

STATE FAIR IS RULED OUT

ATTORNEY GENERAL SAYS IS NO AUTHORITY FOR HOLDING.

HOLDS OLD LAW STILL STANDS.

But Was Clearly Intention of Legislature There Be no Fair This Year.

Money Appropriated for Improvements Must Be Expended This Season and Any Balance Reverts to General Fund (Not Hindered From Holding Races).

Anent the exclusive article in the Statesman of yesterday morning, regarding the question of whether or not there would be any authority for the holding of a State Fair this year, the act of the last Legislature to the contrary notwithstanding, Attorney General Crawford rendered an opinion yesterday afternoon, in response to the request of the State Fair Board. He holds in this opinion that, while the act of the last session does not expressly or impliedly repeal that section of the present law which provides that the State Board of Agriculture shall hold a State Fair each year, the fact that the money appropriated for the making of improvements at the Fair Grounds cannot be used for premiums precludes all chance of financial support for such an exhibition so far as the state is concerned. While the act does not so state, says the Attorney General, it was clearly the intent of the Legislature that no Fair be held this year. He says, however, that there is nothing in the act which can be construed to prevent the holding of the usual race meeting at the Fair Grounds, and the board may use its own discretion in this matter, although no funds are provided for the payment of any expenses incurred thereby. The opinion of the Attorney General in full follows:

"Yours of this date enclosing copy of House bill No. 318, and requesting my opinion upon the following points has my attention:

"First. Whether your board can hold a Fair in 1905 and pay \$10,000 or any part thereof for premiums, or must the whole sum appropriated by the act be used in making improvements?

"Second. Whether the whole appropriation of \$15,000 must be used in the year 1905, or can it be used at any time during the years 1905 and 1906?

"In reply thereto permit me to say that section 1 of the act after making a continuing appropriation of \$10,000 per year for the support of a State Fair, and providing that it must all be expended in paying premiums for agricultural and other industrial pursuits and none for trials of speed, and providing that if the board fails to offer and award premiums for agricultural and other industrial pursuits equal to the amount appropriated, then the benefits of the appropriation are not available that year provides the board is hereby relieved from holding an exhibit of such resources at the State Fair Grounds during the year 1905, or from offering or awarding any premiums for such exhibits, but is hereby authorized and directed to use said money hereby appropriated for the year 1905, or so much thereof as may be necessary therefor, in improving and putting in good condition the grounds and buildings known as the State Fair Grounds, and the balance, if any there be, shall be returned to the general fund of the State Treasury.

"By the terms of the act above quoted it is plain that the board is directed to use the appropriation for this year in repairs and improvements, and if any balance is left it must be returned to the State Treasury. The fact that any balance must be returned into the treasury precludes the idea that any portion can be used as an award for premiums. Neither does this section, in my opinion, conflict with section 4138 providing for the management of agricultural fairs and exhibitions, and making it the duty of the board to provide for an annual fair or exhibition. While the recent bill has the effect to suspend the foregoing provision for the present season, it does not repeal or supersede the same. To repeal by implication, the new law must cover the subject matter of the other, while in the matter under consideration, no part of the provisions of section 4138 are upon the same subject as the bill except the provision making it the duty of the

board to provide annually for a Fair, and I am of the opinion that the Legislature had power to suspend the Fair one season and still leave it the duty of the board to provide for a Fair other years, and that is what was done by the bill. The board is hereby relieved from providing for the holding of a fair or exhibit in 1905. The bill also provides that nothing in the act shall deprive the board from receiving the annual appropriation for 1906 and annually thereafter.

"I am also of the opinion that the repairs and improvements should be made in 1905. While it is not directly expressed, the whole tenor of the act seems to be to that effect. No Fair is to be held, the fund is diverted to repairs and improvements, and the balance must be returned, and then the bill closes by giving the board the right to the appropriation for a Fair in 1906, and before that time all improvements should be made. If the act could be construed to make the repairs in 1906, I do not see why it could not apply in 1907 or 1908, or any other time. The Legislature, in my opinion, intended the repairs to be made during the present season.

"Nothing in the act prevents the board, in my opinion, from having an exhibit of trials of speed, but none of the appropriation can be used for that purpose."

RAILROAD COMMISSION.

Washington House Passes Bill Creating Body and It Is Now Up to Senate.

OLYMPIA, Feb. 25.—The House today passed the House substitute railway commission bill and it was ordered immediately transmitted to the senate. The bill creates an appointive commission of three, giving to the Governor the absolute power to appoint and to remove. It invests the commission with power to institute inquiries and fix rates and establish the amount of demurrage. It gives either party the right of appeal to the courts from the findings of the commission and places the burden of proof on the railroad companies. It includes express companies in its provisions, but exempts interurban electric roads. It fixes penalties from \$150 to \$2,000.

