Scobey Says Original Claimants Lose After Fair Hearing on Law.

DID NOT RESIDE ON CLAIMS

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

PORTLAND: Jan. 1 .- (To the Editor.) -I have yend many attleles in The Oregonlan recently concerning the situawhat 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 Mr. Oswald West, one of the rullboad 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 assist in an effort which is now being made to secure an act of Congress confirming 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 those original homestead law by those original homestead law by those original homestead. nomestenders and the present squatters omestead law by those original home-

In all of the articles that have appeared in the press, statements have been freely made that these homesteaders tuily compiled with the law and that the effort new being made to accure 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 compiled 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 compiled with the requirements of the homestead law.

Land Office Will Observe 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 ouths of office and fail in the discharge of their duties in respect to these homestead couries 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 sible that these officers should have any especial or particular feeling of prejudice against any one of the origi-nal homestead entrymen in the Silets

The only question that enters into this proposition, or should enter into it, is, did the entrymen 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 suffiing into and passing upon the suffi-ciency of all these proofs. They have done so in these cases and have found what seems to them to be ample ground for withholding patents and in many cases have gone to the extent of ordering hearings and giving the entrymen an opportunity to come in with witnesses and show wherein and how they have compiled with the law. In practically all of these cases the Government has held against the entrymen on the ground that the proofs presented by them failed to show that they had compiled 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 where I have not heard or read the testiment, although I observe there are some people who are willing to swear these entrymen all complied with the law, irrespective of whether or not in puscing such judgmut they over ex-amined one word of the testimony in reambed one word of the testmony in regard to these entries. I have been employed as attorney in some of the contests against these homestead entries and in these cases I think I have a full inderstanding of the signation.

I observe in the report of the proceedings of the meeting held or belies that

ings of the meeting beld at Dallas that L. M. Gibert, of Salem, delivered himself of an address in which he said;
"We must demand our rights under the Constitution and refuse longer to be imade the scapegoats of the Oregon land frauds. I believe that every homestender present feels convinced that he has a better right to his homestead than any other living person and I propose that we pull together and insist upon our

Says Gilbert Did Not Live on Claim.

Mr. Gibert made homestead entry in Mr. Gibert made homestead entry in 1901 and submitted final proof in 1904. His entry was not contested by the Government, but his proof was not approved by the local land officers for the reason that it did not show a compliance with by the local land officers for the reason that it did not show a compliance with the law. Pending this suspension, a consease was entered against the entry by a private individual. Now, contests of this character are authorized by the law and are acid under rules and regulations promising and by the Department of the Interior. Under this contest a hearing was lield before the register and receiver of the Portland Land Office. Mr. Gilbert was duly notified and appeared in personnent legal firms of the City of Pertland, and in support of als entry submitted his own evidence and that of six after witnesses. The testimony in his case covers 355 pages of typewritten imater. His case was choorately argued in height filed. 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 great land office upon a review of the General Land Office upon a review of the case affirmed in decision of the register and receiver and directed a cancel from fair to relieve these homesteraders in an act to relieve these homesteraders and act to relieve these homesteraders and trail is Sowald West, a Railrond Commissioner of this state, who is being infraud by the public te attend to the unbeiled state of the surface and state of the interest that do not concern his office and so far as we are edvised, there is printy of work from him to do in attending to the business intrusted to him by the people of this state. He is not being paid by the post interest that do not concern his office and which are being litigated before those tribunals which. Intuition 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 exame the proposition of the lew and the regularity with these matters, I do not hesitate to say that any representative of the popularity with these calculating these cl

Courts Still Open to Him.

tion and the laws of this country, and if he had compiled with the law it is certain into this rights would be protected by the various tribunals to which his case has been submitted. If he has not compiled 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. Gibbert had not compiled with the law, to enter this contest and at his own expenso 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."

right of entry of the tract of land in-volved."

Now, a losing litigant he a cours might with just as much justice ask the Leg-islature of Oregon or the Congress of the United States to step in and pass a law declaring that his case was right and he should have judgment against his opponent, notwithstanding the courts to which the cause had been submitted had declared upon the evidence that he was in the wrong and not entitled to judgment.

