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THE PLACE TO TRACE

NICKLIN & NEAL

PHONE MAIN 63.

TWO ENTRANCES—Park and Oak Streets; 9th and Oak Streets

NEW LIQUOR ORDINANCE IS PASSED

At a special meeting of the city council Saturday evening a new liquor ordinance, different from the old one, in that it will probably stand the test of the courts as to its validity, was unanimously passed. The title of the ordinance is as follows:

An ordinance declaring all places within the city of Eugene where intoxicating liquors are sold, bartered or given away in violation of the law, or where idle or dissolute persons are permitted to congregate for the purpose of drinking intoxicating liquors to be common nuisances; to regulate sections 1, 2, 3, 4 and 6 of ordinance 653, entitled an ordinance to regulate cigar stores, billiard parlors, soft drink parlors and places, restaurants and other like places of business; and to prohibit the sale of intoxicating liquor in the city of Eugene; to repeal sections 5 and 7 of said ordinance number 653, and all ordinances and parts of ordinances in conflict herewith.

The vital portions of the ordinance are as follows:

New Parts of Ordinance.

Section 6. That all places within the limits of the city of Eugene where intoxicating liquors are sold, bartered or given away in violation of the law, or where idle or dissolute persons are permitted to congregate for the purpose of drinking intoxicating liquors as a beverage, or where intoxicating liquors are kept for sale or barter in violation of law or of this ordinance are hereby declared to be common nuisances; and any person, firm, company or corporation maintaining any such nuisance within the city of Eugene shall be deemed guilty of a misdemeanor and upon conviction thereof before the city recorder shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment in the city jail for a period of not less than 100 days, or both such fine and imprisonment.

Section 7. Upon the filing of a complaint in the recorder's court of said city, duly sworn to, as by law required, charging that a place within the limits of the city of Eugene is kept or maintained as a common nuisance by any person or persons, and that intoxicating liquors are kept therein for sale or barter, or delivery in violation of law or of this ordinance, a warrant shall be issued thereon commanding the officer of police or other police officer to whom it shall be directed, to arrest the person charged or described as keeper thereof, and to search the place described in said complaint, and seize and take into his custody all intoxicating liquors which he may find and safely keep the same subject to the order of the recorder's court. It shall be the duty of the officer receiving such warrant to demand admission into such place, and upon admission thereto being refused, he is hereby authorized and required to force open the same and execute said warrant. The complaint shall describe the place to be searched with sufficient particularity to identify the same, and shall describe the intoxicating liquors kept in said place as particularly as practicable; but any description, however general, which will enable the officer executing the warrant to identify the property to be seized shall be deemed to be sufficient. The officer making such search or arrest shall make return of the said warrant in said court with his proceedings thereon as in cases where arrest, search or seizure was upon a warrant already issued.

Section 8. The words "give away" where they occur in this ordinance shall not apply to the giving away of intoxicating liquors by a person at his home, in his private dwelling, unless such private dwelling shall be a common nuisance, as defined in section 6 of this ordinance.

Sprinkling Ordinance Vetoed. Mayor Matlock returned the sprinkling ordinance recently passed without his approval, but on vote it was passed over his veto. The veto stood: Ayes—Calkins, Garrett, O'Leary, Harbaugh, McCreedy, and Berger; noes—Henderson and Fisher.

