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Doings of City Council at Meeting Held Last Night

PINE STREET WAR

COUNCIL FINALLY DECIDES TO GO AHEAD WITH IMPROVEMENT

C. R. Peck Presents Petition With Majority Plan But Is Overruled—Several Owners Change

Another round in the Pine street war was fought out before the City Council last evening and resulted in the Council, by a three-to-one vote deciding to go ahead with the proposed grading and hard surfacing, calling for bids on the work to be opened on August 23.

Several new complications have arisen in connection with the project and City Attorney Goss said that the real controversy would come August 23, all previous engagements being "sham battles," he said. This announcement came in response to a query from Councilman Kimball as to whether the Council was not finally through with the Pine street controversy. When informed otherwise by Mr. Goss, Mr. Kimball said: "I am in favor of invoking the rules of order and choking the discussion off. When they come up here, simply tell them that we know what we are going to do and are going to do it."

"But you don't," jokingly responded Mr. Goss. "Everybody knows that we don't know what is going to be done because of the mixup there."

Majority Against Grading

The Pine street matter was opened by C. R. Peck presenting a petition to the Council, remonstrating against the present plan of improvement, calling for grading the street sixty feet wide along the lines of the Clement Plat and hard surfacing. He said that the petition was not a remonstrance in the eyes of the law, because it did not have a two-thirds majority of the frontage, but that it had a majority of the frontage. The petition stated that the signers objected to the "attempt to take private property, to the reckless and careless plan of improvement which did not provide for sufficient slopes for the embankments and because there was no justification to the heavy expense entailed and further because the improvement would not be a benefit to the property affected or the city gener-

ally." It was signed by Mr. and Mrs. C. W. Tower, Mrs. Nancy Noble, E. K. Jones, Mrs. E. W. Bennett, Max Timmerman, J. S. Coke, Mrs. Agnes Hutchison and W. P. Murphy.

Says Was Misrepresented

W. P. Murphy in signing the remonstrance attached an explanation to his act, saying that he did not object to the improvement, providing it was made in accordance with the present street lines as shown by the fences. He said that he had signed the petition for the improvement with the understanding that the improvement would be made along this line and that it had been misrepresented to him.

Mrs. J. W. Tibbetts sent a telegram from Waverly, Iowa, where she was called by the illness of her father, asking that her name be taken from the petition asking for the grading and hard surfacing and placed on the remonstrance against it. She gave as a reason for the change that existing conditions do not justify the proposed improvement.

A letter from C. H. Marsh, chairman of the Board of Trustees of the Masonic Lodge, stated that the Masons wished to remain absolutely neutral in the matter and not be considered either for or against the improvement.

Majority Against Improvement

Mr. Peck pointed out that the petition remonstrating against the improvement had a decided majority. He said that excluding the Marshfield Realty & Trading Company's property at the entrance to the street from Market avenue and the Masonic property, which was neutral, the total frontage on the street was 1238.63 feet. The petitioners against grading and hard surfacing the street along the lines of Clement Plat represented 697.29 feet. The petition asking for the grading and hard surfacing according to the lines of Clement plat now represent only 429.68 feet, giving the opposition to the project considerably more than 200 feet majority.

He pointed out that the original petition for planking Pine street along its present lines represented 742 feet of the frontage and said that the petition now remonstrating against the grading and hard surfacing on the lines of Clement Plat or the Hall survey was the same

with the exception of Mrs. Edna Richardson's property. He said that the Council understood about the Richardson property—that the Bennett Trust Company held the deed and title to it as a mortgage and that Eugene O'Connell, who had a mortgage interest in it, favored the grading and hard surfacing, while Mrs. Richardson, the real owner, was opposed to the improvement.

Met Council's Proposition

Mr. Peck said that he wished to call attention to the fact that the opponents of grading and hard surfacing had met the proposal of the Council and trusted that the Council members would uphold their agreement. He said that on the two previous occasions he had been before the Council he had been assured that the Council desired to do what the majority of the property owners wished. He said that at the last meeting of the Council, H. J. Kimball had expressly stated that he had taken the stand that he would vote in favor of the majority's wishes and for that reason had voted in favor of going ahead, considering Milner in favor of grading and hard surfacing. He said Councilman Cook had taken the same stand. Councilman Ferguson had taken a similar stand, but had then voted against the improvement, not considering Milner should be counted for or against.

