THE COQUILLE HERALD

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COQUILLE, COOS COUNTY, OREGON, TUESDAY, MARCH 13, 1917.

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DISTRICT WINS

Directors Come Back Strong and Get Decision Over Barrow & Strang

WILL COMMENCE NEW ACTION

Case Is Still Far From Being Settled

The Supreme court of the state filed their decision last Tuesday in the case of C. R. Barrow and Z. C. Strang vs. School District No. 8, in which they reversed the decision of the lower court of the records did the voters of the disand gave a verdict for the defendant. its of the case in any instance. Peck & Peck were attorneys for the plaintiff and A J. Sherwood handled the case for the school district.

favorable decision from both courts. He does not consider that the adverse decision given by the supreme court lessens the chances of he and his associates forcing the school board to pay them the amount asked for the school site. In fact, Mr. Barrow stated that the decision cleared away the brush, as it were, and narrowed the matter down until it would be easier handled.

The controversy started three or four years ago. The school district figured on a new school house site. Four sites were offered and an election was held to determine which should be chosen. A system of elimination by balloting sites except the Barrow and Strang tract being thrown out and the Barrow and Strang tract being chosen although not having a majority of the votes.

The price of the Barrow and Strang tract was \$6000 and the opponents revolted, declaring that it was not worth tract for \$6000 and it became an issue in the election. Chas. Skeels was the candidate of the Barrow forces and H. O. Anderson of the opposition. The vote was a tie. Then some of the votbe decided by lot as the statute protaken and Skeels won out.

and Rurns overruling Chairman R. H.

The fight was carried on for a couple of elections arousing much bitterness and mandamus proceedings to compe! the school board to issue the warrants were begun but these were ruled out of court. Then Barrow began suit for \$6000 and on this issue the supreme court has just passed, deciding against

rendered by the Supreme Court recently in the school site case.

cision was that which is raised by the it would cost to purchase a new site, this state who have nothing more than services. general demurrer filed by the district would almost build the first unit and a trail to travel over the greater part to the complaint did not state facts sufficient to constitute a cause of action, the district could add other units, pay- to consideration." and this same point was raised the sec- ing for them as they went. Until such and this same point was raised the son ond time by the district's motion for a time as a sufficient number of units New Trail From Powers the judgment of non-suit after all the had been constructed to take care of evidence of plaintiff was in. The trial all of the pupils now in the high school court ruled against the district on both building, this building could be utilized the demurrer and the motion and it is for such grades as could not be other-

sufficient to constitute a cause of action and thereby holding that plaintiff had not been in court any of the time, gave utterance to these two expres-

operated is a part of the contract by operation of the law and all the plaintiffs can acquire is a warrant of the form and terms prescribed by the scool meeting," and "All they were entitled to in any event under the proas an interest-bearing time warrant." "However, these two expressions by

the court are entirely without any matter raised by the pleadings, contended for by either party, or discussed by either party in either circuit or supreme courts, and are a form of expression spoken of by the courts and attorneys generally as "dictum." But granting, they would be entitled to an interest bearing time warrant, "it would have to be such as was prescribed by the voters at the meeting and the voters at lic opinion cannot be directed by a man- Journal, acted as secretary. would never be collectible."

Mr. Sherwood further said that the it frequently lead to expressions by tions." way of illustration and are frequently This money must be applied for by never considered binding either upon desired, he explained. If available the appellate court or the trial court in funds are not used within three years? was devised and resulted in all of the any future proceedings that may arise the secretary of agriculture may rein the same or any other controversy. apportion them among other states.

Mr. Sherwood further says that the refused to buy the Barrow and Strang cited, discussed, or relied upon by the "and Oregon has the basic products." plaintiffs, either in the trial of the case visions cited by the district and di - sue was the main theme.

After this comment upon the decision of the country. Mast voted to pay \$6,000 for the Bar- Mr. Sherwood further said that the de- Attorney George Nunen, of Rose- porations in different parts of the coundred miles or more. The roads classirow tract. Two weeks later, Skeels cision, taken as a whole, as touching was declared to have held office illewas declared to have he controversy fully in favor of the dis-

problem (that is new as far as Coquille shall get a square deal." There seems to be quite a diversity more ground for the present. The idea torn up, to meet the specifications of based. directions around the outside of the say that it is my honest opinion that city. block. The structure, if built as sug- the burden will be made as light as The funeral will take place at two mately 600 miles in this classification. a representative of the Herald inter- the south side open. The building probably be utilized.

