

The Coquille Valley Sentinel

THE PAPER THAT PRINTS THE COUNTY SEAT NEWS

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\$1.50 THE YEAR.

DISTRICT WINNER

Supreme Court Reverses the Decision in Barrow & Strang Case.

Yesterday morning the attorneys in the case of C. E. Barrow and Z. C. Strang against School District No. 8, of this city, received notice that the appeal by the school district against the plaintiffs in whose favor the judgment of the Circuit court had been rendered, had been decided in favor of the school district by a reversal of the court below.

An examination of the opinion of the court, which was written by Judge Burnett, shows that it is entirely on legal niceties and does not touch the main point in the litigation—that is whether the district must take the two blocks in Barrow & Strang's addition, six or seven blocks north of the Sentinel office on the Marshfield road, just north of the Burns place but on the east side of the street.

The court makes a summary of the proceedings relating to the site to purchase this site by the district meeting and the events which followed and quotes the claim of the plaintiffs in their complaint that no part of the purchase price of said property has been paid to plaintiffs, "and this defendant after a demand therefor, now refuses to pay the same." We emphasize this part of the opinion because it is on account of these words leaving the status of the claim of the plaintiffs so vague that the Supreme court reverses the case.

The court then goes on to say: "The reading of the record throughout reveals much rancor between the parties concerned in this proceeding, to the extent, even, that the 'direct' instead of the 'retort courteous,' appears in some instances. It is not necessary to pursue the controversy into all its details. The complaint being in the condition stated and the testimony being as above set out, the defendant at the close of all the testimony moved the court to instruct the jury to render a verdict for the defendant. One reason advanced for this direction was that it is not averred in the complaint that the claim for the money alleged to be due on the contract set up in the complaint was ever presented to the board of directors for allowance or rejection."

After quoting the law in regard to the duties of school boards in auditing claims and referring to various decisions, the court goes on:

"The only language of the complaint which might indicate a presentation of the claim is this: 'This defendant after a demand therefor now refuses to pay the same.' This is not an allegation of presentation for audit. It is not even stated of whom the demand was made. For this reason alone, the verdict ought to have been directed for the defendant, and this all the more because the general demurrer raised the same question. Besides all this the plaintiffs are here demanding a money judgment when all they were entitled to in any event under the proposition adopted by the school meeting was an interest-bearing time warrant. We are mindful that under section 361, L. O. L., where judgment is given for the recovery of money against a school district the same is satisfied by an order on the treasurer for the amount of the judgment in favor of the party for whom the same was given. The warrant there contemplated is the ordinary demand warrant and not the time warrant mentioned in the order passed by the school meeting. On the showing made the plaintiffs are not entitled to the ordinary money judgment."

The court then quotes in full other sections of the law in regard to the purchase of school house sites and payment of the purchase price and concludes:

"The authority conferred upon the directors by the school meeting was to issue negotiable interest-bearing warrants of the said district in the sum of six thousand dollars, to pay for the said property above described. The statute under which the district operated is part of the contract by operation of law, and all the plaintiffs can acquire is a warrant of the form and terms prescribed by the school meeting. Under these circumstances, the verdict should have been directed for the defendant. The conclusion is that the judgment of the Circuit court must be reversed with directions to

enter judgment for defendant." The opinion written by Justice Burnett is concurred in by all the other justices sitting to consider the case.

Potatoes All Twisted Up.

County Agent J. L. Smith showed us one day this week a bunch of potatoes from one of the inlets over north of the Bay that were affected by the "eel worm," which is without doubt one of the worst pests by which the tubers are ever attacked. As we remember, about three years ago there was talk of quarantining this state against California potatoes on account of the prevalence of that disease down there.

Mr. Smith, who submitted the affected potatoes to the O. A. G. people, has received instructions from the authorities there to take all possible means to prevent the spread of the infection. The samples he has were grown on low and damp ground while others from higher slopes in the same field were not affected. The potatoes that were eel worm victims were knotted and contorted in a very remarkable way, looking like a badly warted bunch of corrugations. It's good advice to everybody not to plant any suspicious looking potatoes.

REPAIRS AT JOHNSON MILL

The work of wrecking the old portion of the Johnson mill, including that which was partially burned a couple of weeks ago, was begun Monday. The work is being rushed and it is expected to be able to begin the erection of the new building at the west end of the plant in a short time.

The rebuilt section will conform to the newer portion of the mill at which point the fire was halted, the roof aligning with that and being on one slant. The side next the railroad will be a surfaced wall, whitewashed, and afford better protection from sparks from passing engines. Roofing paper, which can be kept fireproof, will be the covering used.

The old shed just north of the burned section, with its moss-covered roof, will be torn down and a little later replaced with a new roof for the protection of stored finished lumber.

