

LANE COUNTY IS DRY SO JUDGE HARRIS SAYS IN LOCAL OPTION CASE

From Friday's Daily Guard.
Eugene and Lane county will be "dry" for two years after July 1st.

Such will be the effect of the decision of Judge Harris in the case of Wm. R. Renshaw and Alf Walker against the Lane county court, praying for an injunction restraining the court from declaring prohibition in the county.

The decision was made at 10 o'clock this morning, as announced in yesterday's Guard. A large crowd of men, interested in the outcome of the suit, had assembled in the circuit court room and listened intently at the judge's remarks upon the case, and when he had finished and it was known that the county would be dry a murmur spread through the room and the bailiff had to rap for order several times.

After reviewing the case at length the judge sustained the demurrer of the defendants and dissolved the temporary injunction. The attorneys for the plaintiffs immediately gave notice of an appeal to the supreme court.

The judge stated that the point at issue was whether or not the Eugene charter act of 1905 repealed by implication the local option law as it applies to the city of Eugene.

BASED ON EDDY VS. KINCAID CASE.

The decision of the court was based mainly upon the case of Eddy vs. Kincaid, 28th Oregon, 537, decided by Chief Justice Bean, of the supreme court, in 1895. The paragraph in the written decision of Justice Bean in the case of Eddy vs. Kincaid, on which this decision was based, is as follows:

"And, finally, it is claimed that so much of the act creating the board of railroad commissioners as provides for the election of such officers by the legislative assembly, was repealed by implication by the act of 1901, known as the 'Australian Ballot Law,' the first section of which declares 'That a general election shall be held on the several election precincts in this state on the first Monday in June, 1902, and biennially thereafter, at which there shall be chosen as many of the following officers as are to be elected in such year (naming several state officers, the railroad commissioners, however, not being among the number) and all other state, district, county or precinct officers provided by law.' The contention for defendant is that the office of railroad commissioner having been created prior to the passage of this act, the latter clause of the section quoted repealed by implication the then existing provisions authorizing the legislature to elect such commissioners. But a sufficient answer to his contention is that the section of the Australian Ballot Law relied upon by the defendant is not a new legislative declaration, but is merely a re-enactment of the provisions of the law as it existed long prior to the creation of the board of railroad commissioners and therefore does not repeal by implication any provision of that act, even if it is in conflict therewith. We conclude, therefore, after a careful examination of this case and all the questions involved in it, that the judgment of the court below was right, and must be affirmed."

The application of the Eddy vs. Kincaid case to the case at bar is that the charter act of 1905 was merely a re-enactment of the charter act of 1893 and conferred no new powers upon the city council and did not repeal by implication the intervening local option law so far as it applies to the city of Eugene, even though it be in conflict with it.

Judge Harris stated further that the cases cited by the plaintiffs, in other states, were not exactly applicable to the case at bar for the reason that the city charters in those cases conferred new and exclusive powers concerning the sale of liquor, while in the case at bar no new or exclusive powers were granted.

THE EFFECT IN EUGENE.
Naturally the liquor dealers feel blue over the decision. It is worse for them now than it was when the result of the election on June 4 was first known. Since then they have been clinging to the hope that the decision would go their way and have not made the arrangements to dispose of their stocks of goods that they would had no suit been instituted. The order of the court will go into effect at 12 o'clock Saturday night at which time the saloons will be compelled to close their doors and

cease business for at least two years to come. At the end of that time the voters may realize that they have made a mistake and vote the other way, yet it may be that a majority of them will be convinced that prohibition is a good thing and continue to vote it.

A number of saloon men were asked by a reporter today as to their future intentions, whether they will remain in Eugene and engage in some other business or move to some other place. In nearly every case they were undecided, declaring that they had not had time to consider the matter. A majority of them own their homes in Eugene and all of them have enough money laid aside to keep them comfortably till they can make other arrangements. Some of the liquor dealers take the matter philosophically and good-naturedly. One said that he would spend the next two years hunting and fishing, and another said he had a good job offered him driving a stage, which he liked better than the saloon business, anyway.

