## EVENING NEWS. Published Duily, Sundays Excepted,

AT FOUR O'CLOCK.

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### CHARLES W. PENROSE, EDITOR.

Monday . February 7, 1887

#### THE LAW OF THE LAND.

THE address of the Hon. James Phelps, American minister to the Court of St. James, delivered before the Edinburgh Philosophical Institution, which we publish to day, should be perused with deep interest. It is one of the most lucid explanations of the principles of free government extant, being equal to some of the productions of the immortal Jefferson. One of its chief beautles, beyond the incontrovertability of its propositions, is its simplicity, being devoid of any appearance of straining for rhetorical effect. The subject is one of intense local interest, in view of the singular situation in which the people of Utah are placed, and it requires no great effort to make an application of its principles to the ques-tion upon which their attention is so largely concentrated. When this is done, the condemnation of the

anti-"Mormon" crusaders and their alders and sympathizers could not well be more col The natural rights of man are not derived from, but are antecedent to government. They are life, liberty and

property. Upon these the government has no right to infringe. When these rights are invaded, and the government fails to redress the invasion, the obligation of allegiance on the part of those who are wronged ceases. Those rights are perpetual, and are incorporated in the English common

when the existence of government de- of the people of Utah should be repends upon their observance, as in the American system

ing the rights of life, liberty and property, and must never be an arbitrary law can go no further, the balance is left to individual exertion and to Providence, for which the field is open and protected. There is a wide difference between constitutional rights and lies the government, nat to be intringed wpon by its power. Over constitution creation. When this is done human upon by its power. Over constitution. al rights the popular voice has no control. The rights of the majority are limited to that line. They cannot inimited to that line. They cannot in-wade the inviolable rights of life, liberty and property of any class. "Majori-her long delayed rights and privileges and property of any class. "Majorities are but an agency of the government, which in all its agencies is subject to constitutional limits." Nothing is constitutional which invades natural rights, no matter if the government or any branch of it declare otherwise. Nothing can rightfully make a breach in that which is inviolable. What could be more explicit than Mr. Phelps' definition of civil liberty nd free government-"Civil liberty is the enjoyment of the fundamental rights in their full 'extent, and free government is the government ap-

in a free country is unassailable.

MINISTER JAMES PHELPS

ON THE LAW OF THE LAND-A LUCID LECTURE ON THE INVIOLABILITY OF HUMAN RIGHTS.

SALT LAKE CITY, February 5th, 1887.

Editor Deservet News: A friend of mine handed me a copy of the Shepton Mallet Journal (an English paper), so that I could learn what was taking place in and around the place of my birth. After absorbing everything of interest to me about home, I found an account of a lecture or address delivered by Mr. Phelps, the American Minister to the Court of St. James, before the Edin-burgh Philosophical Institution, on November 12, 1886, on the "Law of the Lan;" and I can assure you I was very much interested in the clear, and beau-tiful way he spoke on the subject, and the plain and iorcible manner in which he lays down the principles and rules

which should govern the making and the administration of the law. Thinking that the address was well worth preserving in our records and that it would be fread with interest by thousands of Americans and especial-ly by the Latter-day Saints, I hope that you will be able to find room to

that you will be able to find room to print it entire in the NEWS, and as to rales and principles laid down by Mr. Phelps are in striking contrast with the policy and conduct of this govern-ment towards the people of Utah, a re-view of his address by you and the application of the views of Mr. Phelps by his government to-wards the people of Utah, would show such a contrast to the policy pursued at present and for the last flity years, that it would cause reasonable people law. They do not come from the gov-erning power. In other systems personal rights emanate from the government, by which they are subject to be abridged or taken away. They are only safe

one interent in the government itself and co-extensive with its existence. when the existence of government de-ends upon their observance, as in the merican system. Representation and trial by jury are dimension of the section of It is a very common mistake to suppose that the freedom of government consists in its form and not in its substance, in the lnears that indispensable for the preservation of therefore prefer to give him credit for those principles, the government being being sincere in his statements, and should maintain freedom rather than in ireedom itself. Forms of government simply the machinery instituted and that they were prompted by a heart that is honest and that like the Foundof whatever sort are only forms. Th is, worth anything is the result of and his sacred - honor to the and his sacred -honor to the perpetuation of those princi-ples, so that all could enjoy them (uapopular Mormons included). The impression forced itself upon me.

