

DAILY RECORD-UNION

ISSUED BY THE SACRAMENTO PUBLISHING COMPANY

Office, Third Street, between J and K.

THE DAILY RECORD-UNION For one year, \$6 00 For six months, \$3 00 For three months, \$1 50

THE WEEKLY UNION Is the cheapest and most desirable Home, News and Literary Journal published on the Pacific Coast.

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SPECIAL AGENTS.

This paper is for sale at the following places. L. P. Fisher, room 21, Merchants' Exchange, California street; the principal News Stands and Hotels, and at the Market-street Ferry, San Francisco.

Los Angeles.—Electro Book Store, corner Second and Main streets. SAN DIEGO.—Emmal & Co., 860 Fifth street. CORONADO.—Hopkins & Cox, Coronado Hotel.

SANTA BARBARA.—Hassinger's News Depot. Fresno.—C. T. Cooley, 1111 1/2 street. SANTA CRUZ.—Cooper Bros., News Depot.

Also, for sale on all Trains leaving and coming into Sacramento.

Eastern Business Offices. 48 Tribune Building, New York. 609 "The Hookery," Chicago.

The RECORD-UNION and WEEKLY UNION are the only papers on the Coast, outside of San Francisco, that receive the full Associated Press Dispatches from all parts of the world.

Weather Forecast. Northern California—Fair; nearly stationary temperature, fresh to brisk north to west winds.

DISINGENUOUS. The Executive Committee of the State Miners' Association held a meeting on Thursday night in San Francisco at which it received a proposition from the Central Pacific Railroad Company looking to a more convenient, economic and certain method of determining the mineral or non-mineral character of the lands embraced within the grant to that company.

It should be understood that the Central Pacific Railroad Company does not claim that mineral lands were granted. Some years ago the Circuit Court of the United States held that the reservation of mineral could relate to only such land as was known to be mineral at the time the rights of the company attached to its grant.

"By the words 'mineral lands' must be understood lands known to be such, or which there is satisfactory reason to believe are such at the time of the grant or patent."

The learned Judge further declared that the reason for this was that in time mineral might be discovered in all of the land granted, and if discovery, subsequent to patent, or subsequent to the time at which the rights of the company attached, excepted the land in which mineral was discovered, then it might eventually operate to eliminate the grant, or be as broad as the grant itself, and, therefore, "valueless as an exception."

The Central Pacific Railroad Company was exceedingly anxious that mining, prospecting and economic, operative mining should go on. It therefore issued a circular notifying all parties interested of the decision of the court, and in this new relation declared that persons who had discovered mines on land subsequent to the time at which the rights of the Central Pacific Railroad Company had attached should see to it that their titles were made secure.

It is a fact, susceptible of demonstration, that at that time and after that decision was made, and when the company appeared to have been granted lands known to be mineral, but the knowledge of which had come to the world after the attachment of the rights of the company, the Central Pacific Railroad Company continued the policy of relinquishing without consideration all the lands covered by mines. This is the simple fact of the situation.

Subsequently the Supreme Court of the United States held that at any time prior to patent the discovery of mineral excepted the land in which mineral was discovered from the operation of the grant. Again the company adapted itself to this changed interpretation of its rights, and proceeded to encourage both the discovery of mineral and the working of mines by the exercise of the utmost liberality toward the mining population. In many instances it gave contracts for the purchase of land in which mineral was supposed to exist, so that the miners would be protected against the company's title, if he discovered mineral. It was understood that he could surrender his contract if mineral was not discovered and the land proved to be agricultural. Every encouragement was afforded by the company to the mining population. In all the controversies between the miners and the agricultural claimants in the counties of El Dorado, Placer, Nevada, Butte, Yuba, Tehama, Trinity and Siskiyou the Land Agent has declared that in those counties the mining industry was paramount and that a mine should have preference right of its agricultural use. This was both just and expedient, because it is a well known fact that of the populations of the counties mentioned 70 per cent. owes its presence to mining. But busybodies, disgruntled politicians, miners whose chief industry is with their pens, irresponsible prospectors who want the whole country left open and all its agricultural use indefinitely postponed, dishonest people who want to obtain title to timber land

on the plea that it is mineral, have produced a false and misleading appearance of conflict between the railroad company and the mining titles. The conflict is quite as intense between the agricultural claimants and the even-numbered sections. The nomadic prospector is just as much an enemy to the establishment of an orchard in the mineral belt as he is to the acquisition of patents by the railroad company.

