

THE EUGENE CITY GUARD.

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L 32 EUGENE, OR., SATURDAY, OCTOBER 29, 1898 NO 42

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CIRCUIT COURT

Grand Jury--Bailiffs Appointed--Cases Disposed Of.

OTHER MATTERS.

Daily Guard, Oct. 21. The circuit court for Lane county, Oregon, convened in the court house this forenoon at 9 o'clock.

Officers present: Judge Hamilton, Prosecuting Attorney Geo. M. Brown, Sheriff W. W. Withers and Clerk E. U. Lee.

The trial jury was called, composed of the following named gentlemen: J. G. Gray, W. E. Brown, R. F. Caldwell, Geo. B. Day, S. Rigdon, A. W. Gilbert, J. F. Kirk, W. M. Stewart, J. B. England, C. B. Morgan, J. C. Brattain, W. W. Neeley, James Higgins, Harrison Bristow, R. H. Shacklett, O. Bennett, David Thompson, M. F. Castel, Ira A. Curtis, J. F. Inman, I. N. Edwards, C. Cole, R. E. Walker, F. A. Post, J. P. McPherson, J. K. McKenzie, J. B. Cruzan, N. P. Hammit, J. H. Yater, Wm. Pitney and James Sears.

For cause J. G. Gray and C. Cole were excused.

A special venire was issued and W. P. Cheshire and E. Whittam summoned to fill the vacancies.

The following grand jury was drawn: W. P. Cheshire, Wm. Stewart, J. H. Yater, Ira Curtis, J. K. McKenzie, O. Bennett and S. Rigdon.

The court appointed Mr. Cheshire foreman of the jury.

He then gave the jury some excellent instructions and advice as to their duties. By all means, he said, they should hear both sides of every case and should not present an indictment unless they were satisfied that the person could be convicted on the evidence in the circuit court. He also read the statutes required by law.

The following bailiffs were appointed for the court: T. D. Linton and Oscar McMahon; for the grand jury: Wm. Andrews.

7. Michael E. Reilly vs. D. W. Fleet and Lillian Fleet et al; to set aside deed. Dismissed.

20. Geo. T. Hall & Son vs. H. C. Owen; Suit in equity.

23. The Mitchell Lewis & Staver Co vs. Malinda J. Hays et al; confirmation Sale confirmed.

24. John Debrick vs. H. J. Jones, administrator; confirmation Sale confirmed.

25. Sternberg & Senders vs. R. P. Caldwell, administrator et al; confirmation Sale confirmed.

46. J. H. McClung et al executors of Jacob Gillespie estate; foreclosure Default.

51. Florence D. Gilbert vs. W. S. Lee et al; confirmation Sale confirmed and deficiency judgment for \$152.80 against W. S. Lee and Lulu M. Lee.

58. J. D. Matlock vs. Smith & McIntire, to recover money Default; judgment for \$306.21 and interest from April 1 1897 at 8 per cent.

66. First National Bank vs. Geo. M. Miller et al; foreclosure Default.

72. J. C. Goodale vs. A. O. Bowman; to recover money Default Judgment for \$82.60 and order of sale of attached property.

77. E. E. Cummins vs. Byron Cummins et al; to reform deed Default.

80. Gray & Son vs. J. P. Holland; to recover money Settled.

81. James M. Woodruff vs. The Southern Pacific Co; damages. Default, the defendant refusing to answer. Set for Tuesday morning when jury will award the damages.

82. May Jane McCubbins vs. Earnest and Luella Moxley, to reform deed and quiet title. L. Blyeu appointed guardian ad litem for minor defendants. Decree granted.

85. N. J. Martin vs. Adam Ritchey, to recover money Continued for service.

98. H. Weinhart vs. James N. Luper; to recover money Settled and dismissed without costs.

Daily Guard, Oct. 21. E. J. Fraser vs. New England Insurance Co; to recover money. Set for Monday forenoon.

The following jury was drawn to try the case: James Higgins, J. B. England, F. O. Post, J. F. Inman, J. F. Kirk, Wm. Pitney, Geo. B. Day, R. H. Shacklett, R. E. Walker, P. J. McPherson and M. F. Castel.

The case is being hotly contested. Thompson & Hardy appear for the plaintiff and L. B. Cox and E. R. Skipworth for the defendant. The case will not go to the jury before tomorrow.

33. The Vulcan Iron Works vs. The Siuslaw River Lumber Co; foreclosure. Judgment for plaintiff for \$1,559 with interest at 10 per cent from March 1, 1898. Decree of foreclosure of sale.

43. North American Trust Co vs. Adam Ritchey et al; foreclosure Default and judgment for \$1,100 with interest and \$100 attorney fee.

62. James B. Kenny vs. Lucinda and J. B. Richardson; foreclosure. Decree for \$679.40, attorney fee of \$70 and decree of foreclosure.

