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BASIS FOR THE BARBOUR CLAIM

J. W. Bennett Tells Details of the Merchant-Graham Land Contract.

Editor Times: Your report of the Barbour vs. Merchant suit is lacking in some of the essential details.

C. H. Merchant sold blocks A. D.—26, 27, 41, 76, 89, 74, 88, 24, 40, 62, 64, 78, 87, 39, 43, 61, 65, 72, 79, 86, 9, 15, 22, 38, 44, 50, 55, 60, 32, 45, 7, 17, 20, 58, 68, 69, 3, 4, 5, 18 and 19, in Railroad Addition to Marshfield, Coos County, Oregon; to R. A. Graham for ninety thousand dollars, of which ten thousand dollars was paid and the written contract regarding same is dated October 16, 1890, and was recorded on November 2, 1890.

Graham transferred a one-half interest in this property and the contract to J. H. Barbour on November 8, 1890, which was recorded immediately and Graham gave a quit claim deed of his interest in the blocks referred to C. H. Merchant on March 20, 1894. Under the contract between Merchant and Graham, Graham was authorized to sell the lots at not less than a figure mentioned, the proceeds to go to the payment of the purchase price and the balance over the purchase price was to be paid to Graham, and after Graham sold a half interest to Barbour one-half of the proceeds and land was to go to Barbour.

The Merchant-Graham contract provided as follows: "In case the said sum received for sale of all lots is insufficient to make these payments as they become due, then the said party of the second part shall make up the deficit in coin in fifteen days after default and demand in writing."

No written demand was ever made upon Graham and no demand, either verbal or written was ever made upon Barbour, therefore Barbour contends that before the agreement could be terminated, this written demand was a condition precedent.

The testimony shows that C. H. Merchant and his successors, The Merchant Land Company have sold of these blocks enough with interest to more than pay the \$90,000 and Barbour contends that he is entitled to a conveyance from the Merchant Land Company for a one-half interest and asks for a decree accordingly.

With regard to the matter of abstracts having been passed upon covering this agreement, would say that it is my understanding parties making the abstracts did not report the transfer of the undivided one-half interest in the Merchant-Graham contract to J. H. Barbour and its record before Graham quit claimed to Merchant and the first time this transfer was called attention to was when an abstract was being examined for Mr.

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A. H. Powers, shortly before the bringing of this suit when it appears to have been discovered and after this the transfer of the one-half interest to Barbour was made a part of the abstracts.

I would also add that Mr. Barbour, not wishing to disturb conveyances which had been made by Mr. C. H. Merchant, prior to the bringing of this suit and appearing of record, gave a power of attorney to me so that all parties, whose lots came within the boundaries of the property described could obtain a quit claim deed from him for a nominal sum, to wit ten dollars for inside lots and fifteen dollars for corner lots and John Peterson, A. H. Powers, Antone Gabellch, J. T. Frye, J. D. Hamlin have already procured quit claim deeds to clear up their paper title to their respective properties, and many other applications are pending.

I would also say, however, that the present suit will probably settle this question, not only as regards the unsold lots but also as regards the lots sold by C. H. Merchant and the Merchant Land Company, but in case the decision is in favor of the Merchant Land Company there will be no necessity for paying this extra ten or fifteen dollars, but in case the decision is in favor of Barbour he will undoubtedly not be willing to accept any such nominal sum in settlement thereof as he has offered to people interested, to clear up their paper title.

The testimony is being taken before the former Court Reporter, Mrs. Frances McLeod and the case will be tried before Judge Hamilton at Roseburg on account of Judge Coke being attorney for some of the parties interested heretofore.

J. W. BENNETT.

EVERYONE TO BE RATED.

Marshfield Merchants to Have Credit Guide.

The Merchants' Mercantile company, of Portland, is preparing to publish a credit guide for this district, including Coos county. By this system this county will be put in direct touch with credit conditions all over the United States and whenever anyone moves here from any other part of the United States, the merchants here will be at once posted through this company as to how the party paid his bills where he formerly lived.

These credit guides are made up in districts covering nearly every state in the union. They are made from the combined experience of all the merchants in each of these districts and every merchant rates his own customers according to how they have paid him. Before a customer is rated he is given notice by letter that he will be rated and is given a chance to pay up his old account and thus secure a good rating.

Each merchant and professional man is furnished with a copy of the guide so that he may refer to it and look up the rating of any customer or prospective customer before giving any credit.

GREAT REDUCTION SALE OF MILLINERY STOCK and fixtures, must be sold by June 1st.

Wall cases and show cases at a sacrifice.

AT 110 FRONT ST. MRS. E. E. DONALDSON.

Read the Times' Want Ads.

A cooked food sale will be HELD BY THE LADIES OF THE PRESBYTERIAN church, SATURDAY, May 27 at the Bazaar, commencing 10 A. M.

WARNING TO RAILROAD MEN. S. Bacon, 11 East St., Bath, Me. sends out this warning to railroad men: "A conductor on the railroad my work caused a chronic inflammation of the kidneys, and I was miserable and all pained out. A friend advised Foley Kidney Pills and from the day I commenced taking them, I began to regain in my strength. The inflammation cleared and I am far better than I have been for twenty years.—RED CROSS Drug Store.

