DESERET EVENING NEWS: FRIDAY, FEBRUARY 8, 1901.

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ROYAL BAKING POWDER CO., NEW YORK

His Reasons for Disapproving of Anti-Compulsion Measure-Will be Acted Upon Tuesday Next.

M'MILLAN BILL.

COV. WELLS VETOES

& was anticipated Governor Wells he vetoed the McMillan anti-compuist vaccination bill. His message of

ALC: NO

supproval was read in the House at o'clock this morning. The message to the Legislature is very lengthy, giving the Governor's reasons for vetoing the bill, after a careful analysis of the question of vacchation. He has much to say on the question and offers a substitute bill, which would grant to state and local beards the power to enforce vaccination or other protective means in case of an The text of the governor's veto and his substitute bill are given

There was but a slim attendance in the House this morning, only 27 out of members being present. After the reading of the Governor's veto Repreestative Harmon moved that further unsideration of the matter be post-

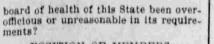
ened till Tuesday at 2 o'clock. Mr. Smith urged that the matter before the House was whether or no the McMillan bill should be passed over the Governor's veto, but after some debate it was concluded that nothing effective wuld be done till a larger representaion was present. Mr. Smith was for amediate action, but was overruled. Mr. Axton moved that the matter as stands be referred to the committee in public health, and the motion car-

ied unanimously. It was ordered that the Governor's nessage and his substitute bill be printed in the House journal, and also that 1,000 copies be printed for circula. tion through the State.

The Senate sent a communication to he effect that the Governor had approved Mr. Allison's Senate bill No. 3, onviding for the burial of honorably discharged soldiers and sations, and for their relief from the payment of poll tax during their lifetime.

THE VETO MESSAGE.

To the House of Representatives :--I have the honor to return herewith, without my approval, but with a statement of reasons and an expression of views, which together with my recommendations I trust will commend themselves to you, House bill No. 18, "An to prevent compulsory vaccination and to prevent vaccination being made ent to entering the



POSITION OF MEMBERS.

I am cheered by the knowledge that a great many who are in favor of this bill have announced their hearty belief in vaccination itself, but that they are radically opposed to the idea of making it compulsory. The number who will await an answer to the first of the above questions is therefore much smaller than the number of those who befriend this bill. As to whether or not vaccination possesses the efficacy claimed for it, one would naturally seek information from those who have made a study of it and whose knowledge and experience entitle their words to be received as authority. The knottler or more obscure the question of law which is in need of interpretation, the great-er the necessity for consulting the most eminent legal talent in the land. So al-

so as to disputed questions in the science or practice of medicine-the inquirer naturally turns for light to the highest medical authorities to be found in the country and century in which he lives, and he has a right to accept their views as sound and supported by the

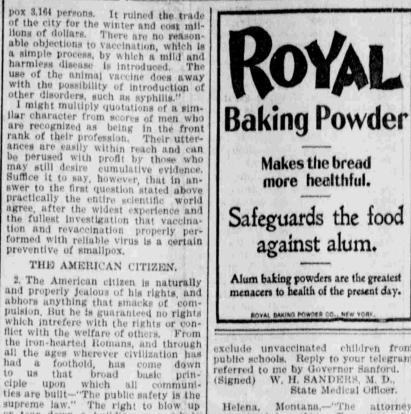
best wisdom of the age. I shall only refer to one or two such authorities, merely stating the fact, which indeed will hardly be disputed anywhere, that almost the entire fraternity of regular practitioners of any school of medicine in every part of the world are so nearly unanimous in their views on the efficacy of vaccination as to leave only an ab-surdly insignificant minority to oppose

DR. STERNBERG.

Dr. George M. Sternberg occupies the exaited position of surgeon general in the United States army: surely no high-er authority on the science of medicine need be quoted. A late public expres-sion of his, dated December, 1899, is as follows:

"It is well known that against smallhave a special measure pox we prophylaxis, which has restricted the ravages of this disease within the limits which are left to it by carelessness in re. gard to the application of this measure. ignorance of its value. Since the famous discovery by Jenner, vaccination has become the prophylactic par excellence. It is now recognized that the pro-

tective influence of vaccination is not always of a permanent character, and children who have been successfully vaccinated in infancy should be revac-cinated when they reach the age of puberty, or sooner, if smallpox is pre-vailing in the neighborhood. The operation is so trifling that it is custon to vaccinate old and young, with the exception of those who have been successfully vaccinated within a year or two, whenever an outbreak of smallpox occurs. This practice is to be recom-mended, but when the operation has



preventive of smallpox. THE AMERICAN CITIZEN.

or tear down a building or a whole

block of buildings to stop the progress

of a great fire is a plain invasion of

property rights. Yet it is justified and

ven applauded, as an act made neces-

sary in the interest of the public safe-ty. The right to quarantine a person or

may be affected by or have been ex-posed to certain diseases is in a sense

straint of the liberty of the individual.

