

FINAL DECISION IN LAPP CASE

Supreme Court Decides \$591 Must be Paid for Street Improvements on Cedar Ave

The suit of Joseph Lapp against the City of Marshfield, in which he sought to enjoin the collection of certain assessments for the improvement of Cedar avenue between Third and Front streets, was decided in favor of the city by the decision of the Supreme Court, which has just been received at the office of the city attorney.

Lapp declared that part of the property upon which he was assessed did not belong to him and that he owned no property abutting on Cedar avenue. To this allegation the supreme court decided that "the city charter provides assessments may be made upon adjacent property. This includes lands which, while not immediately abutting on the improvement, lie so near as to be benefited by it."

Judge McBride, in handing down his opinion, stated: "While the testimony as to the location of the tract purchased by Lapp from the state is not clear and satisfactory as could be desired, we are of the opinion that the testimony of Witness Cathcart tends to place it where it is indicated upon the map offered in evidence. In any event it does not appear that the plaintiff has been injured by this method of assessment, which at the most would be only irregular and not void in equity."

SEEKS HIS ROOMMATE.

Harvey Mann Thinks Jimmy Moreson Got His Bank Roll

Harvey Mann, who yesterday told Recorder Butler that he had been robbed of about \$150, today was trying to get out a warrant for Jimmy Moreson, a cook, with whom he roomed Monday night at the Blanco in telling his story to Recorder Butler, he said he had been hanging around the Brewery saloon and the inference was that he had been robbed there. However, he stated today that he was not robbed there, but was robbed in his room at the Blanco, his pocket being cut out. He and Wm. Cox found that Moreson had called on the Nann Smith under an assumed name. He wanted Marshal Carter to wire a warrant to San Francisco for Moreson, but Carter insisted that he advance the expenses, but Mann was broke. Whether anything can be done is not certain.

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GIVE PURSE IN JURY VERDICT

Trial of Jay Potter of Marshfield in Portland Has An Unusual Finish

The following from a Portland paper will be of interest here as Jay Potter was arrested in First Addition where he spent the summer and where he was ill for quite a while.

After dragging his weary way through Judge McGinn's court throughout all of yesterday, barren of incident, the trial of Jay Potter for non-support, developed such interesting features at its close that it will long be remembered by those who witnessed it.

Anna Potter, the wife who complained of the shortcomings of her husband, fainted dead away just as the jury retired and it was half an hour before she could be revived by a physician. The jury sympathizing with both husband and wife because of their hard circumstances, returned a verdict of not guilty and made up a purse of \$12.50 for Mrs. Potter.

Judge McGinn commented the jury from the bench, the defendant thanked them collectively and Deputy District Attorney Ryan, who with Deputy Dempsey, prosecuted Mr. Potter, presented the contributions of a number of spectators to him, with his best wishes for his future welfare.

"We thought we would take up a purse for the woman and have done so, desiring to give it to her for her use."

"You have done a kindly act," said Judge McGinn. "Blessed are the merciful, for they shall obtain mercy." The defendant then rose and thanked the jury, saying he would have done more for his family had he been able, and he was now resolved to provide for them in future. Deputy District Attorney Ryan said the outcome of the case seemed to assure a reconciliation between the two, and he felt certain they will get along well together hereafter.

The couple were married in Portland in 1906 and have three children. They lived here until July of last year, when Mr. Potter, a carpenter, went to Marshfield to work. Testimony at the trial showed he had been remiss in caring for his family, who were aided by relatives and neighbors.

NAVAJO COMES HERE

Swayne & Hoyt to Send in Their \$3,000 Ton Freight Carrier

The Navajo, one of the largest vessels of the Swayne & Hoyt fleet, will sail from San Francisco tomorrow night for Coos Bay, according to a message received by Agent Tom James this afternoon. She should arrive here Monday and will go from here to Portland. Owing to the rough weather, the other boats which ply in here regularly are off their schedule and it was arranged to send in the Navajo in their place this trip.

COUNCIL BERTHS LOCAL APPEAL BY HARRY K. THAW

Primaries Five Days Off and No Candidates Have Definitely Declared Themselves

With the city primaries but seven days away when will be elected three city councilmen and a city recorder there have been practically no candidates announced for the berths. The three outgoing councilmen declare they seek no political honors, that the offices mean much hard work and vastly more criticism in the vain effort to please every one and for these reasons are on the fence of indecisions. City Recorder J. W. Butler, who has filled his office for the past six years declares he is up again as a candidate. There have been no public acknowledgements of runners against him though some were buried in bashfulness and modesty. Rumor has it there are several aspirants.

J. Wright Wilson, elected one year ago from District Number 18, is unwilling to declare himself as a candidate and sums the condition into this statement: "Very little honor, plenty of work and criticism." When asked the direct question as to whether or not he would be a candidate Mr. Wilson said he would run if he is wanted for a second term.

