

VALE JUSTICE!

The Blind Goddess Blind Drunk.

VICE TRIUMPHANT!

Varian Refuses to Prosecute Lewis.

JUDGE ZANE UPHOLDS HIM.

He Dismisses the Appeals, and Instructs the Grand Jury to Wait on Prostitution.

If Justice, with her sensitive scales and her sightless orbs, hovered any where in the neighborhood of the Third District Court yesterday, she must have heard sufficient to send her to bed with nausea, cramps and cerebro spinal meningitis. At 10 o'clock there was an unusually large gathering of attorneys in the interior of the bar, and though nothing had been set for that hour, it was very evident that something was up. After a few minutes waiting, Sheeks & Rawlins, attorneys for S. H. Lewis, arose and asked that his trial be at once proceeded with. This being Mr. Varian's cue, he arose, cleared his throat, and delivered the following remarkable oration:

I was notified that the defendant desired to have a trial, and I have investigated the matter and now desire to present my conclusions to the court in order that the court may take such action as may be warranted upon my suggestion. This case is a case of appeal from the Justice's Court upon the provisions of the revised statutes of the laws of Utah, which provide a penalty for keeping, residing in or resorting to houses of ill-fame, for the purposes of lewdness. The defendant, it appears by the complaint, is charged with the violation of that statute, and with having resorted to a certain house for the purposes indicated under the statute.

This is a case—one of a number of cases—which has been prominently before the public during the past three weeks, under circumstances of great notoriety. I therefore desire to state for the benefit of the court, Grand Jury, and others interested, the facts that are in my knowledge, drawn out by the investigation of the Grand Jury, as well as the public press. For some years the statute has been upon the Territorial statute book, so far as my knowledge goes, and no prosecutions have ever been instituted under it. It has been, so far as the authorities here are concerned, a dead letter upon the statute book. As indicated by the report of the Grand Jury, of which your Honor will take notice, it is said there are and have been quite a number of houses of ill-fame in this city, known to the officers of the law as houses of ill-fame. This being so, about March or April of the present year, a number of individuals, some of them holding official relations in the Territorial, county and municipal government, and perhaps acting in their official capacities, entered into a combination one with the other to raise funds to carry out certain purposes, and agreed to hire houses and prostitutes, and place in these houses in order that individuals in the community might be induced to visit them. Preparations were made in pursuance of this scheme, whereby such persons, male and female, who might be induced to enter these places, could be observed and whatever they or any of them did there could be noted.

In carrying out this undertaking, two now notorious places were procured by them, on the same street in this town—West Temple street. One of the women was installed in one place and one in another, both of the women being employed for the purpose. One of the avowed objects was to disgrace high officials in the Territory. One of the particular designs of this undertaking was to drag down the Governor, who stands here as the first citizen of the Territory, and a large sum of money was promised to these people if either of them should be able to accomplish that design. As a matter of fact, rewards were to be paid to these women for the services they were to perform. The houses were furnished for them, and every police officer in this city, except two, entered into the combination or scheme and gave his services, not perhaps in the capacity of a policeman, but as an individual—it is said in his hours of duty, so the Grand Jury says— as a spy and a spotter in aid of this undertaking. One of the selectmen of this county contributed to this laudable undertaking \$500 as his individual contribution, in order that it might be carried out. I understand that the municipal authorities and the county authorities, as such, disclaim, as they may very properly do, any knowledge or understanding of this conspiracy, even of its existence, and what was done in pursuance of it, until it had reached its end and become public.

ally conceived intention was to procure the arrest and conviction with this evidence, and by the means I have stated, under a city ordinance, and not the law of the Territory at all. When the time came, complaints were filed in great numbers, warrants were issued and some arrests made, and then for the first time we find the municipal authorities proceeding in the matter. It was determined by your Honor in this Court that this ordinance was invalid and of no effect, that any prosecution under it would be wrong, and, as a necessary consequence, every arrest under it ordered the party making the arrest guilty of false imprisonment. Notwithstanding this end had been reached in this way, so far as the original design was concerned, proceedings are further instituted under the statute of the Territory. And your Honor will recollect that an attempt was made to punish a certain kind of conduct without reference to the place where the conduct might have been. The conduct itself of the individual or individuals was within the ban of the law and was sought to be restrained by this penal ordinance in that way. If that ordinance was valid, it might well be said that it would make no difference where the offense was committed, whether in a public or private house given to this purpose.

