

**Kid Gloves,**  
Beautiful line  
All the new  
shades, Tans,  
Modes, Blues,  
Reds, Greens,  
Earl Grays, Browns  
and Slates.

Prices from 75c to \$1.75

## EMPTON BROS.

**THE EUGENE GUARD.**  
SUGAR BEET FACTORY.  
What It Means to Lane County.

That 14,000,000 pounds of sugar will be produced in Lane county each year.

That 1,000 men will find employment in growing beets.

That 250 men will be employed in the factory.

That 3,000,000 brick will be burned for the building.

That 150 cords of wood will be used each 24 hours in the 12 150 horse power boilers required in the factory.

That Lane county will be the most progressive and prosperous sub-division of Oregon.

Sylvester-Jennings.

**AN OPEN LETTER.**  
EUGENE, OR., April 14, 1900.  
EDITOR GUARD—Dear Sir: I am informed that my name is placed on the prohibition ticket as a candidate for joint senator. I wish, Mr. Editor, to thank those well meaning friends of mine for the honor conferred upon me, and while I am in hearty accord with the principles of prohibition, I am not a candidate for any office in the gift of the people from that or any other political party. For nearly 40 years I have been trying to fill to the best of my ability a more sacred office than that or any other political party can confer upon me, and I cannot afford at this late hour to enter the muddy pool of politics.

With all due respect, let me say that I positively decline the nomination.

Yours,  
J. C. RICHARDSON.

**NATIONAL BANK**  
Of Eugene.  
Paid up Cash Capital \$50,000  
Surplus \$50,000  
Eugene, Oregon.

GENERAL BANKING BUSINESS  
Done on reasonable terms. Sight drafts on Chicago, San Francisco and Portland, Oregon.  
Bills of exchange sold on foreign countries. Deposits received subject to check or certificate of deposit.  
All collections entrusted to us will receive prompt attention.

G. HENDRICKS, President.  
S. B. EAKIN, Vice President.  
P. E. SNOODGRASS, Cashier.  
L. H. FORTY, Asst. Cashier.

**EUGENE SAVINGS BANK**  
Eugene, Oregon.  
Cash Capital \$50,000  
Surplus 2,500

GENERAL BANKING BUSINESS TRANSACTED ON FAVORABLE TERMS.

Branches in the principal cities of the United States and foreign countries. All kinds of bank certificates of deposit and savings certificates of deposit. Loans on real estate. Prompt attention given to all business.

D. A. PAINE, President.  
W. W. BROWN, Vice President.  
W. W. BROWN, Cashier.  
W. W. BROWN, Asst. Cashier.

### JONES ON DEWEY

Thinks the Admiral a Vice-Presidential Possibility.

### Tagals Attacked Americans at Cagayan--Were Repulsed.

### GOmez ON CUBAN SITUATION.

HAVANA, April 17.—General Gomez says the Cuban patriots did not fight to get out of the Spanish yoke to be caught under the American heel.

### PHILIPPINE FIGHTING.

MANILA, April 17.—Twelve hundred Tagals attacked General Case's headquarters at Cagayan on the 9th inst.

### JONES ON DEWEY.

WASHINGTON, April 17.—Senator Jones, chairman of the national democratic committee, does not think Admiral Dewey may be reckoned as a presidential possibility.

### M'KINLEY DISCHARGED.

Government Could Not Make Out a Binding Over Case.

### SEVERAL WITNESSES EXAMINED.

ALBANY, April 17.—2:15 p.m.—Horace G. McKinley, the well-known timber land owner and lawyer, had his trial in this city yesterday and today on the charge of subornation of perjury in securing the affidavits of settlers to false statements.

### EUGENE BRICK YARD

Has Been Purchased By J. M. Martin.

J. M. Martin has purchased the brick yard west of this city from J. H. Lee, and has already begun making brick for the building of the approaching season. This plant, in its present condition has a capacity of about 700,000 brick during the season, and the indications are that every brick which can be burned will be needed for the buildings now going up or in contemplation.

### Jealous Wife Shoots.

A dispatch to the Portland papers from Salem gives an account of a shooting affray Sunday morning, wherein Joe Basey was fired on by his wife. It says in part:

### ANOTHER LANE COUNTY CASE

Hershberger vs. Johnson, Sheriff—Opinion of Lower Court Reversed

Hershberger vs. Johnson, Sheriff et al., reversed; opinion of Chief Justice Wolverton.

N. L. Hershberger, appellant vs. A. J. Johnson, sheriff of Lane county, J. W. Crider and Sears, respondents; appeal from Lane county, J. C. Fullerton, judge.