secker, while it can only create a social pandemonium for the community against whom it is aimed. To crystal-ize such an abominable measure into a law is to perpetrate an unexampled piece of political ruffanism unworth the diguity of any nation under between claiming the status of semi-civiliza-tion, to say nothing of the bosst of an uncers of grow, society ceases to grow, society ceases to grow, society ceases to grow, society ceases to for advanced modern enlightement. To its promoters and alvocates we commend a perusal of the able address de-livered by Minister Phelps. Histbeory as to what constitutes the law of land. Out of its arise numberlees least index constitutes the law of land. Out of its arise numberlees least and society of the constitutes the law of land. human sorrow, shall try to lessen the inequalities of life by raising from be-low not by pulling down from above, to obliterate in some measure not absolutely necessary. They are all only provisions for carrying out, in the only provisions for carrier liberty and multiform relations of life, liberty and property, in the liberal acceptation of those terms. The province of the general body of the law in its vast aboration of detail is only to increase aboration of detail is only to increase the interrupt to think so—not the least beneficent of the gracious barvests that have been the land. ; (Loud cheers.)

rights. When this is accomplished the power and province of civil au-thority are exhausted. Human law On the motion of the Lord Provost, a cordial vote of thanks was awarded to thority are exhausted. Human law can do no more for man. All that remains to make life happy and pros-perous must come, under Providence, from personal conduct and exertion for which the field is thus open and protected. I have thus been elemen-tary and, I fear, at the same time warrisome in order to reside enterhis Excellency for his address.

# SEGREGATION KILLED.

A special to the NEWS brings joyful wearisome in order to point out as clearly as I can just what it is that the intelligence. The Supreme Court o the United States has reversed the de law of the land secures, and to empha-size the distinction between constitucision of the Utah courts on the ques-

point of the hurizon. tional rights and merely legal rights-the first underlying government and not to be infringed by its power; the tion of segregation. This was as we anticipated. The Court of last latter derived from government, held resort could render no other evening of the 29th inst., whereat one subject at all times to its action and decision. We join with the hosts of of the speakers called upon his bretaliable to be modified or withdrawn. his friends in congratulating Brother The line which divides these two classes of rights is the one which de- Snow on the result of the appeal of his fines and limits the power of the ma-jority. In respect to merely legal rights that power is ultimately su-preme. If inconvenience, hardship, or freedom.

bigustice result from , its exer-clese they can only be corrected through the law - making power itself; but over constitutional rights It will be interesting to place the news of the decision alongside the set-tings of the Third District Court Criminal Calendar. There is a striking absence of consistency between them. As the dispatch came late this afternoon, we are unable to comment upon the good tidings.

LATEST DISPATCHES. exactly consist in? Civil liberty is simply the jenjoyment of the fundamenial rights in their full extent, and free government is the government, ap-War Would Take Place if France propriate in form, that secures their

Had a King."

permanent protection to all men alike,

not by a security dependent upon the

will of the government power out by

A Sunday Appearance Through the

By Telegraph to the NEWS.1 More Striking. Boston, Feb. 7.—The employes of the South Boston horse railroad at a meeting which lasted until 3 o'clock machinery, but in the result that comes of it at last. The machinery inkind of itself is only a perpetual burden. We should gladly dispense with it if numan nature was good enough to do without up is burden up and that the South Boston horse rainoad as a meeting which lasted until 3 o'clock this morning, voted unanimously to tie up the road to-day, and in pursuance of this vote no cars were taken out this morning. This is one of the largest horse railways in the city. The men are opposed to the present superintenit. It is but a means, not an end, that

was riding in front of the dummy and his complete escape from injury and that of the gripman and conductor is marvelous. He had stopped but a minute before to permit a party of ladies and gentlemen to leave it. The concussion was felt a mile distant. The wrecked dummy was quickly re-placed with a new one, and no inter-ruption in traffic occurred. There is no clue to the perpetrators. no clue to the perpetrators.