\$5.00 Reward

4052 of Lord's Oregon Laws, the Court said: "The statute under which the district ROAD PROBLEMS

position adopted by the school meeting Three Hundred Attend Good Roads Meeting in Eugene Last Saturday

istaction of Coos People

Eugene, Or., (Special to Herald)the meeting did not prescribe a war- With one exception every county in the rant in form to comply with either sub- First Congressional District was reprewarrants shall run except the authority to preside at the meeting and James easy payment plan. vested in the voters themselves. Pub- Stewart, editor of the Fossil (Ore.)

new action would be started in the the plaintiff got all the supreme court discussion of Oregon's road problem for a park site. .t was this site, states That the bonds will not be voted near future and that with the light cast said it was entitled to, if anything by and the bond issue. Delegates from Mr. Walker, that decided the company down is the opinion of Mr. Adams. "If it should give during that period at way Mortgage Co., which will work in upon the matter by the decision of the these expressions of "dictum," an in- each county explained their districts' to place this particular property on the the farmers, particularly, can be shown least \$150,000 for the Myrtle Pointcourt he expected to be able to get a terest bearing time warrant without situation and collected as many facts market at this time. any specified time for its maturity, it and figures possible to take back to their constituents.

B. J. Finch, senior highway engineer xpression found in legal opinions, of the office of public roads and rural Heights, and they expect to dispose of ceived is all the Oregon farmer asks, known by the courts and legal profes- construction of the department of agri- a great deal of it in the next year or and with the new safeguarded road law, sion as "dictum" is a form of expres- culture, addressed the meeting on the two. sion that it is almost impossible for a application of the Shackleford law. court to avoid in rendering an opinion, "Oregon has not taken full advantage as in the discussion of various legal of the law," he said. "This year points, matters which are outside of \$357,000 is available and only \$100,000 the case but intricately interwoven with has been matched by local appropria-

found in supreme court opinions but are January 1, preceding July 1, when it is

O. M. P. Goss, engineer of the West supreme court said were governing in an illustrated talk explaining the spethis case and concerning which the cial values of Douglas fir and Oregon

in the circuit court or the supreme took the form of a redoubtable discus- months that he entirely gave up all post and forest road funds in conjunc- state funds should open the road to the court, but were the identical subdi- sion. The proposed \$6,000,000 bond is- work in his office.

pioneers locked up in the byways of

To Illahe is Planned

Some extracts from a letter written

mail service next year. There is a other makes, bar none, and the picture which will be voted on by the people is temporary secretary. sions in discussing the cause. After quoting subdivisions 5 and 6 of the act of February 25, 1913, which are identical to subdivisions 5 and 6 of Section

The distance is only 25 miles, and there is but one divide to cross, at an elevation of the party who stole is but one divide to cross, at an elevation of Ellie Burke is only 25 miles, and there is but one divide to cross, at an elevation of 2500 feet, while the other way is over 40 miles and reaches an elevation of ages ago.

The distance is only 25 miles, and there is but one divide to cross, at an elevation of 2500 feet, while the other way is over 40 miles and reaches an elevation of the party who stole is but one divide to cross, at an elevation of 2500 feet, while the other way is over 40 miles and reaches an elevation of their picture house that Coos County can secure to the manager of their picture house that Coos County can secure to consider the distance is only 25 miles, and there is but one divide to cross, at an elevation of 2500 feet, while the other way is over 40 miles and reaches an elevation of the party who stole is but one divide to cross, at an elevation of 2500 feet, while the other way is over 40 miles and reaches an elevation of the party who stole is but one divide to cross, at an elevation of 2500 feet, while the act is carried.

