

THE EUGENE DAILY GUARD

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Charles H. Fisher.

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THURSDAY, AUGUST 12, 1909

THE GOSSIPS

How often, my friends, when the long day is ended, and all of its labors are gone to the whence, when the shadow of night on the earth has descended, we gossip with neighbors across the back fence; we tear into rags Gaffir Gray's reputation, and call him a miser who ought to be shot; we say that old Brown's a disgrace to the nation, and blame the police that he's never been caught. Relating old scandals with elegant diction, our bosoms are filled with the sweetest of bliss; when we run out of facts we are ready with fiction, and any old fable will not come amiss. When we have exhausted our stock of romances, and taken the hides off of friend and of foe, we go to that sleep (as the evening advances) which only the moral and virtuous know. At morn, as we go to our various labors, in office or stable or ice works or store, we often meet up with those terrible neighbors, whose records we shredded the evening before. With sunny smiles on our faces we greet them, and make a great fuss in our glad, cordial way, and people might think we were going to eat them—for Brown is a daisy, and so's Gaffir Gray.

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—WALT MASON.

HOW FACTORIES MAY BE SECURED

Eugene needs more factories, with their payrolls—nearly every growing Western city does. Later on, with increasing population, we will need them more than we do now, for there is at this time little or no lack of employment.

After awhile the factory question will be a vital one because, not only will we need employment for our people, but it will not pay to be sending our money to the East and South for manufactured goods. The West must become independent in this respect, and we believe that it will. We think that denser population and a demand at home for goods will be answered by capitalists who recognize opportunities for profitable investment.

The real question is will Eugene be recognized to such an extent as to receive its share of the industries of the future? The answer undoubtedly depends much upon the attitude of our people in the matter of securing transportation facilities. We must have cheap freight rates—the water power and the raw material we already have. A railroad to the coast would at once supply the one thing lacking and make Eugene an ideal location for manufacturing plants.

It is up to the people whether they desire to lay the sure foundation for an industrial centre by building a short and independent railroad line to the coast, which will open to them the markets of the world.

HAS PEARY BEEN SUCCESSFUL?

With the mercury cavorting upward in true summer fashion, an exchange finds it consoling to think that Peary may have reached the North Pole.

Mr. Peary left last August, August 17, to be correct, and at that time no explorer ever left with more promising prospects for success. His arctic travels began at that date.

The preliminary part of his trip really began July 6, when he sailed from New York on the good ship "Roosevelt," but his real northward dash began August 17.

It may be that for months Peary has been coming south, bearing the glad tidings that he has reached the coveted spot of all scientists.

Armed with experience of former attempts, equipped as never was an explorer before, all former obstacles anticipated, Peary has had a mighty good fighting chance at attain his desired object.

With Captain Peary are C. Marvin, of Cornell, George Borup, of Yale University, and D. D. McMillan, of Worcester, Mass. At Etah, Eskimos and dogs were taken aboard, with some supplies.

With the best of luck Peary cannot be expected to return before next September, but if he does return successful, not the Wright brothers nor all the heroes of former scientific triumphs can rival him.

Harry Thaw is feeling much better—he's been getting first-page space again in his efforts to get back to the "great white way." But Harry is not the only man crazy—for publicity.

A wise man recognizes that some things are impossible, notwithstanding a contrary maxim—a satisfactory tariff law is one of them.

The books we ought to read and the books we do read stand relatively to each other about as the things we ought to do and the things we do.

OBITUARY.

Mrs. Sarah A. Rice was born in Missouri in 1849. In 1865 she was united in marriage to W. H. Miller. To them were born 10 children of which nine survive her; the husband and father died some five years ago. She was her husband and family moved the plains from Missouri to California by wagon train in an early day and from there went to New Mexico in 1877. They came to Eugene, Oregon, in 1894. Mrs. Miller died at Gridley, California, where her home has been recently

with several of her children. Funeral services were held at Gordon's undertaking rooms on Wednesday at 2:30 p. m., conducted by Rev. J. S. McCallum. The remains were interred by the side of her husband in Odd Fellows' cemetery.

Florence Property Selling Fast.

There have been upward of 200 lots sold in Florence; 28 in Aberdeen, Washington, was the sales of one day, July 28th. 19 sold in Eugene same date. At this rate they will soon be all sold.