CPANGES.

Diphtheria is spreading in San Fran-cisco and Oakland, Cal.

The directer of the Lick Observatory,

vent the escape of the attempted mur-

derer, who climbed over sheds and

high fences so rapidly as to elude all

DEATHS.

- THE ----

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INSURANC

H, J. GRANT & CO., Agents, near San Francisco, is notified by tele-Officer 40 East Temple St., Salt Lake City. graph that the southern comet may be visible at sunset this week at the south

### FARM FOR SALE!

There was a meeting of about fifty Socialists in San Francisco on the evening of the 29th inst., whereat one RARE OPPORTUNITY. DUNFORD'S Farm, located on East Bench, five miles from Temple Block, containing 117 ren to unite and overthrow the governacres; good fence; fifty acres in luceru ment and repeat the French commune. sixteen shares water right. Price, \$3,500.00. For further information call at DUNFORD'S, 124 Main Street, Salt Lake City all



Oroville, Cal , was stariled about 9:30 ARE STILL TRIUMPHANTI o'clock January Slat by an attempted and almost successful atrocious mur-der. Menry Wyman, a feeble old man, keeps a saloon on Myers street. At the hour name and he closed the iron doors in front and sampt his hadroom in the For sixtcen yoars, they have steadily gained in favor, and with sales constantil increasing have become the most popular corset throughout the United States. The R. G and R. II grades are made in Short. Modium and Extra Long Waist, suit-able for all figures. The G quality, made of English Courtl. is warranted to wear twice as long as ordinary corsets. Highest awards from all the World's great Fairs. The inst medal received is for First Degree of Morit. from the inte Exposition bein a fore of patents have been found acreasing have become the most popula

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worthless, the principles of the Glove Fit-ting have proved invaluable. Hetailers are authorized to refund money, if, on examination, these Corsets do not prove as represented. For sale every-where.

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ENGLAND TAKES THE LEE GUN

Strike.

true test is not in the nature of the By Telegraph to the NEWS.

propriate in form that insures their learned gentieman holds that while there is no fear of a despotism, there

is much danger of class government. The essence of free government is obliterated in any popular form when equal protection of rights is not accorded to all men althe. In that case the form alone remains, it is no longer free and it becomes a mere arbitrary authority unjustly exercised by one class over another.

In treating upon class measures, Mr. Pheips evidently alluded to the attempted innovations of communism and anarohism, at the same time his theory sdmits of a universal application, when the rights of property are involved. The title to lawful property must be protected universally, or is ceases to be protected at all. Any infringement of that principle, even when directed against the rich, can be of no benefit to the poor who are as much interested in the maintenance of the principle involved as any other class, its preservation being absolutely essential to the universal weal.

The depanciation of self-seekers should be cut out by each of the anti-"Mormon" freedom shriekers and handy for contemplation: "No demagogue, no self-seeker, no man who such men, but they are its enemies, not its friends. They have retarded and disgraced it, but they never have done it any good. They are only camp followers, not soldiers, in the great the world."

His warning respecting the danger of one class marshaling against another class, is timely, despotism being the astural result to which it leads.

There is not a principle of civil rights and free government that is not violated in the present conslaught against the majority of the people of Utah. If the legislation of the world were scanned for a parallel to the bil, almed at their liberties now pending in Congress, it would be impossible to find it. It invades the sanctity of home its existence that they ever can be and forces the husband and wife into permanently safe. There is still anlegal antagoalsm by compeiling the one to testify against the other. It treats people accused of no crime who may

I must close, and in doing so I fervently hope that the Great and Grand Old Man, Mr. Gladstone, may close, and doing be the means in the hands of Provimay be granted unto her as unto the most favored part of the British Empire, and that the jubilee celebration of good Queen Victoria may be a jubilee indeed by celebrating the interty and freedom of Ireland; and may God grant that it will not be long before statesmen will arise in America who will consecrate their lives to the service of demanding and securing recognition of the merits of, and the granting of equal rights, libertles and privileges to, the people of this di -tressed (Ireland in the United Status)