The county bond issue of last year pro-

stand that there is money enough sub-scribed at Powers to build the trail to tion of nearly 4000 feet. We underthe county line, and the Rogue River Commercial Club, composed of the residents of Illahe and vicinity, will agree to build from Illahe to the county line. The club (of which I am a member) has taken it up with Mr. Haeffner, a forest surveyer, who is Coos County Given Positive agitating the matter on the other side (at Powers). We feel sure we can get help from both counties and make the trail on wagon road grade and soon have a wagon road. It would follow EIGHT ATTEND FROM COOS up the Coquille river from Powers to ADAMS SAYS STATE WILL AID the mouth of Rock creek, and then up the east side of Rock creek to a low divide four miles from Illahe and then for the purpose of this interview, that Judge Watson Expresses Sat- all down grade to the Rogue at Illihee. All Depends on Bond Issue

Place Lots in Noticy Addition on the Market

Mr. Barrow stated yesterday that a damus proceeding and consequenty if The meeting became an informal assured, will be purchased by the city less."

great deal of property in the east end taxes, they will gladly put up money of the city, including the Coquille for that purpose," he said. "Value re-

Judge Sperry Passes Away

Was at One Time Lawyer for sive road building. Many Corporations

twenty-two-large manufacturing cor- might increase the mileage by a hun- ance to complete these projects.

"Douglas county has one-third of the Sperry went to Lake county and after- ed as post roads. The bill provides completion of the Myrtle Point-Rose-Pacific highway in miles and four-fifths wards came to Coos in 1900. He was that at least 60 per cent of the govern-Since the decision has been handed of it in construction," said James Mars- not a member of any fraternal order, it ment post road funds shall be expended year round road from Cocs Bay to the required, to be situated between the down a new plan of solving the school ters. "All we want to know is that we being said that he once made the state- east of the Cascades and a rough esti- Pacific Highway at Roseburg; and turproblem (that is new as far as Coquille is concerned) has been put forth. It is concerned is concerned, has been put forth. It is concerned is concerned, has been put forth. It is concerned in the first consideration. It is concerned in the first consideration and that he did not think the fraternical concerned in the first consideration. It is concerned in the first consideration and that he did not think the fraternical concerned in the first consideration. It is concerned in the first consideration and that he did not think the fraternical concerned in the first consideration. It is concerned in the first conc has been suggested that it may not be wanted to know if the present gravel ties of the country carried out the idea are east of the Cascades. necessary for the district to acquire roads in Linn county would have to be of equality upon which this country is The forest roads are for the most considerable part of it, including prob-

the legal significance of the decision ing at one corner and building in both ply, Mr. Adams said, "I am frank to ter, Mrs. Lucia Stratton, both of this ern Oregon, and 250 miles east of the grade.

For the purpose of obtaining the gested, would, when completed, extend possible. Where roads are well drain- o'clock tomorrow afternoon and pubschool district's position in the matter, around three sides of the block, leaving ed and have proper grades, they can lie services will be held only at the dependent upon the \$6,000,000 bond is-Masonic cemetery, where interment sue law, and the new State Highway viewed Mr. Sherwood in the matter, which would be one story, would be Discussing the Pacific Highway and will be made. A. J. Sherwood, W. C. Commission is in no position to go far that purpose at the city hall Saturday This is undoubtedly one of the and what he said concerning the deci- built in units as needed to accommo- more remote byways of the state, Mr. Chase, Walter Sinclair, C. R. Barrow, until the action of the people on this forenoon. Eleven men became the propositions that has been placed bedate the increasing number of pupils, Adams declared, "The Pacific Highway James Watson, and J. J. Stanley, all bond issue. "One of the several points on which and would leave the entire center of would be of great benefit, but I want atto neys of this place will are the loans for which they will apply here has been a good asset for the town the district relied and the point on which the Supreme Court based its dewhich the Supreme Court based its deleaves of this place will act as part
to say to you gentlemen that there are
pioneers locked up in the byways of
Horsfall, of Bandon, vill conduct the

Ants have larger brains in proportion to the size of their bodies than any other living creatures.

Notes From the Scenic

the demurrer and the motion and it is plain to see that had the trial court taken the same view of the vie would have been virtually holding that tions that it would not be feasible for the plaintiff had not been in court any the smaller children to all attend one movement for a shorter route to with the Scenic man to again take up of that body has been that the suprementation of the dillerent to all attend one movement for a shorter route to with the Scenic man to again take up of that body has been that there will be other than the suprementation of the matter and the act provides as follows:

Out of the supreme court it should not be feasible for at esection; also gives news of the quille last week, and he made a dicker secured, and the act provides as follows:

Out of the supreme court it should not be feasible for at esection; also gives news of the quille last week, and he made a dicker secured, and the act provides as follows:

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Out of the supreme court it is should not be feasible for at esection; also gives news of the quille last week, and he made a dicker secured.

