

THE EUGENE DAILY GUARD

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THURSDAY, NOVEMBER 19, 1908

By a secret, alchemy patriotism touches the most commonplace of life, and transforms it into lofty heroism. It hurries men forth, forgetful of themselves, to hazard itself at fearful odds. It nerves men up to do, to dare, to die, to turn, and with eyes that are dimming to earth forever, breathe forth their last breath in a cheer for the flag they have followed.—Dr. Thomas E. Green.

FRANCE'S VANISHING POPULATION

Frederick Courtland Penfield contributes a suggestive article to the November number of the North American Review entitled "France and Her Vanishing Population." Mr. Penfield gives some appalling figures in relation to the decline of French population. In 1902 the excess of births over deaths was 84,000; in 1903, 73,000; in 1904, 57,000; in 1905, 37,000; in 1906, 27,000, and in 1907 it not only reached zero, but passed it, for there were 20,000 more deaths than births. The main cause to which Mr. Penfield attributes this alarming decline in the number of French people is the thrift for which the French are famed but which Mr. Penland regards as synonymous with greed. He says:

"When obliged to divide his property equally among his children, and when he knows that the same restrictions will be applied to their children when the time comes, the citizen of France usually elects to have a limited family. The dowry system, again, operates in the same direction. Everywhere an additional child means additional expense; in France it means an extra dowry as well, and that is an added reason why the French have few children. So long as the present property law exists, and the dowry custom obtains, there can be no solution of French depopulation. France is manifestly deriving from her inheritance policy an immense diffusion of prosperity and certain publicists are applauding the national policy, and boldly asserting that it is more than wise to promote greater equality in the distribution of wealth."

Salome, the play that has created so much discussion in the East, or more properly speaking, a poor imitation of the real thing, for it is only a play instead of an opera out here, is touring the jerkwater towns of Oregon, and this recalls the fact that poor Salome has had an awfully tough time of it ever since she first made her appearance upon the stage. At first everything went well until she reached New York. Then her troubles began. Anthony Comstock objected to the veil business and a few other features and some of the ministers condemned the play, because it treated a biblical subject with what they considered insufficient reverence. Only by a compromise, which made it necessary to do violence to the remarkable work, was it made possible to bring out the Wilde-Strauss opera. Now the Baptist and Methodist ministers of good old Philadelphia have taken up arms against Salome and the Holy Synod, meaning the head of the Greek Orthodox church in Russia, which seems to play the part of a guardian of public morals in that country, has prohibited the performance of the opera. The way of the transgressor is hard, indeed!

One of the most amusing features of a recent meeting of the New York Mothers' Club, and one thoroughly characteristic of that misnamed organization, was the resignation of one of the members who actually remembered that her children had more claim upon her time than the club. The other members were horrified that the woman could allow such a trifle as her children to interfere with her duties as a club member. What a farce!

According to Senator Dick, who probably speaks by the card, Senator Foraker, instead of being out of the race, is preparing to make the fight of his life for re-election, and will open it with a speech to the senate. Whatever else he may be, Foraker is a scrapper from scrapperstown.

The Oregon Agriculturist says: "Eugene, Oregon, has raised \$15,000 for another year of advertising and in paying a man that has the ability to advertise. Portland will soon take second place in the state if Eugene keeps up her ratio of increase very many years."

Queen Lili has "hocked" her Honolulu real estate for \$70,000 to make another play on congress for possession of the former crown islands of Hawaii. She seems to be as fond of a big gamble as her late hubby was.

Cheer up, ye "reactionaries." The king of Italy will pardon all petty political offenders when his cousin marries Miss Elkins, which may put the powers that be on this side of the pond in a pardoning mood.

While the reports that the Republican senators who tried to prevent the nomination of Taft will be fed crow, instead of pie,

may make a noise like cruelty to the helpless, it would not be new in politics.

And Governor Hughes is also an economical man. It only cost him \$369.65 to be elected governor of the great state of New York. As a bargain that's miles ahead of the record, we're thinking.

JURY SAYS TABOR IS NOT GUILTY

Continued From Page One.)

the defendant believed that he was in imminent danger of death or great bodily harm at the hands of deceased and the defendant had reasonable grounds for such belief, then, I instruct you that the defendant has a right to act upon that belief and the killing of the deceased would be excusable, and it would then be your duty to find the defendant not guilty.

In determining the question whether or not the defendant was the aggressor at the time of the encounter, you have a right to take into consideration the threats, if any, the deceased made against the defendant, both those which were communicated to the defendant, if any, and those which were not communicated, if any, and also as showing the motive of the deceased, if any, and the nature and character of the assault made by the deceased, if any was made.

In determining the question whether or not the defendant was the assailant, you have a right and it is your duty to consider any evidence introduced by the defendant tending to show that the deceased made threats against the defendant; that deceased had a special animus against the defendant; that deceased had a violent temper, and any unfriendly acts of the deceased towards defendant.