Under the circumstances, he said that the Council to uphold their agreement should grant the petition of the remonstrators. He said that previously the Council had practically told him when he appeared on his hands and knees urging fairness and had needed only a foot or so of having a majority, that "we are sorry C. R. old boy, but you haven't a majority, and we can't do anything for you." "Now we have a majority," continued Mr. Peck, "and we wish that promise kept. We simply want the same treatment as was accorded the other side when they were in our shoes."

Bennett's Submarine

Mr. Peck said that he understood that the opposition had a submarine boat and he wished to be heard about it. He said that he had filed his petition of remonstrances two or three days before the council meeting so that the other side could know what was being done. He said that he understood they had obtained

a letter from Max Timmerman stating that Timmerman would not oppose the improvement providing it was done along the property lines instead of along the Clement Plat lines but that this was not approval of the one plan the council was now considering.

Bennett Makes Answer

Tom Bennett answered Mr. Peck's argument. First he read Max Timmerman's letter. Then he read a letter from Mrs. A. Hutchison, dated Monday evening and witnessed by Mrs. Minnie Perham, saying that Mrs. Hutchison wished to have her name taken from all petitions regarding the street and be considered absolutely neutral.

Mr. Bennett said with these changes in the petitions, there was not a majority for anything. In the first place, he said that the remonstrance was not filed within the time prescribed by law and the only thing left for the council to do was to go ahead. He said that his adherents represented 541 feet of frontage and that they wanted the street improvement to go ahead. He said that by deducting W. P. Murphy and Max Timmerman, who wanted the improvement made in accordance with the street lines, and counting Mrs. Hutchison neutral, the objectors only represented 419 feet.

Mr. Bennett said that their original plan was to have the street improved forty feet wide but that the council thought it would be a good time to determine the street lines and had decided on a sixty-foot improvement.

J. W. Bennett Technical

J. W. Bennett, who was present with A. R. O'Brien, Bennett Swanton, and Tom Bennett to urge the grading and planking of Pine street, said that Mr. Peck should not be allowed the closing argument. He said that parliamentary rules forbade it, that the man making the opening argument should not have the benefit of the closing.

C. R. Peck said that he should have the closing argument. He said that congressional rules provided it and that right at home in circuit court the attorney having the opening argument had the closing.

Mr. Bennett insisted otherwise and said he had looked it up thoroughly. Mayor Allen said that he did not know the technical rules about

it but that common sense told him the party having the opening argument should have the closing argument.

Tom Bennett said that anyway it was the custom the council to allow all sides to be heard as often and as long as they wished to talk and he favored this plan.

Bennett on Legal Side

Mr. Bennett said that he wished to simply say a word or two and he proceeded with an eloquent outburst of oratory. In the first place, he said, the remonstrances did not have the required two-thirds majority and it was not filed within the time prescribed by law. He said that the law said that the council should go ahead. He declared that he had never opposed street improvements, had assisted in the filling of Mill Slough and he could not understand why others could try to hold back Pine street and the north end of town.

Charges Insincerity

A. R. O'Brien in a short talk charged the opponents of the present plan of grading and paving Pine street with insincerity. He told of Judge Coke's statements in connection with the matter and urged that the council go ahead.

Matter to Fairness

C. R. Peck arose again and said that the people he represented were not fighting along technical lines but were simply appealing to the fairness of the councilmen. He again called attention to the individual statements of the councilmen that they wished to be governed by the wishes of the majority and pointed out that even deducting the Hutchison property, the opponents of grading and hard surfacing along the Clement Plat line, as the council had decreed, had a majority of the frontage. He said that the figures showed 691.63 feet against the grading and hard surfacing along the Clement Plat lines whereas only 571 feet was a majority.

Furthermore he said that his clients were simply making a fight for their rights. He said that the proposed improvement called for a street to be built through or under their homes and that the councilmen would personally oppose such a project if it affected their own homes. He said that Mr. Bennett's statement that the council was legally

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bound to go ahead was incorrect. Mr. Bennett objected saying that he meant "morally bound." Mr. Peck said this was different and he called upon City Attorney Goss to rule whether or not the council was required to go ahead. Mr. Goss said that the charter did not require them to go ahead now.