Assurance of Participation in Bond Money

Being Passed

trict that can prescribe the time the state highway commission, was elected tion which they intend to sell on an course, everything depends on what 000 available in the western part of the ment work with capital of his own and The lots are located just south of the the proposed \$6,000,000 are voted down, roads after July 1st. In the four years movement. With him has recently be-Patterson grove, which, it has been then the highway commission is power- following, there will be available in all come associated G. S. Butler, an Ash-

that that they will get a dollar's worth Roseburg road. The Coquille Land company owns a of roads for every dollar they pay in he will realize his wish.'

> The recent Legislature enacted numerous laws affecting the highway development in Oregon, and with the bewould seem that this state has a chance to take a position with the states of Eugene via Siuslaw to Coos Bay. Washington and California in progres-

tion with the state.

Cascades, making it a total of approxi-

turned down, the post and forest road Fred Nosler, and O. L. Smallwood. country, and her growth and prosperity funds are likely to be absorbed in the A representative of the Triangle sections which are provided for with tion are A. S. Nosler, O. L. Smallwood, gentle bovine sister.

the plaintiff had not been in court any of the time, and the minute the superme court concluded that the complaint did not state facts supposed in organ upon.

It is understood that this is not an positively nothing before the court of pass upon.

The superme court, in rendering its opinion, even after it had held that the complaint did not state facts sufficient to constitute a cause of action there was positively nothing before the court to pass upon.

The superme court, in rendering its opinion, even after it had held that the complaint did not state facts sufficient to constitute a cause of action.

We are in hopes of having before the court to pass upon.

The above quotation from the bill.

The superment of the State flacts with the Seenic man to again take up the Triangle service, showing one picture and action there was committee of that body has been dimake ready for paving, according to the requirements of the State Highway Commission, 20 or more miles in the vicinity who will wish to the requirements of the State Highway Commission, 20 or more miles in the vicinity who will wish to the requirements of the State Highway Commission, 20 or more miles in the post road and make ready for paving, according to the requirements of the State Highway Commission, 20 or more miles in the post road and make ready for paving, according to the requirements of the State Highway Commission, 20 or more miles in the post road and make ready for paving, according to the requirements of the State Highway Commission, 20 or more miles in the post of the true as week and commencing at a future a week and commencing at a future a week and commencing at a future a week and commencing at a future date.

A contract with the Paramount people will only the first time for over two more miles in the rediction, as the bad weather and Marshfield hereinbefore described " * then said Commission shall be worth the road so prepared and such portions of said road shall be excepted from the classification as a post road, and such portions o

line and grade of the road between Marshfield and Myrtle Point. When this is accomplished, which will be a practical preparation for pavement, the state will be bound by law to hard surface the same. Since the work is already done on a considerable portion of this road, and contracts are soon to be let for the balance, Coos county should F. E. Conway Asking for Bids be first in complying with the state's requirements to secure hard surface

Provided the bonding act is passed, there will undoubtedly be a liberal appropriation from the state on the road CO. HAS \$100,000 CAPITAL between Myrtle Point and Roseburg, which in this act is a post road. The should be considerably more, unless the failure of the bond issue should draw the post road funds to the more popu-Eugene, Or., (Special to Herald)- lous parts of the state. On July 1st of The state highway commission pro- this year, there will be \$236,062 avail-Along with all the other activities mised to spend money in Coos county, able under the post road act from the fore our commercial body within the division 5 or 6 of the statute quoted by sented when 300 good roads enthusiasts that are rapidly developing in and there is no reason why it would go government. The state will put up a past week, and if it is secured, it will the supreme court, as no place in any rallied here Saturday afternoon and around Coquille, the Coquille Land back on its word," said Commissioner similar amount, making in all a fund of mean much for this city. \$472,124. If the bonding act passes, trict ever prescribe the time that the 000,000 bond issue for constructing manager, have started an active real "Coos has bonded for \$360,000 and 60 per cent of this must be expended in business circles in Marshfield for the The decision was made entirely on a technicality and did not go into the market 40 lots in the Cascades. This will leave authority vested elsewhere in the disson was made entirely on a technicality and did not go into the market 40 lots in the Notley addisplaced on the commission and state will help to east of the Cascades. This will leave bard-surfaced roads in Oregon. E. J. estate campaign, and have placed on the commission and state will help to east of the Cascades. This will leave bard-surfaced roads in Oregon. E. J. estate campaign, and have placed on the commission and state will help to east of the Cascades. This will leave bard-surfaced roads in Oregon. E. J. estate campaign, and have placed on the commission and state will help to east of the Cascades. This will leave bard-surfaced roads in Oregon. E. J. estate campaign, and has helped developlits of the case in any instance. Peck citizens of Oregon do on June 4. If state for aid on the designated post of his associates, is at the head of the