Yet no one questions the right and no

one who has the public welfare at heart

complains of it. In both instances-one

the invasion of property rights, the

other the restraint of the person, the police power of the State is exercised

be restrained who is already in-

fected with the disease, another may be compelled to do an act which will

prevent him from becoming infected.

The power is the same, though it may

THE PUBLIC SAFETY

which justifies it, which makes it nec-essary, and which, in my opinion, ought

to demand it. Of course such power should only be resorted to when the necessity exists; it should be exercised

n great discretion and with all reason

ableness. And inasmuch as imminence

or proximity of the danger determines the necessity of the case, the need is at

once apparent for providing some com-

petent authority to declare when the

time for extreme measures has come-

in this State this discretion rest-

gested in the outset is partially an-swered in the foregoing observations.

The third question which I sug-

ing with the board of health.

differ in degree; it is

o a legitimate and proper extent.

an invasion, as it certainly is

or even a neighborhood that

a family

exclude unvaccinated children from public schools. Reply to your telegram referred to me by Governor Sanford. W. H. SANDERS, M. D., (Signed) State Medical Officer.

> Helena, Montana,-"The attorney general advises this office that health authorities have no power to ex-clude unvaccinated children from public schools.

JOSEPH K. TOOLE, Governor of Montana. (Signed)

Hartford, Connecticut,-"No; authorities have not power." (Signed) GEORGE F. MCLEAN. Governor.

Salem, Oregon .- "We have no State aw on the subject of vaccination. Individual school districts sometimes adopt and enforce rules governing the subject as to their own school (Signed) T. T. GOER.

Governor of Oregon.

believe the same power lawfully and properly 'extends to this question of vaccination in time of danger. It appears only consistent that if a person Madison, Wisconsin .- "No statute in Wisconsin. Rule laid down by Supreme court in Adams vs Burdge, volume 95, page 390," (Signed) ROBERT M. LAFOLLETTE,

Governor of Wisconsin.

Bismark, North Dakota .- "We have a law to that effect but is decided uncon-stitutional."

FRANK WHITE, (Signed) Governor. Cheyenne, Wyoming .- "No, but we are trying to pass such law this ses-

sion. DEF. RICHARDS. (Signed) Governor.

Nashville, Tenn.—"Health authorities have not the power; bill conferring it pending before legislature." (Signed) BENTON McMILLAN.

Governor. Charleston, West Virginia .-- "Our law does not make vaccination compulsory, but public school teachers insist on vacvination of pupils and it is generally

done. (Signed) G. W. ATKINSON, Governor.

Surely if boards of health, either State Boise, Idaho .- "Idaho statutes do not or municipal, are of any value at all, it is when they employ their knowledge cludes children from infected districts." (Signed) AUNT, Governor. and skill and experience in perfecting measures looking to the public safety.

They, above all other people, should be entitled to exercise the discretion to Trenton, New Jersey .--- "Under the laws of New Jersey the power to ex-clude unvaccinated children from pubicclare-and they should be required to do it, too-when compulsory measures ought to be enforced. That these boards lic schools lies with the boards of education. are largely composed of physicians is palpably consistent. But that by rea-

(Signed) FOSTER M. VOORHEES, Governor.

son of their training and vocation they Richmond, Virgina .-- "Statute exare inclined to exaggerate the danger and their own importance, and seek cludes unvaccinated children but can be suspended by local authorities J. HOGE TYLER (Signed) Governor of Virginia

(Signed,) A. T. BLISS, Governor of Michigan.