An important and economical change is to be effected in the operation of the saw machine, boxsaw and planer. Where heretofore it required a great number of pulleys and 12-inch belts, costing hundreds of dollars, a gear core will be installed under the floor for operating these machines. In many ways this improvement will be beneficial, not the least of which is the safety for workmen, who were continually in danger from the rapidly moving belts.

The appearance of the mill will be vastly improved and, while Chas. Schroeder says it will not be a thing of beauty, it will be more convenient and look better. Mr. Schroeder was over at the Bay last week to arrange for the manufacture of the gear core and machinery needed.

Marshfield Road Closed.

The Marshfield to Coquille county highway is closed to traffic for the next week or 10 days, owing to the necessity of tearing away the old bridge at Davis slough for new construction. The North Bend Mill and Lumber company sent a pile driver to the locality Tuesday to start the job of driving piles for the new structure which was occasioned by the new logging road, the government requiring a 40-foot open space for the passage of launches. The bridge is ready for installation, the timbers having been fitted and delivered to the spot.

Three Weeks of Storm.

The past twenty days have been for the most part stormy and wintry, notwithstanding which, early planted gardens are coming up and the bright sunshine and quiet airs this morning indicate that spring has at last arrived. The wooden walks, however, were all covered with ice and sleet this morning and yesterday's raw southeast rains were doubtlessly manifested as snow in the higher sections of the county.

For the Belgian Children.

The Sentinel has received the following contributions to the Belgian Children's fund during the past week: Previously reported.....\$157.50 A. mother..... 5.00 John and Everett Seeley..... 1.50 Total.....\$164.00

DOOR OPENS HERE CONTRACT IS LET

Milk Condensary To Use Product of 3,000 Cows May Be Secured.

It is said that "opportunity knocks once at every man's door." But the negative statement that opportunity never knocks but once at any man's door is not therefore warranted.

Be that as it may, Opportunity is now knocking loud and hard at Coquille's door and it will probably be many a long year before she will come again with such wonderful offerings. That somewhere in Coos county the new Buttercup Dairy Products company is going to locate and build a condensary plant with sufficient capacity to use the milk from 3,000 cows is definitely settled. What is not determined is where that condensary will be located. And right now Coquille stands as good a chance—and perhaps better than any other place—to get it.

But the way to get it is not to sit back at our ease and say, "It's bound to come here anyway." Indeed that is exactly the way to fail to land it.

What our people and what every reader of this article will want to know first is, by whom this project which will mean the investment of \$100,000 of capital at the start, and which in a few years may become much greater than that, is being promoted and what assurances we can have that the premises made will be fulfilled.

The man at the bat is F. E. Conway, president of the F. E. Conway Mortgage company, the man who built the Myrtle Arms at Marshfield when everyone was calling the project "hot air" and declaring it would never be built. He is a man who radiates energy, a man to whose optimistic utterances one cannot listen without becoming enthused, a man who has the backing of sufficient capital to insure the success of what he undertakes, and a man who stands ready to post in our local banks a forfeit of \$8,000 to guarantee that he will do just what he says.

The new Buttercup Dairy Products company will have, as we said, a capital stock of \$100,000. It will be underwritten by the F. E. Conway Mortgage company, and backed by all the financial influence back of that wonderfully successful corporation.

More than this, one of our best known Coquille ranchers and bootleggers, T. P. Hanley, of Lampa, now a member of the Port of Bandon commission, has subscribed for \$5,000 of the stock of the new company and it was only yesterday that Mrs. Hanley christened the new company with that strikingly appropriate name, the Buttercup Dairy Products company—suggesting as it does, brooks and meadows golden with the flowers of spring and cream and butter of the same appetizing tint.

One of the most commendable features of this new company is that it is asking nothing of the dairymen—no pledges of cows at fixed prices for milk—only requesting them not to make contracts with any one for their milk output, but to wait and sell to whoever will give them the most money. But it will be prepared to loan money to ranchers to develop their business. It has made arrangements to import cattle from Wisconsin, the greatest dairy state in the Union, and to sell them to ranchmen here on easy terms.

In connection with this enterprise which Mr. Conway is promoting, it is well to recall that he knows something about the condensary business at first hand and that when ten years younger than he is now he made his first stake at banking on the growth of Mount Vernon, a Western Washington county seat which was then very much such a place as Coquille is today. This was in a coast section where the flat lands, built up in the course of ages by the tides, were then used chiefly for grain growing, but where the building of a milk condensary changed things entirely and where the dairy business in connection with the condensing of milk has proved so highly successful that the Mount Vernon Condensary has just been sold for a million dollars.

Talking about the condensary proposed to be built in this county, Mr. Conway says that the first year it is in operation it will ship out all over the United States eight or nine

Longston Co. Wins—Other Business in County Court Here This Term.