Carl Evertsen, appointed by Mayor Allen to fill the unexpired term of Harry Winkler from District Number 19, better known as Central, will be a candidate for renomination and election. While he is an ardent admirer of President Wilson and thinks that political party lines should not be closely drawn in filling municipal offices. Before deciding to be a candidate, he secured Mrs. Evertsen's consent, as she objected to his time being taken up so much in the evenings.

From the South district, or Number 17, Councilman Alva Doll, appointed to succeed Mayor Allen when he became head of the city, also pleads business is disturbed by being one of the city fathers, though he does not say definitely that he will not run if urged to.

At the city primaries to be held a week from tomorrow, there will be issued slips to each voter, varying in color, according to the political party under which he is registered.

The slips will be blank and each voter will write in the names of his candidate. In this way it may be possible for a candidate to receive votes from all the political parties, but these will not be tallied, as in other elections. Instead, all his votes from each political party will be considered separately and thus will it be possible for a Republican to receive the nomination from the Democratic or any other political party if he should get the greatest number of votes under that head.

This is the first time city primaries have been held in the city and it is only because the City Attorney was of the opinion that the state law should be strictly followed that no chance might arise for disgruntled candidates to have the election declared unconstitutional and void and would also protect any future bond issues from being called illegal.

Following the primaries there will be a brief space of time that candidates may still declare themselves for the city election in December. The law reads that this must be done 25 days previous to this election. The clerks and judges have already been selected for the primaries and previous to next Saturday a report will be made of the polling places in each ward.

RUNAWAY BOY SOUGHT BY COOS BAY POLICE

Everett Penland, Aged 16 Years, Leaves Portland Home and Parents Are Distracted.

Everett Penland, aged 16 years, a school boy of Portland, left his home several days ago and is now being sought on Coos Bay. A wire received here by the police from Probation Officer P. McIntosh stated that Penland was supposed to have come down on the George W. Elder, which landed here Thursday. The teenager was received here after the ship had already docked at North Bend, giving the youth plenty of time to hide. He is supposed to be on his way to Bandon.

Officers on the Elder declare that Penland was on the boat this trip and that he was seen in company with a youth about 19 years of age. It is believed they left the boat together at the first landing place. The police immediately went on the search, but found no trace of the boys.

Due to the fact that the message was received from the probation officer, the theory is advanced that Penland may have been in the habit of running away. Word has been sent to his parents and meanwhile the search for the runaway is being continued.

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Address Communication to Attorney John Kendall With Expose of Facts

In an appeal to the lawyers of the United States, Harry K. Thaw is sending many paged pamphlets broadcast, setting forth the injustices he alleges have been done him, together with the statements from lawyers and brain experts declaring he is not insane. John Kendall, assistant city attorney, has received one of the pamphlets with the compliments of Harry Thaw, who is at present seeking to enjoin the State of New York from bringing him back into its jurisdiction on the grounds that he is an "escaped lunatic."

Bitter is his arraignment of Prosecuting Attorney Jerome, the man whom Thaw declares has a personal grudge against him and who has persistently followed him in his flight across the Canadian border in a vain effort to escape a few months ago.

That the newspapers have been unfair in their treatment of him and that they have, in many cases, laid themselves open for libel suits, is another of Thaw's declarations, though he makes no mention of starting any such actions. Also in long listed references are declarations seeking to prove that Thaw was not a drunkard and that, though he used liquor, it was in reasonable amounts and not to excess.

To swing public opinion in his favor by the exposition of facts from his side seems to be the errand of the pamphlets, many thousands of which have been sent all over America.

A resolution, shortly to be introduced in the New York Legislature by attorneys of Harry K. Thaw will seek to show that since he is held a lunatic by New York authorities, an "insane person cannot be held as a fugitive from justice." The pamphlet may be an effort to curry public opinion in an effort to influence the New York legislators in favor of Thaw.

RALLY DAY PROGRAM

Special Features for Services at Presbyterian Church Sunday

The following is the program for the Rally Day exercises at the Marshfield Presbyterian Church next Sunday:

- Song
- Responsive Readings
- Recitation
- Duet
- Recitation
- Duet
- Dialogue, Boris Wilson, Mary Pratt, Ruth Snow, Norma and Lucy Lyons, Viola Scelfo.
- Solo
- Dialogue, Calista Walter, Lorna Wilson.
- Fairies, Maxine Fensler, Lorna Wilson, Dorothy Ferguson, Calista Walter.
- Dialogue, Elizabeth Jones, Marian Wilson, Dorothy Ferguson, Enchanted Garden, Clara Ferguson, Wilma Hoagland, Helen Rees, Maxine Jones, Edna Rees, Irene Frazier, Maxine Fensler, Mable Sneddon, Reubon Lyons, Cecil LaChappelle.
- Solo
- Address
- Closing Song

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