The General Land Office has from time to time established new rules for the determination of the physical facts involved; that is to say, for the determination of the question whether a piece of land which has not been worked for mining purposes was by reason of the indication mineral. If mineral, the railroad company freely admitted that it was not granted; that if non-mineral, then the railroad company contended very properly that it was granted, unless it was excepted by reason of being in some other category of non-granted land.

These rules and their modifications have always been against the railroad and not in its favor. Sparks required that before any land could be patented each forty-acre subdivision should be examined by two competent and impartial witnesses who had frequently passed over the land, and were therefore qualified to testify as to their mineral or non-mineral character.

The Government surveys do not segregate sections into forty-acre tracts, and the practical execution of this order would involve a resurvey of every section into sixteen forty-acre tracts. Its absurdity and impracticability were so notorious that the department had to abandon it. In lieu of it other onerous conditions were imposed, which conditions are still in force.

In the nature of things these conditions imposed, in some particulars, hardships upon the miners. In the first place the railroad company has no means of determining whether lands are granted or excepted from the grant except by a process of listing, which brings the question of their physical condition to the bar of quasi-judicial tribunals, established by the Commissioner for the determination of these questions. When large lists are made and notifications are sent out and published—always at the expense of the railroad company—the railroad company itself is more able to bring in witnesses than the individuals who may have claims to the mining property. In view of this situation the Land Agent of the Central Pacific Railroad Company has proposed to those interested in mining throughout the grant in Oregon, California, Nevada or any other part of the country a consensus of action whereby the miners would be placed on an equal footing with the railroad, and where the rights of the company would be set at rest.

The unsettled state of titles retards the growth of the country. It is simple foolishness on the part of the people of the mining region to want to prolong this controversy. The speediest adjustment which adjusts on the basis of actual right is certainly to be preferred. In view of this the Land Agent of the Central Pacific Railroad Company sent a proposition by the State Mineralogist, Mr. Crawford, to the Executive Committee of the State Miners' Association to the effect that all parts of the grant in the mineral regions of the State should be divided into districts; that in such districts the railroad company should appoint an examiner and the State Miners' Association an examiner, and that the evidence adduced by a direct personal examination would thereby be available to all parties.

In this way the mining population would have evidence of the character of the land, and as the railroad company is not seeking title to any land not granted, the proposition outlined a means of determining this question, and was altogether in the interest of the mining population. In the report of the proceedings of the Executive Committee of the State Miners' Association one contemporary states that this proposition was reluctantly proposed by representatives of the railroad company. This simply is not true. The proposition originated with the railroad company and was presented in good faith and would be executed in like good faith. Furthermore, the admission of some of the members of that committee that the proposition was fair on its face, but that the railroad company did not intend to execute it in good faith, is as pitiful as it is contemptible. There are a few persons connected with the State Miners' Association whose occupations as agitators would be gone if any straightforward, manly, business-like arrangement could be made for the determination of the questions upon which depends the ultimate solution of all difficulties. Of course such people, finding the proposition perfectly fair, had to attack it on some ground. They have emerged from well-deserved obscurity by this agitation, and they would relapse into that obscurity if manly, straightforward, business-like methods were to be employed. To break the force, therefore, of what was decidedly a perfectly fair proposition on the part of the railroad company, they were forced to the subterfuge of declaring that they did not believe the railroad company was acting in good faith. The question of faith in matters of this kind should always be relegated to the test of experiment. In the meantime, let it be observed by the people of the mining counties that the railroad company stands ready to cooperate with representatives of the mining interest of the State of California in the most speedy, economic and satisfactory adjustment of this question possible to be achieved; that it has made a proposition looking to such adjustment, and if that proposition is not accepted, it stands ready to consider any proposition the representative of the mining interest have to offer. The responsibility for the perpetuation of this useless and injurious agitation shall rest where it belongs, and at the end of this controversy its injurious effects will be chargeable to the indulgence of those petty prejudices which are forever the delight of small minds.

