

OTHER SIDE THE TROUBLE IN SILETZ DISPUTE

Scobey Says Original Claimants Lose After Fair Hearing on Law.

DID NOT RESIDE ON CLAIMS

Leaders in Agitation for Relief Said to Have Lived on Farms in Valley When Law Required Homes on Homesteads.

PORTLAND, Jan. 1.—(To the Editor.)—I have read many articles in The Oregonian recently concerning the situation in the Siletz with reference to what have been termed the original homesteaders and the present squatters. I notice that the matter culminated in a meeting held at Dallas on the evening of December 28, 1909, at which meeting it was decided that the Oregon West, one of the railroad commissioners for the State of Oregon, should go to Washington, D. C., to present the homesteaders' side of the case to the Congress of the United States and as a part in an effort which is now being made to secure an act of Congress withdrawing the homesteaders' entries which have been contested by private individuals or by the Government on the ground of non-compliance with the homestead law by these original homesteaders.

In all of the articles that have appeared in the press, statements have been freely made that these homesteaders fully complied with the law and that the effort now being made to secure the cancellation of their entries is in violation of the rights guaranteed to them under their entries and under the law and regulations relating thereto. It seems remarkable, if these homesteaders complied with the law under which they made their entries, that it is necessary for Congress to pass a special act applicable to their case only to confirm their entries, when the law vests in the General Land Office and the Secretary of the Interior ample authority to pass their final proof to patent and cause patent to be issued provided they complied with the requirements of the homestead law.

Land Office Will Observe Law.

I do not think any reasonable person, except those selfishly interested, will for a moment think that the gentlemen charged with the duties of the Commissioner of the General Land Office and the Secretary of the Interior will violate their oaths of office and fail in the discharge of their duties in respect to these homestead entries any more than they will with regard to any other entries made in any part of the United States. In other words, it is impossible that these officers should have any special or particular feeling of prejudice against any one of the original homestead entries in the Siletz district.

The only question that enters into this proposition, or should enter into it, is, did the original homesteaders comply with the law in regard to their homestead entries? If they did, they should be entitled to a patent, and if they did not they are not entitled to their patent and their proofs should be rejected. They are not entitled to any more consideration than homesteaders in any other of the public land states. The local land office, the General Land Office and the Secretary of the Interior are charged with the duty of examining into and passing upon the sufficiency of all these proofs. They have done so in these cases and have found what amounts to a sufficient ground for withholding patents and in many cases have gone to the extent of ordering hearings and giving the entrants an opportunity to come in with witnesses and show wherein and how they have complied with the law. In practically all of these cases the Government has been elaborately argued by men on the ground that the proofs presented by them failed to show that they had complied in any way with the letter or spirit of the homestead law.

Opinion Formed Without Knowledge

I do not pretend to pass judgment upon any man's case, unless I have read or read the testimony, although I observe there are some people who are willing to swear these entries are all complied with the law, irrespective of whether or not in passing such judgment they ever examined one word of the testimony in respect to these entries. I have heard and employed an attorney in some of the contests against these homestead entries and in these cases I think I have a full understanding of the facts involved. I observe in the report of the proceedings of the meeting held at Dallas that L. M. Gilbert, of Salem, delivered himself of an address in which he said: "We must demand our rights under the Constitution and refuse longer to be made the scapegoats of the Oregon land frauds. I believe that every homesteader present feels convinced that he has a better right to his homestead than any other living being on earth. Let us pull together and insist upon our rights."

Says Gilbert Did Not Live on Claim.

Mr. Gilbert made homestead entry in 1901 and submitted final proof in 1904. His entry was not contested by the Government, but it was afterwards opposed by the local land officers for the reason that it did not show a compliance with the law. Pending this suspension, a contest was entered against the entry by a private individual. Now, contents of this character are authorized by the law and are held under rules and regulations promulgated by the Department of the Interior. Under this contest a hearing was held before the register and receiver of the Portland Land Office. Mr. Gilbert was duly notified and appeared in person and by his attorneys, one of the prominent legal firms of the City of Portland, and in support of his entry submitted his own evidence and that of six other witnesses. The testimony in his case covers 25 pages of typewritten matter. His case was elaborately argued in his briefs. Upon the testimony submitted the local land officers found that Mr. Gilbert did not comply with the law and recommended the cancellation of his entry. Right of appeal in these cases is not denied. An appeal lies to the Commissioner of the General Land Office and from him to the Secretary of the Interior. Mr. Gilbert availed himself of his right of appeal, but the Commissioner of the General Land Office upon a review of the case affirmed the decision of the register and receiver and directed a cancellation of his entry. Mr. Gilbert further availed himself of the right of appeal to the Secretary of the Interior, where his case is now pending.