Austin, Texas .--- "Telegram received. authorities have control of the public schools within its limits have power to exclude unvaccinated children from public school. Report of state health officer mailed you today." (Signed.) JOS. D. SAYERS,

Indianapolis, Indiana,-"Indiana authorities exclude unvaccinated children from public schools. See Blue vs Beach lawyers' reports annotated." (Signed.) CHARLES E. WILSON.

Governor.

Secretary to Governor. Frankfort, Kentucky .- "The answer o question in your telegram is ye Signed.) J. C. W. BECKHAM,

Governor, Ky. Pierre, South Dakota .- "Yes. (Signed.) CHAS. D. HERRIAD,

Governor.

Olympia, Washington,-"All boards of education throughout the State of Washington are empowered under the law to exclude unvaccinated children from public schools," (Signed.) J. R. ROGERS,

Governor, Washington. Tallahassee, Florida .- "Answering

yours am advised that Florida health iuthorities have power and do exclude unvaccinated children from public schools. (Signed.) W. S. JENNING.

Governor, Fla.

Concord, New Hampshire .- "Our statuate says no child shall attend any public school unless he has been vac inated or has had smallpox."

schools, no. In city schools, yes." (Signed.) A. D. CHANDLER. Georgia.--"In

Harrisburg, Pennsylvania .-- "Principals or other persons in charge of schools have power to exclude unvacinated children from public schools Copy of school laws mailed today.' (Signed.) WM. A. STONE,

Governor of Penn.

Carson, Nevada .- "The State board of health has power to exclude children not vaccinated, or make such regulations as are necessary

(Signed.) REINHOLD SADDLER. Governor. Des Moines, Iowa .- "Attorney general

holds that health authorities may ex-clude unvaccinated children from the schools.

(Signed.) L. M. SHAW, Governor.

Raleigh, North Carolina-"Health au-thorities North Carolina have authority to exclude unvaccinated children from schools but have never exercised it (Signed) CHARLES B. AYCOCK, Governor,

Providence, Rhode Island-"No pupil can attend public school without certificate of vaccination

(Signed) WILLIAM GREGORY,

Lincoln, Nebraska-"Under general powers the board of health in cities and villages have authority to exclude unvaccinated children from public schools. No special laws on subject." (Signed) C. H. DIETRICH, Governor

STANDING OF THE STATES.

It is thus disclosed that out of the orty-one States from which responses tave been received, there are ten in which there is no specific authority by statute for excluding unvaccinated children, though in two of these the legislatures are at present considering such a measure; in another it is conceded that unvaccinated children are usually excluded and in still another such a law has been declared uncon stitutional. In the remaining thirtyone, there is ample authority in one way or another to close the public chools to unvaccinated children in case of epidemic. I venture further to as-sert that in not one of the ten above referred to, nor in either of the three from which no reply has been received, has there been any such attempt as this bill contemplates, to rob the board health of the authority previously conferred and to cripple in so vital ; direction the proper police power of the State. If it is the privilege of younger commonwealths to profit by the experiences gained and the proce-dents established by their seniors, certainly in this exhibit we can find that



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which should invites us to pause. I malignant, contagious, infectious of To place among our statutes noxious diseases, and providing a such a bill as this which lies alty for the violation of this act o before me would be, in my judgment, a step backward, a step, too, which will be disastrous in its consequences. Already there is a suggestion from a neighboring State of a general quarantine against Utah. Even from beyond the sea are reports, well au-thenticated, of cases of the contagion trand directly to visitors from this city. It is easy to imagine how ser-ious would be the effect upon a community which travels as much as w do, and from one important element of which large numbers of young men go out annually to all parts of the world, if the idea should go abroad that we were tearing down, rather than strengthening the best-known safeguards against the epidemic. Such an impression will assuredly be the re-sult of such legislation as this. I cannot believe that the representatives of the people of this State will on second thought desire to commit an act so calamitous in its effects. Utah enjoys the credit of taking the initiative in some of the most useful of recent legislation. Those who represent her people, while always conservative, have ever been alert to accept that which is in line with the best and most ad-vanced thought of the age. I entreat them in this crisis to preserve this rep-utation by refusing to place upon the books a statute which to the world may look like an advertisement that Utah is an unsafe place for children to dwell

alty for the violation of this act or the rules of the said boards made in pursuance thereof.

