

Cogswell City Herald.
 PUBLISHED EVERY TUESDAY
 D. F. Dean, Editor and Proprietor.
 County Official Paper.

Devoted to the material and social up building of the Cogswell Valley particularly and of Coos County generally.
 Subscription, per year, in advance, \$1.50

THIS PAPER is kept on file at E. C. DAKES Advertising Agency, 64 and 66 Merchants' Exchange, San Francisco, California. Where contracts for advertising can be made for it.

NOT ENTITLED TO THE LAND.
 Government Recovers 1100 Acres From Coos Bay Wagon Road Company.

After having been in the Federal Court for a number of years, the case of the United States against the Coos Bay Wagon Road Company was decided this morning by Judge Bellinger in favor of the government and the company will be required to pay at the rate of \$1 an acre for some 1100 acres of land, which were located outside their indemnity limits and afterward sold to innocent purchasers.

Some time in the 60s the United States gave the state a grant of land for the purpose of constructing a military road from Roseburg to Coos bay. This grant was turned over by the state to the Coos Bay Wagon Road Company, which built the road and was entitled to a certain amount of land. They made their locations, but by some mistake located 1100 acres outside the limits prescribed by law, and the government has since been engaged in a legal action to recover the price of the land, inasmuch as it would be difficult to recover the land and work great injury to the present owners.

The full context of Judge Bellinger's decision is as follows:
 "This is a suit by the United States to cancel patents heretofore issued for lands alleged to have been erroneously patented under a grant for a wagon road from Coos bay to Roseburg, in this state, and to recover their value where such lands have been sold by the defendant company.

"It is claimed that the lands in question are outside the indemnity limits of the grant, and are therefore not subject to it. A further object of the suit is to cancel a patent issued under the grant to lands occupied by a homesteader, one Samuel C. Braden, whose settlement was begun in 1869, and who has continuously since then resided on and cultivated the tract so occupied, and has in all respects complied with the homestead law of the United States.

"That the lands alleged to be outside the limits of the grant are in fact so is shown by the maps and plats of the government surveys in evidence. It is claimed on behalf of the defendant that this question is one of fact, and that the action of the land department in patenting the lands has the conclusive effect of a judgment in respect thereto.

"This question was heretofore presented in this case upon demurrer to the bill of complaint, and the conclusion reached that the land department cannot enlarge the limits of a grant of lands by issuing patents thereunder for lands lying outside the boundary fixed by the act itself. (89 Fed. 151.) That decision is final so far as this court is concerned.

"Upon the trial the defendant offered in evidence the record of a decree dismissing the bill of complaint, heretofore entered in this court, in a suit between the same parties and relating to the same land. The hearing was upon a demurrer to a general replication, upon the assumption that the facts were undisputed and, after a statement by counsel, in which both sides were argued that the case was within the rule applied in the case of the United States vs. The Dalles Military Road Company and California & Oregon Land Company (148 U. S. 31), as to the conclusive effect of a determination by an officer where full jurisdiction over a subject has been vested in him by a statute of the United States.

"It goes without saying that there is no such thing as a demurrer to a general replication. Such a replication is a mere formal matter, and has the effect to put the case at issue, and there can be thereafter no judgment without a trial of the question of fact so presented. The general replication was in proper form, the form adopted in Story's Equity Pleadings; and if it had been otherwise, and liable to objection, nevertheless there could be no decree dismissing the bill on that account. I am of the opinion that the decree attempted to be pleaded is a nullity; but if it is not a nullity it is clearly not a decree upon the merits, and is for that reason not a bar to this suit.

"All the questions in the case except that relating to the former adjudication are fully considered in the opinion heretofore rendered on the demurrer to the bill of complaint. (89 Fed. 151.)

"There must be a decree as prayed for canceling the patents mentioned in the complaint, except as to such lands as have been sold by the defendant, for which the United States is entitled to recover at the rate of one dollar per acre."

The Teachers' Institute.

Report of the teachers' institute held at Bandon from August 5th to 9th, 1901.
 Opened Monday at 1 p. m. with a good attendance. Superintendent W. H. Bunch's smiling face greeted each one as they entered. Prof. Groat of Portland was our instructor, and an interesting session was held. We were disappointed, however, when we learned that State Superintendent Ackeyman was not to be present.

The evening boat brought a number more of our brilliant teachers, Prof. Orcutt, of the Drain normal school being among them.