Territory of Utah. HISTORICUS. Following is the

ADDRESS

protection to all men alike." The op- the session of the Philosophical Instiposite to this is arbitrary power." The tution. On the occasion Mr. J. B. Balfour, M. P., occupied the chair:

Mr. Phelps said-The theory upo

petual obligation. No change of time or circumstance, no new discovery in political science, no modification of the forms of govern-

glish-speaking race everywhere They were the offspring of no man's cres-tion, the product of no man's brain. Through centuries of vigorous Saxon "Mormon" freedom shriekers and pasted in bis hat, that he may have a faithful, pen-portraiture of himself handy for contemplation: "No demalies free government slowly ripened into perfection. It found its first "follows for a reward,' has ever struck an effectual blow for liberty or has advanced the cause of human free-dom a single step. The name of liberty is always in the mouths of scendants to a prospeilty which the world had not seen before. I do not mean to say that under no other system of government are the personal rights maintained. They may be up-held to a greater or less extent, and possibly to the full extent, under march destined, we hope, to overcome others. A wise and humane despot might promulgate a code of laws which (should afford as complete se-

> assured of a complete or permanent protection. In governments based upon different principles, personal rights, so far as they exist, are derived from the governing power, and may therefore. at any time be abridged or taken away by it. Human experience has shown that rights which are thus conferred

When la any form of popular government equal protection of the fundamental rights or of any of them ceases, that Government, though its form remains, is no longer free, and becomes an ordinary authority unjustly exercised by one class over another. In-vasion of the right of property de-feats the equality of the law. Equality of rights is ordained of God. quality of condition is equally ordained. the one may be temporarily broken down the other can never be over-come. It has pleased Providence to accord to but few the capacity to accumulate or to preserve property to any great extent. It is a beneficial provision that the mass of man-kind must live by their industry. It is a blessing and not a

above referred to. It was the first of whatever condition of government. The principle of law therefore which

which our system of government rests is that mankind possesses certain natural rights, usually described as tnose of life, liberty and property, in-dispensable to human freedom and happiness; that those rights are not derived from, but are antecedent to government, which is instituted for heir maintenance as its first and principal object; the government can uever be allowed, therefore, to intringe or disregard them, nor to fall to offer redress for their invasion, and when it ceases to respect and uphold them the obligation of allegiance terminates and the right of revolution begins. These constitutional principles are of perpetual duration and of per-petual authority because the natural rights they maintain are of per petual obligation. No change

ment can affect their validity or re-strict their control. The principles of isw which I have thus endeavored to state belong exclusively to the Anglo-Saxon race. In no other system that ever existed are they to be found. They are the distinctive characteristics of the common law of England, which is likewise the common law of the Eu-

Constitution affords would be like trying to stay the rain from heaven because it fails upon the just as well as upon the upjust, or like impugning the beneficence of the Almighty because under its impartial rule the wicked man still flourishes in his time. No dema-gogue, no self-seeker, no man who 'follows for a reward,'has ever struck an effectual blow for liberty or has ad-vanced the cause of human freedom a vanced the cause of human freedom single step. The name of liberty is al-ways in the mouths of such men, but

curity to these rights while it lasted as the law of England does. But under no other theory than ours can they be

are sooner or later lost. It is only when they are conceded to be inviolable and when the observance of them by government becomes the condition of the great quarrel on the far side of the Atlautic, carried through the American revolution, ordained and set fast the other branch of the constitutional law Constitution of the United States, and

a despot or by a class. Of a despotism thankfulness because France is under republican government. A king, says there is at this day and in our race no danger; of attempt at establishing class government, there is danger. that journal, could never have brooked and no clue has been found of the and no clue has been found of the fiends who committed the acts. F.W.