It is conceded in this case that the defendant and the deceased were both upon the land under the control of the defendant, and that Harry Tabor was in a place where he had a right to be, and being upon his own premises, if you find that deceased assaulted him or was about to assault him with a deadly weapon and apparently seeking his life or to do him great bodily harm, he was not obliged to retreat or consider whether he could safely do so; but he had a right to stand his ground, and meet the attack in such a way and with such force as, under all the circumstances, he at a moment honestly believed and had reasonable grounds to believe was necessary to save his own life to protect himself from great bodily harm.

The defendant had a right to act upon appearances, if these were such under the circumstances and surroundings as to reasonably imbue his mind with the belief or apprehension that it was necessary to act as he did, in order to avert an impending felonious assault, if any, upon him, whether actual or apparent, and if you find that he did act upon appearances under the surrounding circumstances, which reasonably imbued his mind with the belief or apprehension that it was necessary to act as he did in order to avert an impending felonious assault upon him, whether the danger was actual or only apparent, it would be your duty to acquit the defendant.

The killing of a human being is justifiable when committed by any person to prevent death or any great bodily injury being committed upon him. Homicide can be excused or justified on the grounds of necessity alone. The necessity must be apparent, actual, imminent, absolute and unavoidable, or the defendant must, from all the circumstances, have honestly believed it to be so. To excuse homicide, the party must act upon an honest and well founded belief that it is necessary to take life to prevent great bodily harm. It must be danger so urgent that the killing is absolutely or apparently necessary; imminent and apparent danger means such overt actual demonstrations as would make the killing apparently necessary to the preservation from death or great bodily injury. The danger must be unavoidable according to the facts and circumstances as they honestly appeared at the time to the accused; but it is not necessary that the danger should in fact have existed at the time, if the defendant had reason to believe and did believe that it existed. Actual and real danger to the defendant's comprehension as a reasonable man, as it then appeared to him in good faith is sufficient. That

is to say, a person may safely act in good faith on appearances. His guilt must depend upon the circumstances as they appeared to him at the time. But the apprehension must be on good ground, sufficiently to reasonably satisfy the mind from appearances that death or great bodily harm was about to be inflicted upon him. If under all the circumstances the defendant had reasonable grounds for apprehension, the killing would be justifiable, even though the appearances were false, and there was no design on the part of the deceased to take life or do great bodily harm. But whether or not there was such reasonable appearance of danger, and whether or not the defendant honestly and in good faith acted upon it, and under the circumstances had reason to believe that he was in imminent danger of death or great bodily harm, is a question for the jury to determine from all the facts and evidence in the case.

I have instructed you that you have a right and should consider any evidence tending to show that deceased was turbulent and violent, along with the other evidence in the case, in determining whether the defendant acted under a reasonable apprehension of imminent peril; but it is no excuse for homicide that the person killed was a bad man because in the eyes of the law it is as great an offense to kill a quarrelsome and brutal man as it is to kill a mild and inoffensive man. And unless the circumstances show that the defendant acted in self defense, or was in imminent danger, or believed himself to be in danger of death or great bodily harm, the bad character of the deceased will not avail the defendant.

The defendant in this case has offered evidence tending to show his evidence as a peaceable and law-abiding citizen. The defendant has a right to show his previous good character as a circumstance tending to show the impossibility of his guilt. This evidence you will weigh and consider in connection with all the other evidence in the case in determining the guilt or innocence of the accused, and, when so considered, if there exists in your minds a reasonable doubt as to his guilt, it will be your duty to acquit him.

If, however, you believe from the evidence beyond a reasonable doubt that the defendant committed the crime in question as charged in the indictment, then it would be your duty to find the defendant guilty, even though the evidence satisfied your minds that defendant, previous to the commission of the alleged crime, had sustained a good reputation as a peaceable and law-abiding citizen.

The defendant has the right to come upon the witness stand and testify in his own behalf; and when he does so testify, you are to weigh his testimony under the same rules as you do that of other witnesses, and you have the right to take into consideration the interest he has in the termination of the case. When weighing the testimony of any witness you have a right to take into consideration the interest, if any, that such witness has in the termination of the case.

NEW TODAY

FOR SALE—Good 7-room, modern house, barn and workshop; full-sized corner lot, well filled in. Offered at a bargain for \$1300. Call at 128 North Washington. n26

FOR SALE—One acre in the Blair Street Addition to Eugene; must be sold in the next few days. Enquire of Howe & Buoy, 474 Willamette St., Eugene. n21

DeWitt's Kidney and Bladder Pills are unequalled in cases of weak back, back ache, inflammation of the bladder, rheumatic pains, Antiseptic and act promptly. Sold by all druggists.

All Seattle is to participate in prayer week to be held there soon. All traffic is to be suspended for a period of two minutes during the day and a general season of prayer will prevail.