Be it enacted by the Legislature of the State of Utah;

Section 1. Whenever upon investiga tion by the State or local boards of health said boards are of the opinion that any malignant contagious, infectious or noxious disease is epidemic in this State, or the health or santtary conditions of the State or any part of it are such that any of said diseases are liable to become epidemic in the near future, said boards are hereby authorized, and it shall be its duty to at once make and enforce such rules and regulations and adopt such measures as shall by vaccination or other preventive means protect so far as possible the inhabitants of the State and every part thereof, against the in-troduction or spread of any of said diseases; and all sheriffs, constables and police officers throughout the State are hereby charged with the duty of car. rying out the orders of the said boards of health in the enforcement of said rules and regulations; Provided that the said boards shall not have the power or authority to exclude from school unvaccinated children in school tricts where smallpox does not exist.

Section 2. Every person who shall violate any of the provisions of the pre-ceding section or any of the rules and regulations of the State or local boards health made in accordance there

c schools of Utah.

Probably no question of social pol-ley coming before the people of this State has ever attracted so much inter-est or been so fleroely debated as this same question of vaccination during the last few months. From the oldest and most venerable citizen of the comnonwealth down through all ages and classes of people to the youngest pa-triot who toddles off to school for the first time, there is scarcely one who is not familiar with the term and its eaning and scarcely one who has not, who does not think he has, an opinon on the subject. Educators, jurists, lergymen, journalists, physicians-verybody who talks or writes has had omething to say upon it. It is not surmising therefore that the matter uld have received early attention the law making body, nor that same legislative action should be ex-bected. Under all these circumstances, is highly important that in the con-

ration of a subject so mooted and h discussed, there should be nuch discussed, te exercise of calmness of judgment the face of any amount of popular

In the thought which I have bestowed upon the bill now before me, have sincerely sought to divest myself of all bias, ill feeling or present predilection. I have en. and to study its provisions in the ght of reason; and when unable to each conclusions from my own knowlge, I have tried to be guided by the mp of experience and the example if good precedent.

QUOTES FROM HEALTH BOARD ORDER.

It will hardly be disputed that the main object of the bill is to rebuke the State board of health for the pronuigation of an order, effective Janust, 1961, which was couched in the ng language, and was sent to the alth officers of the State in the variocalities where smallpox was reted to exist: view of the prevalence of small-

at and the danger of its further wead in the State, the State board of bath has deemed it necessary to adopt ule that all unvaccinated children all be excluded from schools in los where the disease may exist.

You are therefore ordered to cause schools, of whatever character, in your jurisdiction, to be closed hildren and teachers and janitors he shall fail to show signs of having en successfully vaccinated within sen years, or are otherwise immune smallpox; the order to be made ef-

The health officers shall inspect all split, teachers and janitors and fur-the the with certificates of successaccination or immunity, when they entitled to the same. Great care and be exercised that no certificate all be issued unless there is every eason to believe that the vaccination still protective."

many localities this order was nptly complied with, and unvacci-ed children were excluded from the le schools. In other localities, how tignatized as a menace to personal berty and a blow at education. From nch localities large petitions were for-arded to the Legislature, representing that the order was an outrage and the order was an outrage and ng relief from its enforcement or tuation by some legislative enact-The introduction and passage of bill which now awaits executive was a direct response to this

QUESTIONS INVOLVED. questions involved in the meas-

seems to me may be thus statvaccination a preventive of

is compulsory vaccination an in-

upon the sacred rights of ndividual? Should boards of health be vested

discretion to determine when the c safety demands the enforcement empulsory measures? With the present laws and regu-

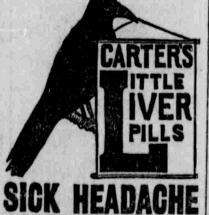
s on the subject, and under the lions that now exist, has the State

been performed in a proper manner, with virus which is known to be reliable, it is folly to insist upon a frequent repetition of the vaccination, because "It didn't take." If the first vaccination has been completely successful, a perfect result from revaccination is not usually obtained; and the fact that no result is obtained must be taken as evidence that the person is protected. The prophylactic value of vaccination practiced after exposure to smallpox has been demonstrated, and one who is not entirely certain that he is protected by a recent successful vaccination will do well to resort to this important prophylactic measure at once, if he has reason to suspect that he has been exposed to

smallpox smallpox." An authority scarcely less eminent, Dr. William Osler, professor of medi-cine in the Johns Hopkins University, published an article in the New York Sun, January 27, 1901, in which he says: "While not a scourge of the first rank