In Mr. Gilbert's case his own testimony showed that during all the time between the date of his entry and the date of his entry and the date of his final proof he resided on his orchard farm hear Salem with his family and that his family was not on their homestead to exceed two weeks prior to final proof. Mr. Gilbert only paid occasional visits to his homestead.

Actual Residence Required.

The law opening the Siletz Reservawould be permitted to make final proof after three years of "actual residence" on the land, and that such residence on the land, and that such residence should be established by the evidence required in homestead proofs. Such residence and the improvements bendent thereto are a necessary prerequisite to 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 introded that those lands or any other of the public lands of the United States should be entered by those who were maintainse entered by those who were maintain-

Mr. Gilbert, when he made his home stead entry, was required to make an affidavit in which he solemnly swore

"My application is honestly and in good faith made for the purpose of actual actilement and cultivation and not for the benefit of any other purson, persons or corporation and that I will faithfully and honestly endeavor to comply with a the requirements of law as to settle ment, residence and cultivation neces sary to acquire title to the land applied for. That I do not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for myself."

Mr. Gilbert has nover had any other Oregon than the one now occupied by him on his farm near Salem, and since he made final proof he has never been upon the land covered by his homestead entry with the exception of two or three occasional visits thereto. The testimony is convincing that he never took the land for the purpose of making a home there-on 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, It has been reported through the press, was desirious 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 not dissimilar to the case of Mr. Gibert. His ewp affidavit, given in support of his final proofs, shows that he did not occurs, his homestead to he did not occupy his homestead to proof. He was a merchant all the time in the City of Salem. His home was at Salem and upon the trial of his case before the local land officers, although represented by an attorney although represented by an attorney and producing several witnesses in his behalf, he himself failed to go upon the stand and testify in support of his entry, although he was personally present during the entire trial. The testimony in his case showed that what he claimed to be his house upon his homestesd was nothing but a few logs piled up a height of about four feet, without floor or window.

These are the cases of some of the men who are making all this outery

men who are making all this outery about being deprived of their "constitutional rights" and being made the scapegouts of the Oregon land frauds. here are the men who made the Ore gon land fraud cases possible. Not only is the entire machinery of the interior Department open to these alleged homesteaders to secure their constitutional rights, but they have access to the courts of the Government and to the state courts. In some instances, having discovered that the Interior Department will probably deny them their entries, proceedings have been com-menced in court, but up to this date the courts have refused to give them any relief, and as a last resort they now appeal to Congress to do for them that which would not be required in the case of any entryman who in good faith complied with the law prior to making his final 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 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. Oilbert further availed himself of the right of appeal to the Secretary of the Interior, where his case is now pending.

such nefarious work J. O'B. SCOBEY.

other American citizen dealing in public that any chigger has spread far and wide along the mode is entitled to under the constitu-

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, drawn in behalf of bona fide settlers upon Siletz reservation lands, if passed by Congress, will direct the issuance of patents to about 110 soitlers whose final proof has long been held up in the Interior Department. This will include some 70 settlers whose entries were adversely affected by a 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 21, 1995, 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 entryman and that the entryman bullt a house on the land entryman bullt a house on the land entryman bullt a house on the land entryman and actually entered into occupation thereof and cultivated a portion of said land for the period required by law, and that the land entered has not been sold nor conveyed by the entryman, and where no contest or other adverse proceeding was commenced ted to be sold or convered by the en-tryman, and where no contest or other adverse proceeding was commenced against the entry, and notice thereof served upon the entryman, prior to the date of submission of proof thereon, or within two years thereafter."

The Pierce decision is most effective in that it contemplates the cancella-tion of all Silets entries when three years actual and continuous residence is not proven.

Hawley save he will make a fight to secure the passage of this bill whether it is indersed by the department or not. He says it is equitable and intended to relieve only worth; settlers who have shown good faith.

BENNETT'S EYES POISONED

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

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

Judge Bennett is said to have contract polson from a polsonous vine, probably polson oak, and to suffer from the infection of his eyes. Reports indicate that his condition is serious. Owing to the fact that Judge Langguth will have to be sworn in again, the Municipal Court will not open until 10 o'clock temorrow

A THIRY-DOLLAR COUPON

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

The Annovance of Flatulence

ople Are Annoyed With Gas In The Stomach and Intestines.

