

STILL THEY COME: MORE AND MORE EVERY DAY. THE BIG SALE CONTINUES TO DRAW CROWDS

Thursday-Friday-Saturday-Last Days

DRY GOODS, FURNISHING GOODS, CLOTHING and SHOES all Bargains for this Occasion

SPECIAL--Boys and Youths Clothing--SPECIAL

Our Entire Boys and Youths Clothing Department will be placed on sale at a Special Reduction for the remainder of the Week—This includes our Entire Stock of Reefers, Russian Blouses and Two-piece Suits ranging in price from \$3.00 to \$8.50. All Clean and Up-To-Date Stock.

\$3.00 Boys Suits, Special	-	-	-	\$2.35	\$5.00 Boys Suits, Special	-	-	-	\$3.95
\$3.50 Boys Suits, Special	-	-	-	\$2.80	\$6.00 Boys Suits, Special	-	-	-	\$4.80
\$4.00 Boys Suits, Special	-	-	-	\$3.20	\$7.50 Boys Suits, Special	-	-	-	\$5.95

The Big Store

MERCHANT & KAMMERER

The Busy People

BLAKE REPORT ON FRANCHISE

Announces He Will Present Initiative and Referendum Proposition Soon.

Last night J. M. Blake submitted to the city council a report on his efforts to secure the consent of the property owners for his proposed electric line. The report went into the matter in detail and there was no action on it by the council. Mr. Blake stated in closing that at the next meeting, next Tuesday evening, he will present a statement in reference to submitting the proposed franchise under the initiative and referendum law. He declared that the matter was as important or more important an issue for the city generally as for him as it determined whether a few interests or the city really controlled the streets. His statement to the council was as follows:

To the Honorable Mayor and Common Council of the City of Marshfield, Oregon:

About five weeks has elapsed since, on the 16th day of June, 1909, your honorable body passed the resolution approving and recommending to the property holders the form of ordinance upon which I base my application for an electric railroad franchise over certain streets in your city. It having become necessary to announce that, for reasons clearly obvious as will be shown later, the charter provision of the City of Marshfield relating to street railway franchises, cannot be complied with, it seems plainly my duty to you to report in detail the sum total of my labors in attempting to obtain the signatures of the owners of seventy-five per cent of the property adjacent to and abutting upon the streets on and over which it is intended to operate the railway, and to suggest with what force I may, the difficulties and obstacles that stand in the way of procuring public advantages through the building and operation of this public utility.

The canvass for signatures presents many remarkable aspects; and the first to which I could call your attention is that, in obtaining a total number of signers amounting to seventy owning frontage aggregating 13,166 feet or 2.40 miles, I have received but three refusals to sign and one of these was by a property holder owning but fifty feet frontage. This is of great significance when I am forced to show you by unmistakable proof that two interests either own or control more than twenty-five per cent and in some cases fifty per cent and over of frontage on three out of the five streets over which it is proposed to construct the railway.

A careful study of the table below will bring to light several questions of extreme public interest. The table shows: first, the streets sought to be covered by the franchise; second, total number of feet frontage on both sides of each street; third, total number of feet and the per

cent of the whole for which I have secured the consent of the property holders; fourth, number of feet and the per cent of the whole, owned or controlled by each of the two interests above mentioned.

Streets.	Frontage.	Frontage Signed.	Amount controlled by one Interest.
Front St., North	10,811 feet	3,475 or 31 p.c.	2,551 or 23 p.c.
Broadway, North	4,159 "	1,710.5 or 41.1 p.c.	
Broadway, South	9,531 "	5,418 or 56 p.c.	
Front St., South	6,601 "	1,845 or 27.9 p.c.	3,623 or 55 p.c.
Kruse Ave., East	1,438 "	718 or 50 p.c.	718 or 50 p.c.

The first thing to notice is that Front street, North is dominated by one interest. This interest owns or largely controls 23.6 per cent of the frontage along the north end of that street. It owns or controls personally or as joint tenant enough more property on the same street to run the percent up to more than 25 per cent, the amount required to block my own or anybody's else similar enterprise. The point is not so much that, with his consent I would have approximately 57 per cent easily obtainable; but that the control of the street for street railway purposes is not in the hands of the property holders as the charter contemplates, but of a single individual. They have nothing to say in regard to the matter; while he may preserve the street vacant from such a use or else dictate the persons to whom and the terms upon which it shall be granted for that purpose. I need not point out to you that, should a single individual control, say 20 per cent of the frontage, still a 75 per cent requirement as to signatures of abutting property holders would be impracticable since the refusal to sign up for so large an interest makes it necessary for the applicant to secure almost unanimous endorsement from all the rest; making but a 5 per cent allowance for non-resident owners who may be inaccessible and not taking into consideration the fact that the large property holder doubtless will influence others. This will appear more clearly when we consider the situation presented by Broadway, South.

I next present Front street, South, to your attention and show you that 55 per cent of its 6,601 feet of frontage is owned by a different but single interest, which is unable to sign a petition for a franchise of the nature presented by my application. The same interest controls an even 50 per cent of the frontage on Kruse Ave., East, as well as 15 per cent of the entire frontage on Broadway, South.