NAMES SECRET

GOVERNMENT TAKING GREATEST PRECAUTION WITH JURORS' IDENTITY.

Lieutenants Will Not Be Given Opportunity of "Seeing" and "Fixing" Inquirers Before Trial Is On—Department Will First Learn Records.

CHICAGO, Feb. 24.—The special grand jury ordered by Federal Judge Kohlsaat to investigate the alleged trust was drawn today. The law requires that the names of the members of the jury be spread on the records. This will not be done, however, until a few days before March 20, when the grand jury will meet, as it is desired to keep the names secret as long as possible. It is said that the government wishes to examine the record of each man.

Unusual activity among the forces of the United States marshals in Manhattan and Brooklyn has revealed the fact that subpoenas in the federal beef combine investigation are being served on a large number of the local representatives of the New York meat packing companies.

Budgets of subpoenas from the office of the attorney-general were received by United States Marshal Haubert, of the Brooklyn district, and United States Marshal Henkel, of the New York district, and no time was lost in effecting personal service upon the employees whose testimony is wanted in Chicago.

After the subpoenas arrived telegrams were received from the attorney-general's office enjoining upon the New York officials the most absolute secrecy in regard to the matter, and both Marshal Henkel and Marshal Haubert refused to say a word concerning the persons who have been summoned.

CASTORIA.

The Kind You Have Always Bought

Over the Signature

Chas. H. Fletcher.

HOT SPRINGS FIRE SWEEP

LOSS OF THREE LIVES AND \$1,000,000 ALREADY ESTIMATED.

TWO THOUSAND ARE HOMELESS.

Firemen Thwarted in Their Efforts by the Giving Out of the Water Pressure.

Three Blackened Bodies Already Dragged From Burning Piles—One Woman and Two Men—Identity May Never Be Established.

HOT SPRINGS, Feb. 25.—Fire swept the southern portion of this city early today, causing losses variously estimated at from one to two million dollars, and three deaths. Three charred corpses were found in the ruins, but the identity of the victims is not established. One of the bodies is supposed to be a female guest of the Grand Central Hotel.

The fire started at 3:20 o'clock this morning and in five hours burned over an area of one square mile. Block after block of business houses, hotels and other buildings were swept away. Among the buildings destroyed are the Grand Central Hotel, the Lee House, the Moody Hotel, the Plateau Hotel, the Columbia Hotel, the county court house, the jail, the First Methodist church, the Jewish synagogue and twenty-five residences and stores.

The fire started in the Grand Central Hotel and its origin is uncertain. All the guests retired for the night, and only the night clerk and watchman were on duty when the flames were discovered. A strong north wind was blowing and before the fire department could reach the scene the flames had spread rapidly to adjoining buildings. Firemen and police worked valiantly, but their efforts could not check the flames and to add to their difficulty the water pressure gave out at 5 o'clock. Bucket brigades were then formed, citizens and visitors alike volunteering their services. Many lodging houses and cheap restaurants were directly in the path of the fire, and the occupants were hurriedly apprised of their danger. Many, in their anxiety, jumped from windows and sustained severe bruises and shocks. At 9 o'clock the fire had practically burned itself out, and the work of rescuing began.

In the ruins of the Grand Central Hotel the charred female body was found. The remains could not be identified and, as the hotel register and other records were burned, the name may never be known. In a lodging house two unknown male corpses were discovered.

More than 2,000 people are homeless. Fortunately the cold weather has passed and springlike temperature prevails. The streets are filled with merchandise taken from stores in the threatened districts.

In the South Hot Springs cottage district, which was consumed, several persons are missing, but it is not known that any loss of life occurred there. There is great confusion in all parts of the city.

IS PROGRESSIVE

HARRIMAN LINES IN OREGON TO BE BROUGHT UP TO HIGHEST STANDARD.

B. A. Worthington, New General Manager for O. R. & N. and Southern Pacific, Tells of Extensive, Permanent Improvements in Prospect.

(From Saturday's Daily.)