The putting of the saloons out of business will cause twelve business houses to become empty, undoubtedly causing a decrease in the rental of such property all over the city. What other effect it has remains to be seen. Those favoring prohibition say that the better class of immigrants will be attracted to Eugene and as the population thus increases the business houses will gradually fill up again. It is argued that prohibition will be a good thing for the university. It is claimed that when it is advertised in the catalogues and the newspapers that there are no saloons in Eugene the attendance will be a great deal larger. The friends of prohibition cite the Oregon Agricultural College as an example. During the last two years the attendance at that institution has been more than a hundred more than when liquor was sold in Corvallis.

OFFICERS OF CHRISTIAN CONVENTION ELECTED

The following officers of the Oregon Christian Missionary Convention were elected at the Turner meeting:

President, J. W. Jenkins, Hood River; first vice president, E. S. Muckley, Portland; second vice president, C. M. Hogen, Pendleton; third vice president, T. S. Handaker, Corvallis; fourth vice president, A. C. Corbin, Ashland; fifth vice president, Mrs. John O'Neil, New Pine Creek. By a new regime these vice presidents are superintendents of the districts in which they reside. Recording secretary, Albion Esson, Silverton; treasurer, J. G. Flook, Roseburg; corresponding secretary, F. E. Billington, Cottage Grove.

ANDREW NELSON HURT IN A LOGGING CAMP

Andrew Nelson, employed in Carter's Booth-Kelly logging camp on the upper Willamette, while working on a chute across a canyon yesterday slipped off of a log and was caught between the log and side of the chute, quite badly injuring him. He received a deep cut an inch long under the chin and a big gash on the top of the head. It was thought his left arm was broken but the physicians, after examining it, found that it was only a sprain and bruise. Nelson is now in the Eugene hospital, having been brought down from the camp last evening.

NEW ICE PLANT AND SODA WORKS

The Guard is reliably informed that a number of local people will purchase a small ice and refrigerating plant to be operated here, and start a bottling works in connection with it. It is reported that they will be ready to furnish ice to consumers in thirty days' time.

MRS. CORA A. COLLINS SEEKS A DIVORCE

Mrs. Cora A. Collins, whose husband, John T. Collins, was arrested at Wending several weeks ago for beating her, the husband later attempting to commit suicide by swallowing corrosive sublimate, finally landing in the insane asylum, to-

day instituted proceedings in the circuit court for divorce and for the custody of their minor children, Berne L., aged ten years, Golda M., aged six, and Mabel V., aged three. Collins and his wife were married at Wellington, Arquis county, Ill., December 21, 1895, and came to Oregon three years later.

Mrs. Collins alleges that her husband has been guilty of cruel and inhuman treatment toward her in that he cursed and abused her, accused her of being intimate with other men, and in March, 1906, struck her and pulled her hair, since which time they have not lived together. Woodcock and Potter are the plaintiff's attorneys.

WHAT ALBANY SALOON MEN WILL DO

F. H. Collins, of the Bureau, has bought the saloon of Mel Hamilton, of Salem, and will take charge of it on Monday. His lease, which lasts for sometime, will be taken off his hands by M. McAlpin, who will move his confectionery store and billiard hall to the place.

Paul Schmitt is preparing to move perhaps to Portland or Seattle, where he expects to go into other business.

Carl Rhodes has a bakery in Corvallis, formerly run by him, and may resume the business.

Harper Cranor is in Salem and the business of course will close.

The Franklin House will have a billiard room and soft drinks.

F. M. Pomeroy will run a lunch counter with soft drinks.

The barrooms of the St. Charles and Russ will be used for sample rooms or other purposes.

There is said to be an application for the rooms of the Jones saloon opposite the postoffice for other business.

