EVENING NEWS. Published Daily, Sundays Excepted, AT FOUR O'CLOCK. PRINTED AND PUBLISHED BY THE

DESERET NEWS COMPANY CHARLES W. PENROSE, EDITOR.

May 19, 1886

## A MASTERLY ARGUMENT.

THE argument of the celebrated lawyer, George Tickner Curtis, before the Supreme Court of the United States in the Snow case, which was published "Mormons" under color of law. The by it. religious aspect of the plural wife question is exhibited with fidelity, and girl, who has been baptized into the it is separated from the purely legal "Mormon" Church and remains in its part in such a skilful manner that no fellowship, has an equal vote in its lawyer can fail to appreciate the dis- affairs as an organized ecclesiastical tinction.

different position to that which the shall be done by common consent." as final, he shows in a clear and comprehensive manner that though penal- And the leaders of the Church are no ties may be imposed for conduct that is prohibited by law, there is no law and can be no constitutional law to punish a man for his belief, the expression of that belief, or the establishment or continuation of relations growing out of it which are not in actual violation of constitutional law. Thus, a man who has several wives, who have been sealed to him by a religious ordinance for time and eternity, may call them his wives-in the religious sense-and they may maintain that relation, if he does not actually cohabit with more than one of them in a carnal way, and there is no law that can or should interfere with him

The religious relationship of "Mormon" marriage is very clearly set forth, and the testimony in the Snow case touching on this matter is brought in deftly by way of illustration. The effect of the religious influence upon the minds of pure, virtuous and devout women, enabling them to embrace with freedom and fervor, something that repels others who do not understand it nor view it in the same light, is explained in a way that is calculated to remove much prejudice against the system. It effectually disposes of the fallacy that the"Mormon" women are under bondage in relation to this matter. And that common error is undoubtedly the cause of a very great amount of the violent prejudice entertained towards the "Mor-

mons." It is supposed that the under some species of coercion, and

right to make any such requirement. the Latter-day Saints, commonly but The Church is independent in its improperly called "Mormons." sphere, and has the right to hold any ----doctrine that seems right to the major-TAKE IF HOME. ity of its members, and to promulgate t as an article of faith. THE technical decision of the-U. S. But there is a great deal of misin-

formation in regard to the position of practically hurls the Latter-day Saints the Church in relation to the into a ligurative den of lions, to be laws which the "Mormon" people toru to shreds and devoured. They are asked to promise to obey. It is represented that if the Church would

only do so and so, if the Church would command this obedience, if the Church would remove alleged densation, their offense is not the perpressure upon the people, the whole thing would be so easy that falling off a log would be hard labor in comparison. When it is known that these same people who are to be relieved, in Tuesdy's DESERET EVENING NEWS instructed, commanded and so on, are is a masterly presentation of the rights themselves the Church, perhaps the of conscience involved in the present folly of all this talk will dawn upon the attack upon the religious liberty of the minds of those who have been misled

Every man or woman, every boy or has defined the nature of his desires, ho to-day. body. One of the principles of

Of course the able jurist occupies a its constitution is that "all things "Mormons" take in reference to the It takes the whole body to comprehend rulings of the Court on the anti-polyg- the Church. The head is but a part of amy laws. But while accepting them it. The revelations of God are just as biading upon the head as upon the foot. more responsible for the doctrines that form, the accepted creed of the Church than the members are. They cannot change a principle. It is not for them to set aside a decree of the Almighty The body of the people understand what the Lord has communicated concerning the principle of 'celestial marriage, and if a leader was to depart says, as plainly as language could have from it, his defection would be a matspoken it: "Only give your word that ter of regret, but not of difference to your future course shall be as we retheir faith or practice.

It is not within the province of any man to direct the people to disobey law of God. The idea that this could be done in the Church of Jesus Christ of Latter-day Saints is entirely erroneous. It may as well be dismissed from the consideration of the "Mor-

mon" question by those who wish to discuss it or to arrive at correct conclusions.