If the present plans of the new management of the Southern Pacific and O. R. & N. companies' lines in Oregon are carried out successfully, as they no doubt will be, the Southern Pacific system will have been brought up to such a standard of excellence and perfection that it is not excelled by any railroad in the country. B. A. Worthington, the new general manager of the Southern Pacific and O. R. & N. companies' lines in this state, is acknowledged to be one of the most intelligent, practical and progressive railroad men in the United States and it is through his agency that the great work of permanent improvement is being brought about. He is credited with being a person of almost boundless resources and ability, and when he takes a notion to do anything he invariably carries it out. He has taken the notion to place the Southern Pacific system upon a level with the best roads in the East and he is now busily engaged in seeing that his extensive plans are put into execution.

Yesterday afternoon a special train carrying General Manager Worthington and several other high officials of the Southern Pacific and O. R. & N. passed through the city on a tour of inspection of the Oregon division of the Southern Pacific, between Ashland and Portland, which was transferred to the supervision of the O. R. & N. company on the first of April of last year. The party, besides Manager Worthington, consisted of F. C. Stohr, assistant traffic director of the Harriman lines, with headquarters in Chicago; J. P. O'Brien, general superintendent of the O. R. & N. and S. P. of Portland; L. R. Fields, superintendent, Southern Pacific; R. B. Miller, general freight agent, O. R. & N.; W. E. Goman, general freight and passenger agent, S. P.; J. F. Graham, superintendent motive power, O. R. & N. and S. P.; J. O. Jamieson, acting chief engineer, O. R. & N. and S. P.; T. W. Younger, master mechanic, S. P.; E. L. McDonald, resident engineer, S. P.; and H. E. Lounsbury, traveling freight agent, S. P. company. The party arrived in Salem shortly after noon yesterday, and, after the officials had made a thorough inspection of the condition of the company's property here, and had a consultation with Local Agent R. B. Houston, took their departure about 3 o'clock. They went as far north as Woodburn, when they turned around and went back to Astoria.

any later in the evening, and will go into Portland over the West side road.

Mr. Stohr, the assistant traffic director of the Harriman lines, is making a complete tour of the company's lines in order to get better acquainted with the country traversed by the system and to have a better understanding of the conditions generally. He expressed himself well pleased with the progress so far, and especially with Oregon. He, as did other members of the party, paid Oregon some high compliments and predicted a great future for the state. Mr. Worthington, upon first acquaintance, gives one the impression that he is a very capable man and a busy one, yet he does not permit of his business interfering with his gentlemanly qualities or sociability in the least. He is very enthusiastic in his work and is determined to carry his plans of improvement to a successful termination, if he is allowed to remain in his present high position long enough.

Mr. Worthington has had an almost life-long experience in the railroad business, having been brought up in it and knows every detail of the work connected with it. He started in as an office boy in the Southern Pacific headquarters at Sacramento, about fifty years ago, and by hard study, practical knowledge and close attention to duty, he has gradually worked himself up to his present position. He is a most affable gentleman to converse with, speaks fluently and intelligently and has no hesitancy whatever in giving interesting details of his work, in fact he seems pleased with the interest and appreciation manifested in what he contemplates doing. He is very much infatuated with Oregon, her boundless resources and climate, and predicts a wonderful growth for her in the future.

In an interview with the Statesman, Mr. Stohr here, he said: "The people of Oregon certainly have many reasons to be proud of their state. The greatest source of pride, it seems to me, lies in the fact that notwithstanding Oregon contains only about one twenty-third of 1 per cent of the population of the United States, it ranks from first to seventh in productivity of soil, resources, etc.

Of course, the valleys, being hedged in between the mountain ranges and the ocean, are narrow and not very extensive, yet I am given to understand, and my own observations convince me that I have told the truth, there is no kind or variety of vegetation or verdure that does not thrive and produce prolifically. Once developed, the resources of this state will surprise the world and there is no question of there being a grand future in store for her. Immigration has begun to turn its head in this direction and in the year of a very few years the population of the state will be increased many fold. As to climate, I have never been anywhere where the climatic conditions are so mild, healthful, and, I might say, perfect.

"Yes, we are now out upon a tour of inspection of the lines in Oregon with a view of making very extensive and permanent improvements. We already have gangs of men at work laying 80-pound steel rails in the southern part of the state and expect to get at least 300 miles of it down in the year. This will enable us to put on heavier locomotives, increase our running stock, make faster time and, in fact, improve our entire service 100 per cent. In time we expect to transplant all of the wooden bridges upon our lines with modern steel structures, like they have in the East, and upon our main line to the East and bring our entire system up to a standard that is not surpassed anywhere. At least four or five of these steel bridges will be put in this year, one of which will be across the North Fork of the Santiam, south of this city. This is a very difficult stream to control and we expect to put in one of our best and strongest double-span bridges there. All of the work which we have in contemplation is of a permanent character and the company, or management will spend hundreds of thousands of dollars in bringing the system up to the standard in view."