AN ATTEMPT TO MURDER FORMER EUGENE WOMAN

An attempt was made to murder Mrs. Charles Johnson and her brother, Henry Johnson, formerly of Eugene, at Glendale Thursday night.

They were sitting in their home at Glendale Thursday night when a party of five men entered and outside fired five pistol shots at them, one bullet taking effect in Nelson's head, making a flesh wound. Crowds soon gathered and a search for the would-be murderer was instituted, but no trace of him could be found. Mrs. Johnson's husband is suspected. Mrs. Johnson and her husband, who until recently lived in Eugene, recently separated and she went to Glendale.

SLADDEN ORCHARD FIRE SETTLEMENT

Last summer the grass in S. P. Sladden's orchard adjoining Eugene caught fire from a passing train and burned over a considerable area, killing the prune and cherry trees thereon.

Mr. Sladden put in a claim for damages, and the matter was finally settled by the payment of \$1700.

Cottage Grove Items

The brick work of the new bank building is going up very rapidly and the contractors expect to hurry their work from now on if the weather does not interfere.

A party of sawmill men are figuring on a deal with J. I. Jones for his millsite and timber interests. It is to be hoped that the deal will be completed, as the men will put in a large plant and will make a valuable addition to the business of the town, if they locate here.—Nugget.

Died

Mrs. Harriet Bristol died at her home in this city June 28, 1906, aged 70 years. Cause of death was tuberculosis. The funeral was held this forenoon at 10 o'clock at the Fairmount church, with interment in the Laurel Grove cemetery. The husband of the deceased died June 13 of the same disease.

Born

Near Springfield, June 28, 1906, to August Vitas and wife, a girl.

Marriage licenses were issued today to Harvey G. Laughlin and Miss Rachel E. Howard; Chester A. Walker and Mrs. Ruth Kells.

Finest line of dining tables in the city; 20 to pick from.

Chambers' Hardware

COUNTY COURT FORMALLY DECLARES PROHIBITION

Saturday's Daily Guard.

The county court in adjourned session this forenoon made the official order declaring prohibition to exist within the boundaries of Lane county on and after July 1, 1906. Prohibition will therefore begin legally at 12 o'clock tonight and continue for two years thereafter.

No notice further than this order of record is necessary to be given as the official record of itself is a notice to all persons in Lane county that after July 1st "any person who shall within Lane county sell, exchange, or give away with a purpose of evading the law any intoxicating liquors whatsoever, or in any way violate the provisions of the law, shall be subject to prosecution by information or indictment and shall be punished by a fine of not less than \$50 or more than \$500, or by imprisonment in the county jail for not less than ten nor more than 30 days, or by both such fine and imprisonment. If any person shall be convicted a second time for violating any of the provisions of this law such person shall be punished for such second and each subsequent violation of the law by both such fine and imprisonment. Justices of the peace shall have concurrent jurisdiction with the circuit court in all violations of the local option act."

It is necessary that the cities that have licensed saloons should return them their money for the unexpired time on their licenses.

MAJORITY DID NOT PASS AMENDMENT

Salem, Or., June 27.—It is a question yet to be determined whether the "constitutional amendment providing a method of amending the constitution and applying the referendum to all laws affecting constitutional amendments" and the "constitutional amendment for the initiative and referendum on local, special and municipal laws, and parts of laws" have been adopted.

Ballots received for the initiative and referendum were 18,751 against, and the latter 47,078 for to 16,755 against. There were 39,445 votes cast at the general election.

It is claimed by some constitutional lawyers that a constitutional amendment must receive a majority of all the electors voting at an election to be adopted. If that is correct both these amendments lack by more than 2000 votes the required number to be adopted.

Section 1 of article 4 of the constitution, as amended by the initiative and referendum amendment adopted June 2, 1902, it is claimed, does not repeal or modify section 1 of article 17 of the constitution, which says that a majority vote of the electors of the state is necessary to adopt an amendment to the constitution.