"THE INJURED PARTY."

"I am the injured one, and I do not want any publicity," was the exclamation of Mrs. Emmett, the actress, whose husband shot her in San Francisco on Saturday. It is added that the wife will refuse to appear against the husband, and therefore the case of assault to kill will be dropped. The two are stage people, and are prominent in theatrical circles.

The words we have quoted are altogether too frequently used and their proper connotation by officers of the law. When a man attempts to murder his wife, or anyone else, he offends not so much against her, so far as the law is concerned, as against the dignity and peace of the people of the State.

The people in their aggregated political capacity prosecute, not the individual. The law does not commit to anyone but its especially appointed officers the power to say when an offender shall not be prosecuted. It is not the right of anyone to use the processes of the law to accomplish his private ends. Yet it is done daily. Men and women are arrested, and when brought up for magisterial examination they are very frequently set free, simply because the "injured party" refuses to appear and prosecute, or expresses the desire that the offender be not punished. In almost every such case there is a wrong done to the people, since the State is "the injured party," and because this custom of according to the wish of the prosecuting witness enables him or her to use the law as a means of accomplishing private and usually ignoble ends.

There are now and then cases in which it is in the interest of "the people" that prosecution be abandoned, but they are rarely of the class in which prosecuting witnesses peremptorily refuse to appear.

The courts are to blame, notably the minor courts, for the laxity in this matter of failure to prosecute. For every magistrate is by virtue of his office an inquisitor. He has the power to compel parties having knowledge of the commission of a crime to appear before him and disclose that knowledge, and the magistrate may then direct a warrant to issue, or an examination to proceed, the necessary complaint being made by the order of the court by one of its officers.

Not long ago in this city in a case—typical of many—where a crime was committed, there was no prosecution because the chief witness, "the injured party," so-called, "refused to prosecute." What was the matter with the people? They did not refuse to prosecute; the people's attorney did not announce to the court that in his opinion no conviction could be had. The court had no information concerning the case. Nevertheless a single individual was permitted to say arbitrarily that the law should not be invoked against an offender.

It seems to have dropped out of the memory of a good many lawyers that our courts have power—and it is wisely so lodged—to compel anyone to appear and make disclosure of his or her knowledge regarding a crime, in order that the court may direct the arrest and prosecution of the offender. Of course where such disclosure is made under the duress of the court's order, any statements given cannot be used on trial against the party making them.

There is so much of this refusal to prosecute; failure to arrest because no one will swear to a complaint; so much of escape by criminals because of the "fixing-up" of cases between prosecuting witnesses and offenders, that it has come to be common belief that if one so wishes he may refuse to prosecute an offender who has made him his victim, and that that is the end of the matter.

Crime would be less prominent, there would be fewer trivial complaints, less using of the law to accomplish private discipline and revenge; there would be fewer crimes if the courts would assert the power they have and inquire into all the cases in which "the injured party" declines to prosecute," as the phrase runs.

Let it be understood that when a crime is committed and the fact is notoriously public, the committing magistrates of this city will cite before them people who are believed to know of the crime and the criminal, and make inquiry into the facts to ascertain if there is sufficient to be learned to justify an order of arrest, and our word for it there will be considerably fewer cases before the courts in which prosecution will be abandoned "by request" or by the defiance of the "injured party."

NOTE AND COMMENT. The dim and holy light that has been traditional with the old cathedrals of the world, and has lent to them supposedly so much of solemnity, is soon to be dimmed, by the church authorities have consented to the introduction of the electric light into the Roman churches and cathedrals. The tapers on the altar will remain, but hereafter the interiors of the churches will be a blaze of light, and that uncertain and half light of the old time is to be abandoned. Thus does science compel from religion due obsolescence.