Don't forget the Turkish Baths PHONE 214-J.

MANY PUPILS FLUNK. ALBANY, Ore., May 23.—The eighth grade examinations in Linn County have been held and the result is an interesting study. Out of 47 taking the list of studies, only 17 gained a passing grade; 15 failed entirely and 15 were conditioned in their work.

Advertisement for Moore's Poison Oak Remedy, 30 Years the Standard. NEVER FAILS. PILES, CHILBLAINS, FLEAS, BURNS, ETC. A VALUABLE HOUSEHOLD REMEDY. ALL DRUGGISTS HAVE IT OR WILL OBTAIN ON REQUEST. ACCEPT NO SUBSTITUTES. LANSLEY & MICHAELS CO. SAN FRANCISCO.

ENTERTAIN AT MYRTLE POINT

Public School Students Give Fine Program Before Large Audience.

MYRTLE POINT, Ore., May 23.—An unusually fine program was given here Friday by the pupils of the different grades of the Myrtle Point public schools under the direction of Mrs. I. C. Whitchee, second grade teacher, and Mrs. D. Short, first grade teacher. It was largely attended and was highly praised by the audience. The program was as follows: MYRTLE POINT PUBLIC SCHOOL EXERCISES.

- String Quartett. Quartett Club America. Full school Miss Edith Helps Things Along. Marie Green Tommy's First Smoke. Vernon Smith Treadwater Jim. Louis Lewellen Mothers Almanac. Ronald Endicott Song, "Play Ball". Wallace Dement Grandpa's Spectacles. Mable Lundy Duett-Smarty. Bell Chatburn & Carlton Brown The Raggedy Man. Adelbert Park Recitation. Andrew Lundy Boys. Elton Corbin What a Boy Can Do. Claud Brown When Mamma Was a Little Girl. Hilda Nystrom Solo, "Angels' Serenade. Kate Chatburn The Minuet. Gladys Warner Little Orphan Annie. Annie Short Song, "I'm Going to a Party. Katie Brown Our Hired Girl. Beverly Taylor Conceit Waltz. Miss Perkins, Mr. Arrington and Greene. A Boy's Speech. George Chatburn Big Chief Sear. Arthur Wetmore Song, "It Isn't Very Far to Heaven. Evelyn Pike In Manila Bay. Hazel Neal Instrumental duet. Ollas & Flents Perkins Forest & Lola Greene Trio—Memories of Home. Miss Lola Greene and Mr. Arrington.

- Piano and strings. Miss Perkins, Mr. Arrington and Greene. My History Lesson. Vivian Annin Duet, When Teddy Comes Marching Home Again. Ross Davenport and Thos Chatburn Sheridan's Ride. Dora Harrison Ben Hur Charlot Race. Myrl McCloskey Trio Romance. Mr. Flentg and Ollas Perkins Program of May 13. Song—Vacation. Hilda Carter—Discontent. Claude Brown—Conceit Grasshopper. Beryl Woodruff—The Clock. Fern Redfield—Don't You? Alton McCoull—Recitation. Crawford—Getting Even. Beverly Tayton—Our Hired Girl. Blanche Devolt—Don't Trouble. Gladys Warner—Preston Brehan—Doubt. Eddie Redfield—Bottle the Sunshine. Annie Short—Little Orphan Annie Earnest Pantea—A Laugh. Neva Hermann—Village Blacksmith. Earl Hodges—There's a Little Secret. Tracy Corbin—Teacher Has a Pick On Me. Exercise—Just One Word. Willie Vert—Little Boy Blue. Nita Arnold—Do Your Best. Exercise—The Hears. Marjorie McCoughly—The Girl Who is Always Good. Song—Springtime. Thern Lee—Recitation. Archie Panter—Little Cook Sparrow. Dora Smith—Child or Fairy. Raleigh Green—That's the Way for For Billie and Me. Inez Devolt—Little Brown Hands. Extra—Our Dollies. Gladys Warner—The Minuet. Gladys Vert—The Rule of Three. Adelbert Park—Raggedy Man. Clarice Lee—The Bright Side. Extra—Flowers of June. Forest Miller—Funny and Wise. Mabel Lundy—Grandpa's Spectacles. Hilda Nystrom—When Mamma Was a Little Girl. Andrew Lundy—America. Extra—Boys. Russell Train—Recitation. May Panter—Corn - Cob - Dolly. Trio piano, violin and cello—Op.

35, Kohler—Flenge and Ollas Perkins and Mr. Henry. Leta Carver—Who is She? Ronald E.—Mother's Almanac. Mabel Richard—Recitation. Spring quartette—Op. 54, No. 1. Sochting—Messrs. Arrington, Greene Perkins and Henry. Trio piano and strings—"Memories of Home". Gutmann—Miss Lola Green, Messrs. Arrington and Henry. Quartette piano and strings—"An Ditch". Czibulka. Quartette piano and strings, waltz. "Tayo Siempre," arranged by Tocoben. Miss Lois Perkins, Messrs. Arrington, Greene and Henry.

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