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Wear shoes. We sell them. Call and see us and bring your feet with you.

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A man might as well try to work with his hands alone unless he has the tools that help.

THE BEST is none too good for the man that does the work.

THE BEST can always be found at

GRAY BROS.

BALLOT FRAUDS

Tallysheet Cases on Trial.

Sam Richardson Wants a Change of Venue.

He Attacks the Court for Bias and Prejudice.

There was a large attendance of citizens from all parts of the county when court was called at 9 a. m.

Judge Burnett enumerated the defendants in the ballot fraud cases.

Bingham and Gear appeared for P. H. and W. J. D'Arcy, J. A. Carson, H. T. Hayes, W. J. Rafter.

M. E. Pogue appeared for L. V. Ehlen.

Henry McGinn sat beside J. A. Carson at the bar.

When S. T. Richardson was called, he said his counsel would not arrive until 11 a. m., when he expected Judge A. S. Bennett of the Dalles.

"Are you ready to proceed with arraignment," asked the judge.

"I am ready," said Sam Hayden.

"I am not," said Richardson.

"I will appoint counsel for you," said Judge Burnett.

"I do not want any other counsel. I have my counsel employed but he could not get here before," said "Sam."

"Proceed with the arraignment," said the court.

The district attorney then read the indictment and Mr. Richardson was obliged to be arraigned.

District Attorney Hayden filed a motion in the case of the state against L. V. Ehlen to discontinue the indictment as to Ehlen in the case of the Mt. Angel precinct, as several witnesses were not procurable and Mr. Ehlen's testimony was necessary to make the case of the state.

Rest of defendants demanded copies of S. T. Richardson's motion for a change of venue and proceeded to make an argument in his own behalf.

His motion was founded on an affidavit by himself, alleging bias and prejudice on the part of Geo. H. Burnett, trial judge; that said Burnett was a candidate affected by the result of this contest; that said court in October quashed an indictment for the same offense; that said court had caused to be made a journal entry of a demurrer in said case when he had not made or filed any demurrer; that the court in a very abrupt manner censured defendant for filing a demurrer which he did not file; and hence there was no charge against him, he having never demurred to the indictment.

Richardson charged that Judge Burnett had expressed himself strongly and publicly in condemnation of himself and others, and had appeared before and interfered with the county court in selecting a jury list; he recited his failure to get his counsel, and set forth the facts as to refusal of the court to give him time to confer with his sole attorney.

"Sam" Richardson earnestly and firmly "paralyzed" the court for his shortcomings and "misdeemeanors" in his case, including refusal of the court to subpoena witnesses asked for by him. During the reading, Henry E. McGinn, of Portland, corrected a word read wrongly.

"I thought Mr. Richardson had no counsel here," said the court.

"I appear for him as his friend, not as his counsel," said McGinn.

The reading proceeded. It included nearly all the instructions of the court to both grand juries. He charged that both judges and their friends were so prejudiced against him that he could not get justice in this county, or in this judicial district. He cited decisions in support of his contention and the district attorney retired to prepare counter-affidavits. Richardson proceeded in a deliberate manner to read cases as he seemed determined to not go to trial before Judge Bennett arrived. It was a battle against time.

At a few minutes before 10 Mr. Richardson was visibly affected and asked for a glass of water. This the court allowed him, but he could not get a stein again and the court ordered a recess of 20 minutes.

At 10:15 Mr. Richardson resumed but soon was obliged to desist. He had been up all night drawing up his motion for a change of venue and was very much exhausted. Court adjourned to 1 o'clock.

AFTERNOON SESSION.

At one Mr. Richardson resumed and submitted a second affidavit tending to show prejudice of the part of the court. Mr. Holmes read affidavit of John H. McNary showing reasons for objection to the first lists of jurors drawn.

He showed that Bingham had appeared before the county court to influence them to retain the first list which was manifestly improper.

A. S. Bennett now made an argument to support the motion for a change of venue. He compared the interest of Judge Barnett to one who had been the victim of an assault in which he had not been hurt, but another was hurt.

All four candidates for judge were interested in the outcome of the election which, it was alleged, was sought to be effected, and a judge had no right under the statute to sit in a case in which he had any interest. He was sitting to hear a charge, which if true, was as much an injury to him as to Judge Boise, or any of the four candidates.