German insults. The Spanish republican immigrants residing in France have decided to form a wolunteer force of 2,000 men to assist France in the event of war with Germany. Germany. Germany. Hends who committed the acts. F. W. Miller was beaten to death last spring in his restaurant in the main block of the town. During this summer, John S. Moore, an old miner living some miles above Oroville, was found killed

#### Boulanger's Bill,

lae PARIS, Feb. 7 .- The members of the extreme Left have decided in favor of granting priority to General Boulanger's military organization bill with the view of drawing from Premier Gob-

let a statement regarding the political situation.

#### Getting Ready.

WASHINGTON, Feb. 7 .- The Senate curse that by the sweat of the brow we shall eat bread. It would be an and Eliza F. Chamberlin; born January 15, 1886, in Salt Lake City. has passed without debate the twin unhappy world if amusement were the sole employment of its inhabitants. for moder inequality of acquisition there always fications. fills appropriating twenty-one millions for modern ordinance and coast fortfhas been and always must be under

#### THE GREAT STRIKE.

W. and Mary Aluce Calder, aged 4 weeks. Nothing Indicative of a Conclusion secures to every man his own, while NEW YORK, Feb 7.- The river fronts

It maintains equal rights, cannot pre-vent most unequal results. It is a (Feb. 8th.) Friends of the family are inand neighboring streets presented a grave error to believe that invasion of the right of property is for the benefit Sunday appearance this morning. Monday is usually the busiest day of the week at the dock, but there was of the poor. The result is precisely the reverse. No property can be safe no blockade of the Belt line street cars to-day. Not more that one-quar-ter the usual number of trucks which block and choke South and West streets were out. Most of the plers were open to receive freight, but little Recognized medical authorities term Red Star Cough Cure a valuable diswhen once the general security that protects ali alike is lost. It is a delusion to imagine that it can be imcovery. paired to a certain extent and main tained for the residue, that it may be made the subject of a discriminat WE OFFER ing protection on the limits of moral justice at the will of the governing power. There can be no came as compared with ante-strike times. The prospect for a settlement of the difficulties is remote, each side being confident of coming out of the trouble victor. Both sides promise middle ground. Either the title to lawful property must be universall protected, or it ceases to be protected

REMARKABLE DEVELOPMENTS

at all. That it is not the few, but the this week, but are dark about their

many, who are most largely benefited by the protection of the right of prop-erty has been strikingly demonstrated in the history of the United States. Under the American Constitution, as I On the Clyde line dock, East River, On the Ciyde line dock, East River, the steamer Ciyde salled some hours later than her schedule time, but car-ried a full cargo and her quota of pas-sengers. The Seminols, of this line, also carried a full cargo and her quota of passengers. The superintendent declared he was getting along very well. shall point, out hereafter, extraordin ary safeguards have been devised which have thus far rendered the protection absolute and certain. The re-sult has been the most general distri-bution of property and the largest in-

Men who apply for work at the Mal-lory dock are being turned away by the hundred. Another steamer is exdividual prosperity that have even been known in civilized life. The glory of America has been well said to be in the homes of its people. Mil pected to-day and there are plenty of lions of those homes, the property of their occupiers held in a security of men ready to work on her. The Ward line dock is clear of freight

and deserted. Two boats are expec tenure hitherto unquestionable, stretch across the continent from sea to sea. It is true that under the same to-day and to-morrow, and then the company will have plenty of help to discurge their cargos later i At the Continental line dock, plenty of freight is being delivered and the whole bulkhead was lined with trucks. equal protection the millionaire enjoys and increases his accumulations, some

times ill-gotten, sometimes ill-spent. But to assail him by impairing the general security to property that the Constitution affords would be like The New Haven freight line and Hartford line were doing more business than on Saturday, also,

#### Gen. Loo's Invention.

LONDON, Feb. 7 .- The Pall Mall Gazette asserts that England has practi-

cally decided to adopt the Lee Amer-ican rifle for the use of her army.

