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HOMESTEADERS GIVEN VERY HARD BLOW BY COURT

Judge Bean Refuses to Grant an
Injunction Against Siletz
Squatters

Portland, Dec. 27.—Federal Judge Bean decided against the original settlers in one of the Siletz cases yesterday in refusing to grant a preliminary injunction to remove a squatter as a trespasser. This decision of the federal judge diametrically opposes the decision of Circuit Judge Harris, of Lincoln county, whose decision was received through the mails today, for Judge Harris holds in favor of the original settlers and is only waiting to determine which course to pursue, ejectment or injunction against the squatters.

State and federal courts have concurrent jurisdiction in these cases, which accounts for federal and state judges handing down decisions. While the circuit court holds in favor of the original settlers, the federal judge, in his opinion, refuses the request for a preliminary injunction and suggests a case in equity. The two courts differ widely, yet the arguments in each case are said to be practically the same.

The case before Judge Bean was that of Chester V. Hare against August Birkenfield, and before Judge Harris, Thomas Holverson against Samuel C. Brassfield. In each case the original settler is trying to oust a squatter who has jumped a homestead during the temporary absence of the settler.

Chester V. Hare took up his homestead in Lincoln county in July, 1902, and built a home, made roads, trails, cultivated and otherwise carried on the work of a settler as expected under the homestead laws. Last October, more than seven years after Hare had been occupying the land, came August Birkenfield, who proceeded to squat on the place and hold it against Hare, who had selected, improved and cultivated it. Hare tried to have Birkenfield depart, but the latter refused and the case was taken to the federal court by Attorney Lafferty on behalf of the original settler. A request was made for a temporary injunction and to have Birkenfield ousted as a trespasser upon the land. It is this injunction that Judge Bean refused to grant.

Very similar were the conditions in the case submitted to Judge Harris. This judge declared himself in favor of the original settlers as against the squatters, and held that it was the duty of the federal court to oust off the land upon which they squatted. The only point to be determined was whether the court should issue a writ of ejectment or an injunction. On this point the court has asked that briefs be submitted by Attorney Lafferty and others interested in the case. Judge Harris held that when a settler has the final certificate, it gives the holder possession unless the certificate is subsequently canceled by the government.

Inasmuch as the two decisions are completely at variance, subsequent cases by the original settlers against squatters and similar trespassers who are jumping claims in the Siletz will probably be brought before the state court instead of the federal court.

KANSANS DISCUSSING FROST AND FRUIT

Topeka, Kan., Dec. 25.—Discussion of means by which fruit can be saved from destruction by late spring frosts will occupy much of the time of the forty-third annual meeting of the State Horticultural Society, which convened today in the capitol for a session of three days.

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By improved methods I mount true to nature big game heads, fish, birds and mammals. Make fur rugs and garments, clean and remodel them. Express and mail orders promptly attended to.

C. M. HARRIS,
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EXCAVATING AND GRADING CONTRACTORS

Yergle, Simmons, McMullan & Co. are prepared to execute all orders for excavating, grading, hauling sand, gravel, brick, etc. Teaming of all kinds. Let us bid on your work. Phones Red 4291, Black 4562, Black 4101. Residences 944 East Fifteenth street; 585 West Seventh street. If

The old-fashioned way of doing a weak stomach, or stimulating the heart or kidneys, is all wrong. Dr. Sheep first pointed out this error. This is why his prescription—Dr. Sheep's restorative—is directed entirely to the cause of these ailments—the weak inside, or controlling nerves. It isn't so difficult, says Dr. Sheep, to strengthen a weak stomach, heart or kidneys, if one goes at it correctly. Much inside organs has its controlling or inside nerves. When these nerves fail, then these organs must surely falter. These vital truths are leading druggists everywhere to dispense and recommend Dr. Sheep's Restorative. Test it a few days and soon improvement will promptly and surely follow. Sold by all druggists.

MORGAN-STANISH
Planting mill and furniture factory.
East Thirteenth street. Phone Main 197. R. C. Morgan, res. phone, Red Black 5741.