Mr. Stohr, the assistant traffic manager of the Harriman lines, was promoted to succeed B. Campbell, who at present occupies the position of fourth vice president of the Great Northern Railway Company. While in this city the party paid a visit to the packing establishment of the Willamette Valley Poultry Association, where they were shown every courtesy and all of the officials who had not visited the plant in the vicinity, and that the opening of the Harriman lines was not justified. The commissioners are unanimously of the opinion that Rojstevsky did all he could possibly do to prevent the trawlers from being fired upon, and on the question of his proceeding without giving any assistance to the damaged trawlers, agreed that there was so much uncertainty concerning the danger to the Russian squadron as to warrant Rojstevsky continuing on his route.

The general impression among those who heard Admiral Fournier, president of the commission, read the decision, was that it was a compromise. Great Britain's contention that there were no torpedo boats in the vicinity and that Rojstevsky was not justified in firing having been approved, and that of Russia, that Rojstevsky acted according to his belief even though mistaken, and his action did not reflect upon his military valor or sentiments of humanity, has likewise been agreed to.

The commissioners, as a whole, found that the fishing fleet made no hostile demonstrations, and that there were no torpedo boats among the fishermen or in the vicinity, and that the opening of the Harriman lines was not justified. The commissioners are unanimously of the opinion that Rojstevsky did all he could possibly do to prevent the trawlers from being fired upon, and on the question of his proceeding without giving any assistance to the damaged trawlers, agreed that there was so much uncertainty concerning the danger to the Russian squadron as to warrant Rojstevsky continuing on his route.

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WINS ANYWAY

CONTENTION SET UP BY ADAMS' ATTORNEYS IN BRIEF TO LEGISLATIVE COMMITTEE.

Conceding all Claims Made by Peabody and Admitting Fraud Shown in Expert Testimony Present Encumbrance Still Winner by Two Thousand.

DENVER, Col., Feb. 25.—The gubernatorial contest committee today granted both sides another day for the preparation of their briefs. Adams' attorneys have practically completed their brief tonight. In it they assert that, conceding all the claims of the contest, or James H. Peabody, Adams still has a majority of 2670. This summary of the results of the investigation is given: Majority for Adams, according to the certified returns, 9774; loss to Adams if the expert reports are accepted, 7014. Net majority for Adams, 2760.

This majority would be increased to 4479 if the expert report of J. A. Antman and Huerfano counties' returns were accepted, and further increased to 6955 if all the Denver precincts were counted in, which, according to the brief, the election proved had been fair.

FREEDOM OF THE PRESS.

ST. PETERSBURG, Feb. 25.—The street sales of the Russ were suspended on account of an article on Friday depicting the conditions of Russia and asking whether they indicate the existence of a government.

JAPANESE WIN BLOODY BATTLE

BEATEN BACK LITTLE MEN RALLY AND CARRY HILL.

MOST SANGUINARY ENCOUNTER.

Charge of Russian Position on Beresneff Hill Met With Grenades and Exploding Mines.

Reports in St. Petersburg Are Meager and Dissatisfying—Military Authorities Make Light of Tsinkhetchen Message—Japan Not Suing for Peace.

TSINKHETCHEN, Feb. 25.—The Japanese attack on Beresneff hill developed into an encounter of the most sanguinary nature. The Japanese, pressing forward in a bayonet charge, were received with pyrotyl hand grenades or were blown up by buried mines. The Japanese machine guns which took up positions in support of the advance were silenced for a time and were beaten back. The Japanese came on with greater resolution, however, and the Russians finally yielded. The hill in the face of greatly superior numbers.

St. Petersburg, Feb. 26.—The belated reports of the attack on the Russians at Tsinkhetchen did not satisfy the curiosity of the public as to what was going on in Manchuria, but the military authorities explain that the Japanese are probably only attempting to force in the Russian advanced position. The Associated Press dispatch from Tsinkhetchen interrupted the interesting point and though it does not give the losses or the final results of the battle it is evident that both sides lost heavily.

St. Petersburg, Feb. 26.—The report of the findings of the international commission was not generally known in St. Petersburg last night, but, after the previous illusory reports, it is bound to be received with great dissatisfaction.

IS COMPROMISE

GENERAL OPINION OF NORTH SEA COMMISSION'S DECISION ANNOUNCED YESTERDAY.

Rojstevsky Not Justified in Firing Upon Fishing Smacks, But Did Nothing Reflecting on Valor or Honor—All England's Claims Conceded.