The law of God and a statute made by man appear to be in conflict. What are the "Mormons" to do in relation to the matter, and what is the attitude of their Church? The his own agency, and the Church does not interfere with it. He can take his choice. He is left free to act upon ais volition. He can learn what is right if he wishes to do so, and need be in no doubt about it. But his course is open and no obstruction is placed in his way or force exercised to ings and contortions of courts who

restrain or compel him to proceed. But it is claimed that men who have most relentless cruelty. It was nothagreed to obey the law as construed by ing short of a call for an unconditional "down-trodden women of Utah" are the courts are punished, ostracised, surrender without the slightest guaruined in business, threatened in vari- anty of protection from the merciless

that have appeared in these columns

scribes, for the same purpose, to the

We feel highly flattered when our

poor efforts are taken for the produc-

tions of an able mind, and a powerful

we deny that he was

author of the article

been attributed to him. He neither

wrote, dictated or suggested them and

had nothing to do with the responsi-

bility for them. If the statements that

have been so repeatedly made are mis-

takes, they show the incapacity of

those who fall into them to distinguish

between the well known styles of dif-

ferent writers. But we believe they

are not blunders. They are wilful

We are willing to shoulder all the re-

sponsibility that belongs to us. W

do not wish to shirk any of it. We

claim the right to express approbation

or disapprobation of the public acts

of men, whether they be officials or

otherwise. But we have sought to in-

ture no one who has chosen to obey

man rather than God. He stands or

falls for himself. He makes his own

choice. He takes all the risks in either

direction. Neither the Church nor any

man in it will assume the consequences

We have our views of duty and right

in the light given to us. We expect to

express those views as they are, while

great day, for himself.

falsehoods invented for a purpose.

what

dearing

same author.

or authority under heaven has the freer people under the heavens than hesses, and for the completion and maintenance of the Descret University and the education of the deaf nutes therem. It also appropriated

for the support of the Territorial In-sane Asylum, as well as the salaries of Territorial officers, including that of the Superintendent of the District Schools, the Auditor, the Librarian,

Supreme Court in the Snow cases and the Treasurer of the Territory. It also provided for internal improvements, such as roads and bridges. The appropriations for the district courts, for the payment of witnesses are judicially caged, and apparently at 000; that for the Deseret University the mercy of those who have as yet and the deaf mutes was \$66,000, and for

given no symptoms of merey. Sim- the insane asylina \$25,000 mered down to the finest point of coa-The board of regents of the Deseret University have borrowed money for the completion of the university buildformance of past conduct, but a failure ngs which were authorized by legislative action, and which is now due and no provision made for the payment. to promise to do something that has never been deflacd, in the future. The The act appropriating for the benefit of issue on the part of those who make e Territorial insane asylum passed by the demand for the new judicial cove the Legislature, was also vetoed. This neluded fine sum of \$73,000 which had nant is as supremely absurd and as been borrowed by the board of directsenselessly cruel as the position ors of the asylum for its completion of an unreasonable parent who chasand furnishing, and which now retizes his child for not doing as he mains due and unpaid. It also included the sum of \$2,548 85 for the care and wishes, notwithstanding that he never maintenance of the indigent insane.

The Legislature of the Territory, and continues doggedly to refuse to be under existing law, will not again con vene for nearly two years, there explicit on the point. Such is the being no authority for a special position of the courts of Utah and Idasession. In the meantime, under preseat conditions, the good order o society will be jeopardized, education-al and charitable institutions will be The repetition of the offer of clem-

ency to the "'Mormon'' prisoners at paralyzed, and internal improvements the penitentiary, presented a few days stopped until the Legislature meets ago by Governor West, was a peculiar and makes provisions for their support. spectacle. It is questionable if a par-

A determination on the part of th allel to it can be found in history, es-General Government to suppress cerpecially when it is taken in connection tain unlawful practices do tois Terri with the same offer made to each of tory demands neither the refusal of th means to support the local governthe prisoners in court before the uent nor the sacrifice of the interest passing of judgment. It shows f the community.

beyond question that those men who I therefore recommend the immediate enactment of such legislation as are now suffering for the sake of conwill authorize the assembling of the Legislature of that Territory in special science are not viewed as intrinsic criminals even by their opponents session at an early day, so that provis-ion can be made to meet the difficulties herein suggested. not even by those who are fired with the most bitter hatred toward them. It

GROVER CLEVELAND. Executive Mansion, May 11, 1886.