The contention of this suit is as to the ownership of a certain saw mill, boiler and engine, and all machinery of said saw mill. Crider sold the property to Levi P. Hershberger in 1895. In 1897 Crider brought suit against Levi P. Hershberger, accompanied by attachment proceedings, under which said property was seized. Crider obtained judgment, the property in question was sold and was bid in by Crider and Sears. When they went to take possession it was refused by N. L. Hershberger, who claimed to own the property by purchase from one John M. Williams. Upon application of Crider and Sears, Judge Fullerton caused a writ to issue directing Sheriff Johnson to put them in possession, and before the writ was executed this suit was brought enjoining the sheriff from proceeding thereunder. At a trial later the injunction was dissolved, hence this appeal. The title of N. L. Hershberger to the property is derived from Williams through an attachment issued from a justice court and judgment thereof. The respondent contends that the property in question was in the nature of realty and could not be subjected to the decrees of a justice court; also that the pretended title was obtained through fraudulent collusion.

The only point involved is whether the property is personal or realty. The opinion holds that the boiler, engine, saw mill, etc., were placed upon leased land under express agreement with the owner of the land and that they should not become part of the realty, and that at least one of the defendants had notice of this condition. The opinion holds that such an agreement is a valid one, and will operate to preserve the original character of the chattels affected thereby. The decree of the lower court is reversed and one entered here making the injunction perpetual.

### THE SMITSON CASE.

\$10,000 Damages and Costs of Suit Awarded.

### THE SUPREME COURT AFFIRMS LOWER COURT.

The decision of the lower court in the Smitson case has been affirmed by the Oregon supreme court and by this decision Jennie Smitson receives \$10,000 from the Southern Pacific, together with the costs of action, for the loss of both legs in a railroad accident nearly two years ago.

This case is familiar to all Lane county people. On July 29, 1897, Miss Jennie Smitson, who was working in the hotel at Coburg, took passage on the Woodburn-Natron branch of the Southern Pacific to Springfield to visit her parents. The train, which arrived at Springfield at 9 o'clock at night, stopped before reaching the station, and the brakeman went with the girl to the car platform to help her alight. The train started up with a jerk and in the darkness Miss Smitson was thrown under the car wheels, which passed over both her legs, rendering amputation necessary.

The case was taken up for Miss Smitson by Attorneys Thompson & Hardy and H. D. Norton of this city, who carried it through the lower court, securing a verdict of \$10,000 and costs for plaintiff.

Attorneys Fenton and Muir, for the company, then appealed the case to the supreme court. The action for damages was filed September 23, 1897, was tried in the lower court October 30, 1897; the jury brought in the above verdict November 3, 1897; a motion for a new trial was denied February 5, 1898; the case was argued in the supreme court February 13, 1900, by H. W. Thompson and A. C. Woodcock, (who succeeded Attorney Norton) for Miss Smitson, and by Attorneys Fenton and Muir for the Southern Pacific Company; the decision of the supreme court was filed today. The company has 30 days in which to file a motion for a rehearing.

This case has been stubbornly contested during the time it has been in the courts, and the attorneys who have been successful in the suit are deserving of the congratulations they are receiving for its termination.

Miss Smitson, who has been most unfortunate by this sad accident, which rendered her a helpless cripple for life, will be enabled to receive some comforts heretofore denied her.

### MOHAWK RAILROAD.

Contractor Mason Is Pushing the Work Rapidly.

### BRIDGE MATERIAL EXPECTED DAILY.

SPECIAL TO THE GUARD.  
SPRINGFIELD, April 17.—Arehle Mason, of Portland, the new contractor in charge of the grading of the Mohawk branch of the Southern Pacific, has commenced active work. Four car loads of horses, scrapers, etc., arrived Saturday night and were at once sent to the front. Three more carloads of horses and material arrived and were sent to the front last night. The road has an appearance of activity more evident than at any previous time since the work began, and the grading will be pushed with all possible speed.

The material for the railroad bridge across the McKenzie is expected to arrive at any time. The first shipment, consisting of nine carloads of steel has left the Sacramento shops and is on the road. The bridge complete will amount to about 20 carloads.

### TEACHERS EXAMINATION.

List of Successful Applicants Before Supt. Wm. Miller.

Following is a list of those applicants who successfully passed the regular April examination for teachers certificates in Lane county, as compiled by County School Superintendent Wm. Miller and his assistants, L. L. Harwood and Miss Augusta Patterson:

First Grade—Jessie Withers, Ina Bown, Avon Lamb, Mary Bown, Pearl Darellus, Bertha Brabham, Abbie W. Humphrey, Lillie J. Taylor, M. Belle Milligan.