Courts Still Open to Him.

It seems to me that Mr. Gilbert has been accorded all of the rights that any other American citizen desiring in public lands is entitled to under the constitu-

tion and the laws of this country, and if he had complied with the law it is certain that his rights would be protected by the various tribunals to which his case has been submitted. If he has not complied with the law, he certainly should not be entitled to the benefit of a special act of Congress confirming his entry, and this is especially true inasmuch as the contestant against this entry has expended a large sum of money in paying witnesses, costs and attorney fees in producing the evidence upon which the Government officers are acting in this matter. This contestant was invited by the law and the regulations of the Department, if he believed Mr. Gilbert had not complied with the law, to enter this contest and his own expense produce this testimony and as a reward the law says to him, "If upon the evidence submitted this entry is cancelled you shall be entitled to a preference right of entry of the tract of land involved."

Now a losing litigant in a court might with just as much justice ask the Legislature of Oregon or the Congress of the United States to step in and pass a law declaring that his case was right notwithstanding the fact that he was in the wrong and not entitled to judgment.

Actual Residence Required.

The law opening the Siletz Reservation to entry provided that the entrants would be permitted to make final proof after three years of "actual residence" on the land, and that such residence should be established by the evidence required in homestead proofs. Such residence and the improvements incident thereto are necessary to constitute title and patent. The homestead act was passed for the purpose of opening the public domain to those persons who desired to enter upon the public lands for the purpose of securing for themselves actual homes. It was not intended that these lands or any other of the public lands of the United States should be entered by those who were maintaining homes and residences elsewhere for the mere purpose of permitting them to secure an extra piece of the public domain.

Mr. Gilbert, when he made his homestead entry, was required to make an affidavit in which he solemnly swore as follows: "My application is honestly and in good faith made for the purpose of obtaining settlement and cultivation and not for the benefit of any other person, persons or corporation and that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence and cultivation necessary to acquire title to the land applied for. I do not intend to enter the same for the purpose of speculation, but in good faith to obtain a home for myself."

Gilbert's Home Near Salem.

Mr. Gilbert has never had any other home since he came to the State of Oregon than the one now occupied by him on his farm near Salem, and since he never had any other home than upon the land covered by his homestead entry with the exception of two or three occasional visits thereto. The testimony of those who have been called upon for the purpose of making a home thereon for himself and his family and there can be no doubt whatever but that his sole and only purpose was to secure this tract of land under the homestead law without compensation to the Government for the purpose of securing the valuable timber growing upon the tract.

Holverson Not Actual Resident.

The case of Thomas Holverson, who, it has been reported through the press, was desirous of raising an army of invasion for the purpose of dispossessing the so-called squatters who have gone upon these claims which the Government has held for cancellation for the purpose of securing the initial right of entry when the cancellation occurs, is dissimilar to the case of Mr. Gilbert. His own affidavit, given in support of his final proofs, shows that he did not occupy his homestead to exceed 20 days prior to making his final proof. He was a merchant all the time in the City of Salem. His home was at Salem and upon the trial of this case before the local land office, although represented by an attorney and producing several witnesses in his behalf, he himself failed to go upon the stand and testify as to his actual proof. He was a merchant all the time in the City of Salem. His home was at Salem and upon the trial of this case before the local land office, although represented by an attorney and producing several witnesses in his behalf, he himself failed to go upon the stand and testify as to his actual proof. He was a merchant all the time in the City of Salem. His home was at Salem and upon the trial of this case before the local land office, although represented by an attorney and producing several witnesses in his behalf, he himself failed to go upon the stand and testify as to his actual proof.

Oswald West Given Rap.