Judge Bennett showed that before this indictment was formed he had entered upon the trial of another case at The Dalles, which he could not leave. He said that in twenty years practice and before fully two-thirds of the judges in the state, he had never been asked to quit in the middle of one case to be obliged to take up another. Bennett took the liberty to refer to the manner in which his client had been hastened to trial without benefit of counsel. "We are not mere machines for grinding out business, or for making or saving a few dollars, and when a man is on trial for his liberty and reputation the fullest and fairest trial is none too much to grant any man," said Bennett, who then proceeded to cite authorities from other states to show that it would be easy to call in some other judges to try this case or grant a removal to the nearest county in some adjoining district.

Mr. McNary said he had been informed by Mr. Bingham and Mr. Bigger that the former had not been before county court to influence them in selecting a list of jurors. He asked to correct his affidavit to that effect.

Mr. Holmes closed the discussion of the motion for a change of venue.

He showed that the court had not said in an abrupt manner that if Richardson had a remedy to procure a change of venue he would supply him with counsel. It had been said kindly and no such language had been used. The court, not in its official capacity, but as a private citizen, had called attention to the selection of improper jurors. Judges, he said, were chosen for their wisdom and experience to employ their discretion in such important cases as this for the protection of the public and the welfare of society. He denied that Burnett had any interest in these cases. The title to office was not on trial.

Henry E. McGinn reviewed the case for the defense and raised the point that the district attorney had no right to invite the county commissioners into his office to seek to influence them in the selection of a jury list for this county.

He cited a remark made by a trial judge and the comment of the supreme court in the Twenty-fourth Oregon, page 174, to show the impropriety of offering to employ counsel for Richardson. He charged that Tilmon Ford had said to two witnesses that he would spend \$1500 to convict Richardson and Carson. This Hayden denied and the court called it outside the record.

He dwelt especially on the feeling which the court threw into its instructions to the grand jury, as cause for a change of venue. He charged that the court held a conviction of the guilt of the defendants amounting to a moral certainty that precluded him from giving a fair trial of these cases.

Judge McGinn handled the very delicate problem of convicting Judge Burnett that he was morally and legally disqualified to try "Sam" Richardson's case, in an eloquent and persuasive if not fully convincing manner. It was nearly three o'clock when he closed and his plea was a powerful one throughout.

Judge Burnett considered this argument a few minutes to look up authorities and overruled the change of venue. Following are the seven additional jurors summoned:

H. F. Manning, Gervais, R. G. Pierce, Horeb; W. D. Shaw, Aunsville, Pearl Blackaby, Silverton; Prince Byrne, Salem; W. S. Minturn, Elkton; E. E. Porter, Stayton.

The trial of the state vs. S. T. Richardson, under indictment for altering the tallysheets in the Mt. Angel precinct went to trial at 3 o'clock, when the selecting of a jury was begun as this goes to press.

MANILA BURNING

Rebels Destroying the City.

Scores of Insurgents Being Arrested.

Otis Issues Strict Orders and Incendiaries Will Be Punished.

By Associated Press to the Journal.

MANILA, Feb. 23.—With daylight this morning the enemy commenced worrying tactics in various parts within the American line, apparently for the purpose of withdrawing attention from the affairs in the city. An attempt was made to rush through our extreme left near Calocan, but was promptly checked by a hot and effective musketry and artillery fire. In the meantime small bodies of rebels were spread out between the city and its outposts. Every available man was sent to drive them away, with the result that a desultory firing was kept up all the morning. The Monitor and Monadnock joined in the engagement, hurling ten inch shells over the American lines into large bodies of the enemy as indicated by the signal corps. So far our casualties are one killed, ten wounded. At 11 o'clock there were sharp engagements of the Chinese cemetery and San Pedro Macati almost simultaneously, but the artillery fire from both positions drove the enemy back.

From the towers of the city fire can be seen burning at different points outside. Some of these are probably due to the Monadnock's shells. It is currently reported that natives have threatened to burn Escolata and the walled city tonight. Scores of rebels have been arrested in the Tondo district. A band of sixty rebels having two carloads, arms and accoutrements were captured in a house. Business is temporarily suspended.

MANILA, Feb. 23.—Otis today issued a general order directing all the inhabitants at Manila, until otherwise ordered, to confine themselves to their homes after seven o'clock in the evening, when the streets will be cleared by the police. The general also warns incendiaries and says that they will be severely dealt with. Extraordinary precautions have been taken for the suppression of further trouble which is threatened tonight.