SAMPSON GETS ONE YEAR IN STATE PEN

Man Who Stole Revolver in Matlock House Goes Over the Road

Wilbur Sampson, the man who stole a revolver from a room in the Matlock lodging house a week ago, was arraigned in the circuit court this morning on the charge of larceny from a dwelling. He pleaded guilty and was sentenced by Judge Harris to one year in the penitentiary.

Joseph Jacobs, who has been in the police and justice court several times for violating the liquor law, was up for trial today for violating the local option law. The following jury was selected to try the case: E. S. Prindel, W. J. Canady, E. F. Miller, G. T. Ray, T. A. Gilbert, Geo. H. Bogue, Andrew Bunch, J. W. Seavey, Otho Roberts, J. Atkinson, M. F. Griggs and S. B. Jackson, Jr. Averick of guilty was returned.

Other Indictments. Yesterday afternoon the grand jury returned eight secret indictments and this forenoon five more were returned. As the persons indicted were not in custody, the names were not read in court, at the time, but later it was learned that the indictments were against Ray Littlefield, John Williams and Charles Wilman, charged with selling liquor. Hyson Smith, Jr., was arraigned in court this morning on the charge of violating the local option law and he entered a plea of not guilty. John Williams this afternoon entered a plea of guilty. Charles Wilman entered a plea of not guilty. Ray Littlefield will plead at the opening of court in December.

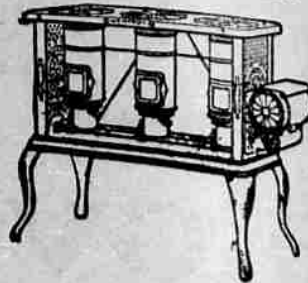
The court adjourned late this afternoon to meet again on Monday, December 1, at 9 o'clock a. m. The grand jury was excused until that time. It has not yet completed its work on the liquor cases under investigation.

COMMERCIAL CLUB MEMBERS TO VISIT DISTRICT FAIR

Several members of the Eugene Commercial club will visit the Cottage Grove First Annual District Fair tomorrow afternoon, leaving at 2:18 p. m. and returning on the flyer at 6:42 p. m.

Among those who intend to go are A. J. Gillette, E. O. Potter, J. H. Hartog, Y. D. Hansill, W. B. Dillard, W. G. Gilstrap, I. H. Bingham, L. L. Whitson and D. E. Yoran. It was first planned to get up an ex-

Don't Heat the Kitchen



NEW PERFECTO Wick Blue Flame Oil Cooker

is such that the heat is thrown directly upward and or pan upon the stove top, without affecting the room to an appreciable degree.

You can at once see the advantage of this stove range which throws heat in all directions.

If your dealer does not have the "Perfecto" write our nearest agency.



The Rayo Lamp and very beautiful powerful light and burns for hours with one safe, convenient—just what every home needs. If not with your dealer, write our nearest agency. STANDARD OIL COMPANY (Incorporated)

Misses' and Children's High Top, Box Calf SHOES

\$2.00, \$2.25 and \$2.50

The exact shoe for protection against the and disagreeable weather

BURDEN & GRAHAM

568 Willamette St.

"The Store That Saves You Money"

Can Supply Your Needs In

Extension Tables, Buffets and Dining Chairs at Special Prices

If you need anything in our line it will pay you to call and see our new arrivals in up-to-date styles and designs. We will be pleased to show you whether you want to buy or only to look

Heating Stoves

Best in quality and construction, most economical and most effective for service. All grades and sizes at the right prices. Investigate before buying

The Lighted Corner



SUCCESSORS TO DAY & HENDERSON

Advertisement for Dr. Bell's Pine-Tar-Honey. Includes image of a man and text: "DR. BELL'S PINE-TAR-HONEY. 'Ring out the many, ring in the few; Ring out the false, ring in the true.' CONTAINS TWO OF THE OLD-TIME HOUSEHOLD REMEDIES FOR COUGHS AND COLDS: Pure Pine-Tar and Pure Honey. With these are scientifically combined several other ingredients of known value in the treatment of COUGHS. We tell on the package what is in the bottle. WHY DO THE PEOPLE USE OVER 5,000,000 BOTTLES ANNUALLY? Here is One of the Many Reasons Given by One of the Many. WORDS OF PRAISE. After the experience of a severe cold which came near developing into pneumonia, I have been cured with one 25-cent bottle of your Dr. Bell's Pine-Tar-Honey. The first teaspoonful very healthy! To say it is a wonderful remedy is putting it very lightly! It gives quick and permanent relief in grip as well as coughs and colds. It makes weak lungs strong. Mrs. M. A. METCALFE, Fairbank, Ky. I am 89 years old and never need any remedy equal to Dr. Bell's Pine-Tar-Honey. It gives quick and permanent relief in grip as well as coughs and colds. It makes weak lungs strong. Mrs. M. A. METCALFE, Fairbank, Ky. Look for the Bell on Bottle and our Guarantee No. 506. MANUFACTURED ONLY BY THE E. B. SUTHERLAND MEDICINE CO., Incorporated, Paducah, Ky.