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is offering all its stock of winter underwear for ladies, gents and children, at greatly reduced prices to close out these lines. We offer the best all-wool scarf for men at 75c, former price \$1; the best all-wool scarf for ladies at 65c, former price 90c. Excellent natural wool underwear for ladies at 55 to 65c, former price 70c and 85c. We offer as a special bargain good merino underwear for ladies at 25c, former price 35 to 45c. These are special bargains. We have many other grades all reduced in proportion. We have child's good merino, small size, pants for 5c. Also a choice line of men's, boys' and youths suits, and a large line of men's, women and child's "Star 5 Star" shoes, all at very close prices. Call, save money.

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No Trouble to Show You Through and Give Prices.

Hardware, Tinware, Barbed Wire  
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Examine our large and complete stock. Always prompt and courteous treatment.

### FULL LINES OF ...

Little's satin finish and cobweb carbon paper, in black, blue and purple.  
Little's and Underwood's typewriting ribbon, all colors and sizes.  
Typewriting oil and erasers.  
Stenographers' pencils and note books.  
Also Star automatic paper fasteners.

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SOLE AGENT.

## COLLEGE OF MUSIC of the Willamette University.

UNDER NEW MANAGEMENT.

Modern methods. Up to date. Same as in the eastern and European Conservatories. None but the best is good enough for beginners as well as for more advanced pupils.  
W. C. HAWLEY, President.  
R. A. HERITAGE, Vocal Director.  
EMIL L. WINKLER, Instrumental Director.

Struck the bottom with a hard thud and busted prices wide open. Don't fail to take advantage of this opportunity to buy

Men's \$10 Mackintoshes for \$5

Boys' \$6 Machintoshes for \$3.50

And all other goods in same proportion. Call at once at the store occupied by

G. W. JOHNSON & SON,

W. R. ALLIN. AGENT MORTGAGEE.

## QUEUES MUST GO.

A Corean Edict That Causes a Rebellion.

## ROYAL ORDERS RESISTED

The Red Cross Society Relieving the Armenians.

SAN FRANCISCO, Feb. 18.—The steamer Pekin from Yokohama arrived this morning and brings the news that another rebellion has broken out in Corea. The insurrection was caused by a royal proclamation requiring all Coreans to sacrifice their queues and wear their hair in the western fashion.

BRAVE CLARA BARTON.  
CONSTANTINOPLE, Feb. 18.—Miss Clara Barton, president of the American Red Cross society, has arrived here, and is organizing a system for the distribution of relief to the suffering Armenians.

## FIFTY MINERS KILLED.

Explosion in the Vulcan Mine Does the Work.

The Accident Confirmed, but No Particulars Received.

DENVER, Feb. 18.—A special to the Times, from Glenwood Springs, Colo., says a terrible explosion has occurred in the Vulcan mine at New Castle, and that 55 miners are reported killed. The Vulcan mine is owned by the Atchison, Topeka & Santa Fe railroad company.

A GAS EXPLOSION.  
A special to the Times from Glenwood Springs, says: A gas explosion occurred in the Vulcan mine at New Castle, just before noon, when there was between fifty or sixty men in the mine. At the mouth of the shaft, a hole a hundred feet square was blown. Ed. Welch, who was near the mouth of the tunnel, was blown to atoms. Timbers two feet square were blown into Grand river, 4000 feet away.

In Congress.  
WASHINGTON, Feb. 18.—In the house today Newlands, of Nevada, presented a resolution instructing the ways and means committee to inquire what effect the difference of exchange between gold and silver standard countries has upon the manufacturing industries of the United States. "The Pacific coast," he said, "was now threatened with an invasion of the products of the cheap labor of oriental countries, especially Japan, and the increase in the price of silver would take from the oriental countries the advantages they now possessed."

An Assignee Suicides.  
INDIANAPOLIS, Feb. 18.—Charles S. Mazworthy, assignee of the American Longue Co., was removed from his trust today by Judge Brown, for failing to appear and produce his reports. This afternoon Mazworthy was found in his room suffering from a fatal wound, self-inflicted with a pistol.

Amelle Rives Married.  
CHARLTONSVILLE, Va.—Amelle Rives Chandler and Prince Pierre Fronbetzkoy a Russian nobleman, were married this afternoon at castle hill, the home of Colonel Alfred Rives father of the authoress.