It appears that the agent employed to carry this request to Congress and to assist in securing the passage of an act to relieve these homesteaders from the result of their negligence and fraud is Oswald West, a Railroad Commissioner of this state, who is being paid by the public to attend to the duties that officer and, so far as we are advised, there is plenty of work for him to do in attending to the business entrusted to him by the people of this state. He is not being paid to interfere in matters that do not concern his office and which are being litigated before those tribunals which have been established by the Constitution and laws of this Government. These matters should be left to those tribunals and at this time no act can be passed by Congress which will not work a great injustice upon those who are litigating these claims under the sanction of the laws and the regulations of the Department, and, with my familiarity with these matters, I do not hesitate to say that any representative of this state who requests or assists in the passage of an act such as is proposed for the purpose of validating the entries of these homesteaders is going far outside of his duty as a Congressman and will himself become a party to the fraud which is being committed by these men. I do not expect to hear that our Senators and Representatives are engaged in any such nefarious work.

J. O. R. SCOBEE.

HAWLEY IS FRIEND

Has Bill Pending to Aid Bona Fide Siletz Settlers.

WOULD LET PATENTS ISSUE

Relief to 70 Settlers Whose Entries Are Adversely Affected by Ruling of Assistant Secretary Pierce Is Included in Measure.

OREGONIAN NEWS BUREAU, Washington, Jan. 1.—Representative Hawley's pending bill, which is a bill of bona fide settlers upon Siletz reservation lands, if passed by Congress, will direct the issuance of patents to about 110 settlers whose final proof has long been held up in the Interior Department. This will include some 70 settlers whose entries were adversely affected by recent ruling of Assistant Secretary Pierce.

Hawley's bill provides that all pending Siletz homestead entries heretofore made, upon which proofs were made prior to December 31, 1909, shall be passed to patent in all cases where it shall appear to the satisfaction of the Secretary of the Interior that entry was made for the exclusive use and benefit of the entrant and that the entrant built a house on the land entered and otherwise improved the same, and actually entered into occupancy thereof on or before the date of said land for the period required by law, and that the land entered has not been sold nor conveyed nor contracted to be sold or conveyed by the entrant, and where no contest or other adverse proceeding was commenced against the entry, and notice thereof served upon the entrant prior to the date of submission of proof thereon, or within two years thereafter.

BENNETT'S EYES POISONED

Judge, Affected by Contact With Vine, Delays Return to Court.

Word was received by Judge Langhugh last night that Judge Bennett, of the Municipal Court, who has been visiting relatives in Southern Oregon in at Roseburg, and will be unable to return to take up his duties tomorrow, as he had planned.

A THIRY-DOLLAR COUPON

To ascertain how carefully this paper is read, a thirty-dollar advertising test certificate is published on page 11, first section of this Oregonian. It is worth \$30; look it up.

The Annoyance of Flatulence

Many People Are Annoyed With Gas In The Stomach and Intestines.

A Trial Package of Stuart's Charcoal Lozenges Sent Free.

Flatulence is due to the presence of gas in the stomach and intestines, which often rolls about, producing borborygmi, or rumbling noises in the intestinal system, and causes the victim of this trouble considerable embarrassment, when such noises occur while in company.

Swallowed air, however, plays a more important part in causing this trouble than is generally supposed, and while food may be swallowed without carrying air into the stomach with it, fluids, especially those of a tenacious character, such as pea-soup, appear to carry down a great deal of air.

Flatulent distension of the intestines occurs when a large amount of gas or air, either swallowed or evolved from the decomposition of food, escapes from the stomach into the intestines through the pylorus. The enormous distension of the intestines and dilation of the stomach with gases, and the rapidity with which such flatulence occurs, has long been a puzzle to medical men, and has led some to think that the only possible explanation thereof, is a rapid evolution of gas from the blood.

ESTABLISHED 1901 THE SMALL STORE

Our First Clearance Sale

1909 THE LARGE STORE

We have been in business nine years and this is the first clearance sale we have ever had. We are overcrowded in certain departments and we intend moving the goods if we have to give them away. Never in the history of our business have we offered such big bargains as we will during this sale. Look these prices over carefully. They will show you that we mean business.



Ladies' 20-year Gold Filled Watch only \$11.00 Regular price \$15.00 to \$18.00.

Our Watch Department 25 to 75 Per Cent Off

Ladies' Elgin or Waltham 20-year gold filled watch, only \$11.00. Regular price \$16.00 to \$18.00. With full jeweled movement, \$13.50. Regular price \$17.00 to \$20.00.