A fire burned in the Tondo district all day. The rebels between the city and outposts are being smoked out this afternoon and driven toward the beach. Sharp shooters at various parts of the line are very annoying but otherwise there is no further excitement, since frustration, this morning of an attack. One man, of the Montana volunteers and one of the South Dakota volunteers were killed, two other Dakotans wounded.

WASHINGTON, Feb. 23.—Gen. Otis cabled the war department:

"Manila.—There were determined efforts to burn the city last night. Buildings were fired in three different sections. Fires were controlled by the troops after severe labor. Early this morning a large body of insurgents made a demonstration off MacArthur's front, near Calocan, and were repulsed. The loss of property

last night was presumably half a million dollars.

The firemen, escorted by soldiers, proceeded to clean out the houses, while the fire was unheeded. The Thirteenth Minnesota was reinforced by detachments from the Third infantry, Second Oregon, Third artillery and Tenth Pennsylvania. Bullets flew in every direction in almost every street in the Tondo and Binod districts, causing the most intense excitement. Captain Robinson, of company C, Thirteenth Minnesota, and three men were wounded.

Many timid persons, imagining that the rebels had effected an entrance through the American lines and were advancing into the city, hurried frantically from the hotels and houses, only to be stopped at the first corner by the guard. The sounding of a native bugle call, immediately preceding the firing, lent color to the story. Thousands of Chinese crossed the bridges and plazas under fire hurrying with their bundles to the Chinese consulate.

All night long the fire spread through the Tondo district, sweeping away rows of houses and devastating acres of territory. The damage is incalculable.

With daylight, punitive measures were decided upon, and the Americans, although tired after their sleepless night's work, soon cleared the district of every native, after a slight resistance.

Big Fire.

By Associated Press to the Journal.

CHICAGO, Feb. 23.—A fire destroyed one of the Swift & Co's. pack houses, causing a loss of \$200,000. One fireman was killed by falling walls and four were injured. The Lind building on Market street were destroyed by the fire, loss \$225,000. Two firemen were injured.

Dr. Bull's Cough Syrup, Is a Speedy and Efficacious Cure for Croup, Whooping-cough and Bronchitis. No child should be left to suffer the tortures of these ailments, when parents can get this wonderful remedy for only 25 cts.

Not Confirmed.

By Associated Press to the Journal.

WASHINGTON, Feb. 23.—No official advice has been received by the papal delegate, confirming the appointment of Bishop Christie, of Vancouver, B. C. as archbishop of Oregon.

THE GRIP CURE THAT DOES CURE

Laxative Bromo Quinine Tablets remove the cause that produces La Grippe. The genuine has L. B. Q. on each Tablet. 25c.

THE GREAT SALT LAKE ROUTE

The attention of eastbound travelers is called to the advantages offered them by the Rio Grande Western, The Great Salt Lake Route. The same rates prevailed whether the trip is made via Huntington or San Francisco. The passenger has his choice of two routes out of Portland, three through Colorado, and four east thereof. No other line out of Portland can offer such a variety of routes. In addition, a day's stopover is given all passengers at any point in Utah or Colorado. Through parlors and tourist sleeping cars are run on all trains, as well as free reclining chair cars, the service and accommodations offered are equal, if not superior to those of any trans-continental road, and rates are always as low as the lowest.

If you contemplate a trip east, write to J. D. Mansfield, General Agent, Rio Grande Western Railway, 112 Third Street, Portland, Oregon, for any information you may need in reference to rates, routes or accommodations. 11 to 15

THE FIRST VICTIM FINED.

Jack Rogers, the Fat Boy Fined for Spitting on the Walk.

Marshal Gibson this afternoon arrested Jack Rogers, one of the "Fat Boys," for violating the new city ordinance against spitting on the sidewalks. Jack paid his fine, and went away with a smile. The highest fine is \$10 for this offense and careless expectorators better prepare for the worst.

Recorder Judah today also fined one F. R. Wait \$10 for disorderly conduct.

ROYAL BAKING POWDER ABSOLUTELY PURE Makes the food more delicious and wholesome

AGREED UPON

Army Re-Organization Bill.

A Provisional and a Regular Army.

To Be Enlisted Until 1901--More Troops for General Otis.

By Associated Press to the Journal.

WASHINGTON, Feb. 23.—The administration and its representatives have reached an agreement with the minority in congress respecting the army re-organization bill, which is believed will be satisfactory to all interests. The compromise is based on an army of 100,000, of whom thirty-five thousand are to be known as the provisional army and to be enlisted to serve until 1901? The president this morning had a conference with some senators on this compromise and it is believed an agreement was reached which removes nearly all danger of an extra session.