KINCAID WINS IN OLIVE STREET OPENING CASE

Judge Harris Decides Against City in Case Taken to Court on Writ of Review

Judge Harris, of the circuit court, this afternoon handed down a decision in the Olive street opening case, wherein H. R. Kincaid seeks to prevent the city from opening Olive street through his premises between West Twelfth and West Thirteenth streets. The decision is in favor of Kincaid. An attempt was made to open Olive street south to West Seventeenth several years ago. A commission was appointed by the council to assess damages and benefits to the several land owners along the street. The report of this commission was not satisfactory and another one was named. After its report was made Kincaid objected and took the case to the circuit court. The opinion of Judge Harris is as follows:

"The city attempted to condemn property of plaintiff for street purposes. Viewers assessed \$506 as the amount of damages sustained by the plaintiff over special benefits. Kincaid appealed to the circuit court, where a jury awarded him \$800. The return to the writ of review shows that property owners paid \$296 to city treasury to make up the difference between the amount awarded by the viewers and the amount allowed by said jury. It is claimed that the charter is void and unconstitutional for the reason that the method provided for compensation is not free from risk or loss. The charter in force at the present time provides for the levying of assessments on benefited property and that moneys arising therefrom be kept in a separate fund applicable to the payment of damages allowed to land owners. Section 87 provides that upon the order of the council a warrant shall be drawn on the treasurer, payable out of such special fund, and when such warrant is delivered to the land owner, his property shall be deemed appropriated for the purpose of such street, and not otherwise.

"Upon the order of the council a warrant was drawn on the treasurer of Eugene and thereupon the council declared the property of plaintiff appropriated. The warrant was in the sum of \$800, and directed that the same be paid out of the Olive street extension fund. There is nothing in the record whatever showing that there was any money in the fund except the \$296 paid in by the property owners. The case here is not one where the money is actually ready for the property owner, assuming that not deciding that such fact would validate the proceedings by the council.

"The charter provides one method only for payment, and that method is by warrant on a special fund made up of moneys coming from assessments on benefited property. A warrant would be sufficient if such warrant was supported by the credit of the city. The warrant in this case is no better than the value of the special fund. The holder of the warrant runs the risk of the special fund being insufficient to pay the warrant. The method of payment is limited to payment by warrant on a special fund and to that extent the charter is unconstitutional and consequently the attempted appropriation of the land of the plaintiff is void.

"Baker County vs. Jensen, 40 Or., 207-215. Branser vs. Gee, 25 Or., 462-467. 15 Cye. b and cases cited in rule 71."

The judgment handed down this afternoon is as follows:

"It is now considered, ordered and adjudged that the resolution numbered in the return of the writ of review as No. 3, which said resolution was passed by the common council of the city of Eugene on the 19th day of October, 1908, and approved by the mayor on the same date, and that the resolution numbered in said return as No. 4, which said resolution was passed by the said common council on the 19th day of October, 1908, and was approved by the mayor on the same date, be and each of said resolutions are hereby set aside so far as said resolutions attempt to condemn or appropriate the property of plaintiff above named; and it is further ordered that plaintiff recover of and from defendant the costs and disbursements herein to be taxed."

PERSONAL

C. T. Jones, of Hood River, is in the city for a few days.

H. C. Mahon made a business trip to Junction City today.

Dr. Lulu M. Marquam is in the city from Portland for a few days.

W. W. Martin, of Salem, is in the city for a few days on business.

W. E. Thompson and wife, of Creswell, spent last night in the city.

Oscar Taylor, of Kelso, Wash., arrived here yesterday on business.

Hon. R. A. Booth was a passenger on the noon train today for Salem.

Dr. L. E. McDougall went to Roseburg today on professional business.

W. C. Billings and Jas. H. Gray, of Loraine, were in the city over night.

Miss Kate Hawley, of Cottage Grove, is in Eugene for a few days.

Michael Conrady was a stage passenger this morning for Deerhorn.

Z. F. Sigman and family have returned from an outing at Newport.

Mr. and Mrs. W. T. Kerley went to London Springs today on an outing.

Miss Mertie Auten left on the stage this morning for Foley Springs on an outing.

Mrs. B. D. Paine arrived home this afternoon from an outing at London Springs.

W. L. Van Houten was among the

SENSATION OF THE TOWN IS THE \$25,000.00 MIDSUMMER SALE OF THE

DODGE DEPARTMENT STORE

Tomorrow at nine in the morning the Dodge Dept. Store will inaugurate a real live busy bargain sale—a sale that will cap the climax for REAL BARGAINS in Dry Goods, Shoes and Groceries—Be on hand and anticipate your wants for months to come—Everything good to eat and wear, all reliable standard brands, will be offered at positively unmatched prices—too busy marking down stock to quote prices here today—suffice to say it will be to your financial gain to attend—Seeing is believing—Come and see—Friday and Saturday of this week will be the two big opening days and goods will move fast—don't delay if you want the choice selections and see the full assortments—Cancel all social engagements and attend this sale tomorrow and Saturday at the Dodge Department Store, 8th and Olive, Eugene.

stage passengers this morning for Deerhorn.