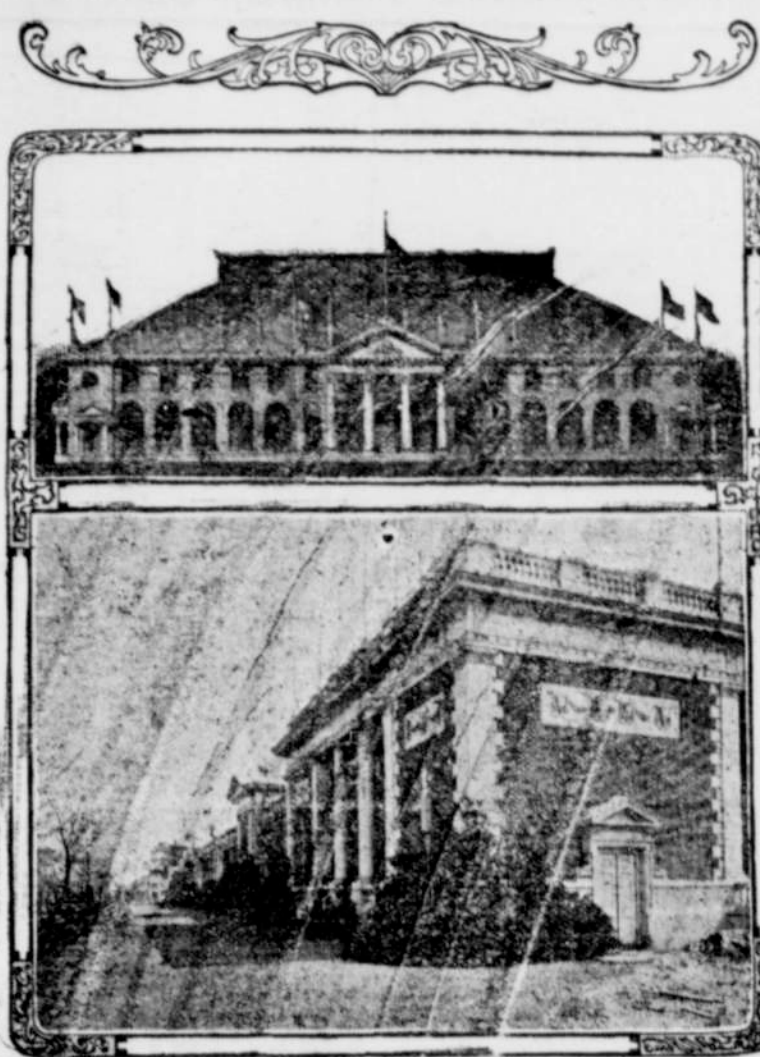
The Mayor's Veto. To the Honorable Common Council of the city of Eugene: I hereby return Ordinance number 670 without my approval for the reason:

1st. That the ordinance, while purporting to create a public nuisance, has been so amended as to leave the larger portion of the business part of the city, which is the portion most in need of sprinkling, entirely out of its provisions.

2d. The ordinance directs that contracts be let at once for such sprinkling. That would have the tendency to encourage extravagance in bidding, and in turn place upon the property owners an increased, if not exorbitant burden, for that which is not a local improvement or direct benefit to the property assessed, but for a general benefit to the whole people.

3d. That the law it proposes to enact is unconstitutional. The sprinkling of streets to lay the dust, in my opinion, is not a local improvement, conferring special benefit upon the abutting property, for which special assessments can be made. Not being a local improvement nor of direct benefit to the abutting property the enforcement of an assessment for such would be an unconstitutional taking of private property for public use without just compensation.

4th. Another and equally vital objection to the validity of the ordinance is that the ordinance was never



NEGRO AND STATES' EXHIBIT BUILDINGS AT THE JAMESTOWN EXPOSITION.

The States' Exhibit building at the Jamestown exposition is so arranged that the visitor may study the products of any state represented without fatiguing search. The individual state buildings are reserved for social purposes. The Negro Exposition building gives the world a comprehensive exhibition of negro industries and aspirations.

MRS. EDDY'S ESTATE PROPELLED HANDLED. Concord, N. H., May 18.—Two affidavits were filed by the defense in the suit of the Rev. Mary Baker Eddy by her next friend, W. Quinn A. Frye and others, which for the first time discloses to the world an idea of the wealth of the founder and leader of Christian Science, which will easily reach \$1,000,000. The first of these affidavits is made by Fred N. Ladd, Mrs. Eddy's private secretary, who avers that on March 2 he turned over to the trustees under the deed of trust executed that day bonds of the par value of \$788,770; a promissory note for \$50,000

legally passed. The ordinance was introduced and passed the first reading at a regular meeting. At a subsequent adjourned meeting the first page of the present bill was substituted for the first page of the original, the substituted page being then amended by striking out much of its substantial parts. Then as substituted for the original, after the amendment, was read the second time, being the first reading as amended. It was then placed upon a third reading, being the second reading of the ordinance as amended, and passed over the objection of one of your members. The passage of the ordinance was in direct violation of the rule adopted by the council that "no ordinance shall hereafter be passed to a third reading on the same day of its introduction, except on a suspension of this rule by the unanimous consent of the members present." This is a wise and necessary rule as a safeguard against too hasty legislation and should be strictly enforced.