There will be available July 1, 1917, a which the dairymen may improve their two years' apportionment or \$255,588 herds. on the federal funds to be applied to The Coos Bay Times says of the proforest roads. The state will match these funds which will make available \$511,176. This amount is two years of turing plans to organize a dairy prothe five, or 40 per cent of what will be ducts company with a capital of \$100,expended on forest roads. Providing 000 to manufacture and deal in dairy the bond issue passes, these funds can products. They contemplate the estabbe entirely devoted to the forest roads lishment of condensaries and cheese ginning which has now been made, it designated in the bill, one of the most factories wherever found most advanimportant of which is the road from

While it is not probable that enough funds will be available from the forest The most interesting feature of the and state moneys to entirely improve road legislation just accomplished is this road, it can be accomplished durthe so-called \$6,000,000 bond issue which ing the five years if Lane and Douglas Judge E. D. Sperry, for seventeen law will be referred to the people for counties give their proportionate suptwo statutory subdivisions which the Coast Lumberman's association, gave years a resident of Coquille, died this adoption or rejection at a special elecmorning at 5:30, after an illness which tion to be held June 4, 1917. This law road north of the Bay. In any event, had lasted since September, 1915. At provides for hard surface of certain of enough should be appropriated during court said "the statute under which the pine, treated with creosote as a pave- that time the deceased was stricken the more important roads in the state. the coming year if the people vote the district operated is part of the contract ment. "This makes the nearest per- with a partial stroke of apoplexy, from It also classifies certain other roads as bonds to open up the road between more than \$3000. The old school board by operation of law," were not either feet of all pavements," he declared, which he never quite recovered, although he made a noble effort to keep them eligible to receive the improve- ty has already provided for the im-After Mr. Goss' address the meeting up and it was only within the last few ment by the expenditure of federal provement as far as Lakeside, and the Umpqua, as there is already a road Judge Sperry was born in Ohio in There has not been available a defi- from Gardiner to Glenada on the Siuscussed and relied upon in the argument James Watson, county judge from 1842, and began studying law at an nite estimate of the mileage which it is law and a road up the Siuslaw and into ers went home, thinking the tie would in the supreme court; and subdivision Coos, headed a delegation of eight early age. He was considered by some proposed to improve. A rough esti-14 of the same section upon which members. He declared that Coos peo- of the lawyers of this city as one of the mate has been compiled which shows Umpqua section will make the entire vides but instead another vote was plaintiffs relied in the circuit court, ple were satisfied with the new com- best versed men in elementary law in that something between 1,000 and 1,100 route available for summers traffic. cited by them in their supreme court mission and put utmost confidence in it. the county. It is stated that he gave miles are to be hard surfaced with the This would open up the Lake country Mr. Conway says he was extremely sucbrief and relied upon and argued in the Peter Loggie, whom Commissioner as the reason for this the fact that his proceeds of the \$6,000,000 bond issue. along the new railroad, and when the cessful in interesting outside capital. tion by Geo. E. Peoples started quo supreme court was not referred to by Adams introduced as the "father of father had him spend three years readwarranto proceedings to oust Skeels. the supreme court in its opinion as hav- Coos Bay," asserted that a good tour- ing elementary law before he allowed be in western Oregon, and there are of coming into Coos County from one Wednesday and spoke to some of our While this action was pending, the ing anything to do with the question in ist road in from Eugene and out by him to practice. At one time the Judge also provisions for the hard surfacing direction and going out another, we business men about his project, going school board held a meeting and Skeels this case as is disclosed by the record. way of Roseburg would be an upbuilder was employed as corporation lawyer by of roads in four western counties which could get considerable outside assist-

summarizing briefly, the proposed before the people of that town. The word given out is that a condensary of upon the record really before the court, is plainly in favor of the district and, in his opinion, determines the school house the bonds further.