A Democratic senator who was prominent in arranging compromise on the army bill said the compromise was practically arranged. "We give the administration all the men and all the money they want" he said, "and only insist upon limitation as to time."

WASHINGTON, Feb. 23.—The war department has arranged to dispatch further reinforcements to General Otis. The regiments selected are the Ninth and Sixth infantry. It is reported that transports taking them can be able to leave San Francisco by March 13.

WHEAT MARKET.

By Associated Press to the Journal.

CHICAGO, Feb. 23.—May \$73; cash No. 2 red 72.

SAN FRANCISCO, Feb. 23.—May 1.14; cash 1.15.

First Oregon Volunteer Killed. Edward W. Hampton, the first Oregon soldier to be killed in action at the Philippines, was a son of John Hampton, a furniture mover, who lives at 308 San Rafael street, Portland.

The deceased was 20 years old last October, and had lived in Portland since he was 4 years of age. His father moved here from Nebraska 16 years ago, and has raised his family in East Portland, where the dead soldier was well known and very popular.

The blow is a sad one to the father and his five children. They had a letter from the son last Saturday in which he said he was well and as well contented as one could be in Manila. He said that he would like to be at home, but was willing to remain there as long as his services were needed.

The blow was a hard one the news was doubly hard as in a letter he was informed that Company H was on duty at the custom house and when he read in the newspapers that the Oregon boys had been ordered to the front, he consoled himself with the thought that the company his boy was in would not have to go.

Young Hampton joined company H only a few days before he left for San Francisco. He had been employed for three years in the sash and door factory of the Northwest Door Company, where he is very highly spoken of by his employers.

He recently sent some Spanish flags and several curious home to his father, which are highly prized by the Hampton household.

Good Blood!

Does your heart send good or bad blood to your brain? If bad, impure blood, then your brain aches. You are troubled with drowsiness, yet cannot sleep. You are as tired in the morning as at night. You have no nerve power. Your food does you but little good.

Stimulant, tonic, headache powder cannot cure you; but

Ayer's Sarsaparilla

will. It removes all impurities from the blood. And it makes the blood rich in its life-giving properties. \$1.00 bottle. All druggists.

Correct any tendency to constipation with Ayer's Pills each night. Price, 25c a box.

Write to our Doctors. Write freely all the particulars in your case. Address, Dr. J. C. AYER, Lowell, Mass.

We're Out-Talked Often; Out-Done, Never. SPRING ATTRACTIONS.

- Cloak Department: An advance shipment of nobby Tailor Made Suits, new blue mixtures, tan and brown shades, navy and black, swell new goods at \$8.50, \$10, \$12.50, up.
New Skirts: Some very fine values being shown. Figured Mohairs, \$1.75 and up. All Wool Serges, \$3.50 and up. Colored Coverts, with three rows cording, 80. Navy Blue Serge, braided with new bow knots; one of the swell novelties. \$7.50
New Ties: Ladies' new Puff Scarfs, Clubs, Bows, etc., Satin and Pique, each 25c to \$1.25.
New Liberty Suits: Very correct for the new silk waist. Ask to see them. \$1.25.
We Expect: To receive this week many lines of Springtime Novelties. NEW TRIMMINGS. NEW BELTS. NEW BUCKLES. NEW RIBBONS. NEW ORGANDIES. NEW DRESS GOODS. NEW DOMESTICS. NEW PRINTS. NEW DRAPERIES. NEW HOSIERY. NEW UNDERWEAR.
Our Percaloes: Are going fast. We have duplicated some numbers. They are lovely and the quality grand for 12 1-2c.
New Crashes: Plain and Fancy. Buy that skirt pattern early and have it made and ready for the first spring day. 10 to 20c per yard.
New Suits: Celebrated HART, SCHAFFNER & MARX and the VITALS brand of clothing.
Classic Authority: What was it Emerson said about clothes? He said "that the feeling of being well dressed, that is in H. S. & M. garments, would give a man a sense of inward peace that religion fails to bestow."
New Gordons: We claim and can prove that there is more value in a GORDON HAT at three dollars than any other hat at any price. \$3.
New Puff Ties: Have you seen the new beauties? The most varied and perfect assortment yet shown.
50c and 75c: Quality is the password bargains abound. Spring specialties varied and beautiful.

JOS. MEYERS & SONS. SALEM'S GREATEST STORE.