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

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

An analysis of gas from the stomach shows that it consists to a great ex-tent of nitrogen and carbonic acid. It is therefore probable that some of the gas in the stomach consists simply of air which has been swallowed, al-though for the most part, the source of flatelence is the gas given or from the food in the abnormal processes of de-

In cases of chronic gastric caterrh, the secretion of gastric jules in the stomach is decigent, the food is digested slowly, and formentation occurs with the evolution of gas.

Swallowed nir, however, plays a more important part in causing flatuience, or gas in the stomach and intestines than is generally supposed, and while food may be swallowed without carrying air into the stomach with it, fluids, ex-pectally those of a tenacious charac-ter, such as pea-soup, appear to carry

down a great deal.

Flatulent distension of the intestines occurs when a large amount of gas or air, either swallowed or evolved from 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 evaluation thereof is a rapid

possible explanation thereof, is a rapid evolution of gas from the blood.

In the treatment of gas in the stomach and intestines, charcoal is considered by most physicians as the leading and most effective remedy. Assuma tives, or medicines, such as pepper mint, cardamom, sodium blearb, etc which expel the gas from the stomac large volumes through the mout in large volumes through the mouth, are resorted to by some people, but their use is disagreeable, and the frequent expulsion of gas through the mouth, most annoying, and after taking a remedy of this kind, one is compelled to remain out of company the rest of the day, on account of the continued belefing of all.

STUART'S CHARCOAL LOZENGES STUARTS CHARCOAL LOZENGES do away with the necessity of undergoing the disagreeable experience of belching or expelling stomach gases through the mouth, by completely absorbing every particle of g or swallowed air in the stomach, and also in the intestinal system, which prevents colle, and over-distension with accumulated air.

the intestinal system, which prevents colle, and over-distension with accumulated air.

These wonderful logenges should be used for all cases of fiatulence and decomposition of food in the stomach, as well as for bad breath resulting from catarrh, decayed teeth, or stomach trouble.

Description of conditions of the stomach as the catarrh of the cata

Purchase a box at once from your druggist for 25 cents, and send us your name and address for free sample. Address F. A. Stuart Company. 200 Stuart Bullding, Marshall, Mich.

In course of construction at Seventh and Alder as streets and stole a gold watch from the pocket of J. C. Dirk, of 200 culations.

There are now Life members of the Leading Marshall, Mich.

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.



Gold Filled

Watch only

\$11.00

Regular price

\$15.00 to \$16.00.

Our Watch Department 25 to 75 Per Cent Off

\$13.50. Regular price \$17.00 to \$20.00.

Gentleman's 20-Year Elgin or Waltham, open works, regular price \$10.00 to \$12.50. face, 16 size, \$11.00; regular price \$15.00 to Boys' Nickel Watches, \$2.25; regular price \$16.00. Hunting case, \$12.50; regular price \$4.50. \$16.50 to \$20.00. Open face, 18 size, 20-year filled, with Elgin or Waltham works, \$16.00; on them all. Watch our windows for bargains.

Ladies' Elgin or Waltham 20-year gold filled regular price \$15.00 to \$16.00; with 15-jewel watch, only \$11.00. Regular price \$16.00 movement, \$11.50.

to \$18.00. With full jeweled movement, \$5.00 for solid silver watch, American movement, regular price \$9.00.

\$5.50, 20-year gold filled watch, American

We have too many Watches to quote prices

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

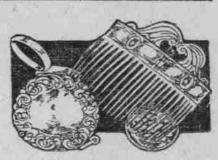
\$9.00 for solid gold mounted Combs. regular value \$12.00.

\$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

\$3.00 to \$4.00 for gold filled Combs, values up to \$8.00.



OUR JEWELRY DEPARTM

Here You Can Find the Best Values Ever Offered in Portland 100 gold filled Fobs, \$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.

Every Opera Glass marked way down.

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 Novelties, \$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.