like the plague or cholera, at the outset of the century variola was one of the of the century variola was one of the most prevalent and dreaded of all dis-cases. Few reached adult life without an attack. Today, though outbreaks still occur, it is a disease thoroughly controlled by vaccination. The pro-tective power of the inoculated cowpox is not a fixed and constant quantity. The predection may be for life out it mout Is not a fixed and constant quantity. The protection may be for life or it may last only for a year or two. The all-important fact is this: That efficiently vaccinated persons may be exposed with impunity, and among large bodies of men (e. g., the German army), in which revaccination is practiced emulator is unknown. Of is practiced, smallpox is unknown. Of 100 vaccinated persons exposed to smallpox, possibly one might take the dis-ease in a mild form; of 100 unvaccinated persons so exposed, one alone might es cape, from twenty-five to thirty would To be efficient, vaccination must carried out systematically, and if all the inhabitants of this country were would disappear (as it has from the German army), and the necessity for vaccination would cease. The difficulty arises from the constant presence of an unvaccinated remnant by which the disease is kept alive. The Montreal ex-perience in 1885 is an object lesson never to be forgotten.

"For eight or ten years vaccination had been neglected, particularly among the French-Canadians, On February 28, 1885, a Pullman car conductor, who 25, 1555, a Fullman car conductor, who came from Chicago, where the disease had been slightly prevalent, was ad-mitted into the Hotel Dieu. Isolation was not carried out, and on the 1st of April a servant in the hospital died of smallpox. Following her death the au-thorities of the heavital cont the disthorities of the hospital sent to their homes all patients who presented no symptoms of the disease. Like fire in dry grass the contagion spread, and within nine months there died of small-



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orofit unto themselves. I consider an insinuation unworthy of those who make it and altogether too contemptible to be dignified with further notice.

In some States the city councils by ordinance adopt special compulsory or quarantine measures, according to the necessities of the occasion. In other places school boards are vested with authority to impose such regulations as to compulsory vaccination or any-thing else pertaining to the health of the school population as they may see fit. But in the great majority of States it is to boards of health that is given the power to determine not only when the necessity for extreme measures arises, but also the character and scope f those measures, with abundant authority to enforce their requirements.

DEFENDS BOARD OF HEALTH. 4. Coming finally to the fourth ques-

tion, I confidently make reply that in my opinion the State board of health has not exceeded its powers, abused its discretion nor exacted any unreason able requirements in the order above quoted, and that it is consequently undeserving of the rebuke which this bill conveys. A law on our statute books makes attendance at school obligatory upon all children of what is called school age. They are in one respect the wards of the State. It has an interest in them, and can exercise a control over them, which may not be applied to adults. It is the bounden duty of the State to furnish them not only the best mental training within its power, but also the great-est possible protection against physi-cal injury or disease. In an emergency such as recently arose-an outbreak and an epidemic of smallpox-the board of health, representing the State and in pursuance of its duty to the school children of the State, put forth the or-der referred to. It does not insist that every child shall be vaccinated-it is not a compulsory measure in the sense that many choose to construe it. It says in effect that inasmuch as the State compels the attendance of children at school, it promises to protect them from this disease and from exposure to it while in school if they will but conform to a requirement which promises immunity. To those who will not do this, it makes

NO SUCH PROMISE:

it refuses to accept responsibility for them, and it closes the school doors against them. Allow me to call attention to only one instance out of many where a far greater exercise of author ity, under conditions much less menac ing, is supported by law and public sentiment: The State of Iowa recently had an outbreak of smallpox. The most vigorous rules were put into force All persons over one year of age were required to be vaccinated or to furnish satisfactory evidence of protection from the epidemic; while all the sheriffs, constables, marshals and police officers, besides the boardes of health were di rected to see to the enforcement of the order. Yet Iowa had at the the time

the report was otal of 549 cas total cases smallpox, while in Utah more than 3,000 cases have been reported in 121 cities and towns and villages of the State. IN OTHER STATES.

It has been asserted that in no other State in the Union are such powers vested in the board of health as have een here assumed. A contradiction of that statement is furnished in the Iowa instance just quoted. But in order to further ascertain how Utah's attitude on the question agreed with that of other members of the sisterhood. I addressed a telegram to the governor of each State in the Union, asking whether their health authorities had

power to exclude unvaccinated chil-dren from the public schools. Following are the responses received up to this time

Dover. Delaware.--"Health authori-ties in Delaware have no authority to exclude unvaccinated children from schools. (Signed) JOHN MUNN, Governor Delaware.