But, as I said before, the prosecutions now at this time were renewed, this time under the Territorial statute, and your Honor will perceive that, if I am correct in what I have stated, we have this situation presented: First—There is a law on the Territorial statute book which has for its manifest object and design the suppression of houses of ill-fame. That is its object and its purpose, and it is intended to be enforced by individuals, or by an instrument, to that effect. It is not limited by the statute to punishing the individual, but as a necessary means in aid of the object of the statute, the Legislature very properly added a clause relative to the restoring to such places. This it differs, as will be perceived, in its general object and scope, from the ordinance. This being so, we find a case like this: A criminal and corrupt conspiracy is entered into to violate the law of the Territory. It is participated in by the very men who, or all others, ought to have set their faces against it. Its object, as I said, is to simply strike down and scandalize individual reputation, and cannot be for the suppression of houses of ill-fame, and cannot be within the scope and design of this statute. Every man in it connected with it in any degree, is a conspirator in the violation of the law of the Territory. It is participated in by the very men who, or all others, ought to have set their faces against it. Its object, as I said, is to simply strike down and scandalize individual reputation, and cannot be for the suppression of houses of ill-fame, and cannot be within the scope and design of this statute.

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Now, if that be true generally as to persons known as informers and spies, how much more true is it of persons who are not entered to even take that degrading name? They are not raised to the dignity of informer and spies; they are not men engaged in ferreting out crime; they are men who are producing crime, who by their money, influence of efforts, are debauching the public mind, and attempting to lead the young and the old down a very path that it was designed to keep them from going. Men and women, old and young, were to be drawn into their toils in order that they may have the supreme happiness and satisfaction of scandalizing reputations and breaking hearts here and there, or something of that kind.

What would your Honor say if I were to come here with an indictment against a citizen for uttering counterfeit money, and he were to be presented for trial, and I should appear from the evidence that the police of the city had procured dies and other instruments necessary, and had rented a place up here in the canyon in which to manufacture the spurious coin, and when the money was made and ready to circulate, they put out spies and spotters for the purpose of trying to get citizens to come in and pass the coin, in order that they might complain against them and procure their arrest? Would you want the community to think of a prosecuting officer who would so far forget his duty as to neglect to take his proper position on the question? Under such circumstances the community would say, the public would say universally, your duty is to indict the conspirators; the public good does not require that you should proceed against this man under these circumstances.

Indictments may be multiplied showing the distinction between employing men and money to detect crime having as the ultimate object of the undertaking the suppression of crime, from this case, which represents entirely new and distinct features. It is a matter of public record here that the parties engaged in this conspiracy have been indicted, and they are to be put upon their trial. I am now called upon to prosecute their accomplices. Are both right? If they are right and justified in this undertaking, they ought not to be put upon their trial here by this Grand Jury, and I ought not to be permitted to oppress and harass men engaged in the line of their duty, and I would not be if it were an ordinary case or usual case of officers of the law engaged in the detection of crime, for all just and wise persons and the laws of all civilized States recognize the right of the employment of the agents for the detection of crime. The consequence is that such agents are used in carrying out the enforcement of the laws in the way that I have indicated, but never yet, I believe, was such a scheme as this presented here to me as prosecuting officer—and I must act upon my oath of office—never was such a scheme presented before in a court of justice, and I cannot believe that it will be permitted, or that it ought to be permitted, to be carried out to its legitimate end and conclusion.