Opera Glasses, in pearl, \$4.50; regular \$8.50 values. Fancy gold filled Dog Collars, \$2.25 to \$5.50; values up to \$10.00.

OUR SOLID SILVER and SILVER PLATED DEP'TMENT

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, \$3.75—Cloisonne Vases, regular prices regular price \$35.00. \$5.00 to \$6.00. \$5.00 to \$5.00. \$10.00 — four-piece Tea Set, regular \$3.75 — Whisky Flasks, regular prices.

price \$12.50. \$5.00 to \$6,00. \$15.00—Cordial Sets, 7 pieces, regular prices, \$20.00.



Silver Comports, Bon Bon Dishes, Almond Dishes, Mayonnaise Sets, Water Sets, Silver Deposit Ware. All kinds of solid silver and silver plated Novelties at greatly reduced prices.

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 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.

Ladies' and Gentlemen's Watch Chains 25 to 50 PER CENT OFF

\$2.00-Ladies' long gold-filled Watch Chains, reg. vals, to \$3 and \$4. \$4.00-Ladies' long gold-filled Watch Chains, reg. values up to \$7.00, \$1.50—Gents' filled Chains, regular values up to \$3.00. \$3.50 to \$4.00—Filled Chains, regular values to \$7.00.

\$1.25 for a first-class Fountain Pen. A big bargain.

Remember, we handle only first-class goods. Every article warranted, Ladies' and gentlemen's Gold and Gold-Filled Lockets, from 10 to 50 per cent off.

Don't overlook our Optical Department. Our Optician is an Expert.

THE LARGE JEWELRY STORE JAEGER BROS.

PETTY THIEVES AT WORK Clothing Ransacked, and Bicycle

Stolen by Would-Be Burglars.

New Year's day and the traditions which go with it apparently did not have any great influence over the actions of

Suffragists Taking Informal Vote.

BRISTOL, Wash, Jan. 1.—To ascertain the sentiment of voters of Kilc., that County on the suffrage question, which will be an issue at the general election in this state next November, the Washington Wounan's Suffrage Association, through Mrs. Jennie Jewett, of White Salmon, chairman for tuls county, is taking a straw ballot. Printed postal cards and circulars are being sent out by hundreds, and recipients are asked only to give their names and addresses and to scratch out the words "yes" or "no" on the cards and mail them, as the association may have an indication of preferences upon which to base future cal-

Fifteenth street. North, was visited by SENATE CHIEF TO SPEAK of this city, died at Tuthieves who, not being able to get into the house, stole a bicycle which had been on the house, stole a bicycle which had been on the house of the standing in from. can Club Next Tuesday.

> State Senate, will be the principal congregation. She and her husband speaker at the regular monthly meeting of the Republican Club of Portland, to be held in Alisky hell. Tuesday night, January 4. The subject for discussion at this meeting will be: "Should a constitution meeting will be: "Should a constitution meeting will be: "Should a constitution meeting will be the principal congregation. She and her husband have since resided there. She is survived by her husband, a 13-year-old son, the father, W. W. Espey, and a sister, Wr. G. and E. E. Espey, and a sister, Mrs. H. A. Meine. All but the husband and son live in Portland. speaker at the regular monthly meeting of the Republican Club of Portland, to be held in Alisky hall, Thesday night, January 4. The subject for discussion at this meeting will be: "Should a constitutional convention be held in this state in accordance with the not relating thereto, passed by the State Legislature last Winter?"
>
> The club will give its annual dimeer Saturday, January 26, the nephysicary of

Saturday, January 29, the anniversary of McKinley's birthday. The banquet will probably be held at the Commercial

years ago and in 1844 moved to Portland. ber of the Taylor-Street Methodist Church

Newsboys Issue Challenge.

The newsboys' basketball team de-Mrs. S. Wade Hampton Dead.

Mrs. S. Wade Hampton, a caughter of Fisher at Main 2070.

The newsboys basketball team desires to challenge any team in the city, the average weight of which will be 125 pounds or less. The boys have a fast quintet, and hope to arrange a number of games. Any teams desiring dates are requested to call up Manager.