76. Mary St. Amant vs. Eugene St. Amant; divorce. Default. Referred to C. H. Holden to report testimony at this term.

91. Griffin Hardware Co vs. N. J. Brounagh; to recover money. Default Judgment for \$49.44 and interest \$10 attorney fee and order of sale of attached property.

103. State of Oregon vs. E. A. McAlister; practicing medicine without a license. Arraigned and took day to plead to indictment. L. Blyeu retained to defend.

RETURNED GOLD HUNTER.

T. Howard, of Trent, Down From His Alvin Lake Mines.

T. Howard of Trent, who accompanied by his son Ray, went to Alaska last year, arrived home Saturday night. To a GUARD representative Mr. Howard states that his prospects to date are very flattering. Mr. Howard and son, together with J. C. Hunter of Portland, Samuel Keen of Philadelphia, and W. T. Foster of Stayton, Marion county, have a group of 36 claims on Wrights creek, in the Alvin creek country, British Columbia, about 200 miles northwest of Dyea.

The work on their claims has been very promising and Mr. Howard has several good nuggets, and coarse gold to exhibit as a portion of the output. None of the five will remain on the claims during the winter. Ray is at present at Lake Bennett, and the other four have all returned to their homes for the winter. Mr. Howard expects to start on the return trip in January, and commence active operations at that time. His many Lane county friends wish him success.

WILL RECEIVE PATENTS

Many of the Settlers Along the Line of the Oregon & California Railroad.

A number of the settlers along the line of the Oregon & California railroad will most likely receive patents to the land now held by this company.

United States District Attorney Hall will push these suits against the corporation, and force it to cancel patents obtained by misrepresentation.

One of the settlers interested has lived on his place since 1853, as a home, and the other settlers interested in these proceedings have resided on their places from 10 to 15 years. The reason they were unable to obtain recognition from the government before is that the lands were not surveyed.

Settlers may file on land within 90 days after survey and the filing of plats, but not before the survey, as the land could not then be described.

The lands in dispute are all within the indemnity limits. The settlers all filed within 90 days after the filing of the plats of survey, but the railroad company was ahead of them.

In some instances the railroad company obtained patents the same day plats were filed, thus leaving the bona fide settlers at a disadvantage. The land office, of course, was ignorant of the game the railroad company was playing, and now it proposes to right the wrong.

TERESA COMES THIS WEEK.

Temporary Repairs to the Saved Spanish Cruiser are Well-Nigh Completed.

NEW YORK, Oct. 24.—A dispatch to the Herald from Calmanera, Cuba says:

The armored cruiser Maria Teresa is coaling. The cement worked in over the patches will be hardened by Tuesday and all points will be water tight.

On account of the wrecked deck beams, heavy chain cables carried around both turrets and hove taut amidships will be employed to take up the fore and aft strain, and in heavy weather extra wire hawsers will be carried from the mainmast head to the deck.

All the carpenter work is done and all other temporary repairs are so nearly completed that a hundred Cubans of the working force have been discharged.

The engines are in a satisfactory condition, and it is now confidently expected that the Maria Teresa will start for the United States on Thursday.

We Take the Philippines.

LONDON, Oct. 24.—A dispatch to the Exchange Telegraph Company from Paris says the American peace commissioners at Friday's joint meeting will definitely insist upon the annexation of the Philippine islands to the United States.

Prineville Review, Oct. 22: John Ferguson and sons leave this coming week for Cottage Grove, where they go to join the rest of the family. They will remain at that place during the winter and will return to Prineville in the spring.

LAWS ENACTED

No More Bills in the Governor's Official Custody.

10 NEW LAWS.

Sunday's Salem Statesman: The work of the twentieth biennial legislature of Oregon, sitting in extraordinary session from Monday, September 20th, to Saturday, October 15, 1898, is done. There are no more bills in the hands of the governor. All have been filed with the secretary of state, signed, or unsigned, and are, or will be, laws of the land in the course of such time as their several conditions (with or without emergency clause) demand under the "statutes made and provided" in this particular.

The net result of the session is forty-nine enactments, twenty-two from the senate and twenty-seven from the house of representatives.

Twelve of these are new statutes; seventeen are amendatory of existing laws, and nineteen are specific acts affecting given localities or public interests.

The character of the legislation effected, aside from certain elements embodied in the general appropriation bill, is considered by those high in the councils of the state to be serviceable and advantageous in every instance.

In this behalf it may be said Governor Lord is exceedingly well pleased with the comprehensive outcome of the special session and enjoys the sense of ample warranty for the employment of his high prerogative in summoning the legislators and in outlining the work, suggestions they have observed largely and with commendable dispatch.

That the spirit of economy was best manifested in the senate wing during the late special session, finds another bit of testimony in the relative cost of the journal revisions, now under way at the capitol. Chief Clerk of the Senate S. L. Moorhead and Calendar Clerk Frank Middleton will finish their work on Tuesday next. This will involve an expense of \$175 for the ten days allowed in the resolution of the senate; while the equally important work of the house will be perfected by Chief Clerk A. C. Jennings, Assistant Clerk A. V. Snyder and Representatives E. V. Carter (speaker), C. J. Curtis and E. H. Flagg, by the end of the twelve days allotted in the house resolution; the expense in this case reaching the respectable sum of \$600.

