

# THE EUGENE CITY GUARD.

ESTABLISHED FOR THE DISSEMINATION OF DEMOCRATIC PRINCIPLES AND TO RAISE IN HONEST LIVING BY THE SWEAT OF OUR OWN

EUGENE, OR., SATURDAY, MAY 29 1897.

NO 22.

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Attorneys-at-Law.

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## FRED FISK THE WINNER.

The University of Oregon Again Shows Her Superiority in Oratory.

A Winner Over Three Sixes.

Their interstate oratorical contest is over and Fred Fisk, of the U of O, winner of the state contest, proves to have carried the laurels away from his competitors of the states of Washington and Idaho.

The judges were Rev Charles Edward Locke and Charles J Schnabel, of Portland, and Judge Galloway, of Oregon City.

J A Coffey, of Idaho state university, had for his subject, "The Child of Destiny," and G F Johnson, of Washington, Tacoma University, chose for his oration, "Sunrise or Sunset."

Following is a synopsis of the oration of Mr Fisk:

"Not by resolutions and speeches are great questions of the day decided, but by blood and iron." Such was the sentiment of modern Europe's greatest nation-builder. Progress, however, never springs from "iron and blood."

Its source lies deep in the hearts of the people. It emanates from within. This source, the home of love and harmony, is fast uniting men by one great rule of right, restraining the fierceness of their nature to common welfare and common advancement.

The law that governs the atom governs the mass. Thus nations, after ages of warfare, are beginning to observe the same great rule of right that binds individuals in fellowship. This growing spirit of mutual helpfulness we call brotherhood.

"After darkest night comes dawn after dawn, day. In like succession come the origin, development and mission of brotherhood.

"With our savage forefathers the family was the nation. Each circle for his little hour held aloft the torch of light, the sword of dominion, only to have them grasped by a fiercer and stronger power. Mantled with ignorance, consumed with a lust of slaughter, these barbarians recognized the force of united action. Families formed into tribes; these united into larger communities, and settled upon larger habitations. Land, not kinship, became the basis of society. This is occupied by communities separate and distinct. They professed no common interest; recognized no rights, claimed by members of other communities, and treated all men outside the narrow limits of their own province as enemies. Association was for mutual destruction. Every municipality was intolerant, bigoted and selfish. Within its own border lines a people lived in comparative harmony; outside these limits deepest enmity reigned supreme. Man throttled man, and hurled defiance at the throne of justice. Crime stalked abroad, sanctioned by law and custom. The very clouds seemed surcharged with violence—forebodings of evil. Narrow and revengeful man stovs, shadders and reflects. Shall God proclaim supremacy to eternal justice, or mantle her glory with everlasting gloom? Gradually there dawned upon the minds of men this simple truth: 'There is nothing in political lines to make men foes.'

"Provincial hate, provincial scorn, give way to provincial union. As the smaller bodies had been drawn into fellowship, these larger bodies were fused into nations. Small communities formed primitive Rome. District principalities, each in a bloody strife, united to form Sp in, France, Germany and Great Britain. Our own continent, once divided in twain, now stands forth united, a typical example of that brotherhood may do for the nations of the world. Thus, for ages of darkness, creeping centuries of woe and agony, infinite suffering, tribes, communities and hostile factions were welded into great nations, each invoking upon the numerous principalities united, friendly action."

The address was continued in a forceful argument for national harmony, as well as that harmony found essential to the welfare of individuals.

The faculty and student body as well as Eugene's citizens will soon make arrangements for a public expression of their appreciation of the honor conferred upon the school through the ability of a favorite student, and it is needless to add it will be shown from the heart.

CLAIM PAID.—Clerk I L Simpson of Eugene lodge, Woodmen of the World, has received from the office of the head I consul at Denver, Colorado, a draft for \$2,000, payable to E R Henderson, guardian of Verma M Henderson, beneficiary of the late Dr W V Henderson. This claim was paid within fifty days of the date of proof of death, which is certainly prompt, considering the paper had to go to Denver.