quest and your liberation is a fore-BY TELEGRAPH gone conclusion." It was held by those who tendered it that the proffer

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The tender of the proffer was therefore, as much as to say: "We AKRON, Ohio, 19,-The home of Mrs Mars Mary Mooney, widow, situated three niles north of Akron was burned know that you are men of probity and honor. If you pass your word that to the ground shortly before midnight such a course will be taken by each of and four children, the oldest 12 and you personally we believe you will be the youngest four perished la the flames. Mrs. Mooney awoke in th true to it. We have full faith in your might to find herself choking with honesty." This must have been the smoke and snatching up her baby told standpoint of those who made the ten- the other little ones who, were almost answer is, every man stands upon der of conditional clemency, else it stilled to follow her. Mrs Mooney sprang out of the window the babi could not have been held out in good in her arms and landed almost faith. But no one could tell what the unburt, the baby also receiving conditions were. Not the slightest avbut slight mjuries. Lawrence Mooney, aged 60, brother-in-law to Mrs. Moon proach to a definition could be given, proach to a definition could be given, except that whatever they were they would be subordinate to the caprice, only to be told by the frantic mother that her four little ones were still in the whims and vindictive twists, turnthe burning building. Both mother and uncle rushed into the Hames time had pursued with them with the after time, but were beaten back. His

injuries may prove fatal

Raising Them. BOSTON, 19 .- The Senate yesterday

the tax

-The Laramie Chemical Works barned to the ground last Friday night. The fire was caused by spontaneous combustion, and the damage will amount to \$5,000.

DESERTY NATIONAL BANK. -An Indian recently committed suiide on the San Carlos reservation, Arizona, it is said because of grief over the loss of his nephew a day or two previous. The suicide first murdered PAID UP CAPITAL, - - \$200,000 SURPLUS, - . his brother before killing himself.

-Last week Wm. Myers, of Carbon, Wyoming, went out hunting, and when he returned to town stopped at.a trough to get a drink. While stooping WM. W. RITER, he returned to town stopped at a trough to get a drink. While stooping down his Winchester rifle was dis charged, the ball passing through his L. S. HILLS, Cashier, JAS. T, LITTLE, Asst. Cashier, hand and into his knee, shattering the bone to the hip, inflicting a wound which proved fatal."

--On Tuesday last, near Frisco, a man named John H. Sullivan took sulphoric acid in mistake, and died after 46 hours' horrible suffering. When Sullivan rose about 6 a m., he reached on a shelf for what he supposed was a pottle containing some medicine which had been placed there, but took the wrong bottle and swallowed a month ful of the burning acid before he disovered his mistake. Medical assist ince was at once summoned, but was I no avail, as the deadly draught had one its work and burned through the vitals of the unfortunate man, who uffered frightful agony.

olidays.

WANTED. TO PURCHASE A BUILDING LOT within five blocks of bu incess center, Part church pay and cash. Address du D. F., Box 161. FOR RENT. TO THE PEBLICI We, the undersigned Merchants, de O<sup>N</sup> CORNER OF FOURTH SOUTH and Sixth East, a house of 3 rooms and store; just the place for a Dress-maker ing business in Salt Lake City, wish to inform our patrons and the public gen-erally, that op and after May 24th we or a Milliner or a store. Only \$10 per month. Call at Thomson's Real Estate Agency, 28 Main Street. will close our respective places of pusiness at 7 o'clock p. m., excepting saturdays and evenings preceding Signed, LAND AND HYDRAULIC WOOLLEV, YOUNG & HARDY CO., THIRTEENTH WARD CO-OP., CUNNINGTON & CO., SURVEYING. D. C. YOUNG, C. E. SIMON BROS., Member of the Yan Renssaeler Society of Engineers. Office at the Contributor Building, No. 40 R. K. THOMAS, COHN BROS., F. AUERBACH & BRO., Main Street. THE WALKER BRO. Co. Salt Lake City, May 15th, 1886. J. W. WEST, Shelf and Heavy Hardware. Queensware, China & Glassware. GEM MEAT MARKET. SS UPHOLSTERER WANTED 35 EAST, SECOND SOUTH STREET Enquire at BARRATT BROS. Meats of All Kinds in Season. JABEZ W. WEST, Proprietor. Telephone No, 213. d111 3m DEATHS. BUTLER-At Spanish Fork, Utah County, May 1, 1886, Kenion Taylor Butler, son of WANTED! John L. and Caroline F. Butler, born Nov. 17, 1531, in Simpson County, Kentucky When he was four years of age his parents Good, Clean Cotton Rags sathered with the Church ; he was baptized at Deseret Paper Mill. n Nauvoo when eight years old, and enlured the persecutions in Illinois. In 1852 e came to Utah and settled in Spanish Fork, where he resided till the day of his A RECIEN BIN BIG TENIER BC. teath. He took an active and prominen