FINED \$5 FOR RINGING THE FIRE BELL

George Myrland, a logger employed by the Booth-Kelly Lumber Co., was fined \$5 and costs this morning for ringing the fire bell about 12 o'clock last night. The fellow was drunk and wandered into the bell tower, and seeing the rope hanging there idly jerked it. Officers Croner and Purdy were soon on the scene and took Myrland into custody. He said he had been stood up by two men and robbed of \$15.50. He had \$19 in his pockets at the time. He couldn't give any explanation as to why he rang the fire bell, but no doubt thought the robbery was of such magnitude as to warrant arousing the town.

EUGENE SECURES FEDERAL BUILDING

Washington, June 30.—The public building bill as it will become a law carries the following items which have been in dispute, but upon which an agreement was reached: Salem, \$175,000; Baker City, \$65,000, and Eugene, \$50,000.

NEW TRAIN FOR SPRINGFIELD BRANCH

The News was informed this week that a daily passenger train will be put on soon, running from Woodburn to Wending.

J. K. Page, the gentleman who recently purchased the Oregon House,

is having lumber hauled for the erection of a large addition to his building. He informed the News that he would soon have a force of men at work moving the hotel back and will build an addition 20x10 feet, three stories high, where the front of the building now stands.

The concrete foundation for the 30,000-gallon S. P. oil tank is now finished and the mechanics will start building the tank at once, as the steel has arrived and everything is ready for operation. The gravel and cement is being unloaded near the spot where the large 300,000 gallon tank will be built. Excavation has been started for the large tank and in a few days will be ready for the concrete.—News.

Brevities

The clerical or office force of half a dozen men or more for Engineer Christie, of the Drain-Coos Bay extension, arrived in Drain last week from San Francisco. Grading is expected to begin most any day now.

Miss Minnie Evans, who has taught the primary room of the Harrisburg public schools for the past ten years, has resigned her position and her place has been filled by the election of Miss Emma Green, of Eugene.

Harrisburg Bulletin: Mrs. Fred Nixon and little child, of Seattle, were here last week, visiting with numerous relatives and friends. She had been at Pleasant Hill, in Lane county, visiting with relatives, and as returning home. She left Saturday for Seattle.

The Novelty Manufacturing Co., which purchased the Chapman planing mill in this city recently, has filed articles of incorporation with the county clerk. The incorporators are T. B. Luckey, I. L. Luckey and M. O. Warner. The capital stock is \$5000 and the principal place of business is Eugene.

A. S. Park, formerly bookkeeper for the Booth-Kelly Co. at Coburg and who was married in May, is in the Portland jail charged with bunking A. C. Dixon, of the Booth-Kelly Co., and Dr. W. B. Holden, of Portland, out of considerable money on a worthless check. He was arrested in Clark county, Wash.

Last evening the Lane county Bar Association, which was temporarily organized a few days ago, adopted a constitution and by-laws and elected the following as permanent officers: E. O. Potter, president; J. M. Williams, vice president; J. M. Pipes, secretary; G. F. Skipworth, treasurer. A committee as follows was appointed to arrange for a banquet in the near future: G. F. Skipworth, L. Bilyeu and Louis E. Bean.

Harvey Copeland, formerly of Eugene, is no following the occupation of a jockey for a living. Saturday afternoon in a race given under the auspices of the Independence driving club he rode W. W. Percival's "Willemette," which won over two others in the race.

A. J. Gillette, the popular ticket agent at the S. P. depot, will succeed L. G. Adair as station agent temporarily at least and may be his permanent successor. Mr. Gillette has been connected with the local depot several years and has given excellent satisfaction. His hosts of friends here would very much like to see him appointed permanent station agent.

The following rifle team has been selected to represent Company A in the state shoot at Salem July 9, 10 and 11: Corporal J. L. Furnish, Privates Raymond Perdue, Walter McCormack, Henry Maxwell and Edwin Kohne. The team is a good one and members of the company expect Perdue, who made the largest score in the tryouts, to capture one of the individual prizes.