For the benefit of those interested it may be said that Representative W. F. Gray's bill providing for the submission of all new and amended city charters to the popular vote of the people of the cities affected, for adoption or rejection, "died a born."

Under the terms of the amended charter of the city of Portland, it became necessary yesterday for the appointment; by Governor Lord, of the police and fire commissioners of the metropolis and in pursuance of this duty he officially designated the following well-known citizens to act for the terms prescribed: Police commissioners, J. E. Hunt, D. Solis Cohen and George W. Bates, for terms ending July 1, 1900, 1902 and 1904, respectively. Fire commissioners, William Fiedner, Richard Everding and H. S. Rowe, for terms ending July 1, 1900, 1902 and 1904, respectively.

KLONDIKE GOLD MISSING.

Ashland Tidings: C. B. Montague, who is described as rich Klondiker, just returned from the north and who was traveling on the Southern Pacific southbound overland train, which passed through Ashland Tuesday, accompanied by a woman, reported to the official of the Pullman company the loss of the modest sum of \$13,000 in Klondike dust which was fleeced from a grip in which he was carrying it on the cars.

The loss was not discovered until the train left Sisson, Calif., and according to the story of the loser he had not examined the contents of the grip since leaving Portland so that he was unable to give any clue as to where or when it was taken, except to express the opinion that it must have been taken either at Ashland or Sisson, while he was out of the car at meal.

It has been figured out that the amount of gold reported missing would weigh about 60 pounds. Some of the railroad boys who think the story rather a strange one argue that the Klondiker must have been very attentive to his lady companion or very careless with his dust, or both, not to have paid any attention to his gold laden grip after leaving Portland until he left Sisson, a distance of 400 miles.

Monday's Albany Democrat: "Mr. and Mrs. Harry Weider, of Eugene, spent Sunday in Albany the guests of their brother and sister, J. Rand Nettie Whitney."

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FRUIT NEWS IS IN THE CITY

E. P. Whipple to Ship A Train Load of Apples. C. E. Lind Brother of J. A. Lind, Deceased, Arrived Last Night.

Will Witness the Branton Trial.

Daily Guard, Oct. 21. C. E. Lind, of Central City, Nebraska, accompanied by his wife, arrived in Eugene last night and will witness the trial of Claude Branton charged with the murder of J. A. Lind.

Mr. Lind who was seen today by a GUARD reporter, is a very pleasant gentleman, apparently about 45 years of age, and shows a decided resemblance to the photographs of his murdered brother, both of whom show traces of the Swedish ancestry, which they claim. Mr. Lind is at present deputy county clerk of Merrick county, Nebraska, which position he has held for nine years.

In speaking of the fact that the two brothers spelled their names differently, Mr. Lind said:

"I know nothing of our family history, except as it has been told me by others. My brother and myself were both born in Sweden, in which country our family name was Jonson. In 1851, the year of my birth, my parents emigrated to America, when my father took the name of his native town. My brother always insisted on spelling the name "Linn," while my sister told me that my father spelled it "Lind," which form I have used. My mother died when I was a mere babe, and my father when I was about two and one half years old, so that I know nothing of them."

Continuing further Mr. Lind said there were five children in the family—two sons and three daughters. The sons were himself and the murdered man and the daughters, Mrs. Mary J. Isaacson, and Mrs. Carrie C. Kinney, of Monmouth, Illinois, and Mrs. Louisa N. Johnson, of Cambridge, Illinois.

Mr. Lind has, since his arrival, talked with a number of men from Eastern Oregon, who were personal acquaintances of his deceased brother, and without exception they give him evidence of every peculiarity that he knew his brother to be possessed of.

To witness the trial of Claude Branton and of Courtland Green, as accessories, is the primary object of Mr. Lind's journey, although while here he will have an opportunity to see Mr. Stephenson, executor of J. A. Lind's estate, and to view the glorious country of the setting sun, of which he has heard so much.

Prof. Barzee, who recently resigned as president of the Drain normal school and located in McMinnville in the college there is reported in very poor health.

The Prineville Review of Oct. 22 has this regarding a young man well known in Lane county:

"The writer while below saw Alex Davis, who has just returned from Dawson City. Mr. Davis went with Wm. Radlo with 100 head of beef cattle. Mr. Radlo got his cattle to Dawson City in fine shape and slaughtered the whole lot and sold them out at wholesale at from 50 to 65 cents per pound, realizing over \$15,000 net from his investment. Mr. Davis left The Dalles last Tuesday with Brown & Pelton's cattle. Alex says he doesn't want anything more to do with Dawson, but they have 'sands' of gold there. In evidence of which he has a lot of fine specimens."

Prof. Barzee, who recently resigned as president of the Drain normal school and located in McMinnville in the college there is reported in very poor health.

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60c Buys a double-width plaid and check, something real, neat and serviceable.

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