Forest Grove Nashy.  
WASHINGTON, Feb. 18.—The president has nominated J. W. Wheelock, of Washington, as postmaster, at Forest Grove, Oregon.

Children Cry for Pitcher's Castoria.

## Daylight Bank Robbery.

SAN FRANCISCO, Feb. 18.—Three masked men entered the Market Street bank, a small institution in the Spreckles building, shortly after 10 o'clock this morning, and ordered Cashier Hopkins and Bookkeeper Hayhurst to throw up their hands. Hopkins who was at the counter, refused, and one robber fired, the bullet passing his head, but striking neither official. The robbers then seized the two bank officials and hustled them into the vault. Hastily dumping the pile of gold on the cashier's counter into a sack they escaped, though Market street was crowded with passing people. It is supposed that they secured only \$800.

Mexican Justice.  
EL PASO, TEX., Feb. 18.—Governor Ahumada left Juarez last night for Chihuahua, after making this solemn declaration: "Should the fighters give battle on Chihuahuan soil, I will arrest the principals, betters, speculators and newspaper correspondents, and not one of them will escape a three years' sentence in prison."

## A TERRIBLE HOLODAUST.

Factory in Troy Burns - Many Lives Are Lost.

Brave Firemen Lose Their Lives Fighting the Flames.

TROY, N. Y., Feb. 18.—A small boy, carelessly throwing a match into a pile of oily waste, a mass of flames and 300 girls and women frenzied with fright, fighting for life as the hot flames chased them with hungry tongues, was the beginning of a fire last night which consumed thousands of dollars' worth of property and caused the destruction of many lives.

Within 20 minutes after the fire started there were three dead women laid upon the floor of an adjoining store, and at least a dozen burned and maimed girls and women taken to hospitals or to their homes.

Of the 350 girls and women in the building, it is presumed that at least half a dozen are in the ruins, for it is impossible to locate all, and there may possibly be a score of dead.

It was just 30 minutes before the closing hour in Stetthelmer & Co.'s shirt-waist factory on River street, and the 350 girls and women were working rapidly to finish up. In the cutting room, on the fifth floor, the 150 girls were closing up their day's work and preparing to leave when the whistle blew. Lillie Kreiger, who was working near a machine, called to a small boy to light the gas over her work. The boy struck a match and threw the burning stub to the floor. It struck a pile of oily rags, and in an instant the girl was enveloped in flames. With her clothes and hair burning, she rushed to the window, and at once the room became a struggling, shrieking mass of humanity, filling the windows, the fire-escapes and the only stairway. Jamming and pushing, tearing each other's clothes from their backs, turning in narrow corridors to find a sister, or mother, or friend, the number in the exits augmented every minute by those from the lower floors, these girls and women fought for their lives to get away from the flames which seemed to be growing to a monstrous size.

With rare presence of mind, Policeman Farrell, who was on the street, seeing that in the panic a number were liable to jump, let down the awning over the entrance. Hardly was it down when two or three forms came flying down from the fifth and sixth stories, and, bouncing from the awning, fell to the sidewalk.

The loss by fire was from \$350,000 to \$400,000, with about \$200,000 insurance.

At least 500 people are thrown out of work. The fireman worked with the thermometer below zero, suffering very much.

THE LATEST.  
TROY, N. Y., Feb. 18.—Several fire engines are still pouring water upon the ruins of the burned building. If any victims are still in the ruins it will be impossible to rescue them for some hours, perhaps not for days. No additional names of missing people have been reported.

Children Cry for Pitcher's Castoria.

## A REHEARING ASKED.

Raises Another Insurmountable Obstacle.

## THE EASTERN ASYLUM.

Motion Filed in the State Supreme Court—Reasons Assigned.

A motion for rehearing of the Eastern-Oregon asylum case was filed in the supreme court yesterday, signed by James McCain, district attorney of the third judicial district, and H. J. Bigger and W. H. Holmes, of counsel. The following reasons are assigned:

First.—A careful reconsideration of that part of the court's opinion, relating to the appearance of the district attorney, on behalf of the state, and appearing therein, in his official capacity is respectfully submitted.