J. W. Burford and wife, of Porterville, Cal., were arrivals in Eugene last night.

Mrs. Roma McCully arrived up from Halsey this afternoon to visit relatives.

William and Willis Hines were stage passengers this morning for Blue River.

J. W. Owen came up from Portland again last night and returned on the noon train today.

Mrs. J. W. Shumate and daughter, Miss Kathleen, went to Portland today for a visit.

J. M. Shelley went to Yoncalla this afternoon to look after affairs on the farm.

Malvern Tingley and bride returned this afternoon from a honeymoon trip to points north.

Harry Briggs went to Cottage Grove this afternoon to look after a plumbing contract.

Mrs. Chas. Murphy and little son arrived up from Corvallis this afternoon to visit relatives.

J. E. P. Withers and daughter, Mrs. Cornelius, returned this afternoon from a visit at Irving.

Van Svarverud returned home this afternoon from a trip to Seattle and British Columbia points.

Attorney M. Hempy arrived here today from Kansas City to visit his brother, William Hempy.

Mr. and Mrs. H. V. Behne, of Kentucky, who have been visiting in Eugene, went to Cottage Grove this afternoon.

C. C. Cates and wife, of Brownsville, were in the city over night.

C. Dobson, of Iowa, is visiting a brother and other relatives here. He expects to remove his family to Lane county.

C. M. Dean and wife and Mrs. Salie Pruet, of Wortrace, Tenn., were arrivals in Eugene this morning.

F. E. Rankin and wife, R. P. Rankin and Bernice Cowden, of Midland, Tex., were arrivals in Eugene last night.

Wm. C. Counter, attorney-at-law, at Cottage Grove, was in town today attending to legal business. He is a Stanford College man.

Rolo D. Drain, prescription clerk at Kuykendall's drug store, went to Drain this afternoon on a short visit. From there he will go to Seattle on a vacation.

H. E. Pierce left today for Seattle. From there he will go to Michigan and visit his old home and attend to business.

THIS WILL INTEREST MOTHERS.

Mother Gray's Sweet Powders for Children, a certain relief for feverishness, headache, bad stomach, teething disorders, move and regulate the bowels and destroy worms.

They are so pleasant to the taste and harmless as milk. Children like them. Over 10,000 testimonials of cures. They never fail. Sold by all druggists 25 cents. Ask today. Don't accept any substitute.

The Crescent Will Give Their Away
Saturday, August 14th

at 8:30 p. m.
Special Sale Prices in all departments
Don't Miss It

The Crescent

This bank was established in 1892, and has a record of 17 years of probity, security and success.

Our board of directors consists of men who regard intelligent and faithful conduct of the affairs of the bank as a sacred duty. Your money, when entrusted to the institution, is absolutely safe.

We pay interest on Certificates of Deposit.

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ESTABLISHED 1892.



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Made of selected Eastern Oregon hard wheat produces more loaves of bread than any other and the loaves are whiter and lighter cause of the increased quantity of flour. ASK YOUR GROCER FOR THE PORTLAND FLOURING SNOWDRIFT sold by PIERCE, FENNER & SMITH, BRILLIANT sold by "A. K. BELL"

business for four weeks. His wife is now at Newport enjoying a vacation.

Miss Emma Travis is on a trip to Portland and Seattle.

Dr. F. M. Day is in Portland for a few days on business.

F. T. Plank and family are on an outing on Big Fall creek.

Misses Lila and Edwina Prosser are at Newport for an outing.

Mr. and Mrs. E. R. Gilstrap have returned from an outing at Newport.

Mrs. M. Svarverud and two sons have gone to Foley Springs on an outing.

Miss Bessie Hendershot has gone to Seattle to visit her sister, Mrs. Dick Richardson.

Mr. and Mrs. J. Dale of Eureka, Cal., are here visiting their daughter, Mrs. S. M. Douglas.

Mr. and Mrs. Abe Gilbert have returned from Baker City. Abe is some improved in health.

Albany Democrat.—Rev. S. E. Irvine and mother went to Eugene this afternoon for a half day's visit at Rev. Wilson's.



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