You have before you for consideration a proposed new charter which contains, I am informed, the same restrictive provision with respect to street railway franchises, except that the requirement in relation to securing the consent of property holders is reduced from 75 per cent to 50 per cent of the frontage and further providing that the failure to obtain the required percentage on one street will not be sufficient to defeat the application. I, therefore, call your attention to the fact that here is one street dominated by a 55 per cent ownership and the second requiring the acquisition only of a twenty-five foot lot to secure the control of a second street by the same interest under the provisions of the new charter. It is well to be early advised

of all probable contingencies which may arise out of the operation of novel, unusual or obsolete restrictive provisions in the organic law of the city and which may prove to be detrimental to the interest of the general public and seriously impede the growth of the community.

That any sort of a property holder restriction upon the granting of franchise does in fact have this effect is, to my mind, conclusively shown by the further fact which I now state with respect to my experience in attempting to sign up the property controlled by this interest. It has been fairly and frankly stated to me by one in almost absolute authority, that my general plan of handling the transportation problem along the line of the streets fronting and abutting which this particular property is located, is unobjectionable; that, in fact, it should prove beneficial in its use to the interest in question; but, so it is stated, its interest in a street remote from those upon which it owns frontage and upon which it has no property abutting, is paramount to the benefits which they acknowledge might accrue from the development of my transportation ideas; hence, their inability to sign the necessary petitions. It is unnecessary to state at this time what interest is involved or what the lines of divergence are between its future and contingent use of the street in question and my present purpose with respect to it; for it is manifestly more fair to it, that I should permit it to state the issue in its own terms and in its own time, while I am engaged in working out the matter to a final and definite conclusion. It is sufficient for the present merely to point out forcefully how the property holders restriction in the charter actually works contrary to the purpose intended, namely, that the property holders may control the streets upon which their property abuts; for nothing can be clearer than that this purpose is defeated by a charter provision which permits the owner of a controlling interest on one necessary street to hold up and block the enterprise because of his claim of interest in another necessary street upon which he owns no frontage.

Taking up the situation as it is shown to exist on Broadway, North and South, it will be seen that here, where the ownerships are divided into fifty and hundred foot frontages, it is possible for the applicant to make some showing toward approximating a 50 per cent or 75 per cent requirement. My work shows 56 per cent of the property signed on Broadway, South; yet on this street, the interest which finds itself unable to sign on Front street, South, and Kruse Ave., East, owns 15 per cent of the entire frontage. This leaves only 10 per cent or 950 feet for non-residents and otherwise inaccessible or adverse property holders who might in the end be able to block my efforts to secure the required 75 per cent; besides making

the effort to secure what amounts practically to the unanimous consent of the rest of the property holders that are available, analogous to going through a hay stack with a fine toothed comb. While a considerably better showing could be made upon Broadway, North and South, it would serve no useful purpose to proceed further upon this line. Enough has been done to show satisfactorily that the smaller property holders on these streets are not in line for obtaining what they want because of the fact that other streets necessary to the success of my project are blocked beyond all question by the refusal of two interests to sign the necessary petitions. So it is as much in their interest as in my own that I will pursue this matter to a definite conclusion along lines that I will subsequently disclose.

It will be of interest to you to know that, after a lapse of nearly two months since the form of my proposed franchise was first made public no tenable objections have been made to it either in form or substance.

The objecting property holder on North Front street professes to believe there is some feasible modification of section 12 of the proposed ordinance that can be made whereby a law suit can be avoided if I fail to comply with the conditions relating to the commencement and completion of the work as contained therein. It would seem very clear to me that any modification having that effect, that is to say; depriving me of an appeal to the courts in the event a dispute arose between the city and me relating to our respective rights under the franchise, would not be binding; but waiving that aside as immaterial, certainly no member of your body or any competent business man would expect me to accept any provision which would deprive me at the very off-set of having recourse to law in the protection of my own rights.

The solicitude of this property holder in relation to this feature of the franchise is based, as he frankly states, upon his own lack of confidence in my ability to finance the proposition and build and operate the line in accordance with the clear conditions of section 12 as it now stands. The dissenting property holder on Kruse avenue, East and Front street, South, is afraid I will build and operate the line upon the streets contemplated to the exclusion of a future contingent use it may have for one of them. Should the identity of these parties become publicly known, I must leave it to the people to discern which is most likely to be the right guesser.

I must ask you gentlemen and the public to believe that I have known all the time that these issues must be met and be met squarely; and not for one minute to believe that I did not know and appreciate from the first in a broad general way that the absolute control of your streets for this purpose was vested under the present charter provision as I have shown you. I could have shown you from the beginning just what this situation was; but I have adopted this method in order that the significance of the fact might be more forcibly brought home to the minds and hearts of all who are sincerely interested in the immediate

as well as future growth of Coos Bay.

That I am in this contest to stay must be obvious to all thinking people, else with the knowledge which I have confessed to have had of these conditions as they now exist and have existed from the beginning, I would be placed in the anomalous position of a railroad builder who, after having spent a half a million dollars in the actual construction of a railroad project, has finally to confess that there is not tonnage enough along the whole line to make it pay.

This situation that I have shown you is not as serious to the future public welfare as it would first seem; and, aside from the baneful effect which a public advertisement of these conditions will have upon men of independent means who must feel that Coos Bay opposes them with a

mailed fist instead of extending to them an open hand of welcome, little real injury should result to the community if it will take up the simple direct and straightforward way out of its difficulties, that is open to it. This way, it will be my purpose to present to your Honorable Body not later, I hope, than at its next regular meeting.

Respectfully submitted,

J. M. BLAKE.

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