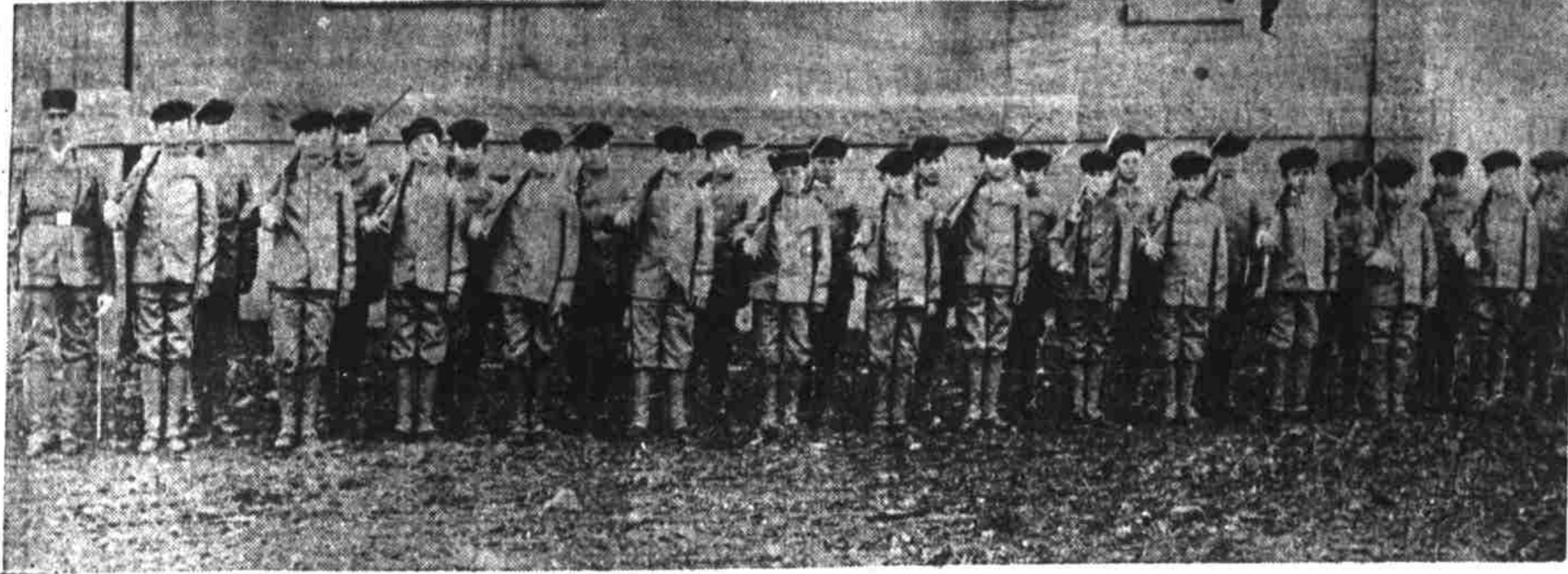


## GUARD OF HONOR TO CARNIVAL QUEEN



Tillamook Guards, an Organization That Will Be a Feature at Tillamook's Fair and Carnival, Which Will Open Tomorrow.

(Special Dispatch to The Journal.)  
Tillamook, Or., Aug. 21.—The organization known as the Tillamook Guards, which was formed by C. E. Reynolds, a Grand Army veteran, is composed of about 40 Tillamook boys. It will take part in the Tillamook county fair and street carnival, which will take place on Thursday, Friday and Saturday of

this week in Tillamook City, and for which extensive preparations are being made.  
The fair will consist of exhibits of dairy and farm products of the county and will be a stock show as well. The boys are dressed in khaki suits, cap, blouse, trousers and leggings, and are armed with 22 rifles.  
The names of the boys are: Cloyd Dawson, first sergeant, Hart Epplet,

second sergeant; William Snow, third sergeant; Frank Cook, Harris Bibby, Brooks Lucas, Martin Callerin, Ben Wade, Henry Leach, Thomas Van Paten, Lloyd Williams, Ralph Harris, Howard Lamar, Lloyd Eberman, Fred Travis, Bert Thompson, Bert Clements, Henry Wist, Ed Wist, Carl Kunze, Vernon Eakin, Edward Kunze, Dewey Kunze, Vert Stanley, Thomas Coates, Lesley Harrison, Chesser Mills, Franze Mills, Henry

Heisel, Gilbert Heisel, Neal Hiner, Estler Mills, Lloyd Jones, Daniel Keating, Fred Wist, Gardine Page, Clint King and Erik Gunstrom.  
The Tillamook Guards will escort the queen of the carnival, Miss Hattie Marlow, to the grandstand, where she will be crowned on the opening day. The boys will give drills during the fair, as well as a sham battle with blank cartridges.