I don't believe one of these scoundrels who comes upon the stand and testifies that he entered into this undertaking, and that he stripped himself of his manhood—if he ever had any—and got down in all his naked infamy and crawled at the threshold of the house of a harlot, to view, to see, to understand all the secret vices of humanity in order that he may give the broadest view of the world, in order that he may furnish a statement to the families of the community, and debauch the mind of the public and the young and rising generation, in a way no man can tell how far-reaching the consequences may be—I say I would not believe such a man if he stood in the high court of heaven itself. I don't believe that any American jury, any jury composed of men who understand and realize the value of free man and know what it is to live in a country like this, and understand the easy working of the laws designed for the happiness and protection and benefit of all; I don't believe that any American jury would believe such an infamous scoundrel. And I say here, standing as a prosecuting officer, right here upon the prosecution of the first of these cases that has come up to this court, that I set my face against it; that no man connected with our office shall prosecute them. With my consent they shall not be prosecuted in this court. I think it would be a shame and a disgrace to the administration of the law if it would be a humiliation of the goddess of justice to allow these cases to be prosecuted here in this court under the circumstances I have indicated, and I refuse to prosecute them, and with my consent they shall not be prosecuted. I shoulder all the responsibility right now, and answering to the public authority over me and to the public at large, as I do to my own conscience, for my action, I move to dismiss this case. I don't believe in the reliability of this testimony nor in the truth of these charges. I know there could be no conviction had, and I am sure there ought not to be.

Judge Zane turned to Mr. Varian and asked: "Is the Grand Jury in session?" The Court (To Bailiff) Notify them to come into court. A few minutes later the Grand Jury entered, and the members being seated, the Judge said: The case of S. H. Lewis has been appealed from the Justice's Court to this Court, and the Assistant Prosecuting Attorney has entered a motion to dismiss this suit for reasons which he has named. Some of them I will mention. (He then went briefly over what Mr. Varian had advanced, emphasizing most of his views in relation to the character of the witnesses, the persons engaged in the prosecution, the creation of new houses of ill-fame, etc. The great object of all the laws in the interest of morality, is to restrain the passions of men, which too often run to excess. If it is true that these houses were established for the purpose named, it can be called nothing but infamy, and the prosecutor has entered this motion, and an officer who is vested with the power of thoroughly investigating cases, and in his judgment the character of the testimony is such as would not convict, he may then move to dismiss, or if he finds the testimony is given from malice, or in the hope of gain, he may also use his discretion about proceeding. Assuming the statements of the Prosecuting Attorney to be true, I think he is justified in dismissing these suits. In view of the facts stated, the motion is allowed. I wish to state that these suits are dismissed without prejudice, so that the Grand Jury may take them up and investigate them, if they choose to do so. The Judge then referred to the compiled laws of Utah. He directed attention to the passage punishing keepers and frequenters of houses of ill-fame,

and referred forcibly to the presence of so many establishments in this city. They have been treated in this city, he said, as a source of revenue, although they are as well known as the churches and hotels, and if what comes to the ears of the court be true they are better frequented. It is a disgrace and a shame to any city that those houses should exist; one of the finest I am told stands within a stone's throw of this court house; these houses are everywhere ulcers, sores, and as the city seems unable to take the matter in hand it is your duty to do so, indicting every prostitute you can find, and every man who frequents their houses. The want of chastity and the want of virtue in this Territory seems to amount to as much as the possession of them. I hope you will take this matter in hand, as the recent developments show there is a vital necessity here for restraining in some way the inordinate lust and passion that aims to be prevalent here. The Grand Jury were then conducted back to their room.

Virginia City and Gold Hill. These places have badly run down since the mines gave out. Houses are empty and dilapidated. Property will hardly sell for the amount of the taxes on it. This is bad business, and the worst of it is that there is no remedy for it. When an over-worked business man falls in health and becomes debilitated, it is bad; but we can do something for him. Brown's Iron Bitters will put him in working order. Buy this best of tonics of any druggist.

PERSONAL. MAYOR L. S. WOOD, of Springville is again in town. A. E. SNOW is in town purchasing for the Brigham City Co-op. JOHN H. McEWAN, of Provo, took in the Kivalpa performance last night. H. BATE and A. DUNKLEY, merchants of American Fork, came up on business yesterday evening. HON. ABRAM HATCH and wife returned last evening from their visit to St. Louis and New Orleans. ARNOLD KIRALFY and wife, Gustave Kahn, Mlle De Rosa, Mrs. Arnold, W. H. Bartholomew and Miss Sallie Apt. of Kivalpa's Around the World Company are guests at Valley House Cottage, No. 1. J. J. THOMAS, Jas. Wrathall, John Gillespie, Ben Eldredge, Lyman Robinson, Jos. Jennings and Mr. Clark, all headed in by the irrepressible Vice-President Faust, have come back from the cowboys' convention at St. Louis and the pleasure trip to New Orleans.