Thursday morning the register carried ninety-one names. After an hour and a half of work, we were dismissed to enjoy the pleasure of the beach until 1:30 p. m. The afternoon session did not lack in interest with Professors Groat and Orcutt as instructors, leading us to think and delve deeply into our work. At 8:30 p. m. the hall was packed with an appreciative audience, the following program was well rendered:

Recitation, Sarah Rose.
 "Mary Busset."
 Instrumental duet, Misses Mehl and Yager.
 Recitation, Mr. Brown.
 "Mrs. Wootton."
 Address on education by Prof. Groat which interests parents and teacher.
 Rev. Sanderlin, of the G. A. R., gave us a talk.
 Solo, Ester Yager.
 Wednesday the register closed with ninety-six names; the attendance and interest were excellent.

A vote was taken upon the question as to where the institute should be held next year. Myrtle Point carried off the honors.

In the evening we had the pleasure of listening to the following:
 Recitation, Maggie Anderson.
 "Helena Wessela."
 Vocal solo, Anna Logan.
 Recitation, L. G. Masters.
 "Grace McCormac."
 Violin solo, H. G. Harrington.
 Address, Prof. Orcutt.
 Piano solo, Grace Garfield.

Each member did credit to himself, which shows that the teachers of Coos county do not lack ability.

Thursday morning one hundred and two was our number, and Superintendent Bunch had to be constantly providing more seats.

The day passed very quickly, all enjoyed the instructions and felt that they had been benefited.

In the evening the teachers were entertained by the people of Bandon, the program being as follows, which was carried out perfectly, and, indeed, appreciated:
 Selection, Bandon Orchestra.
 Opening Address, Mamie Robner.
 Recitation, Jennie Denholm.
 Vocal Solo, Anna Logan.
 An illustrated story, Clifford Perkins and Roy Corson.
 Select reading, Irene Hunt.
 Dialogue, Tom's Practical Joke, Mrs. Loreuz, Katie and Roy McNair.
 Piano duet, Edith Smith and Maude Lowe.
 Recitation, Theresa Mancett.
 Vocal Solo, Dale Strang.
 Bartone solo, Mr. Topping.
 Charade in pantomime, Katie McNair, Irene Hunt, Roy McNair, Mrs. Loreuz.
 Song, Dancing O'er the Waves, double quartet.
 Selection, orchestra.

Bandon deserves credit for her hospitality and accommodations.

The tug took a trip over the bar for our pleasure, also the life-saving crew landed up safely on the other side of the river, and the light-house was visited and enjoyed by all.

As we boarded the boat Friday morning, we left Bandon, with pleasant thoughts, and felt that another year was before us, before we could meet again in a body, and enjoy each other, as we have this time.

RESOLUTION.
 Whereas, during the entire session of our annual county normal institute held in the picturesque little city of "Bandon by the Sea" justly famed for its hospitable homes and,
 Whereas, we, as visiting teachers found the gates of the city wide for our entry, and having been accorded every possible courtesy by its citizens, and,
 Whereas, the captain of the tug and the captain and crew of the Life Saving Station have afforded us excursions to various points of interest "without money and without price," the brave laddies of the life saving crew particularly commending themselves to our body through their gallant conduct in conveying, without hurt or harm, sundry and divers ladies and gentlemen of our number through the briny waves to the sands of the shore, and this in the face of the violent expostulations of numbers of our fair sisters who avowed their determination rather to die than be conveyed ashore in this manner, and
 Whereas, the management of hotels, steamers and railroad have generously accorded us a substantial reduction in rates of board and travel, and
 Whereas, Through the marked executive ability of County Superintendent Bunch, and the instruction of his broad-minded faculty, President Orcutt and Principal



On Jellies
 preserves and pickles, spread a thin coating of refined PARAFFINE WAX
 Will keep them absolutely moisture and acid proof. Paraffine wax is also useful in a dozen other ways about the house. Full directions in each pound package. Sold everywhere.
 STANDARD OIL CO.

Groat, we are closing the largest, best attended and one of the most successful sessions of our county institute.

Therefore, Be it resolved that we, the members of the Coos County Institute of 1901 do, through these resolutions, express our deep sense of gratitude for the generous hospitality of the citizens of Bandon, the extreme courtesy of Captain Butler, of the tug Triumph, and Captain Johnson and crew, of the Life Saving Station, and our appreciation of the liberal rates of hotels and transportation companies. And last do we desire to bear testimony to the depth of sympathy, to the geniality and to the breadth and success of plan of our county superintendent and able faculty. Signed,
 D. W. REEDY, } Committee.
 J. W. MAST, }
 MISS GETTY, }

(Marshfield San.)
 Mrs. Aiken went to San Francisco on the Alliance
 S. D. Magnus and wife left Monday for San Francisco via Drain.
 Peter Loggia and J. A. Lennon were among the arrivals from the north on the Alliance.