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DIRECTORS

On the 6th of September 1882, he went or struments at the University of Deseret. mission to the Southern States and labored Office in the Contributor Building, No. 40 Alabama and while there he was attacked Main Street. with fever from which he never fully re-

## FOR SALE.

DEALER

GO TO THE

where he arrived on the 16th of October A HOUSE AND LOT IN THE ISTH Ward, corner of Third and A Streets, On the 8th of September, 1885, he was asantly situated and convenient to the taken with brain fever by which he lost hi siness center; lot 5x10 rods; good barn, rchard, etc. Also, a Farm of 15 acres, 3½ miles south

In 1856, he was ordained a Seventy an of Salt Lake City. Enquire of YOUNG BROTHERS, ined the 50th quorum which position he No. 38 Main Street, in the Old Constitution eld at the time of his death. A few min utes before he died he sang a heavenly

HOME-MADE

the desire to do something desperate to relieve them is at the foundation of do so are terrorized into reple of Utah. This great mistake is exposed in the spleudid address of Mr. who utters such a complaint, there is Curtis.

no man who has refused who has al-The errors, inconsistencies and selfleged that he has been in any way comcontradictions offthe lower,court in the Snow case are held up to full view, and pelled to do so. Who, then, brings where they are practically dead to, the these charges against the Church? No the argument as to the wrong done to one that we know of, except a few vile the defendant is conclusive and unanswerable. That his acts as testified to scribes who uphold the very worst elein the prosecutions against him were ments of society, apologize for bestial innocent, in fact and in law, were honorable, justifiable and beyond the house, the drinking den and the brothel reach of the enactments against polygas antidotes to "Mormonism." They amy and unlawful cohabitation, is make the assertions, they repeat them demonstrated beyond successful dispute. Judges Powers and Boreman without the slightest foundation for surmount. The ground on which they each come in for their share of cen- their falsehoods, and keep up stood was non-debateable. There was sure, in the iscathing remarks that expose the combined barbarity and ig- cause decent people do not care to be pursue, and they took it. Had they always noticing their blackguardism. norance which characterized their insulting utterances against the defend-

ant. It is proved that having more than and every now and then impudently one wife and introducing more than drag his name before the public in an other rights, would have despised one woman as a wife, do not constiattempt to illustrate their charge, tute unlawful cohabitation, and that it while his position and exemption from have vanished never more to return. was a gross error in the lower court harm are proofs of the falsehood of not to so instruct the jury as re- the accusation. The DESERAT NEWS the question home to, himself quested. And the necessity of taking pointed out the error of the position into consideration the conditions and he took, as it had the right to do. And domestic relations existing when the this is cited as proof of ostracism, de-Edmunds act broke in upon them, in douncement and ruination. It is reorder to arrive at a legitimate con- peatedly asserted that the arti- any other community under the sun. struction of the law, is argued comcle was written by President George prehensively. This introduces a Q. Cannon. We have never noticed graphic relation of "Mormon" history, the falsehood before. It is uttered embracing the period between the with frequent repetition to make it appear that the leaders of the Church upon it, had married more wives than exodus from Nauvoo and the first prosecutions under the Edmunds figure in these matters. Other articles one, and by them had reared children;

law. The duty of the Court to define the have been attributed by those reckless meaning of the statute, so as to carry its provisions into effect without injustice, without infringing upon religious faith and institutions, and without requiring the people whom it affects to cast their families adrift pen that has not been wielded for this upon the world, is urged in strong and paper since the gifted gentleman named convincing terms. And the wrong is relinquished its editorial charge acknowledge and deprecated of judg-But ing the "Mormon" question as it is the judged almost universally without inreferred to, or others that have vestigating it upon its merits and examining the other side.