Who the Manager Is. To the Editor of THE HERALD: There seems to be some misunderstanding as to the stage manager of the Iolanthe Company. I wish it understood that I—James E. Jennings—am in no way whatever connected with the above company. James J. Jennings, at the Continental Hotel, as I understand it, is the one referred to in the published programme. JAMES E. JENNINGS.

Holiday Fruits. F. G. LYNGBERG, having thoroughly renovated and reorganized his premises, is now well stocked with all kinds of fruits, currants, raisins, candies, poultry, fish and game, with which to supply the holiday trade. Give him a call, and be assured that his wares are the freshest and best in the market. Headquarters for Christmas trees. CALL at Joslin & Park's and select your holiday presents and have them laid away for you.

Fashionable Tailor. JOS. BAUGARTEN, No. 111, Main street, makes up the finest and best fitting suits at prices to suit the times. He has just received a fine line of cloths, of his own importation. Give him a call and be convinced. NO NEED of Gunther or Heller. Having secured one of the finest Confectioners of New York, I can supply my many patrons with the finest Confections ever seen in Salt Lake City. Everything first-class. Ice Cream and Water ices all winter. Oysters in every style. Agents for Platt's Tiger Brand Fresh Oysters, best in the market. Agency California Cracker Company's unexcelled goods; 120 different kinds. GEORGE ARBAGAT, 48 E. First South St.

BRASS BEDSTEADS, at BARTON BROS. THE LARGEST STOCK of Boy's Clothing in this city, and very low prices. GOLDSMITH & Co. THAT HACKING COUGH can be so quickly cured by Shiloh's Cure. We guarantee it. For sale at A. C. Smith & Co's Drug Store. HIGHEST price allowed for dried apricots, peeled peaches, plums and pears at G. F. CULMER & Bros.

The Elk Saloon. Opposite the Theatre. Drop in between the acts and sample my liquors and cigars. The best of all kinds constantly in stock, and served by nimble and experienced mixologists. FRANK MAY, Proprietor. GROUP, WHOOPING COUGH and Bronchitis immediately relieved by Shiloh's Cure. For sale at A. C. Smith & Co's Drug Store.

NOW, AIN'T HE SWEET! And What Shall I Buy for Him for Christmas? Now, Let's See! A fine Ring, Scarf, Pin, Sleeve and Collar Buttons, a silver Cigar Case, a Locket set with Diamonds, a gold or silver Match Safe, a Mustache or Shaving Cup, and lots of other articles, at the very Lowest Prices, at L. HOLLANDER'S, 148 Main Street. Gymnasts Attention. Leave your orders at Spencer & Kimball for your Athletic Shoes and Slippers. We make them to order for \$1.75, \$2.00, \$2.25. Call and see samples.

Gas Fixtures, at Little, Roundy & Co. THE OLD RELIABLE HOUSE. You are respectfully invited to examine our Holiday Goods and Toilet Articles before purchasing elsewhere. GOSPEL, PITTS & Co.

TO THE PRESIDENT.

Delegate Caine Addresses the Chief Magistrate.

THE MILITARY SENSATION.

An Exposition of the Inwardness of the Senseless Scare Given in Plain Language.

On the 7th instant, Hon. John T. Caine, Delegate to Congress, addressed the following letter to President Cleveland. It speaks for itself: HOUSE OF REPRESENTATIVES U. S., WASHINGTON, D. C., Dec. 7th, 1885.

Since our conversation of this morning additional sensational statements have been sent from Omaha and Washington and published throughout the east which are so false and such outrageous misrepresentations of the facts in regard to the actual situation in Utah, that I am constrained to lay before you the truth. The Adjutant-General of the army apparently authorizes the statement that "the Secretary of the Interior and the Attorney-General have received reports from the Governor, United States Marshal, and other officials there, the Mormons are quite offensive; that demonstrations are being made of a threatening character, and that the slightest accident is liable to cause a riot, in which the residences and offices of the United States Judges, District Attorney and other officials may be mobbed, and perhaps personal violence attempted. The police of the city are all Mormons, and a great part of the military garrison has been sent to Wyoming, where the anti-Chinese riots occurred. It was thought best to take reasonable precautions, and so the troops at Omaha have been sent to Salt Lake and will camp in the neighborhood of the city so as to be available in case of an outbreak." You, Sir, and your constitutional advisers, have been deceived by designing men who seek to create in the east the impression that the Mormon people are unruly and turbulent.