A new dynamo for the electric light plant at North Bend was received on the last steamer from Portland.

A fire which had been burning in the Libby coal mine since the 4th of July was successfully extinguished last week.

The many friend of J. W. Kruse, who has been confined to his room for some time past, will regret to hear that he is no better.

Miss Ivy Barker, of Portland, has been chosen queen of the Astoria regatta. Miss Barker is a sister of Fred Barker, a former resident of this county. She is a handsome and talented young lady.

John Bridges and Miss Maggie Nelson, two of Marshfield's popular young people were married in this city on the 3d inst. The Sun joins with their many friends in extending congratulations and best wishes.

W. A. Bouden, the South slough sculptor, was in town last week and brought with him one of his pieces of work—an eagle, which is carved in wood and measures 7 feet 3 inches from tip to tip of wings. It will be placed on exhibition at the District Fair.

There is every indication that the fair to be held in Marshfield will be a howling success. Exhibits are coming in and space is going rapidly in the pavillion. A number of new horses are on their way here and with the large contingent of galleys and harness horses at the track the speed program should excel all others ever given in the county.

Kodol
Dyspepsia Cure
 Digests what you eat.
 It artificially digests the food and aids Nature in strengthening and reconstructing the exhausted digestive organs. It is the latest discovered digestant and tonic. No other preparation can approach it in efficiency. It instantly relieves and permanently cures Dyspepsia, Indigestion, Heartburn, Flatulence, Sour Stomach, Nausea, Sick Headache, Gastralgia, Cramps and all other results of imperfect digestion. Price 50c, and \$1. Large size contains 24 times as much. Break all about dyspepsia malady. Prepared by E. C. DeWITT & CO., Chicago.

SUMMONS.
 In the Circuit Court of the State of Oregon, in and for the County of Coos, Nettie Whipple Plaintiff vs. S. D. Whipple Defendant. Suit in equity for Divorce.
 To S. D. Whipple, the above-named defendant:
 In the name of the State of Oregon you are hereby notified that you are required to appear and answer the complaint filed against you in the above entitled suit in which Nettie Whipple is plaintiff and you, the said S. D. Whipple, are defendant, within six weeks from the 6th day of August, 1901, the date of the first publication of this summons, and if you fail to appear and answer on or before the 17th day of September, 1901, the same being the last day prescribed in the order for publication, a judgment will be taken against you for want thereof and the plaintiff will apply to the court for the relief demanded in her complaint, a succinct statement of which is as follows: That the marriage contract now existing between plaintiff and defendant be dissolved and for her costs and disbursements in this suit.
 Service of this summons is made by publication in pursuance of an order made by L. Harlocker, County Judge for Coos County, Oregon, dated the 31st day of August, 1901, and directing publication of the same in the Cogswell City Herald, a newspaper published at Cogswell City, Coos county, Oregon, once a week for a period of six weeks.
 A. J. SHERWOOD,
 Attorney for Plaintiff.

Kanematz's

FOR GOOD GOODS and LOW PRICES

SPECIAL in SHOES

Men's Durham Calf Lace shoes, unexcelled in fit and durability \$2

Gents' Chocolate Vici Kid, Vesting T. p. London Tip. \$2.50

Little Ladies' Red and black strap sandals. 1.15

Boys Vici Kid Lace shoes. 1.90

Gents' Vici Dancing Pumps 1.75

Ladies fine Vici, vesting top shoes, scroll work ornament. \$2.50



Ladies' strictly up-to-date shoes. Regular \$3 quality to go at \$2.

Groceries.

Canned fruit, 15c.

Notions.

Nursing Bottles, Complete, 15c

Special in Turkish Towel 2 for 25c

Hooks and eyes, 3 cards of 6 dozens for 5c

Sleeve Holders 2 pairs for 5c

Thimbles 2 for 5c

Coin Purses, 3 for 10c

Pocket Combs, 5c

Envelopes, 2 bunches for 5c

Muffin Pans 5c

Special Values in Childrens and Misses Hose

10, 12½, 15, and 20 cts.