The appeal of the Anti-Nuisance Association to the City Trustees is a reasonable and modest one. It simply asks that there be official declaration of what everyone knows is the truth, and a suitable ordinance providing for abatement. To compel the association to appeal to the State laws to get relief is not wise, nor is it other than a confession of municipal incompetency. Assuredly there is no one who can truthfully say that the people are asking for anything but that all the people of the city admit is simple justice. The matter should be brought up again to-night with a full board, and the necessary steps be taken. It is humiliating that citizens should feel it to be necessary to hold mass meetings, and make special appeals to their own officers, to be protected in their ordinary rights, one of which is to be free from menace and injury by the quasi-official recognition of a public nuisance.

Oakland has elected a woman President of the Day for the coming Fourth of July celebration in that city. The world does move—one way or another.

Horse Badly Lacerated. The Folsom Telegraph states that on Wednesday last the big gray horse belonging to Tim Foley ran into a barbed wire fence on his place on Willow Creek Hill. The horse was going at full speed and struck the wire sideways. His flesh was fearfully lacerated by the sharp wire bars.

The first gas company in London was incorporated in 1810.

A WIFE'S WORDS.

They Result in Her Husband's Arrest for Disturbance. Z. F. Wharton, an attorney who looks after land cases chiefly, was arrested last evening on a charge of disturbing the peace.

Wharton's wife has a suit pending against him for divorce, and hard stories are told of his alleged ill treatment of her. It is said that Mrs. Wharton's brother found her yesterday lying on the floor in a bare room, weak from sickness and lack of food, and that it was over this incident that the alleged disturbance occurred.

Wharton, it is said, has comfortable, even finely furnished apartments that his wife is not allowed to occupy. The facts of the case will probably be brought out in the Police Court.

SPECIAL NOTICES.

FIRST-CLASS PASTURE at ranch of late Peter Burns. Horses \$2 50, cows \$1 a month.

Vehicles—BAKER & HAMILTON—Hardware, Carriage, Buggies, Carriages, Phaetons, Bala Farm and Header Wagons. Wholesale Hardware, Rent for Catalogue.

MRS. WINSLOW'S SOOTHING SYRUP has been used over fifty years by millions of mothers for their children while teething with perfect success. It soothes the child, softens the gums, clears the bowels, and regulates the stomach, and is the best remedy for diarrhea, whether arising from teething or other causes. For sale by druggists in every part of the world. Be sure and ask for Mrs. Winslow's Soothing Syrup. Twenty-five cents a bottle.

NEW TO-DAY.

LAWN FETE BY LADIES OF ENGLISH Lutheran Church at Mrs. McDonald's, Twelfth and D, June 23th.

Resolution of Intention, No. 286.

RESOLVED, THAT IT IS THE INTENTION of the Board of Trustees of the City of Sacramento to order the following street work to be done, to-wit:

That the alley between P and Q streets, in said city, from the east line of Sixth street to the center line of Seventh street, be improved by constructing therein a vitified iron pipe sewer eight (8) inches in diameter, with six (6) inch "X" branches and one brick man-hole.

The Record-Union is hereby designated as the newspaper published and circulated in the city of Sacramento in which notice of said adoption of this resolution of intention shall be published for a period of two days and the notice thereof for six days, as often as said newspaper shall be issued therein.

Adopted June 7, 1895, by the following vote: Ayes—Pennial, Leonard, Devine, Tozer, Bragg, Davis, Kent, Wachter, Lawton. W. D. LA WTON, President of the Board of Trustees. O. S. FINST, Clerk of Board of Trustees of Sacramento City. June 9-24

AUCTION! AUCTION!

An Immense Sale of Furniture, Carpets and Household Goods.