SEWING WANTED

Children's clothing and plain sewing neatly done and at reasonable prices at 575 Perry street.

Real Estate Transfers

Elizabeth Armstrong and Edward H. Armstrong to Earl Parsons; lot 4, block 12, Elms Stewart's add to Eugene. \$100.

Rebecca A. Rice and Hiram E. Rice to Ira A. Rice; lot 7, block 3, Kelly's add to Springfield. \$1500.

J. D. Matlock to Joseph W. Eddy; lot 7, block 2, McQueen's add to Cottage Grove. \$600.

D. C. Hubbard to Thomas Alley; about 175 acres in sec. 32, tp. 21, s. r. 3 w. \$4000.

Western Oregon Trust Company to W. H. Buoy; 120 acres in sec. 16, tp. 16, s. r. 3 w. \$10.

M. C. Jensen et ux to Laust Jensen; 163.25 acres in secs. 10 and 15, tp. 18, s. r. 11 w. \$1500.

Harbor Sound Inv. Co. to Helen Havens; lot 10, block 76, Miller's part of Florence. \$100.

Harbor Sound Inv. Co. to Geo. M. Havens; lot 9, block 76, Miller's part of Florence. \$100.

Harbor Sound Inv. Co. to Andrew J. Havens; lot 11, block 76, Miller's part of Florence. \$100.

J. B. Young et ux to A. C. McClane; lot 4, block 16, Fairmount. \$620.

G. Walter Millean to Nora E. Stovall; 57 acres in sec. 18, tp. 17, s. r. 1 e. \$1000.

George Barnes et ux to Edwin R. Schwering; half acre in sec. 29, tp. 17, s. r. 1 e. \$15.

William S. Jeans, et ux to George C. Widmer; lot 11, block 4, Purkerson & Quimby's add to Eugene.

P. P. Newell et ux to Henry F. Weber; lots 1 and 2, block 39, Chicago add to Florence. \$10.00.

Dougal Campbell to Agnes Campbell; 1/2 lot 8, all of lot 9 and 1/2 of lot 10 of block 21, Fairmount. \$10.

Henry J. Pape to Annie MacMaster; 17 2/3 acres, sec. 29, tp. 23, s. w. \$10.00.

W. A. T. Bushong et ux, trustee, to Bushong & Co.; lot 7, block 13, Fraser & Hyland's add to Eugene also lot 11, block 69, Frasier & Bercy's part of Florence. \$100.

F. L. Chambers et ux to F. E. Chambers; block 1, Driverton add to Eugene. \$2000.00.

Peter Ophus et ux to J. J. Thompson; 274 1/2 x 57 1/2 feet sec. 36, tp. 17, 4 w. \$10.00.

M. W. Pennington et ux to Moses S. Gam; 24.29 acres tp. 17, 4 w. \$1500.00.

G. R. Chrisman et ux to L. D. Forrest; 1/4 sec. 18, tp. 17, 3 e. \$100.00.

W. E. Brown to A. C. Woodcock; 1/4 sec. 18, tp. 17, 3 w. 160 acres; \$100.00.

W. A. Cox et ux to Adam Keller; lot 15, block 24, Chicago add to Florence. \$1.

Locke Brown and Cliff Abrams to Nellie Fountain; lot 6, block 89, in Washburne's sub-division of S. P. I. Co. add to Springfield.

United States to Zelma Gorrell; 40 acres in sec. 24, tp. 23, s. r. 2 w. Patent.

United States to Frank Gorrell; 80 acres in sec. 20, tp. 23, s. r. 2 w. Patent.

John Moffatt et ux to Jennie L. Frederick; lots 1 and 2, block 6, University add to Eugene. \$2200.

O. C. Miller et ux to Laura M. Renne; lot 8, block 1, town of Creswell. \$250.

J. A. Stephens et ux to J. S. Burnett et ux; 1 acre in Secs. 27 and 28, tp. 28 s. r. 3 w.

Harbor Sound Inv. Co. to C. A. Dehann; lots 16 and 17, block 89, Miller's part of Florence. \$200.