## UNWRITTEN LAW PLEA IS MADE IN CORSICA

Ajaccio Peasant Youth Kills Handsome Officer Who Betrayed His Sister.

(Journal Special Service.)  
Rome, Aug. 21.—The court at Ajaccio, in the island of Corsica, has been occupied for some days past with the trial of an "unwritten law" case. The defendant is a young man named Philippe Antonetti, a laborer, who last

April shot and killed Lieutenant Gerner d'Orth.  
The murderer succeeded in making his escape, but a week afterward gave himself up to the police, saying that he did not regret what he had done, for the lieutenant had ruined his sister. The latter is an attractive young girl, 16 years of age, who had been a waitress at an inn where the officers of the garrison were in the habit of dining.  
The girl absented herself from home one night and on her return confessed that she had been betrayed by the lieutenant. Father, mother and brothers, after swearing to avenge the family honor, went in a body to the officer and told him to choose between reparation and death. He treated the matter with contempt. Two days later the vendetta was executed by the eldest brother, who shot the officer as he was in the act of lighting a cigarette in a cafe.

Two girls, aged 15 and 14, who could speak no English, came all the way from Denmark to Pendleton alone to live with a relative.

## HARD GROUND UNDER FOOT AT CHEHALIS

City's Efforts Concentrated on Good Streets—Hundred and Twenty Thousand Will Be Spent.

(Special Dispatch to The Journal.)  
Chehalis, Wash., Aug. 21.—Chehalis challenges a comparison with any other northwest city of 4,500 people, and many cities claiming larger population, in the matter of public improvements under way. The city council has just awarded a contract for paving Market street with vitrified brick to P. E. McHugh, a Tacoma contractor, for \$45,860. The next lowest bids were those of Ernest Lister for \$46,110, and Frank Keasal

for \$46,500, both of Tacoma. The bid went \$9,000 higher than the estimate of the city engineer, the discrepancy being accounted for by a difference in cost of securing sand and gravel, which will be shipped in by rail. As the work begins at the railroad crossing teaming will be a simple matter. It is expected to have the pavement completed by the middle of December, the delay being due to the fact that the vitrified brick factory is so far behind in its orders.  
As a result of the interest that has been aroused in better streets a resolution has passed the council for paving two blocks of Chehalis avenue, another main business street. Brick, hessam or asphalt will be used. This improvement is estimated at \$15,000.  
A blanket ordinance for the improvement of all the streets south of Park street, including the frontage of about 35 blocks, has been introduced, the estimated cost being \$20,000.  
Contracts already let for street improvements here now aggregate \$70,000, and other work now before the council will add another \$50,000 to the total.



### Once upon a time

Man lived upon the prey that fell in the chase. His vigorous active life enabled him to keep alive upon a diet which

### The Modern Business Man

of sedentary habits, cannot possibly thrive upon, and now

### Modern Conditions Demand a Modern Diet

Success in all undertakings depends upon, and cannot be secured without, a healthy body and a keen brain, and they cannot be kept healthy and vigorous by drugs, or in any other way than nature's way, that is, by food.  
There is only one

### "Road to Wellville"

and along this road only good, pure, properly cooked food is served.  
The makers of Grape-Nuts claim, with the best of reasons, that this scientific food is superior to any other for rebuilding the brain and nerve tissues and muscles worn down by modern strenuous life.

### "There's a Reason"

for this claim. The manufacturers of Grape-Nuts keep in this food the valuable phosphate of potash which unites with albumen and water in the human digestive organs, and directly feeds the delicate brain and nerve centers.

White bread lacks this important element, for the phosphate of potash is in the brown cells of the wheat berry, and the white flour miller must throw it out, because it will not make white bread. Then, too, all the starch in Grape-Nuts is changed in its manufacture to a form of sugar, which is very easy of digestion.

This delicious food needs no cooking. It is ready for instant use, and makes a crisp, toothsome dish of decidedly unique flavor.

It possesses high value as a strength-making food, welcome alike to athlete, brain-worker and invalid.

"There's a Reason" for  
**Grape-Nuts**

## CITY CAN ANNUAL

(Continued from Page One.)

found by the city authorities that the present charter of the city nor the franchise held by the company gave the city authority to force the railway company to finish its repair work at any definite time.

The question of a possible remedy was turned over to City Attorney John P. Kavanaugh, and in tracing it down he found that the franchise under which the Portland Railway, Light & Power company is now operating were granted to the Portland Railway company and the City & Suburban company in 1895, under the charter of 1895, they being what were known at that time as the "blanket franchises."  
"Going still further into the old charter it was found that one section relating to franchises stipulated that all franchises granted should contain certain definite provisions giving the council power to control street improvement work, both as to place, manner and time and with the further provision that unless such provisions were incorporated in the franchises they were, by that omission, made forfeitable.