The courts holding that the readings must all be of the same ordinance and that any change or alteration of substance made between the readings, destroys the effect of the first or previous reading. It is necessary, therefore, to a legal enactment that the ordinance, after amended, shall be read three times, which can be done on the same day only upon a suspension of the rule above quoted by the unanimous consent of the members present.

Under these circumstances, a due regard for my oath as mayor makes it necessary for me to return this ordinance with this my veto.

I. D. MATLOCK, Mayor.

"ELK TOOTH KING" IN THE CITY

E. R. Peck, the "elk tooth king," was in the city yesterday, making one of his regular trips through the state. He is the possessor of over 27,000 elk teeth, which he has gathered as a mere collection, refusing to sell them. If placed on the market they would be worth over \$125,000, as the teeth are now getting scarce and are being sold at a good price as emblems of the Elk lodge. Mr. Peck, who is part owner of a big cattle ranch in the mountains of Wyoming, was a caller at the guard office yesterday and showed the force a number of photographs of several bands of elk taken on the ranch while the snow was on the ground. In the winter they are seen and it was possible to secure photographs at long range. A very small part of the collection of teeth was shown.

GOVERNOR PARDONS

PORTLAND MURDERER. Salem, Or., May 17.—The news received here yesterday from Portland that James L. Warren had been pardoned from the penitentiary was quite a surprise, as it was not known here that such a move was contemplated. For several months it has been the practice of the governor not to make public announcement of the granting of pardons, hence the release of Warren was unknown until he was seen by friends in Portland.

Warren is the man who was convicted of killing William Kirk, mate of the ship Clarence S. Bement, in 1901. He carried his case to the supreme court, where it was affirmed. The pardon was granted upon the petition of two members of the jury, numerous other parties and upon the possibility that if one witness who was heard at the corner's inquest could have been procured by the defense at the trial the verdict might have been different. It was also shown that Warren had been of previous good reputation; that his conduct in prison has been good, and that he has a wife and child to support.

CASTORIA

Beare the Kind You Have Always Bought

U. O. TRACK TEAM STRONGEST IN AMERICA

At New Haven Saturday Harvard defeated Yale in the fifteenth annual dual track meet, although the latter made a better showing than had been expected. The score was: Harvard, 55½; Yale, 43½. Dray, of Yale, broke the world's pole vault record of a year ago by Samme, of the University of Indiana, by clearing the bar at 12 feet 5½ inches, while Captain J. W. Marshall of the same team broke the dual record of 6 feet 5½ inch, made eleven years ago, by clearing the bar at 6 feet 1½ inches.

COMPARISON WITH U. OF O.—WASHINGTON COLLEGE MEET

For the purpose of comparison between the work of the athletes of these two universities, the oldest and largest in the East, and the work done at the U. of O.-W. S. C. meet in Eugene last Friday, the following summary of the Harvard-Yale meet is given:

120-yard high hurdles—Final heat won by Rand, Harvard; Howe, Yale, second; Waller, Harvard, third. Time, 16 seconds, only two-thirds of a second slower than the dual record.

100-yard dash—Final heat won by Lockwood, Harvard; Dodge, Harvard, second; Burch, Yale, third. Time, 18 1-5 seconds.

100-yard dash—Won by H. F. Hadden, Jr., Harvard; R. L. Spitzer, Yale, second; J. F. Williams, Yale, third. Time, 4:35 1-5.

440-yard run—Won by W. T. Colohan, Yale; B. L. Young, Harvard, second; J. V. Ontavia, Harvard, third. Time, 50 seconds.

Shot put—Won by B. T. Stephenson, Harvard; distance 42 feet 8½ inches; G. L. Burnham, Yale, second, distance 42 feet 6 inches; M. A. Sheldon, Yale, third, distance 40 feet ½ inch.

Half mile run—Won by V. V. Tilson, Yale; M. B. Vanbrunt, Harvard, second; S. D. Frisell, Yale, third. Time, 2:03 3-5.

220-yard hurdles—Final heat won by Rand, Harvard; Mason, Harvard, second; Dupuy, Yale, third. Time, 25 2-5 seconds.