John A. Welborn to J. H. Welborn; 120 acres in tp. 17, s. r. 5 w., less 1 1/2 acres. \$4000.

E. L. Howe et ux to Genevieve Howe Lout; 11 acres in James Butter D. L. C. \$1.

L. B. Sandblast to Olaf Aageson; lot 1, block 1, Fairmount Heights. \$400.

V. F. Lyons to Rebecca A. Rice; lot 6, block 3, Kelly's add to Springfield. \$150.

TO HOMESICK PEOPLE

Either city or farm homes or timber lands. Before leaving Lane county on account of not finding what you want or on account of unfair and high prices it will always pay you to see H. CHIZEM. If you want a bargain, he has the goods and the bargain and absolute titles; you buy no lawsuit. You get a good title.

TURKEYS, CHICKS, CHICKENS

Anything from a banty rooster to a turkey gobbler. Get your order in early, today if possible. Have first choice. Gilman Bros.' cash market and grocery, Phone Main 628. Special delivery.

Coughs that are light, or hoarse, get quick and certain help from Dr. Sheep's cough remedy. On this account druggists everywhere are favoring Dr. Sheep's Cough Remedy. The good leaves of a harmless lung-tendering mountainous shrub give to Dr. Sheep's Cough Remedy its curative properties. These leaves have the power to calm the most distressing cough, and to soothe and heal the most sensitive bronchial membrane. Mothers should, for safety's sake, always demand Dr. Sheep's. It can with perfect freedom be given to the youngest babies. Test it once yourself and see. Sold by all druggists.



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First door south Smeed hotel entrance

Remember the 26 piece silver set that is to be given away

Alone in Saw Mill at Midnight
unmindful of dampness, drafts, storms or cold, W. J. Atkins worked as Night Watchman at Banner Springs, Ten. Such exposure gave him a severe cold that settled on his lungs. At last he had to give up work. He tried many remedies but all failed till he used Dr. King's New Discovery. "After using one bottle," he writes, "I went back to work as well as ever." Severe Colds, stubborn lungs, Hemorrhages, Croup and Whooping Cough get quick relief and prompt cure from this glorious medicine. 50c and \$1.00. Trial bottle free, guaranteed by W. A. Kuykendall's.

NOTICE OF ANNUAL MEETING OF STOCKHOLDERS

Bohemia, Or., Dec. 10, 1908.
You are hereby notified that the annual meeting of the stockholders of the Vesuvius Mines Company will be held at the principal office of the corporation in the city of Eugene, Oregon, Saturday, January 1, 1910, at 9 o'clock a. m., for the purpose of electing a board of directors for the ensuing year and the transaction of such other business as may properly come before said meeting.
F. J. HARD, Sec.

The fountain that is making new friends every day can be found at Eaton's book and art store.

Dr. F. W. Prentice's offices are at 86 West Eighth street. Calls attended to day or night. Day phone 1171; night phone Main 529.

1910 AUBURN Automobiles

40 horse power, 116 inch wheel base, 37x4 inch tires, 12 inch clearance, double ignition with magnets and storage battery. This car is the sensation of the shows as it is big and strong, silent and powerful. It will go like the wind and sell with top, glass front and all equipment for \$2000.00

The high clearance enabled this car to make the only trip from Portland to Eugene over the present bad roads

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P. E. Snodgrass, Cashier.

THE FIRST NATIONAL BANK Eugene, Ore

Statement condensed from report to Comptroller, Nov. 16, 1909

RESOURCES		LIABILITIES	
Cash in Vault	\$ 300,739.96	Capital	\$ 100,000.00
Cash due from Banks	510,385.97	Surplus and Profits	129,788.97
Loans	725,048.89	Circulation	100,000.00
U. S. and other Bonds and Warrants	346,181.55	Deposits	1,625,819.43
Bank Building and other Real Estate	43,676.03		
	\$1,956,598.40		\$1,956,598.40