The last business done by the county court this morning was to open the bids and let the contract for the concrete walks and driveways about the court house annex. These include a walk from the front door of the annex to Elliott street on the west, another from the same door around the south side of the new building to the north entrance of the court house; and also a driveway from Third street on the north down the east side of the annex nearly to the court house and then east to the old gravel drive on the grounds so as to enable vehicles to make a circuit in and out. The bids were as follows:

W. I. Sinclair & Co.....\$550.00 Longston Construction Co..... 448.50 Moon & Gidley..... 508.57 Train & McQuillan..... 465.00

Time was considered important by the court but Mr. Longston assured them that he had practically all the material on hand and with good weather could complete the work in 10 days, and only needed 30 days in any event as he expected to leave this county in that time. So his company, being the lowest bidder, was awarded the contract.

Inquiry developed the fact that the G. A. Smith Timber Co. had not yet accepted the franchise granted it to build a railroad on the Coquille-Marshfield county road.

In the Parkersburg-Prosper county road along the river bottoms, which was first petitioned for about four years ago and over which more or less friction has existed ever since on account of the excessive prices asked for right of way, an order was made granting the road. Compromises have been effected, greatly reducing the damages originally demanded.

The only road project ready to advance this month will be the one for the Bandon to county line road, on which there yet remains seven miles of right of way to be cleared. Some of this has been cleared for 30 feet but none to the full sixty feet width.

It was agreed to make an allowance to Mrs. Peter Johnson for taking care of her four grandchildren, their mother, Mrs. Nasburg, being now an inmate of the insane hospital at Salem.

The court made an order authorizing an application to be made to the War department at Washington for permission to build bridges over the navigable waters of Isthmus Slough at Coos City, and also over North Inlet, Haynes' Slough and Larson's Slough north of Coos Bay.

The building of the first bridge is opposed by some of the members of the Coos Bay Port commission but there is to be a meeting at Marshfield at an early day to read the riot act to them if they persist in their refusal to consent to the construction of this bridge.

The court adjourned this afternoon until Tuesday. Judge Watson and Commissioners Armstrong and Phillips took the train this afternoon for Eugene to attend the Road Rally for Southwestern Oregon to be held there at 2 p. m. tomorrow and look after Coos county's interests there.

Marshfield's New Bank.

Chas. Hall, J. E. Montgomery and J. D. Goss, of Marshfield, filed articles of incorporation at Salem Wednesday for the new "Bank of Southwestern Oregon," which has purchased the business of the Flanagan & Bennett Bank at Marshfield and will take it over at once. The capital stock of the new bank is \$100,000. Charles Hall, heretofore best known as the president of the Coos-Curry Telephone company and of the Coos County Good Roads Association will be the president of the new bank and its largest stockholder.

Assessing at Old Figures.

Assessor Beyers is having the assessment for 1917 made on the same basis as in recent years, except where he finds valuations that are lower than other property of like character. The principal cases of this sort are in stocks of goods at Marshfield—though those of course are liable to change greatly from year to year. As to attempting to assess at full cash value, if that is done it will be by adding a common percentage to all property, so that everybody will be treated alike.

Tuesday Evening's Concert.

With the concert of next Tuesday evening at the Scenic, Coquille's first Lyceum course will come to a close. There is every prospect that this number will be fully up to the standard set by the three numbers that have already appeared and a full house is anticipated. In the Brewer Musical Entertainers who will appear on this occasion is found a trio of talented women musicians, who will give a highly enjoyable musical program of wide variety and superior excellence. They are members of a musical family, mother and two daughters, and their work is marked by a finish which comes only from long association. Their program consists of violin, clarinet, trombone, piano and vocal solos, piano trios, musical talking sketches and readings; also orchestra selections. They are now closing their fourth successful year of platform work during which time they have appeared in twenty-six different states of the union. Admission prices for those not holding season tickets will be fifty cents for adults and thirty-five cents for school children. No one should miss this final concert of the season.

PLANNING FOR THE BRIDGE.

Judge Watson is in receipt of a State Highway Commission at Salem, enclosing a map of the Coquille water front and adjacent territory showing the proposed locations of the river bridge to be built here, the depth of the river and the maximum height above low water mark it reaches here.

The two alternative locations given for the bridge are at C street (now Willard) and near Ferry street. For the latter the inclined road on the north side of Front street past J. A. Collier's residence is shown as well as the one to the Lamb grove to the north.

Mr. Lewis says that the commission can do nothing further towards drawing plans until they are informed whether a draw will be required. The figures given for the maximum height of the river above low water are 25.2 in 1890 and 22.6 on one occasion since. The commission is asked to state whether 57 feet above low water or about 32 feet above extreme high water would fulfill the requirements of a high level bridge without a draw. This information was asked in a letter of the same date addressed to Mr. Norton of the Port Commission here. A copy of which was sent with the letter to Judge Watson.