Mr. Peck said that it was the only wise thing for the council to do to find out the rights of the city to the property without first trying to destroy the homes of the occupants.

He said that Tom Bennett in his statement that there was not a majority for anything had simply attempted to "scramble the eggs" and mix things up. Mr. Peck said that there was only one project before the council—that of grading and hard surfacing Pine street along the lines of Clement Plat and that a majority of more than thirty feet, or about 601 in all, was opposed to it.

Insist Go Ahead

Tom Bennett insisted that the only thing for the council to do was to go ahead with the grading and planking. He said that they would furnish free legal services to help the city council fight the question and see whether the obstructionists had a right to occupy property they had fenced in.

J. W. Bennett said that there was nothing to Mr. Peck's plea for the homes. He said it was not a case of sympathy. He said that there were no mansions built of gold bricks there and that the old shacks which they had been occupying for forty years or so could be moved over towards Broadway. He said the property owners who had attempted to take advantage of the Clement Plat by moving their fences out on Broadway should back up off Pine street. Anyway he said that there weren't any along the street who would spend money in a legal fight.

Finally Carl Evrsten made a motion instructing the recorder to call for bids for grading and hard surfacing the street along the lines of the Clement Plat.

Would Protect City

Councilman Ferguson here entered objection, saying that he thought that the council should protect the city. He said that he could foresee a maze of trouble resulting from carrying the present plan. He suggested that instead of improving the street sixty feet wide that it be graded forty feet wide on the top and hard surfaced about twenty feet wide at the bottom. This would give a good slope and eliminate danger of property slides and damage to buildings. He said that at the same time it would give the property owners on the street who wished to improve a chance to do so and they could put in the sidewalks as they improved. He said this would avoid claims for damage and many lawsuits.

Councilman Cook said that this plan would not determine the street lines governing in North Marshfield and he thought that this should be determined now.

Finally it was put to a vote and Councilmen Kimball, Cook and Evrsten voted to go ahead and Councilman Ferguson voted no, saying he wanted to protect the city.

NOTICE TO CONTRACTORS

Bids will be received by Andrew Stora, August 21st, 1915, for the clearing of school grounds in district No. 26, at the Forks of Coos River. Right reserved to reject any or all bids.

JOHN BIASCA, Clerk.

WANT MORE POW...

DR. STRAW APPEALS TO COUNCIL FOR NEW HEALTH LAWS

Says He Wants Authority to Issue Orders—Would Give Bond to Protect Public Against Loss.

Dr. E. E. Straw, City Health Officer, appeared before the City Council last evening and asked the new health ordinance be enacted to give him more power. He said under the present health ordinance he lacks the power to enforce orders and he does not like the idea of "bluffing" orders through. He said further that the Health Officer should be required to give a bond to protect the public against any loss through an error on the part of the Health Officer. The Council has been considering new health regulations for some time. City Attorney Goss said he had started to draft a ordinance and that Dr. Straw had him so much literature concerning the matter that he could not do it in a year.

Council Kimball said that he had practically agreed on the health ordinance as the best, this will be altered to conform conditions here and probably sent for enactment at the meeting of the Council.

Pave Front Street

An ordinance ordering Front Street hard surfaced was adopted. The ordinance covers Front Street for a distance of 132 feet of Central, all of the street that has been formally dedicated. The ordinance also covers the portion of the street and Ash Avenue from Front to Broadway to be dedicated at the September term of court and it will be hard-surfaced by private contract.

Adjourns Two Weeks

The City Council adjourned evening until a week from next day night. There was no public business to come up next evening. The next session promises to be a busy one as bids on Pine street, probably the motor car franchise and some other matters are up.

Routine Business

Johnson & Larson's job of paving and grading on Anderson Avenue from Third to Fourth Street was accepted and they were paid.

City Recorder John Butler given a leave of absence so that he could spend his vacation at the Francisco exposition. He expects to leave in a day or so and be back in a couple of weeks.

Straighten Anderson

C. R. Peck asked that the Engineer and attorney be instructed to prepare such maps and measurements as are necessary to take an abrupt jog out of Anderson Avenue at Seventh street. The property owners on Anderson Avenue made arrangements to make a gradual one without expense to the city except for the necessary blue prints and locations.

It was stated that it was necessary to have Anderson Avenue paved from Fourth street next session and that it is necessary to get the matter arranged now.

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