Second Grade—Arthur C. Bates, Manley Gilbert, Etta B. Bowerman, Elia Gross, Iona Pitney, Bertha Sergeant.

Third Grade—Ethel S. Brewster, Edith Haggard, Delphine Bown, A. Grace Humphrey, Fannie Moffitt, Elsie Parks, Dorilla Somers, Mary A. Wetherbee, Josephine Lemon.

### DISTRICT ATTORNEY.

Review: "Hon. S. H. Hazard, of Coos, is the union nominee for district attorney for Coos, Curry, Douglas, Lane, Benton and Lincoln counties. The choice of Mr. Hazard for this position is a wise one. He stands in the front ranks of his profession, his honesty and ability being unquestioned. He has many warm friends in this county, as well as elsewhere, who will see that he carries his full party vote, which means a good round majority."

GRAIN RESOWN.—Hon. T. G. Hendricks is having 25 acres of wheat resown on his farm just south of Eugene. He first had it sown with damp wheat that was harvested last fall. This was a failure, as only about one-fourth of the grain sprouted. We have heard of several farmers that have been compelled to pursue a similar course. An old miller says that after grain of any kind beats once the germ is killed.

## PUBLIC SPEAKING

# Cyclone Davis,

Of Texas, the greatest stump speaker in America will address the citizens of Eugene, Oregon,

On SATURDAY, APRIL 21,

at 1:30 o'clock in the afternoon. Everybody invited.

At Cottage Grove, April 21 in the Evening at 7:30 O'clock

### STEAMER EUGENE SOLD.

She Brought Only Fifteen Hundred Dollars.

SPECIAL TO THE GUARD.  
PORTLAND, April 16.—The libeled steamer Eugene was sold to M. Olson and T. W. Nordby, of Portland, this afternoon by U. S. Marshal Zoeth Houser for \$1500, to satisfy attachments filed by I. Gray et al.

[She cost between \$7,000 and \$9,000, and is only about one year old.—Ed.]

### Kentucky Governorship.

WASHINGTON, April 16.—The supreme court today set April 30 as the date for hearing the Kentucky governorship case.

### CAUSED BY A HEAVY TIMBER.

The accident at the Booth-Kelly Coburg mill yesterday whereby O. K. Ogden had his left leg broken, was caused by a heavy timber falling on it. The leg was broken squarely near the ankle. Dr. D. A. Paine attended the man who is now resting easy.

### UNSTAMPED DEEDS.

County Cannot Lawfully Affix Stamps to Instruments Received.

A matter pertaining to the handling of deeds and other legal instruments which may come to a county clerk's recorder of conveyances with no revenue stamp affixed is mentioned in a Washington dispatch, which says that the commissioner of internal revenue has received a number of inquiries from registers of deeds, clerks of courts, and others, asking whether they would be justified in recording deeds, etc., which are sent to them unstamped. They represent that deeds are often received from persons who cannot conveniently procure stamps, asking that they be affixed by the recorder. The commissioner answers in the negative, and in his reply states that the grantee or person who makes or issues the instrument should affix and cancel the stamp. If he omits to do so, he incurs a penalty of not more than \$100. If, however, the omission is inadvertent, he may present the instrument to the collector within a year from the date of issue, pay the stamp tax, and present the instrument for post-stamping. The commissioner advises that when an unstamped instrument for record is received, it be returned to be stamped, charging for postage and time occupied in the correspondence made necessary by the omission of the stamp.

### BIG TIME.

Tuesdays Albany Democrat: The degree team of the A. O. U. W. lodge, of this city, under the management of C. C. Hogue, with Captain M. D. Phillips as drill master, with their goat, paraphernalia, and other things for a night of amusement, went to Harrisburg yesterday, where last night they assisted in initiating into that order about twenty new applicants. The Junction City team was also present and took part in the work and enjoyed the festivities of the occasion. The Albany team under Captain Phillips is in splendid condition and is preparing to take part in the contest at the meeting of the grand lodge next month, at which time there is a hundred dollar prize offered to the best degree team, and the boys are after that prize.

### NO QUARANTINE.

The quarantine at the residence of W. L. Dunlap was called off today. At the present time there is no quarantine of any nature in Eugene, this town being free from infectious disease for the first time in several months.

## LACE CURTAINS

SEE WINDOW DISPLAY.

The New Ruffled.  
The New Brussell Net.  
The New Irish Point.

## NEW LACES.

Allovers.  
Aplaca.




New Spring Line of Hanan & Sons Shoes.

# F. E. DUNN.