Every pair a Bargain



MRS. GREEN AND MRS. WISE
 "Oh dear," sighed little Mrs. Green, "I really don't know what to do about biscuits, though I make 'em With my own hands and bake 'em. The family seems to hate 'em. And all my cakes and cookies too!"
 "You come," laughed fat old Mrs. Wise, "I'll tell you what to do to get All of your folks to treat 'em Quite differently, and eat 'em. And you no cook can beat 'em—Just try a can of Calumet!"

CALUMET BAKING POWDER COMPANY, CHICAGO
 Full 1 pound tin for 25 cents.

Our Premium, Piano!

Free!

Free!

FREE! FREE! DINNER SETS

The Celebrated Semi-Vitreous Porcelain Hand Painted Decorations, with Gold Trimmings Given Away Free to Our Customers.

You can get a dinner set free! Given away with our cash sales, piece by piece, and continued until you get a complete set. Set consists of cups and saucers, pie plates, breakfast plates, dinner plates, sauce dishes, platters, vegetable dishes, sugar bowls, etc. Anything that goes to make up a fine set. We use these dishes simply as an advertisement for our business. THE WAY TO OBTAIN THEM IS EASY. Trade with us and get your friends to trade with us, and will do the rest, by supplying you and them with these dishes Free of Charge.

Dried Peaches 2 lbs for 5c

PRUSSIAN Poultry FOOD

An effective but harmless remedy for poultry. It makes the hens lay. Per package.....25c.

J S Kanematz

- LEVERAGE OF A NICKEL—
- Men's Sleeve Holders, 2 prs. for 5c
 - Ni-kei Safety Pins, per paper... 5c
 - Horse Blanket Pins..... 5c
 - Coat Fasteners, 2 packs for..... 5c
 - Hooks and Eyes, 3 papers for 5c
 - Hat Pins, per dozen..... 5c
 - Thimbles, 2 for..... 5c
 - Men's Coat Collar Springs..... 5c
 - Mustard Spoons, 4 for..... 5c
 - Embroidery Hoops..... 5c
 - Nickel Tweezers..... 5c
 - Key Chain, nickel plated..... 5c
 - Straw Cuffs, per pair..... 5c
 - Hair Pins, 3 packs for..... 5c
 - Pocket Mirror..... 5c
 - Kid Hair Curlers, per dozen..... 5c
 - Curling Irons..... 5c
 - Misses' Round Combs..... 5c
 - Large Coin Purse..... 5c
 - Nursery Toilet Soap, 3 for..... 5c
 - Fairbank's Laundry Soaps, 2 for 5c
 - Small Coin Purse, 2 for..... 5c
 - Rubber stem corn cob pipe..... 5c
 - Carpenters' Pencils, 3 for..... 5c
 - China Shirt Buttons, 1 gross for 5c
 - Nail Brush..... 5c
 - Bone Collar Buttons, per dozen, 5c
 - Wash Basin..... 5c
 - Noting Graters, 2 for..... 5c
 - Dipper..... 5c
 - Milk Skimmer..... 5c
 - Vegetable Grater..... 5c
 - Butter Spade..... 5c
 - Pancake Turner..... 5c
 - Fruit jar Funnel..... 5c
 - Biscuit Cutters, 2 for..... 5c
 - Mousse Traps..... 5c
 - Child's ABC Plates..... 5c
 - Match Safe..... 5c
 - Candle Sticks..... 5c
 - Stove Hook..... 5c
 - Basting Spoon..... 5c
 - Can Opener..... 5c
 - Coat and Hat Hooks, 3 for..... 5c
 - Harness Snaps, 2 for..... 5c
 - Glass Tumbler..... 5c
 - Glass Nest Eggs, 2 for..... 5c
 - Sink Brush..... 5c
 - Garden Weeder..... 5c
 - Colic-screw..... 5c
 - Tracing Wheel..... 5c
 - Carpet Tacks, 2 prs for..... 5c
 - Wire Taster..... 5c
 - Paint Buttons, 5 doz for..... 5c
 - Wire T Strainer..... 5c
 - Spontopak Wflszugfugf..... 0c

- ### Hardware.
- Meat Forks 5c
 - Japanned Padlocks. 10c
 - Carpenters' Rules. 10c
 - Special bargains in brooms, good grade for 25 cts.
 - Machine Oiler, 5 cents.
 - Stove Hooks 5c
 - Wire Soap Dishes, 5c
 - Strainers 5c
 - Whisk Broom, extra grade 30 cents.