WE WILL SELL WEDNESDAY and THURSDAY, June 12th and 13th commencing each day at 10 o'clock sharp, the entire stock of George Francis, 821 J street, between Eighth and Ninth. By order of the creditors this large stock will be entirely closed out. The stock consists of about thirty bedroom sets, all kinds of Mattresses, Parlor sets, Chairs of every description, Book Cases, Lounges, Stoves, Carpets, Lamps, Marble-top and Extension Tables in great variety, Folding Beds, and in fact everything connected with housekeeping goods. Hotel-keepers, the public, and the trade are specially invited to the sale, as every article has got to be sold regardless of cost to close the business. Sale positively.

D. J. SIMMONS & CO., Auctioneers, 10-10-31 Office, Eleventh and J streets.

NOTICE IS HEREBY GIVEN THAT THE Board of Directors of the Escondido Irrigation District will receive sealed proposals for the purchase of \$1,000 of the bonds of said district, and bids will be received therefor at the office of said board in the City of Escondido, California, until 10 o'clock A. M., on the 1st DAY OF JULY, 1895.

A. J. WERDEN, Secretary Escondido Irrigation District. Dated May 8, 1895.

REAL ESTATE, ETC.

EDWIN K. ALSIP & CO.

REAL ESTATE DEALERS. SACRAMENTO AND SAN FRANCISCO.

SPECIAL BARGAINS

Oak Park Lots.

We are instructed to offer lots 14 and 15, in block 24, at \$200 each; also lot 16 in the same block for \$225. These lots are near street car line and good building sites.

\$1,000 for two lots 50x150 with good house of 6 rooms, built in 1894, in town of Rocklin; \$250 down, balance on mortgage for three years.

Two nice lots on L street, near Twentieth, 40x180 each. Price, \$1,350 each.

Two lots on K street, between Nineteenth and Twentieth streets, 40x180. Price, \$1,250 each.

A fine business chance in town of Sutter Creek, Amador County. This business is said to be paying handsomely and is a good opportunity for the right man.

Other good property for sale.

Money to Loan.

Fire Insurance in Good Companies

Edwin K. Alsip & Co., 1015 FOURTH STREET.

W. P. COLEMAN, Real Estate Broker, 825 J Street.

FOR RENT.

Rooms. Location. Rent. 10, Tenth, M and N, modern house, \$8 00 2, 1730 N street, modern house, 36 00 5, Eleventh, P and Q, bath, hot and cold water, very cheap, 16 00 6, Twelfth, P and Q, bath, hot and cold water, very cheap, 18 00 6, 1/2, Twelfth and Thirteenth, 17 00 6, Corner Fifth and M, flat, 21 00 4, 1318 K street, 13 00 4, 1/2, Sixth and Seventh streets, 12 00 5, Twelfth, G and H, flat, 12 00 5, J, First and Second, 19 00 6, 1/2, Twenty-fourth and Twenty-fifth, 17 00 6, 1/2, Fourteenth and Fourteenth, 17 00 4, Keys at our office.

MONEY TO LOAN.

P. BOHL, E. A. CROUCH.

Geo. Kromer

HAS INSURED HIS REAL ESTATE and Insurance Office to 1008 FOURTH STREET, Where he will continue to write Fire Insurance at Reduced Rates

NOTICE TO THE PUBLIC.

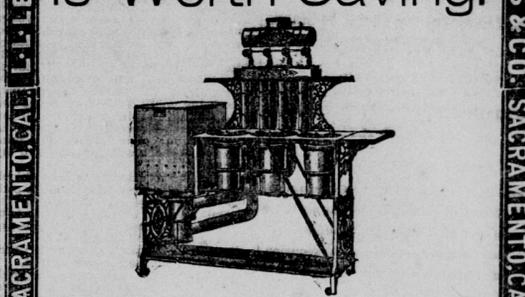
MRS. THOMAS LYNN DESIRES TO INFORM the general public, and more especially the present patrons of the grocery business which her late deceased husband has conducted, that she will continue the establishment as heretofore. She hopes to be able to retain the patronage of those who are at present trading at the store, and to merit that of others who may wish to be supplied from her establishment. MRS. THOS. LYNN, [168-216] Fourteenth and O streets.

