. M. I. and all its Branch Stores, and also by all the Co-operative Stores of the Territory. [d62 1y

SCHWAB, McQUAID & CO.

WHOLESALE LIQUORS.

26 & 28 S. Water St, - - CHICAGO

PROPRIETORS OF THE

RED JACKET STOMACH BITTERS

AND

OLD TOM GIN.

We make a specialty in KENTUCKY BOURBON and PENNSYLVANIA RYE WHISKIES. All our goods are kept by the Z. C. M. I. and all its Branch Stores. d61 1y.

SWEET, DEMPSTER & CO.,

Manufacturers and Jobbers in

HATS, CAPS, FURS,

STRAW GOODS, BUCK GLOVES, &C.

220 and 222 MADISON STREET,

Chicago.

Our Goods are kept by Z. C. M. I. and all its Branch stores, also by all the Co-operative Stores in the Territory. d 6m

JOHN V. FARWELL & CO.,

NOTIONS

DRY GOODS,

AND

Woolens.

Importers and WABASH AV. and MADISON ST., CHICAGO.

☞ Our Goods are kept by Z. C. M. I. and all its Branch Stores, also by all the Co-operative Stores in the Territory. d87 1y