ARRESTED.—Florence West: Ed Case was arrested charged with stealing a watch belonging to the late W H Cushing. He was given examination before Justice Erhardt, who committed him for trial. He was taken to Roseburg Monday by Constable Dale.

## TREASURER PATTERSON ENJOINED.

The Commissioners Court Only Want a Portion of the State Taxes Paid.

The Proceedings.

The following is self explanatory: E O Potter, county judge, W T Bailey and J T Callison, county commissioners, constituting the board of county commissioners of Lane county, plaintiff, vs A S Patterson, county treasurer of Lane county, Oregon defendant.

Plaintiff complains: That a large portion of the taxes due said Lane county for the year 1896 as shown by the assessment rolls of said county for said year, have been regularly collected by the sheriff of said county and paid over to the defendant; and said defendant has now in his hands of such funds a large sum to-wit: the sum of about \$29,944.76 the property of said Lane county.

That the governor, secretary of state and state treasurer, in accordance with and in pursuance of Section 2789, of Annotated Laws of Oregon, met and ascertained the amount of revenue for state purposes and also the resulting rate of taxation in mills to be levied upon each dollar of assessed property subject to taxation, and apportioned the said total revenue among the several counties; that the rate so fixed by said officials was four mills, and the amount apportioned to Lane county was, and is the sum of \$25,944.56.

That said rate of four mills upon each dollar of assessment subject to the taxation as aforesaid was fixed in contemplation of the regular meeting and organization of the legislature of the state, and in contemplation that said legislature would enact laws by which the sums of money raised by said rate and so apportioned among the several counties, could or would be paid out in settlement of the running expenses of the state.

That the legislature for the year 1897 failed to perfect an organization and failed to pass any laws by which said money can be paid out of the state treasury and said rate of four mills is greatly in excess of the rate required by said state treasurer in order to pay the warrants which will or can be drawn by said secretary of state; and that the board would not have levied said rate of four mills, or any higher rate than—mills and would not have apportioned the sum of \$25,944.56 to said Lane county or greater sum than \$6,492.28 to said county had they known said legislature would not organize or pass appropriation bills by which said money could be paid out of said state treasury.

That there are now in the state treasury great sums of money, only a small part of which can be paid out until the said legislature meets and organizes and passes appropriation bills as aforesaid.

That said defendant did on April 5, 1897, forward to the state treasury the sum of \$5,000, out of the money collected as taxes due said Lane county.

That the commissioners court at the May term, 1897, ordered defendant to forward the state treasury the sum of \$6,492.28 and no greater sum.

That said defendant refuses to obey said order and threatens to send the full sum apportioned.

That said Lane county is greatly in debt and has been paying a high rate of interest on said debt and that it is proper said money in excess of \$6,492.28 so apportioned should be kept and retained by the said defendant for the payment of a part of the said debt and the reduction of the same.

That, it will be to the great damage of Lane county if said defendant is not restrained from sending to the state treasury any greater sum than \$6,492.28 and that it will be improper if said defendant refuses to obey said order of the county board as aforesaid, and the payment of the balance of said sum so apportioned to Lane county, or any part thereof will be a useless and illegal act and said money will lie in said state treasury, unused until the meeting of said legislature as aforesaid.

Wherefore pray a decree of this honorable court that said defendant be enjoined from forwarding at this time or at all until so ordered by this court to said state treasury any greater sum than the sum of \$6,492.28 and for the costs and disbursement of suit, and for such other and further relief as to this court may seem equitable and just.

The plaintiffs are represented by W E Yates, district attorney.

INJUNCTION GRANTED.