PARIS, Feb. 25.—The decision in the controversy between Great Britain and Russia arising from the firing on the Gamecock fishing fleet on the night of October 21-22 by the Russian squadron commanded by Admiral Rojstevsky, was officially announced today by the International Commission of Inquiry which investigated the affair. Admiral Davis, the American representative on the commission is of the opinion that the general results of the commission are favorable to Great Britain as they sustain the statement of the facts as presented by that country. He thinks the decision will have a salutary effect in the interest of the general principles of arbitration.

The general impression among those who heard Admiral Fournier, president of the commission, read the decision, was that it was a compromise. Great Britain's contention that there were no torpedo boats in the vicinity and that Rojstevsky was not justified in firing having been approved, and that of Russia, that Rojstevsky acted according to his belief even though mistaken, and his action did not reflect upon his military valor or sentiments of humanity, has likewise been agreed to.

The commissioners, as a whole, found that the fishing fleet made no hostile demonstrations, and that there were no torpedo boats among the fishermen or in the vicinity, and that the opening of the Harriman lines was not justified. The commissioners are unanimously of the opinion that Rojstevsky did all he could possibly do to prevent the trawlers from being fired upon, and on the question of his proceeding without giving any assistance to the damaged trawlers, agreed that there was so much uncertainty concerning the danger to the Russian squadron as to warrant Rojstevsky continuing on his route.

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CASTORIA

for Infants and Children.

Castoria is a harmless substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It is Pleasant. It contains neither Opium, Morphine nor other Narcotic substance. It destroys Worms and allays Feverishness. It cures Diarrhoea and Wind Colic. It relieves Teething Troubles and cures Constipation. It regulates the Stomach and Bowels, giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

The Kind You Have Always Bought Bears the Signature of

Chas. H. Fletcher.

In Use For Over 30 Years.

THE CASTORIA COMPANY, 11 HUNTER STREET, NEW YORK CITY.

JAPS ADVANCE UPON RUSIANS

LITTLE BROWN MEN PERSISTENT AND SYSTEMATIC AS EVER.

DRIVE IN RUSSIAN VANGUARD.

Forcing Things All Along Line and Now in Close Touch With Fortifications.

Stubborn Combat Is Expected to Take Place Today—Circling East, They Hope to Capture Russian Redoubts—Important Operations in Mountains.

TSINKHETCHEN (via Mukden), Feb. 24.—There is fighting along the whole line in this district today. The Japanese, continuing persistent and systematic advance, drove in the Russian vanguard posts and came in touch with the Russian fortified positions. A stubborn combat is expected tomorrow, the Japanese apparently intending to attempt to drive out the Russians and capture their redoubts. The Japanese are circling eastward. Official dispatches today dispose of the rumor of Kuropatkin's retirement from Shakhe, but when taken in connection with the Associated Press reports from Tsinkhetchen, show that operations of an important nature are in progress in the mountain region to the eastward.

Agonizing Burns.
Are instantly relieved, and perfectly healed by Bucklen's Arnica Salve. C. Rivenbark, Jr., of Norfolk, Va., writes: "I burnt my knee dreadfully; that it blistered all over. Bucklen's Arnica Salve stopped the pain and healed it without a scar." Also heals all wounds and sores. 25 cents at Dan. J. Fry's drug store.

WILL NOT QUIT

CHAMPIONS OF JOINT STATEHOOD BILL STILL SCRAPPY—NOT LIKELY TO SURRENDER.

Opposition Making Big Effort to Defeat Purpose and Morgan Delays Appointment of Conference—Swayne Case Up and Prosecution Puts in Argument.

WASHINGTON, Feb. 24.—The time of the Senate today was divided between the Swayne impeachment trial and the motion of Senator Beveridge to appoint conferences on the joint statehood bill. In the Swayne case, Messrs. Perkins, Slayton and Powers made arguments in behalf of the prosecution and Higgins responded in Swayne's behalf, leaving Thurston to speak for Swayne and De Armond and Palmer for the House. The trial will be resumed tomorrow. It is expected of the Senators managing the trial that an announcement will be made tomorrow to take a vote on Monday. Morgan antagonized the motion to appoint conferences on the statehood bill and held the floor when the Senate adjourned.

Efforts to harmonize the differences over the statehood bill continued fruitlessly in the Senate today. There seemed to be no disposition on the part of the friends of the proposition for two states to be made of four territories to accept a compromise permitting Oklahoma and Indian Territory to come in at the present session, and compelling the other territories to wait. When this was proposed today it was insisted that the House would not agree to such an arrangement.

While the appointment of conferences was prevented by Senator