The entire argument is strong, and the points made in it are telling and pungent. They go straight to the mark. It is rare that a non-"Mormon" grasps the situation with the force and fidelity exhibited in the speech of Mr. Curtis. The style is admirable, and the address abounds with polished sentences and indicatious of the literary talent as well as the legal erudition and ability of the eminent jurist who has struggled so manfully for the rights of an oppressed people. That the Court failed to pass upon the questions so eloquently presented,

proves nothing against their validity. On the contrary, after reading the argument every ubbiased person must be strengthened in the conclusion that the Court, unable to resist the force of the plea, and unwilling to rule so as to relieve the unpopular "Mormons" from the unlawful pressure brought to bear upon them, escaped from the issue by the convenient opening afforded in the excase of lack of jurisdiction.

However, this grand effort will not fail of accomplishing good. It will be read by leading men and women who are interested in the irresistible "Mor-

ous ways, and those who would operations of judicial officers whose unwarrantable course has crushed ont many movements inimical to the peo- fusal to comply. Who claims it? of the hearts of the people every par-Not the parties themselves? There is ticle of confidence in their integrity or no man who has made the promise justice.

was made in good faith. Necessarily

there must have been confidence that

any promise given in response would

have been given in the same quality.

Let the enemies of the Saints say what they may, the spectacle presented in a number of people in a foul prison tempted to disperse meetings of Anarworld, having the privilege of walking chists, though they knew that their incondiary speeches at such times were violations of law; that the disout from its conduces at a word from them, was not devoid of an element of grandeur. Their | consciences, their corruption as "the common vices of wives and their shildren and their duty humanity," and advocate the gambling to God, as well as an utter absence of confidence in the local Federal Courts were the barriers in the way. These in which resistance of law is advowere obstacles that they could not cated, and arrest any and all violators of the law by uttering incendiary speeches or inciting to riot. the assault with little obstruction be- but one course they could consistently The Cholera in Marseilles, WASHINGTON, 19.-The Marine Hos-

done otherwise, even those who pro-They refer to a gentleman who has fess so great anxiety to have them figured prominently in this condition, surrender what they conclive to be their religious and

discovered in the hearts of those of

gae, France, where fishermen assemble in large numbers in the spring time and live together under unfavorable them, and their own self-respect would conditions Marseilles is also said to be in a deplorable sanitary condition, and the mortality record for the first Let every right thinking man take three months is greater than for any before a harsh judgment is passed preceding year, being at the rate of 48 per 1,000 of population. The cholera upon a people who as whole is reported to have made its appearhave as high a sense of honor as can be lace in that city.

## Convicted.

showing that cholera in violent

SAN ANTONIO, Tex., 19.-In the Fed-No matter how deluded he may prerai court yesterday, Col. Nelson Platt, sume the Saints are, let him say withollector of customs for the district of in his heart: "It I had a certain firm Corpus Christi, was convicted of emezzling government funds and unfaltering conviction, and, acting

The Trial of Maxwell the Murderer.

Sr. Louis, 19.-Brooks, alias Maxthat those wives and little ones were well, on trial for the murder of Preller, in my view attached to me by the most was taken into the criminal court this morning. The prisoner maintained his quiet demeanor and professed great relief at having been allowed by his sacred ties. That in addition to the invollable sacraments that bound the family union it was further sealed with attorneys to make a true statement of the manner in which Prelier came to the mostidevoted reciprocal affection." his death, and feels confident that pub-Let these conditions be imagined, ic opinion has already-acquitted him then let him ask himself- what of intentional crime. All the witnesses for the State were pres-ent in a body and are kept under would be the character of his position if some edict from any source should strict surveillance by the sheriff. Hunt, lemand that he cut those ties asunclerk of the Southern Hotel, was the first witness of the morning and his ler; that she should not only sever the sacred cords by his conduc, but that examination and cross-examination onsumed the greater part of the morn-ng. He testified that he was cashier he should publicly or otherwise agree or covenant to do it; that he should of the hotel at the time of the marder. He identified the prisoner as the man cut his wives adrift and practically in April, 1885, registered as II. Lennox Maxwell, M. isown his children, and thus not only II. Lennor Identified lisrupt the family organization but the photograph cause ineffable suffering to fill the as that of Preller, who arrived at the hotel April 3rd. His testimony was a hearts of those he had agreed most repetition of the facts known; the intisolemnly to love, cherish and protect, macy of the Englishmen, Maxwell's would he do? The apparent lack of money, the disappear-ance of Preller, the departure of writer has frequently brought Brooks for Sau Francisco and the dis the point home in this shape to covery of the body in the trunk. Dpr-ing cross-examination the witness adgentlemen who have expressed determined opposition to "Mormonism," mitted that he had no means of knowing and in every instance they have said that the man who registered as C. Ar thur Preiler, did not register that they would not turn their backs upon name as an alias. He had gone to the their families if they were in such a morgue after Preller's body had been placed there, but could not identify 'it. position. In some instances they have could not even state positively that the said with more force than elegance, remains were those of a human being. "I'd be d-d if I would."