The commission has made preliminary surveys of the two sites mentioned and expresses a preference for the C St. site, saying that from the standpoint of dockage and navigation the Ferry street site "does not appear to be favorably located."

Until the commission is informed as to whether a draw will be required it is stated that nothing further can be done towards preparing the plans.

Even to see that so much as this drawing from preliminary surveys has been made is, of course, encouraging.

Senate Will Untie Itself.

The United States senate is going to untie itself and adopt rules that will permit it to do business—at least when two-thirds of the members want to. This course has been agreed to unanimously by the democratic caucus and with only two dissenting in the republican caucus, so that the adoption of a rule for closing debate in that body appears to be well assured. In view of this it is reported that President Wilson is going to call Congress to meet in extra session the first of April.

Cheese Association Meeting.

The directors of the Coos & Curry Cheese Association held a meeting here last Monday morning. Those present were J. D. Carl, president; A. W. Cope, vice president; A. Christensen, secretary-treasurer, J. H. McCloskey, Norman McDonald, L. M. Strong and F. T. McMullen.

The amended constitution and by-laws were adopted. These provide for seven directors instead of five and Messrs. McCloskey and McMullen were accordingly added to the directorate.

A Chinook would be a welcome variation from the raw, cold southeasterly rainstorm that prevailed all day yesterday.

Send the Sentinel to eastern friends

GET MAIL SUNDAY

Train Will Then Come Over Here Without Delay at the Bay.

The promises that John M. Scott, general passenger agent of the Southern Pacific, made our people when he was here a month ago have been more than fulfilled. Not only is the new schedule for the mail train we petitioned for granted, but the train making close connection with incoming and outgoing trains at Marshfield is in addition to the former service. So it results that while we asked for a change of time for one train we get that and an additional train each way between Marshfield and Myrtle Point besides.

The new time table which goes in to effect next Sunday is as follows:

The Coos Bay Limited, which leaves Portland at 8 o'clock in the morning and is the only train bringing passengers in from the outside, arrives at Marshfield at 6:25 in the evening. The new train here is a passenger and mail train leaving Marshfield at 6:40 p. m. immediately after the arrival of the Portland train, so that people coming to this valley will no longer be held all night at Marshfield.

This train arrives at Coquille at 7:40 and at Myrtle Point at 8:10. In the morning it leaves Myrtle Point at 6:40, arrives at Coquille at 6:12 and at Marshfield at 7:10, in ample time to connect with the outgoing Coos Bay Limited at 7:25.

The same train then makes another round trip from Marshfield to Myrtle Point during the day, leaving the bay city again at 8:00 o'clock in the morning and arriving at Coquille at 9:00 and at Myrtle Point at 9:30. In the afternoon it starts back at 3:45, reaching here at 4:15 and Marshfield at 5:20.

Besides these two round trips of the passenger train to this valley there is also a mixed train that starts from Powers at 6:30 in the morning and reaches Myrtle Point at 7:55, Coquille at 9:00 (where it meets the passenger) and Marshfield at 10:30. Returning it leaves Marshfield at 12:30 and arrives at Coquille at 2:20, at Myrtle Point at 3:15 and Powers at 4:20 in the afternoon.

Powers is the only place that loses by the change as the two passenger trains run no further than Myrtle Point. Certainly the people of Coquille and all the rest of the valley are to be congratulated on a change which will give them so much better railroad facilities than we had any reason to expect; and we also feel like congratulating the Southern Pacific officials in manifesting the spirit of accommodation they have. Their readiness to do all they could to comply with our wishes as soon as we made them known will long be remembered to their credit.

Probably with such a service as begins next Sunday the railroad will carry a much larger percentage of passengers between the Coquille valley and Marshfield during the summer season than it has for a couple of years past.

Organize Farm Loan Ass'n.

Farmers and others are again reminded of the meeting called to meet at the city hall in Coquille tomorrow, Saturday, the 10th, to take the preliminary steps for the organization of a Farm Loan Association in this section. The necessary papers are at hand and everyone interested in seeing advantage taken of the Farm Loan Law should be present.

The Farm Loan Bank for this district at Spokan will soon be ready for business and those joining the association will be able to make their loans in a short time.

A stock train between Roseburg and Portland was put on by the Southern Pacific beginning Monday of this week. Whenever there is stock to go out from Coos county this train will be held at Roseburg to take it on. The train will carry a coach for the convenience of stockmen.

The river steamer, Dispatch, will likely be off the Coquille-Bandon run for several days yet. Monday morning while coming up the river her main driving shaft broke and a new one had to be ordered from San Francisco. Besides the loss of business, it will require several hundred dollars to make the repair.