The ordering of additional troops to Utah is the result of a deliberate attempt on the part of the Republican United States officials to create the impression that there is danger of a Mormon outbreak. The object of this is First, to make it difficult for a Democratic administration to remove the officials, and Second, to influence Congress to enact legislation in the interest of the ring of desperate adventurers who seek to control the government of the Territory in spite of the fact that they constitute an infinitesimal portion of the population and have no interest in the people, welfare of the great bulk of the people. The Mormons have been subjected to a systematic attempt to goad them to some hostile act. The Federal judiciary has persistently ruled so as to shield disreputable non-Mormons from punishment for "lewd and lascivious conduct," while Mormons have been prosecuted with the utmost rigor for "so-called cohabitation" under the so-called Edmunds act, which makes it a crime for men to cohabit with more than one woman. The Chief Justice of the Territory and a majority of the court have held that the Edmunds law applies to Mormons, and a man who was arrested on a charge of debauching his sister-in-law was discharged by Chief Justice Zane on the ground that the Edmunds law was not intended to be a general corrective of morals. When a deputy marshal, a married man, was arrested by the police of Salt Lake City on the charge of "lewd and lascivious conduct" with a woman not his wife, Judge Zane on *habeas corpus* proceedings promptly dismissed the accused official on the ground that such a fornication was not "lewd and lascivious conduct" unless it was practiced in public.

On the other hand when prominent Mormons who had separated themselves from their plural wives immediately on the passage of the Edmunds law and had honestly endeavored to obey that law, were indicted for unlawful cohabitation and asked the right to prove that they had not had sexual intercourse with their plural wives, that unless they had publicly abandoned their plural wives, they were guilty of "holding them out" as their wives, which constituted the offence of unlawful cohabitation under the Edmunds law. It mattered not that in the entire history of civil and criminal judicature no English or American Court had ever held that cohabitation meant other than sexual intercourse, the Mormons had to go to jail because they did not publicly renounce their plural wives.

In the execution of the Edmunds act, the utmost latitude has been given to the Marshal and his deputies. Delinquent visits have been common, and spies and informers have been encouraged to ply their infamous trade. When a reputable Mormon resented a gratuitous insult by a Deputy Marshal on the street, he was fined by Judge Zane \$150, and sent to jail for five days, on the ground that he was guilty of attempting to intimidate an officer of his court. On the night of the 25th of November, a young Mormon named McMurrin, meeting by chance a Deputy Marshal named Collin, in an alley, a collision occurred wherein the Mormon was shot and received a probably fatal wound. Immediately it was telegraphed over the land that McMurrin and two other Mormons had waylaid Collin and attempted to assassinate him and that Collin shot one and drove his other assailants away.

The only truth in this story is that McMurrin and Collin met by accident in the dark, in a narrow alley, and the former was shot. The stories about attempts to lynch Collin and the gathering of Mormons for that purpose, and the necessity for placing Collin in the hands of the military for protection, are altogether false. The sensational reports telegraphed from Omaha about a mob going to Fort Douglas and demanding Collin are manufactured for a purpose. They are without any foundation in fact whatever—preposterous.

There is no necessity whatever for the presence of additional troops in Salt Lake City, or in Utah. You, sir, as well as your advisers, have been imposed upon by Governor Murray and Marshal Ireland. Their representations are maliciously false. The Mormons understand perfectly that every effort

has been and is being made by characterless Federal officials to provoke an outbreak. The Mormons know they are being done by themselves irrevocable other unlawful act, and they have not under the most intolerant and unjustifiable conduct of Federal officials, disturbed the peace or in any way resisted the execution of the law.

The Mormons ask only an impartial administration of the laws and just treatment by the Federal Government. They have appealed to the Supreme Court of the United States and are patiently awaiting a decision by that high tribunal on the rulings of Judge Zane. They believe that his extraordinary interpretation of the law will be rebuked.