People who are opposed to "Mor-Not Believed. monism" can try to deceive them-HALIFAX, 19.—The report about the steamer Lansdowne having seized a vessel near Windsor, lacks confirmaselves as they may, but they cannot get around the fact that to demand that tion and is not believed here. people of this community shall tear up

of his acts. He will be judged in the and disrupt relationships of the character that have FOREIGN. existed for years is to step back into LATEST TRANS-ATLANTIC DISbarbarism. It is cruel, it is hideous PATCHES. beyond measure. It is unmerciful; it opportunity is afforded us. And we is, above all, unjust, for, as stated by a No Election. have as much right to show up notable author, "Justice is the essence ATHENS, 19 .- The Chamber of Dep-

phone companies from \$3,000 to \$25,-000, ne.-/Com Utah papers please copy. After the Anarchists,

von hlm.

STONES .- At Parageonah, Iron County, Sr. Louis, Mo., 19.-The discussion Utah, April 25th, 1886, of congestive fever, of Anarchism in St. Louis and the most effective means of preventing its spread occupied the attention of the police yesterday. At their regular Daniel Stones. He was born October 14th. 1827, in Halghamore, Kearsley, England was baptized in 1847, emigrated to Utah in necting it was stated by a member of 1874, and died as he lived, a faithful Latter, the board that the police had never atday Saint .-- Com.

and and never recovered.

part in all the Indian troubles, and was or

hand to respond to any call that was made

covered and was released to return home

yinn and then said "Lord help and forgiv

Millennial Star, please copy.

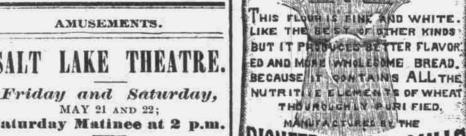
MILLET .- Alma Millet, Sen., at Carrletis, Mexico, April 21, 1886, of lung fever. He trict attorney had refused to bring the was the son of Artemus and Sasanna Peat matter before the grand jury, and that rs Millet, born September 22, 1835, in the ustices had reinsed to issue warrants town of Kirtland, Ohio. He leaves two for their arrest. In view of these facts the board adopted resolutions inwives, six sons, four daughters and fourteen structing the chief of police to disperse grandchildren and numerous friends to all unlawful assemblages of anarchists nourn his departure.

> Also, of the same place, Rozilla Jane daughter of Alma and Eunice A. Millet orn June 21, 1885, and died August 9, 18:5.

PULSIPHER-In Hebron, Washington ounty, Utah, May 7th, 1886, Mary Brown pital Bureau has received reports 'ulsipher; born in the town of Kent, Lich form field County, Conn., March 2, 1799; married has appeared in the villages of Bretato Zerah Pulsipher in August, 1815; moved to the State of New York, where herself and husband were baptized by Elder Jared Carter January, 1832; was with the Church brough all their drivings and persecutions prived in Salt Lake valley Sept. 22, 1848; was the mother of eleven children, has seventy four grand children and many great grandchildren, most of whom are married. She has therefore been blessed with the privilege of sceing the fourth gen-

eration of her posterity. She was an affectionate wife, a loving mother, a faithful nember and a wise counselor among the daughters of Zion .- COM.

SALT



ar

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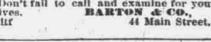
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