It will appear from the bill filed herein that the state of Oregon, on relation of A. C. Taylor, was the plaintiff in the lower court, and the respondent here. The bill is signed by James McCain, district attorney for the third judicial district. Surely the district attorney does not appear for A. C. Taylor, as a citizen, but he must appear for and on behalf of the state of Oregon. If Taylor is the relator herein the state of Oregon must be the plaintiff, and Taylor be mentioned or appear in the caption his name may either be treated as surplage, or defendant may move to strike out the name of Taylor; but when this has been neglected and the case stands before the court, with the state of Oregon as plaintiff, represented by the district attorney in his official capacity, we think this conclusive, and the defendants cannot come into any court of equity complaining that they have suffered any injury at our hands. It is a well settled rule that equity looks at the substance and will disregard names, and penetrate disguises to discover and deal with it.

Second.—We believe the complaint filed in this suit is susceptible of a different construction from that placed upon it in this opinion so far as the plaintiff is concerned. The complaint treats all the way through with the "funds of the plaintiff," considering more than is indicated in the opinion, viz: That the laws passed by the legislatures of 1893 and 1895 were unconstitutional. It goes further, and alleges that the commissioners who are named in the bill are about to expend large sums of money of the plaintiff's in the purchase of lands at some point east of the Cascade mountains, for the purpose of constructing what is alleged to be a branch insane asylum in the eastern portion of the state, etc.

If the state of Oregon be plaintiff and be in court by a chosen officer of its people, the district attorney, and large sums of money are about to be expended in the erection of a building, under a law which is unconstitutional, surely an irreparable injury must be done to the people.

No money whether on behalf of the state of Oregon, or a private citizen, can be expended under a law contract which is unconstitutional, or illegal, without doing party interest irreparable injury, and thereby the question for judicial cognizance becomes one of personal or property right.

Third.—We desire to respectfully call the court's attention to that part of its opinion in which it says, quoting from the authority of Bliss, Judge, where the wrong is a public one, suit may be brought in the name of the state by its proper representatives, and that under our statute, that representative is the district attorney. This is supported in the opinion by numerous cases of which the court is familiar. Now if the state of Oregon be plaintiff, which we believe we have shown conclusively, and the plaintiff is represented by the district attorney, a chosen agent of the people and the representative under the statute, and in our state, under the constitution, then surely it must appear to us that the question of equity jurisdiction is settled and jurisdiction must attach.

Fourth.—If, however, the court should conclude that the state of Oregon, is not plaintiff, and that the action should be brought on behalf of the attorney general, we would respectfully call the court's attention to the fact that the constitution pro-

vides that the district attorney shall act on behalf of the people, and therefore represents them in their sovereign capacity. Is the same rule applicable under our form of government that has been laid down in the opinion cited, regarding the exercise of sovereign power, and the authority of the attorney general to act? We think the rule must be reversed.

(Then follow arguments and authorities to sustain the contention that the citizens in this country retain and exercise all the rights of sovereignty in imperial governments, and that Taylor, the relator in this case, enjoys the sovereignty and is a proper party to bring suit; also arguments and authorities in dispute of the position taken by the supreme court that the legislature had a right to provide for the location of public buildings and appropriations for the same, the motion claiming that such power in the legislature must be exercised strictly in accordance with the constitution) after which the motion continues as hereafter follows:

It cannot be contended that the legislature would have the power to determine in its wisdom and judgment the location of the capitol located at Salem should be changed and located at Eugene or Albany, or Portland, yet if the question of location of public buildings under section 3, article 4 of the constitution of this state is a political right and involves no property or personal right, and this doctrine is laid down and established by the supreme court of this state, the same rule carried into effect would allow the legislature to make these changes, and make without fear and untrammelled by any power of authority within the state of Oregon.

Sixth.—We desire also to call the court's attention to a part of its opinion in which it states that "it is not claimed, nor can it be, that the objects and purposes of the acts in question are unconstitutional, or that the defendants threaten to apply the public funds to an unconstitutional use or to waste or dissipate them."

That the objects and purpose of the act in question are constitutional we will not for a moment dispute, but that the defendants threaten to apply the public funds to an unconstitutional use or to waste or to dissipate them we believe to be unconstitutional.

If the act be unconstitutional all contracts made under this act are illegal. If the state's money be paid out upon an illegal contract for any purpose in contravention to the constitution we claim it is dissipating and squandering the public funds.