ties in this capacity he is said to have to more then 1,000 miles. West of the to more than 1,000 miles. West of the Cascades, about 300 miles are calculated by the bonds further.

ties in this capacity he is said to have to more then 1,000 miles. West of the Cascades, about 300 miles are calculated by the first coming to Oregon, Judge are not to more than 1,000 miles. West of the Cascades, about 300 miles are calculated by the first coming to Oregon, Judge by the first coming to Oregon, Judge by the first coming to Oregon, Judge by the said to have the school house the milk of 3000 cows will be of hard surface road; that it will get 20 or more miles to more than 1,000 miles. West of the Cascades, about 300 miles are calculated by the provides are calculated by the said to have the school house the milk of 3000 cows will be of hard surface road; that it will get 20 or more miles to more than 1,000 miles. West of the Cascades, about 300 miles are calculated by the provides are calculated by the said to have the milk of 3000 cows will be of the designation. ment that it was against his principals mate seems to indicate that at least 75 ther that the road between Coos Bay, ducements would probably be given due part west of the mountains, and may ably all of the distance in Coos County, of R. H. Mast, J. W. Miller and F. E. of opinion amongst our citizens as to is to use the present grounds by start- the state highway commission. In re- He is survived by his wife and daugh- be estimated as being 350 miles in west- could be placed on permanent line and McKenna was appointed to see the Co-

Form Loan Association

was formed here at a meeting held for would have very little use for the site. charter members of the organization fore Coquille. While the creamery Eugene via Siuslaw to Coos Bay is dent; Frank Willard, vice president, hard cash among the farmers and designated as a forest road. In the and R. H. Mast, secretary-treasurer, therefore of more benefit to the town. event that the bond issue is carried, The loan committee is composed of W. The prices paid for milk by a condenthere will undoubtedly be a consider- B. Rohrer, Frank Willard, and Fred sary are far higher than can be paid by able amount of government and state Nosier, and members of the board of a creamery, and the market is practifunds available for these roads. How- directors are C. E. McCurdy, A. L. cally unlimited. Coquille is the center ever, if the large bond issue should be Nosler, Frank Willard, W. B. Rohrer, of a distinctively "cow" stretch of

The charter members of the associa- are founded on the product of the

We are in hopes of having better houses of the United States than any The above quotation from the bill Howard. R. S. Knowlton was chosen in June 1981.

movement on foot to open a trail to fans of Coquille can congratulate them- very clear, and under that provision it After some discussion those present I will pay Five Dollars reward for Powers and get the mail from there. selves (whether they do or not) that would seem that there is no doubt but who desired to join the association exsions in discussing the cause. After information that will lead to the arrest The distance is only 25 miles, and there the manager of their picture house that Coos County can secure a considerate by filling out a blank ficiently, will form its oceans. What

CONDENSARY

in the Form of Inducements for Locating

old Highway Commission had promised state assistance on this road, and this Dairy Stock

densary at Coquille has been placed be-

F. E. Conway, who has been active about \$2,360,630 for post road develop- land capitalist and banker, who will be ment. Taking our proportion roughly, one of the directors of the F. E. Conpany and will furnish capital with

F. E. Conway and associates are ma-

They will also import a fine grade of dairy cattle which they will sell to the farmers on easy terms. Mr. Conway believes the establishment of such plants which will pay cash for milk very month and which will assist the farmers in improving their lands and building up their berds is greatly needed and that its establishment will mean nuch toward the further development of the dairying business in this county. He says the amount of cooperation seeded and the opportunities are unlimited for a live organization which as at heart the future development of

"G. S. Butler, the wealthy Ashland apitalist and banker, has become identified with the F. E. Conway Mortgage Co. and will become one of the directors of the company. Mr. Butler is one of the wealthiest men of Ashland, Ore., and an old friend of Mr. Conway.

if some sort of a deal could be made with them, as they have a site that would be satisfactory, and were a con-A local federal farm loan association densary established here the creamery

in Jupiter have been apparent for steam, when the planet has cooled suf-