High jump—Won by Captain J. L. Marshall, Yale; height 5 feet 10 inches; R. G. Harwood, Harvard, and G. L. Roosevelt, Harvard, tied at 5 feet 9 inches.

220-yard dash—Final heat won by L. P. Dodge, Harvard; Stevens, Yale, second; Burch, Yale, third. Time, 22 seconds.

Hammer throw—Won by H. E. Korbeg, Harvard, distance 140 feet 8 inches; R. P. Yale, second, distance 139 feet 4½ inches; J. George, Yale, third, distance 128 feet 10 inches; W. Pierce, Harvard, fourth, distance 119 feet 10 inches.

Broad jump—Won by W. A. Knox, Yale; distance 23 feet; C. H. Davis, Yale, second, distance 21 feet 3½ inches; C. D. Deming, Yale, third, distance 21 feet 1 inch.

Pole vault—Won by W. R. Dray, Yale, height 12 feet 5½ inches, breaking the dual record by six inches; A. G. Grant, Harvard, and A. C. Gilbert, Yale, tied for second at 11 feet 8 inches.

U. of O.—W. S. C. Summaries. Half-mile run—Maloney (W. S. C.), first; Thome (W. S. C.), second; Chase (W. S. C.), third. Time, 2:02 1-5.

Pole vault—Moulen (U. O.), and Robinson (U. O.), tied for first place; Cogwell (W. S. C.), third. Time, 10 feet 6 inches.

100-yard dash—Kelly (U. O.), first; Moore (U. O.), second; Huston (U. O.), third. Time, 10 seconds.

Broad jump—Kelly (U. O.) won, 22 feet 7½ inches; Kuykendall (U. O.), second, 20 feet 11½ inches; Putnam (W. S. C.), third. Kelly rose back of the starting line six inches, so that he really jumped over 23 feet.

120-yard hurdles—Kuykendall (U. O.), first; Moore (U. O.), second; Putnam (W. S. C.), third. Time, 16 seconds.

Shot put—McKinley (U. O.), first, 45 feet 11½ inches, breaking the Pacific coast record; Hug (U. O.), second; Zacharias (U. O.), third.

High jump—Kelly (U. O.) won, 5 feet 8 inches; Hammer and Putnam (W. S. C.), tied for second.

220-yard hurdles—Moore (U. O.), first; Huston (U. O.), second; Putnam (W. S. C.), third. Time, 25 3-5 seconds.

100-yard dash—Moore (U. O.), first; Cool (W. S. C.), second; Welch (W. S. C.), third. Time, 4:35.

220-yard dash—Kelly (U. O.), first; Moore (U. O.), second; Kiltz (U. O.), third. Time, 21 4-5 seconds, tying world's record on curved track.

Hammer throw—Hug (U. O.), first, 146 feet 4 1-5 inches, breaking Northwest record; Zacharias (U. O.), second, 142 feet; McKinley (U. O.), third, 139 feet.

It will be seen by this comparison that the U. of O. would be able to meet on equal terms either Yale or Harvard, and would quite likely be able to defeat either of them. It must be borne in mind that the meet with W. S. C. was not closely contested, and several of the events, especially those contested in by Kelly, a better showing would have been made if it had been necessary in order to win. It is quite likely that the present U. of O. team is the strongest in the United States.

PACIFIC UNIVERSITY DEFEATS COLUMBIA. Pacific University, Forest Grove, May 18.—Pacific University won the track meet this afternoon over Columbia University by a score of 96 to 36.

Following is the order of events: 120-yard hurdles—Ward (P. U.), and Dockstader (C. U.), tied for first; Ferrin (P. U.), third. Time, 19 1-5.

Shot put—Quinn (C. U.), Water-



THE SMILE OF GOVERNOR CHARLES E. HUGHES.

Despite the fact that he has a very winning smile, New York's governor can be very stern, as some of his political foes have learned.

440-yard dash—Williams (M. C.), 55 3-5 seconds.

FURNITURE TRUST MUST PAY FINES

CHICAGO, May 20.—The federal court today sentenced 13 constituent members of the local furniture trust to pay an aggregate of \$41,000 for conspiracy in restraint of trade. F. A. Holbrook, head of the "Prudential Club," composed of furniture men, was fined \$10,000, the American Seating company of Chicago \$10,000, the A. H. Andrews company of Chicago \$10,000—the extreme penalty. Each was given a roasting from the bench. Smaller companies were fined from \$22.50 to \$500. The judge's denunciation of the methods of the men involved was scathing.