Undoubtedly that part of the act directing the appropriation of funds, and providing that this institution shall be builded is governmental and belongs to the legislative department, but we cannot agree that the facts in the case justify the conclusion as a matter of law, that it would be of no pecuniary injury to the state.

We cannot understand if this law is unconstitutional, and surely the question must be raised upon the facts set out in the complaint, and admitted in the answer, that the question of property right is at once involved. The state as well as the individual must suffer, when its funds are expended in the construction of a building when builded is an illegal structure, contracted for without warrant of law, erected in violation of the fundamental law of our state and with no authority except that of non-interference.

Seventh.—The importance of this case so far as it affects the public in general impels us, notwithstanding the carefully prepared opinion handed down by this court, to again challenge its correctness upon many of the points within suggested and maintained. We do so with great respect for the judiciary of the state and the opinions of the present incumbents of our highest judicial tribunals, without for a moment intimating or suggesting that anything but the highest motives have actuated the court in reaching its conclusions, but claiming for ourselves the same consideration, we make this last appeal for the principles which we have advocated, with more than ordinary concern, because of the far-reaching effect of this opinion, which we believe will be the result of the judgment of this court, if it ultimately becomes the law of the land.

It has never been contended by any judge or any lawyer of this state of any standing that the express provisions of the constitution under which we are prohibiting inhibits the construction of public institutions at places other than the seat of government.

Section 357 of the code is broad enough to authorize this action in its present form if we give it the same import which the spirit of our constitution and of the statutes of the state intend should be given. It provides "an action at law may be maintained in the name of the state upon the information of the prosecuting attorney, or upon the relation of a private party against the persons offending in the following cases. 1. And when any person shall usurp, intrude into, or unlawfully hold, or exercise in the office."

We propose to argue to your honors and support our position by unquestioned authority, that the words action at law and suits in equity are convertible terms.

Peter Fenstermacher, et al vs. state of Oregon, 19, Ore. 304.

Any other construction would be held that a right has been conferred and no remedy provided for the enforcement of that right. This is in substance holding that the paramount law of the state is a dead letter.

There is another proposition which we desire to call the attention of the court to, which conveys to our minds an impression that your honors have been laboring under a misapprehension of the facts presented for record, and that this court has misapprehended the position we have occupied respecting the same.

The opinion recites that the contention of the respondent was that the money appropriated by the legislature for the construction of an asylum in Eastern Oregon could be better expended on Cottage Farm, at Salem. This is an obvious error, it is not within the province of the court to make any suggestion as to where the money could most advantageously be expended, nor have we ever contended for any proposition heretofore, nor will it hereafter be contended by us that the public moneys can be diverted from the treasury of the state, by legislative fiat, in the very teeth of a paramount law of the land.

We desire to again review the findings of the fact made by the judge who presided at the trial of this cause, and hear the testimony of the witnesses. We think a careful perusal of the testimony will convince your honors that this institution cannot be constructed in Eastern Oregon, without a greater outlay of money than if it was constructed and operated at the seat of government in connection with other like institutions, and that the perpetuation of it in that locality will eventuate in its maintenance a large and extra biennial appropriation which otherwise could be avoided.

If this petition receives the consideration which we demand, and its importance involves, while it has been hastily prepared by counsel pressed with other professional duties and if we are allowed the opportunity to present the question again orally to the court, we will promise a pains-taking research of the propositions involved as well as a respectful presentation of them.

School Board Meeting.  
The school board met last night with Directors Waite, Ohmart, Johnson and Bruce, Clerk Bozorth, and Superintendent Peebles in attendance. The offer of the Wiley B. Allen company to sell organ for \$40 was accepted. Request of J. A. Roscoe for assistance in purchase of books was referred to the superintendent, with power to act. Lulu Baker, Alma Lundy and Mary Chatfield were granted certificates of admission to the public schools. The following bills were paid:

Statesman..... \$ 2 50  
Ira Erb..... 2 75  
Gray Bros..... 5 50  
Capital Journal..... 2 00  
Brown & Smith..... 1 45  
E. J. Swafford..... 17 50  
J. E. Allison..... 23 75  
Supt. Peebles (balance on graduating exercises)..... 3 00

The clerk was instructed to post notice of annual meeting and election.

WEATHER FORECAST.—Fair tonight and rain on Wednesday.

Highest of all in Leavening Power.—Latest U. S. Gov't Report

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