Judge Fullerton on May 21st made this order granting the injunction, after reciting the facts of the commencement of the suit and the filing of a bond in the sum of \$1,000 for damages, if any:

"It is ordered by me, the judge of said circuit court, that until further orders in the premises, you the said A S Patterson treasurer of Lane county and all your servants, etc., and each and every one of you, do absolutely desist and refrain from sending to the state treasurer, out of the moneys mentioned in plaintiff's complaint,

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Talking to a GUARD reporter, said that he had employed Attorney Woodcock to look after his side of the case. He says if it is legal he is perfectly willing to forego the payment of state taxes, but he must by all means protect his bondsmen and himself.

Sarah Jane Rutledge.

Died, on Saturday, May 22, 1897, at 6 p. m., at the home of her daughter, Mrs C A Davis, at Pleasant Hill, Sarah Jane Rutledge, wife of the late Blasengm Rutledge, aged 67 years. The immediate cause of her death was a gripe, with which she was afflicted about one year since and which settled on her kidneys and liver.

Sarah Markley came to Oregon in 1852 and was united in marriage to Blasengm Rutledge. She was the mother-in-law of Ex-Mayor J D Marklock of this city, and was well known and greatly esteemed by a large circle of acquaintances. She leaves three daughters, Mrs Evelyn Gilbert, Mrs C A Davis and Mrs Ida M Buelman, all residing in Lane county, and a sister, Mrs Matilda McCall, and two stepchildren, Sarah J and Caroline. Deceased was a lady of many excellent qualities, such as the old pioneers possessed and was an active member of the Christian church.

The funeral services were conducted to the Pleasant Hill cemetery at 10 a. m. today, and was attended by a number from Eugene.

Blue River Mines.

Sunday Oregonian: Mr G A Dyson, ex-postmaster of Brownsville, and a gentleman of prominence in Western Oregon, yesterday showed the Oregonian some samples of rich gold ore taken from the Blue river district which ran as high as \$15,000 a ton in free milling gold. The main body of ore on the ledge from which these samples were taken is 12 feet wide, and it carries on an average \$24 in gold and \$5 cents in silver to the ton. As depth is reached the ore naturally becomes refractory, but it lies in such a large body as to run so high in gold that its successful reduction simply depends on the use of a modern milling plant and sufficient capital to mine it. The Blue river district is 60 miles southeast of Brownsville, and about 50 miles due east of Eugene. A good wagon road reaches to within a distance of five miles of the center of the diggings. The camp was well prospected last summer and the active work of developing its best properties to a point where their value can be definitely determined will be carried on in earnest during the present season. It has already attracted the attention of capitalists, and it promises to become one of the best camps of Western Oregon.

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The referee in the matter of the distribution of the \$20,000 proceeds of sale of the Steamer Willamette Valley, A C Woodcock of Eugene held a session of his court at Corvallis yesterday. There are three sets of claimants to the fund: The purchasers of the O P road, the holders of the receivers certificates issued for the purpose of purchasing the steamship, and the laborers and material men. The first two were allowed until August 29th to serve and file briefs, and the other claimants were allowed until Oct 1st to serve and file reply briefs. The final argument is set Oct 4th and is to be at the State Library in Salem. Any claimant not to introduce testimony at any time before August by giving ten days notice. The controversy promises to be a very interesting legal fight.

Protest Sustained.

The protest filed by the Monmouth normal school baseball team against the McMinnville team was sustained by the executive committee of the Intercollegiate Athletic Association, before whom it was laid.

This leaves Monmouth to play the final game with the U of O, the date of which will be announced later.

University Notes.

The seniors who elected to take orations as part of their graduating work this year, are required to hand the orations in by Friday of this week. Bookkeeping is being industriously engaged in by the senior class for a few days.

CATTLE BUYERS.—Monday's Salem Journal: Mr H Sommerville, of Eugene, who is buying cattle up and down the valley, drove in 300 head of feeders from Sheridan on his way to Eugene from where he will drive 400 head to Grant county in the rear.

Mr Sommerville says cattle are now pretty well picked up in this end of the valley.

PICNIC.—The Leeburg school, district No 65, expect to give a picnic Friday, June 4th. Everybody invited, come and have a good.

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