The Mormons do not object to the presence of the troops in their midst. They do object, however, to the sending of troops upon false pretences. They object to being misrepresented and set before the world as defiant, turbulent and given to mob violence, when all their history proves to the contrary. Those who have demanded and secured reinforcements to be sent to Fort Douglas have not been animated by an honest purpose, but with the object of doing in a way, if possible, of goading the Mormons to violence. The Mormons insist that the reasons assigned for sending additional troops to Salt Lake City are false—most outrageously false.

Very Respectfully, JOHN T. CAINE, To the President.

Programme of Teachers' Institute, December 21st, 1885. 1. What is the object of teaching reading. Chas. Crapo. 2. Song, Miss Dean. 3. How do you introduce geography to primary students? Miss O. Nibor. 4. Recitation, Miss Cosebrook. Critic—John Cardall. RACHEL EDWARDS, Sec'y. programme committee.

Death of Miss Curry. Miss Julia A. Curry, niece of Geo. M. Scott, Esq., of this city, and a young lady well-known in society circles here, died in San Francisco Sunday morning from the results of a cold contracted in making the journey to the Coast two weeks ago. Her remains will be interred in San Francisco.

No trouble for Joslin & Park to show their goods.

Steel Engravings. We have just received from a New York importing and publishing house a large and very select lot of Steel Engravings, Photographs, Photograph Art copies, etc. The pictures are the finest ever brought to Salt Lake, and will be sold at New York prices. All kinds of Picture Frames made to order. RIVERS BROS.

Weather Strips at H. DUNWOODY'S Furniture Store.

COAL OIL and LAMPS cheap at Lay Store, four doors west of the Theatre.

Boys' Overcoats, \$2.00 and upward. At GOLDSMITH & Co.

WALL PAPERS, Wrapping Papers, etc. next to Postoffice, with Parsons' & Co. RIVERS BROS.

JOSLIN & PARK, the leading jewelers are offering special inducements in Holiday Presents.

VELVETS, silks, brocades and dress goods, lower than ever. at AUERBACH'S.

WHOLESALE Clothing Buyers can save at least 10 per cent by buying their goods at L. GOLDSMITH'S.

Boys' UNDERWEAR, \$1.00 per set. At GOLDSMITH & Co.

SHILOH'S COUGH and Consumption Cure is sold by us on a guarantee. It cures Consumption. For sale at A. C. Smith & Co's Drug Store.

Fox & Symons Have reduced the price of photographs. All work done by the dry-plate instantaneous process. Reduction permanent.

STYLISH SUITS for Young Men, Cut-away Frocks in Corkscrew and Cassimer. New lots just received at GOLDSMITH & Co.

For Rent. Ground Floor Offices for rent in the Contributor Building, No. 40 Main Street.

1,000 BOXES of window glass, all sizes, just arrived, at G. F. CULMER & Bros.

EXAMINE the nobby styles in Fall Overcoats at L. GOLDSMITH'S.

Lapham's Dress and Cloak House. Dressmaking in all its branches. Special attention given to orders from the country. Orders filled on short notice. Ready-made Dresses kept on hand. Agent for McCall's Best Patterns. No. 42 W. First South Street.

THREE CARLOADS of CHAIRS. Bought at bedrock figures before the advance in prices, just received and for sale, wholesale and retail, by Co-op. FURNITURE STORE, Opposite Valley House.

We never misrepresent. Best goods at lowest prices is the rule at Auerbach's Mammoth Establishment.

HEADQUARTERS for Christmas candies and nuts, wholesale and retail, at G. F. CULMER BROS.

EVERY pair of boots or shoes we sell, we warrant. F. AUERBACH & Co.

A WASHINGTON line of stylish Cassimeres Suits just opened at L. GOLDSMITH'S.

TO MAKE room for Christmas goods we offer trimmed and untrimmed hats, plumes, birds and wings at great bargains. F. AUERBACH & BROS.

THE busiest place in the city—F. Auerbach & Bro's. Cloak Department. Cause: Reduction in prices.

FOUR-ROOMED house for rent in the Twenty-first ward. Enquire of G. F. CULMER BROS.