P. rnell and his Forces. Acting by his physician's advice, Parnell will go abroad to recruit his health after the conclusion of the de-

bate on the address. The Parnellites will oppose in Par-liament all projects relative to the inquor traffic in Ireland on the ground that the question should be reserved for the Irish Parliament. 13 4

#### Water Subsiding. |

LOUISVILLE, Feb. 7 .- At noon the river is falling at the rate of half an inch an hour, and the danger of a repe-tition of the disastrous floods of 1888 and 1884 is considered past. The weather is clear and warm.

Latest from the Disaster WHITE RIVER JUNCTION, Vt., Feb. pursuit. Wymau is seriously injured and will probably die from the wounds. ELY'S CATARRH CREAM BALM CREAM BALM Gives Relief at ROM COURTS COLD once and Cures COLD IN HEAD, HAY FEVER DE CATARRH, in the same manner, and now Wyman is attacked, and but for the prompt assistance of friendswould have been HAY FEVER. Not a Liquid

Sauf, or Pow-der. Free from killed on the spot. There is not the slightest clue to the murderer. injurious Drugs and Offensiv odors.

HAY-FEVER A particle is applied into each nostril and is agreeable. Price 50 cents at Druggists; by mail, registered, 60 cts. Circulars free. ELY BROS., Druggists, Owego, N. Y. CHAMBERLAIN,-In the Fifteenth Ward, Salt Lake City, February 6, 1887, of whoop ng cough, Arlie Brown daughter of Wm.H.

#### NOTICE OF SALE.

NOTICE IS HEREBY GIVEN, THAT CALDER .- In the 15th Ward of this city, In pursuance of an order of the Pro-bate Court, in and for the County of Sait Lake, in the Territory of Utah, made on the 37th day of November, A. D. 1886, in the matter of the Estate of Andrew Burt, deat 1:10 a, m. February 7th, 1887, from bronchitis, Lester Edwin Calder, son of William matter of the Estate of Andrew Burt, de-ceased, the undersigned, Administrators of said estate, will sell at private sale to the highest bidder, for cash, current funds of the United States, and subject to confir-mation by said Probate Court, on or after Monday, the 21st day of February, 1857, all the right, title, interest of the said Andrew Burt, at the time of his death, in and to all that carten hot place ar peaked of a day Funeral at the residence of parents 333 r. South Temple Street at 12 m. to-morrow, that certain lot, piece or parcel of land sit-trate, lying and being in said County of Salt Lake and Territory of Utah, and bounded and described as follows, to wit: A portion of Lot Two (2), of Bleck Twenty three (23), Plat "D," Salt Lake City Survey, commencing at the southwest cor-ner of said lot, thence north ten (10) rods.

ner of said lot, thence north ten (169 rods, thence east ten (10) rods, thence south three (3) rods, thence west four (4) rods, thence south seven (7) rods, thence west six (6) rods to the place of beginning, containing seventy two (72) square ross of ground, with the improvements theneon. Bids will be considered for the purchase of said property, and must be presented in writing, at Office No. 2, Cuty Hall, Salt Lake City. The said "Administrators reserve tho right to reject any aut all bids made for

right to reject any and all bids made for said property or any part thereof. Terms of Bale ' (ash, current funds of the United States. Deed at expense of TREE BRAND,

20cts. per Package! Salt Lake City January Mth, 1887. d2w





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We offer the Brighton a Coraline Corset at 50 cents, worth \$1.00. We have reduced several styles of \$1.25 Corsets, to 75 cents. The "Bridal," made of the Best French Sateen, beautifully stitched and embroidered, at \$1.00.

BALL'S HEALTH, at \$1.00. ET WARNER'S HEALTH, at \$1.25. WARNER'S CORALINE, at \$1.00.

Clearing Out several styles BUSTLES, at 25 cents.

\$1.10, reduced from \$1.50. \$1.40, reduced from \$1.85. 3 \$2.25, reduced from \$3.00. Mises' Colored Jerseys at 75c., \$100, \$1.25, reduced from \$1.00, \$1.25 and \$1.75.

Our Entire Stock of Ladies' Jerseys, at Extraordinary Low Prices. \$2.75, reduced from \$4.00. \$3.00, reduced from \$4.50. \$3.50, reduced from \$5.00.



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