ENSIGN'S SELF-INFLICTED WOUND PROVES FATAL

Washington, May 21.—The navy department is advised that Ensign Brish, of the cruiser Tacoma, is dead of his self-inflicted injuries, done with suicidal intent.

The N. W. Glitzen place of 13 acres one mile northwest of the city has been sold to J. A. Lash, recently from Oacola, Iowa, for \$2100. He will engage extensively in the blooded chicken business, and will also set a good part of the place to berries. The deal was made through the agency of E. J. Frasier.

We have plotted, planned and figured, working from morning until night, seeking for a medicine that will take the place of Rocky Mountain Tea, but we can't find it. Tea or tablets, 35 cents. Linn Drug Co.

Subscribe for the Weekly Guard.

BENEFICENT SHOWERS PREVAILED

Following is the regular weekly bulletin issued on Oregon weather conditions for the week ending Monday, May 20, by the bureau at Portland:

General Summary.

The weather during the week was favorable. Following the rain of last week there were from three to four warm, sunshiny days, which were followed Thursday by increasing cloudiness and light showers in the eastern counties. By Friday the rain area had spread to include practically all sections of the state, and the showers were not only heavier but in some places they were attended by thunder. The rain continued throughout Saturday and Sunday. The rainfall was heaviest in southern Oregon and the Columbia river valley. In the districts where the drought conditions were only partially relieved by the rains of last week, the rains of this week have been wholly sufficient to break up the drought, and the situation is greatly improved. Temperatures averaged above normal, and it was unusually warm during the fore part of the week. During the showery period the afternoons were cooler, but there was very little change in the night temperature. The amount of sunshine was below normal, and there were no damaging frosts or high winds.

Coast District.

Bay City, Tillamook county.—On Tuesday the sky was overcast, but about noon the cloudiness disappeared and the remainder of the day was clear. On Wednesday and Thursday dense fogs prevailed during the mornings. The afternoons were cold and cloudy.

Tulalo, Lincoln county.—The week began clear, with low night temperatures. The latter part of the week was cool and cloudy.

Marshfield, Coos county.—The week was cloudy. Clear skies prevailed up to Thursday evening; the remainder of the week was cloudy.

Port Orford, Curry county.—The week began clear and warm, but later on cloudiness increased, which was followed by rain.

Willamette Valley.

Portland, Multnomah county.—The fore part of the week was clear.

with afternoon temperatures decided above the normal. On Friday the sky became cloudy and rain fell so during the remainder of the week, with temperatures somewhat above the average. Light showers were frequent during this period.

Welch, Clackamas county.—The week was warm and clear until Friday, when a sudden change to cold, cloudy and showery weather occurred.

Salem, Marion county.—The fore part of the week was clear and warm which was followed by cloudy weather, with showers Saturday.

Cornwallis, Benton county.—Tuesday, Wednesday and Thursday were clear and very warm; Friday and Saturday were partly cloudy, with light showers on Saturday. No frosts nor high winds occurred.

Southern Oregon.

Roseburg, Douglas county.—The sky was partially overcast during the week except Tuesday, which was clear.



ISAAC STEPHENSON.

Millionaire Wisconsin lumberman who has been elected to a seat in the United States senate through the efforts of Senator La Follette.

throughout, Saturday was showery. Kootenai, Josephine county.—The week was cool and dry. The prevailing winds were from the south.

New stock fishing tackle just received—see our new reel.

CHAMBERS HARDWARE.

DIAMOND BRAND SHOES
FOR THE WELL DRESSED MAN

The materials are selected with the utmost care by experts and only stock that conforms to an exacting requirement is used. Shapes and styles are according to fashion's latest decree, and workmanship and finish are up to the Diamond Brand standard—which means the best. The most fastidious will always have the satisfaction of feeling well shod when they wear Diamond Brand shoes. Look for the Diamond Brand—it's for your protection.

TRY ANOTHER DEALER IF YOURS HAVEN'T THEM

Peters Shoe Co. St. Louis
WE MAKE MORE FINE SHOES, THAN ANY OTHER HOUSE IN THE WEST