**Stipulations Must Be Read In.**  
Mr. Kavanaugh holds in his opinion, therefore, unless the railway company allows the courts and the council to read into the franchises these stipulations, which were omitted when the documents were drawn, that the franchises are subject to forfeiture. The alternative remains then that if the company does make such an admission it gives to the city ample power to enforce its requests for street improvement as to the time of commencement and the date of completion under penalty of forfeiture of the franchises.

President Joselyn of the railway company declined to do any comment on the opinion of the city attorney this morning or to intimate what the attitude of the company would be.  
"I am not sure it is unbecoming in me, but unwise as well, to discuss the question until I have seen exactly what the opinion of the city attorney is," said President Joselyn.  
"I wish I could make it plain, however," continued the speaker, "that the company does not wish to delay street improvement in the least. It is proceeding with all repairs as rapidly as is possible under present labor conditions and it desires to secure materials from the east. It is just as unprofitable and unpleasant to the company to have the work retarded as it is to the people of the city. We are pushing the work with all the haste possible under the conditions, and will continue to do so. The company is doing its best to make improvements and has no inclination to hinder the city in its improvements."

**Attorney Kavanaugh's Opinion.**  
The text of the opinion as written by City Attorney Kavanaugh is as follows:

"August 21, 1907.—Hon. A. L. Barbur, Auditor of the City of Portland, City Hall, City—Dear Sir: I have your favor of the 26th ult., wherein you advise that it frequently happens that a contract for the improvement of a street cannot be completed for the reason that the railway company fails to raise or lower its tracks to conform to the grade of the street. You further advise that the committee on streets of the executive board requests advice as to whether a failure by the railway company to place its tracks on the established grade, after receiving notice from the proper officers, affects the validity of its franchise, and also what remedy the city has if a railway company neglects to raise or lower its tracks when it is directed to do so.  
"After the receipt of this letter I had a conversation with the members of the committee on streets and was informed that the railway referred to was the one now operating under franchises originally granted to the City & Suburban Railway company and the Portland Railway company. These franchises were granted under the charter of the city of Portland filed in the office of the secretary of state October 17, 1895. Section 28 of that charter contains the following provisions:

**Provides for Improvements.**  
"Provided, that in all future franchises there shall be inserted a provision that will require the grantee of the franchise or its successors to maintain the streets as required by the common council and the board of public works, and for failure to do so said franchises shall be forfeited. And all franchises granted to any person or corporation to lay down tracks for streetcars or other railways shall provide that the person or corporation to whom the franchise is granted, and their or its successors shall, during the life of the franchise, pave, repave, reconstruct or repair, from time to time, whenever directed by the common council, the whole or any portion of the street used by said streetcar or railroad company and the portion of the street between parallel lines extending one foot beyond the outer rails."  
"These provisions of the charter are a limitation on the power of the common council to grant a franchise to street railway companies, and the common council has no authority to eliminate these provisions from franchises granted to such companies."

Section 7 of the franchise granted to the City & Suburban Railway company contains these provisions:  
"Said City & Suburban Railway company, its successors and assigns, owner or owners of the railway tracks constructed or maintained under authority of this ordinance, shall fill in or grade to the established grade, and plank, pave, repave, reconstruct, or otherwise improve or repair from time to time, whenever directed by the common council, and necessary to put the same into as good condition of pavement and repair as the adjacent portions of said street or streets, and in such manner as the municipal authorities may direct, any portion of the street or streets along or over which the said railways are or shall hereafter be constructed the whole width of said railways, between the rails, and between the tracks, and for the width of one foot on the outside of the outermost rails."

**Old Provisions Omitted.**  
"Section 7 of the franchise to the Portland Railway company contains a provision in language identical with the foregoing. It will be observed that these franchises do not contain the provision of the charter of 1895 above set forth relating to the forfeiture of the franchise upon the failure of the company to maintain the streets as required by the common council or the board of public works. They contain provisions that the grantee and their successors shall improve or repair from time to time, whenever directed by the common council so to do, and necessary to put the same into as good condition of pavement and repair as the adjacent portions of such street or streets." This latter provision does not accord with the provision of the charter and is not authorized by the grant of power from the legislature to the common council. The charter is the source and measure of the power. The grantee of this franchise were charged with notice of the power delegated to the common council and the limitations placed upon the franchise in the language in which it was granted, or attempted to be granted, then the franchise is void because the common council had no power to grant it.  
"The committee on streets of the executive board is therefore advised that the grantee of this franchise must raise or lower its tracks to conform to the street grades and improve or repair the streets between the tracks, between the rails, and for a space of one foot beyond the outer rails, when so directed by the council or executive board, and upon failure to comply with such section, its franchise is subject to forfeiture, as provided by section 28 of the charter of 1895."  
"J. P. KAVANAUGH,  
"City Attorney."

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