SEND THE WEEKLY UNION TO YOUR Friends in the East.

MISCELLANEOUS.

L. L. LEWIS & CO. SACRAMENTO, CAL.

\$20 Is Worth Saving.



Your kitchen always cool, and \$2 per month saved in your fuel by using a JEWELL GASOLINE STOVE. We sell them on monthly installments. The JEWELL is ABSOLUTELY SAFE and a child can use it. Sole agents:

L. L. LEWIS & CO., 502 and 504 J St., Sacramento.

L. L. LEWIS & CO. SACRAMENTO, CAL.

AMUSEMENTS.

SACRAMENTO SWIMMING BATHS

Will be closed until SATURDAY MORNING

For Extensive Alterations.

CALVANIZED ARE motor Steel Windmills, Installed by Many, Equaled by None. Pumps, Tanks and Pipes Made to Order.

MILLER BROTHERS, 1116 J St. Telephone 253. 8-FOOT STEEL WINDMILL, \$27 50. CALVANIZED AFTER completion. 2 1/2 Shingles, Strong and Good. WESLEY ROSE, Agent for California. STORES, 1091 K STREET.

CAPT. RUNSTALLER'S

Extra Gilt Edge

ALSO FINE OLD PORTER, Delivered to Saloons Ice Cold. Capacity, 75,000 to 100,000 Barrels Per Year.

BEST BEER IN THE WORLD TRY IT.

TO LET,

A Good Job Office Location.

A portion of the second floor of the RECORD-UNION building can be rented by responsible parties as a JOB PRINTING OFFICE on favorable terms. Inquire at this office.

THIS WEEK'S SPECIALS.

The Jackets and Capes that go in this Special Sale are such extraordinary values as to merit the particular attention of every woman. Each garment is a bargain in the true sense—excellent in quality, perfect in cut and trimmings, superior in workmanship, and at the least prices ever named for equal goods. This sale has a greater variety of high quality garments than any former offerings, and they are all new goods bought for this season's retailing. This will undoubtedly be

THE GREATEST JACKET AND CAPE SALE OF THE SEASON!

SALE EXTRAORDINARY

White Goods

From 12 1/2c to 6 1/2c. One lot of White Goods in checks and plaids for aprons or children's wear. Worth regular 12 1/2c a yard. Special sale price, 16 yards for \$1.

Ladies' Shoes

From \$3 to \$2 50. Ladies' Fine French Kid Button Shoes, handsewed and turned; French last, square toe. They are all \$5 values. In widths A, AA, AAA, B and C. Special price, \$2 50 a pair.

Men's Underwear.

One lot of Men's White Merino Undershirts and Drawers; sizes are full and regular. These garments are worth 50c each. Special price, 25c.

Men's Sox.

One lot of Men's Seamless Cotton Half Hose in slate, brown and old gold colors, the regular price of which is 10c a pair. Special price, 7 1/2c.

India Silks

From 75c to 45c. 24-inch Black Ground India Silks in small figures and polka dots; a firm weave, suited to waists, skirts or full suits. A regular 75c quality. Reduced to 45c a yard.

Ladies' Summer Underwear

From 75c and \$1 to 50c. Ladies' Lisle Union Suits, low neck and no sleeves, knee length; worth 75c and \$1; and Ecru Ribbed Lisle Vests, high neck and long sleeves or low neck and sleeveless; worth 75c. All at the special price of 50c each.

Children's Hose.

Value, 25c. Special, 16 1/2c. Children's Black Corduroy Hose, first-class goods, with high spliced heels and double toes; a brilliant, fadeless black; sizes 6 to 8 1/2. Good 25c value. Special at 16 1/2c a pair.

Percalae

10c quality at 6 1/2c. One case of 36-inch Percalae, some of them very slightly damaged; made to retail at 10c, and the little imperfections are scarcely noticeable. Special sale price, 6 1/2c a yard.

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