

BOHEMIA NUGGET.

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U. S. COURT DECISION.

Surveyor Collier a Trespasser---No Case Against Jennings Brothers.

The following decision was rendered by Judge Bellinger, in the United States district court, at Portland, on Saturday, Nov. 4th in the case of the United States vs Jas. J. and R. J. Jennings, charged with interfering with one C. M. Collier who was attempting to make a survey of mining premises owned by and in the possession of Chas. Brunsau and the Jennings Bros., the same being rendered upon a stipulation of facts in the case submitted to the court by the attorneys for the defendants and the United States district attorney:

THE COURT'S OPINION.

"Court: In this case the complaining witness went upon the premises in controversy for the purpose of making a plat to be used in an action then pending in the state court. The facts, as stipulated, show that at the time he did this he was acting without an order of the court, and without authority from the surveyor general. I am of the opinion that, not being so authorized, his entry, or attempted entry, was unlawful. I do not decide the question as to whether the authority of the surveyor general would have been sufficient to authorize such entry. It is a question in my mind as to whether the party, under those circumstances, should not have had an order of the court in which the action is pending to authorize such entry as was made in this case."

At the hearing of this case the attorney for the government made a strong argument and cited the court all the authorities at his command, but from the authorities cited by the attorneys for the defendants and the arguments made in their behalf there was nothing for the court to do in the premises but to discharge the defendants, which he promptly did.

The decision places quite a different phase upon this question to that attempted to be made by a certain sheet published at Roseburg, Oregon, called the Review, and whose information, it is apprehended, has been universally obtained from the parties who are conducting the litigation against Brunsau and the Jennings' and their attorneys and henchman, who apparently have a strong pull on that paper and are using its columns to the greatest possible advantage, and with the apparent design of creating a prejudice against the said Brunsau and Jennings Bros. in Douglas county, where the controversy over the mining property in dispute will be litigated.

This decision is confirmation of the opinion that the facts in this case have been wonderfully perverted, and leads to the conclusion that some of the witnesses before the U. S. grand jury must have not told the whole truth, or told more than was true in order to secure the indictment of these defendants, thinking that it would have a depressing effect upon them, and crystallize public opinion in favor of their opponents in the civil litigation that is now pending between said parties.

There is a strong, undercurrent of feeling in this community against the course of conduct that has been pursued by the plaintiffs in the litigation between these parties, on account of the fact that it is the consensus

of opinion that they have resorted to the criminal arm of the law in order to create a public sentiment against these defendants, believing that it would militate against their interests in the civil proceedings that have been instituted against them. But this decision rendered by Judge Bellinger in the U. S. court, comes to them like a "boomerang" and disconcerts them and up-sets all their hopes of accomplishing their purposes by those methods and they are now "wailing and gnashing their teeth" and making all kinds of accusations against the court who rendered the opinion, and all parties who had any connection with the proceedings, realizing in their dire extremity that the defendants have at last been vindicated and that they have failed to crush them by their unjustifiable methods.

WHAT THE OREGONIAN SAYS.

Sunday's Oregonian, November 5, has the following:

R. J. and J. J. Jennings, operating mining property in the Bohemia district, known as the Helena group, were acquitted in the United States district court yesterday of the charge of resisting an attempt to make a survey thereon. C. M. Collier, claiming to be a United States deputy mineral surveyor, was the complaining witness. Judge Bellinger, in passing upon the case, held that it was necessary in order to make a survey of mineral claims thus being litigated, and in the peaceable, and, to all intents, lawful possession of a party, to obtain an order of the court in which the case was pending for trial of title thereto.

It appeared in the hearing that Jennings brothers have been in the peaceable possession of the Helena group for over three years, expending during that time the sum of \$25,000 in running drifts and building a stamp mill. A man named Warner raised the claim of prior location, and brought a suit in the court at Roseburg to try the title, and sent C. M. Collier to make the survey, without procuring any order from the court to have the same done. Jennings objected to his making any survey, claiming the legal title to the property. Collier left off, came before the United States grand jury in Portland and had Jennings brothers indicted for ordering him to desist. The court's acquittal was upon the ground that the surveyor had no order from the tribunal at Roseburg, where the case of trespass was pending, to perform the survey which placed Collier in the light of a trespasser. It also appeared during the case that Warner, during the period of three years the Jennings had possession and were improving the mine, had been cognizant of the fact, but had not made adverse claims until the property began to develop valuable leads.

NOTICE.

The Board of Equalization of Lane Co. will meet on Monday Nov. 27 at assessors office for the purpose of equalizing the assessment of 1899.

All persons having business before said board will govern themselves accordingly.

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Co. Assessor.

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We have these in different colors, plaids for 10c, 12 1/2c per yard. Our 12 1/2c gingham is a very soft finish.

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In dark colors we start it at 5c to 7c and in light colors at 4c and 7c a yard. Our 7c print is the best in the market.

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Small checks for 6 1/2c per yard.

OUTING FLANNELS

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In the white we have it for 30c, 40c, 50c and 75c. Our 30c line is not linen but is good value for the money. The other lines are linen and can not be beat.

Three yards long very pretty design full width for \$1 per pair, and 3 3/4 yds long heavier and better for \$1.50 pr. Scrims for 12 1/2c to 15c per yd.

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Very pretty, floral and gold design, if you wish to make your grandma a nice chair cushion or chair back for a christmas present our art designs are just what you want, come and see it.

CRETONS

For 14c and 16 3/4c per yd, very pretty floral designs.

BLANKETS

For 65c cotton to \$6.45 all wool. We are selling these on a special margin and know that they can not be bought for less money than we offer them for right from the mills, colors white and dark grey

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Positively made from nice clean batting and good print for \$1.50, no old rags are used in these goods.

LADIES UNDERWEAR

Our line is complete starting at 25c cotton to \$1.25 all wool. We have either vests or pants separate or union suits, also for children.

In cotton we have them for 5c to 25c, in wool 25c to 50c. Our 25c hose are exceptionally good values. Try one of them.

CORSETS

We carry the C. B. 500, \$1 line 75c, 50c and also a 30c line.

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Our claim on kid gloves is that we have the best \$1.25 glove in the market. We handled this glove for five years now, and sold hundreds of them and had no complaints they all give satisfaction. Give our line a trial. \$1.25 is the price, they can not be sold for less.

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