St. Paul, Minn .- "State and local boards of health this State have authority to exclude unvaccinated chil-dren from public schools only where smallpox exists."

S. R. VANZANT. (Signed) Governor.

Augusta, Maine,-"Health authorities nay exclude children not vaccinated if hey deem it expedient JOHN F. HILL. (Signed)

Governor of Maine,

Columbia, South Carolina .-- "Yes, realth authorities have authority to exclude from public schools unvaccinated children and these that have been exposed to other contagious or infectious diseases."

M. B. SWEENEY, (Signed) Governor.

Denver, Colorado .--- "No statutory provision against unvaccinated children. Statute gives board of health authority to make regulations governing attendance.'

(Signed) JAMES B. ORMAN, Governor.

Annapolis, Maryland-"Under our law to teacher is permitted to receive in school any scholar without certificate of vaccination from physician. If child too poor to pay, then county or city pays for voccination.

(Signed.) WILFRED BATEMAN. Secretary of State.

Baton Rouge, Louisiana .-- "Health authorities have power and do exclude nvaccinated children from public schools.

(Signed.) LEON JASTREMSKI, Secretary to Governor.

Springfield, Illinois, - "Unvaccinated hildren can be excluded from school whenever smallpox exists in a com-munity or is prevalent in adjoining communities. See Potts vs School directors and Lawbaugh vs Board of ducation. Illinois Supreme court rerts.

(Signed.) J. A. EGAN, M. D., retary, Illinois State Board of Health.

Columbus. Ohlo .- "School board of each school district may make rules which would exclude unvaccinated children from public schools. Mailed laws today.'

(Signed.) / GEO. K. NASH. (Governor.)

State House, Topeka, Kansas .- "Vaccination not compulsory by statute in Kansas. Municipalities have authority by statute to pass ordinance to prevent spread of contagious diseases and under this may require children to be vaccinated or exclude them from publie schools. Question is now in Su-preme court awaiting its decision." W. E. STANLEY, (Signed.) Governor.

Sacramento, California.—"Under stat-ute, February twentieth, 1899, trustees and boards of public school government have such power and must annually report to state board of health number of vaccinated and unvaccinated chli-dren between five and seventeen years. Provision made for free vaccination." (Signed.) HENRY T. GAGE,

Jeffeson City, Missourl .- "School boards have power to exclude unvaccinated children from public schools when deemed necessary. Sec. 62, Mo. (app.) report.

Governor.

thorities in this State have power to exclude unvaccinated children from public schools

Boston, Mass.—"The school authori-ties have power to exclude unvaccinat-ed children from public schools." (Signed.) W. M. CRANE,

Governor

Montgomery, Alabama,-"Health au-thorities of this State have no power to no; health officer only. If exposed to

Holding the views thus expressed, cannot approve House bill No. 18, but suggest, as a definition of the powers of boards of health, and in one important respect, a limitation of the same, the enactment of the substitute measure which accompanies this message. I have the honor to be, Very respectfully, HEBER M. WELLS,

Governor. THE SUBSTITUTE BILL.

The Governor offers the following substitute bill:

A bill for an act authorizing the State and local boards of health to make and enforce rules and regulations to protect the inhabitants of the State against

with, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine in any sum not to exceed \$100, or imprisonment in the county jail not exceeding sixty days, or by both said fine and imprisonment.

EXCURSION TO OGDEN via Rio Grande Western Ballway.

On Sunday next, on special train at 2:00 p. m., round trip rate of \$1.00, will apply via R. G. W. only. Return speial train leaves Ogden after the Ban.

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Laxative Bromo-Quinine Tablets.

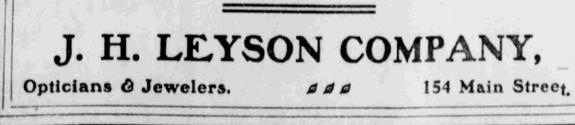
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made

(Governor.)

A. M. DOCKERY,

(Signed.)

Little Rock, Arkansas .-- "Health au-

(Signed.) JEFFERSON DAVIS,