Y. D. Hensill, of this city, has been appointed architect for the new library building and girls' dormitory at the university and superintendent of construction of these buildings, as well as all repair work. Mr. Hensill is a first-class architect, having furnished plans for a number of buildings in Eugene, including the Carnegie library.

The Seattle Produce Company, of this city, began shipping cherries to Southern Oregon and Northern California points last night. They expect to ship 1000 pounds a day during the cherry season.

Co. C's rifle team to compete in the state shoot at Salem was selected last night. It is as follows: Sergeant W. A. Gilbert, Lieutenant H. A. Hunter, Corporal C. W. Evans, Musician W. J. Williams and Private J. L. Mogensen.

Today is L. G. Adair's last day in the service of the Southern Pacific Co. He has served his employers well and faithfully as agent at Eugene for the past 29 years, and he retires with a splendid record for honesty, loyalty to the company and efficiency in the handling of the business entrusted to him.

COUNTY OFFICERS FILE THEIR NEW OFFICIAL BOND

Saturday's Daily

The new bonds of the several county officers who were re-elected are being filed today, preparing taking the new oath of office today, July 2. Up to late this afternoon those who had filed their bonds and their bonds are as follows:

County Clerk E. U. Lee, Bondsman C. W. Washburn, and A. M. Lee, all of Junction City. County Treasurer R. E. Baker, \$40,000. Bondsman, George Baker, L. N. Roney, H. Gordon, A. W. bert, J. D. Matlock, W. M. John Davies, E. Hanson, W. K. Shaw, R. M. Pratt, S. R. Percy Long, W. Kaykendall, McGuire, L. P. Tallman, E. F. M. Wilkins, G. G. Gross, Sherman, J. W. White, Haines, Chas. H. Baker, Anderson, Peter Nye, C. B. F. Goodpasture, F. S. Williams, M. L. Sommer, M. Martin, D. M. McCarty, Fraiser, W. T. Gordon, W. H. der, J. J. Walton, W. G. E. Dunn, J. F. Robinson and Fisher.

ACTIVITY AT THE ALLEN CANNERY

Work of canning Royal cherries at the Allen cannery began morning. To begin with women and girls and a half men are at work, but the force increased as the cherries come in more rapidly.

Manager Allen says the crop year is about an average one and expects the output of the year to be about the same as in years.

The plant has been considerably improved since last season by installation of a small gasoline engine for the operation of the pump and by a general renovation.

THE SCARBOROUGH GROCERY

Barlow Allen and Frank Allen have purchased W. K. Scarborough's grocery store at the southeast corner of East Ninth and Oak streets, took possession today. Both men are thoroughly conversant with the business, having been in the store for several years. Matthews is Mr. Scarborough's son.

Mr. Scarborough several months ago purchased property at San Jose and he and his estimable wife are the near future remove their side.

THE OLD APPLAGATE RAILROAD

The paragraph published relative to a railroad from Lorane and Crow country, memories of thirty-five years ago. Along about the last of the early in the seventies a railway was made on that route of Applagate. The route is a less elevations than by the route. The latter was chosen Holiday, however, because the country was bigger and the ability for traffic better. The time of the Applagate crossings were found along and some prospecting was done and some results were realized for the son that the money of the project was exhausted and the project was suspended. Some road was in Eugene and there was quality was equal to that of the face crossings. During the twenty-five years no attention been paid to the old thorough investigation may that there is as much traffic on it as on any other of the Grove Western Oregon.

ACCIDENT AT EUGENE SAWMILL SAT

Saturday about two George A. Landersville, 345 East Fifteenth street, was in the Eugene Lumber sawmill, was the victim of a sawmill, in which both his leg below the knee were injured. He was working on the log when a board caught some of his clothing, striking him on the side, and he was taken to his home and along nicely.