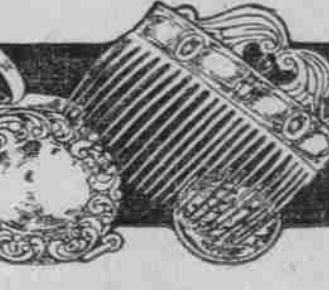
regular price \$15.00 to \$16.00; with 15-jewel movement, \$11.50. \$5.00 for solid silver watch, American movement, regular price \$9.00. \$5.50, 20-year gold filled watch, American works, regular price \$10.00 to \$12.50. Boys' Nickel Watches, \$2.25; regular price \$4.50.

Our Entire Line of Swiss Watches to Be Closed Out at Half Regular Price

EVERY SWISS WATCH IN THE HOUSE MUST BE SOLD, as we intend to stop handling them. About 100 ladies' gold, silver and filled watches at less than cost while they last, so come early. Gentlemen's Swiss Watches at half their regular prices.

Ladies' Combs—Solid Gold and Gold Filled

\$9.00 for solid gold mounted Combs, regular value \$12.00. \$13.50 for solid gold mounted Combs, regular value \$16.50. \$18.00 solid gold, with 3 full cut diamonds, regular value \$25.00. \$3.75 for gold filled Combs, regular value \$6.00. \$3.00 to \$4.00 for gold filled Combs, values up to \$8.00.



OUR JEWELRY DEPARTMENT Here You Can Find the Best Values Ever Offered in Portland

100 gold filled Eobs, \$1.50 each, values up to \$5.00. Snake Bracelets, gold filled, \$9.75; values up to \$13.50. Ebony Toilet Cases \$4.50 to \$7.50; regular prices \$11.00 to \$12.00. Novelty Bracelets, \$4.50; values up to \$10. Gold filled Chain Bracelets, \$3.50 to \$5.00; values up to \$8.50. Opera Glasses, in pearl, \$4.50; regular \$8.50 values. Every Opera Glass marked way down.

OUR SOLID SILVER and SILVER PLATED DEPARTMENT

This will give you a chance to get a supply of plated ware at a small cost. \$27.50—four-piece Tea Set, extra fine, regular price \$35.00. \$10.00—four-piece Tea Set, regular price \$12.50. \$3.75—Cloisonne Vases, regular prices \$5.00 to \$6.00. \$3.75—Whisky Flasks, regular prices, \$5.00 to \$6.00. \$15.00—Cordial Sets, 7 pieces, regular prices, \$20.00. Collar Supporters, 35¢; values up to \$1.00. Belt Buckles and Pins, in silver and gold filled, \$1.50 to \$3.50; values to \$6.50. Belt Buckles in Novelty, \$1.00 each; values up to \$3.50. Silver Mesh Purses, \$7.50 to \$8.50; values up to \$12.50. Plated Toilet Set, 3 pieces, \$7.75; regular prices \$11.00 to \$12.00. Fancy gold filled Dog Collars, \$2.25 to \$5.50; values up to \$10.00.



25 to 75 Per Cent Off on All Our Leather Goods, Ebony Brushes, Sets and Toilet Articles

Military Brushes, \$1.75 to \$5.00; regular values \$2.50 to \$7.50.

OUR CLOCK DEPARTMENT 10 to 50 Per Cent Off.

Imported Novelties in Clocks, direct from Switzerland, France and Germany. Hall, Kitchen, Bedroom and Parlor Clocks.

CUT GLASS DEPARTMENT Our prices in this department will show you that we mean business.

All of the very latest patterns included. Berry Bowls, from \$4.00 up. Nappies, from \$1.00 up.

20 Cents JAEGER BROS.' SPECIAL MAKE SILVER POLISH

Will make your old silverware look like new. Contains no acid. All of our goods marked in plain figures.

THE LARGE JEWELRY STORE JAEGER BROS. 266 MORRISON ST. Bet. 3d and 4th

PETTY THIEVES AT WORK

Clothing Ransacked, and Bicycle Stolen by Would-Be Burglars.

Senate Chief to Speak

Jay Bowerman to Address Republican Club Next Tuesday.

Newsboys Issue Challenge

The newsboys' basketball team decides to challenge any team in the city, the average weight of which will be 125 pounds or less.

Mrs. S. Wade Hampton Dead

Mrs. S. Wade Hampton, a daughter of Fisher at Main 267.