

MUST TURN OVER MONEY

Judge Coke of Circuit Court Hands Down Decision in Case of Port of Bandon vs County Treasurer.

FINDS FOR PORT IN EVERY PARTICULAR

Orders Money Collected On Three Mill Tax Levy Turned Over to the Port at Once.

In the case of the Port of Bandon plaintiff, vs. T. M. Dimmick, county treasurer, defendant, the Circuit court rendered a decision sustaining the contentions of the Port, and requiring the county treasurer to pay over the special tax immediately. The judgement was rendered late Saturday night and is as follows:

"The above entitled matter coming on regularly to be heard on the Demurrer filed by plaintiff to the defendant's answer or return to the alternative writ of mandamus, hereinbefore issued and served upon said defendant, plaintiff appearing by G. T. Treadgold its attorney, defendant appearing by L. A. Liljeqvist, district attorney, and the court being fully informed in the premises,

It is hereby considered, ordered and adjudged that said demurrer be, and the same is hereby sustained for the reasons as stated in the demurrer that it appears upon the face of said answer that said answer contains new matter, that said new matter does not constitute a defense or counterclaim; that the said answer or return does not show any cause why a peremptory mandamus should not issue, and does not constitute a defense or counterclaim to the allegations of the petition, or of the alternative writ of mandamus, the defendant electing not to plead further.

"And it appearing to the court that the plaintiff at all times mentioned in this petition has been and now is a municipal corporation, created, organized, existing and exercising municipal rights, privileges and franchises within Coos county, Oregon under and by virtue of the laws of the state of Oregon.

"That the defendant T. M. Dimmick, is the duly elected, qualified and acting treasurer of said Coos county Oregon.

"That in December, 1913, the plaintiff corporation levied tax of three mills, in accordance with the provisions of the laws of the state of Oregon in such cases made and provided upon all of the taxable real and personal property within the boundaries of said Port of Bandon, in said county and state; that said tax was duly and legally extended upon the tax rolls of the said county, and a large portion thereof has been duly and legally collected by the said defendant treasurer, who is also ex-officio tax collector for said Coos county, Oregon; that said defendant now has such monies in his custody, control and possession, and that altho demand has been made upon him by the plaintiff for the payment of said fund to the plaintiff, the defendant has refused and still refuses to pay over the same or any part thereof.

"That the plaintiff is entitled to the immediate payment to it of said tax monies, and payment to the plaintiff of said tax monies so held by the defendant as aforesaid is the performance of an act which the laws of the State of Oregon specifically enjoin upon the defendant as a duty incident to, and resulting from his office as treasurer of said Coos county.

"That the plaintiff has no plain, speedy and adequate remedy in the ordinary course of the law; that said monies belong to and are the property of the plaintiff and are needed and necessary for the conduct of the municipal business of said port, and

for carrying into effect and operation the purposes for which said port was incorporated.

"That the said Port of Bandon has caused its treasurer to execute a bond as required by law, and that the said defendant in refusing to pay over to plaintiff its said tax monies does thereby refuse to perform an act which the law specifically enjoins as a duty upon the defendant, incident to and resulting from his office as treasurer and tax collector of said Coos county; that demand for the payment of said fund has been made before the commencement of this action, and the payment refused, and that the plaintiff has no plain, speedy and adequate remedy in the ordinary course of law.

"Therefore it is hereby considered, ordered and adjudged that a peremptory writ of mandamus issue forthwith out of this court under the seal thereof, in the name of the state of Oregon, directed to the defendant above named, commanding him at once to pay over to the plaintiff any and all tax monies of the plaintiff, which he the defendant as treasurer and tax collector of said county may have in his custody, control or possession, under the pains and penalties of law in such cases made and provided, and further that the plaintiff do have and recover from and off of the defendant its costs and disbursements hereinafter to be taxed."

NOTES FROM ALONG THE BANDON WATERFRONT

The Elizabeth arrived last night with 210 tons of freight and the following passengers: Mrs. J. Olsen, Ida Olsen, Mary Olsen, Mrs. M. J. Laughlin, T. S. VanVleet, wife and two children, H. Hogan, W. J. Hendy, E. Walker, E. D. Dunham and wife, Miss H. Dunham, Willie Olsen, Will Barrow, James Hill, A. E. Tower. The Elizabeth will sail again at midnight Wednesday.

The Speedwell arrived yesterday with a small cargo of freight and the following passengers: B. O. Haasford, Mrs. M. Adderson and child, Geo. W. Moore and wife, Geo. W. Moore, Jr., John Moore, Miss Moore, Mrs. Martha Sullivan, Mrs. E. H. Depive and child, Robert Banks, C. J. Green, Perry Ward, Mrs. A. Jarrett and child, Miss Supplee, F. Sanborn, Geo. Hardy, U. S. Grant, C. Minnett, J. W. Sutter, S. J. Lund, Milton Hague, G. A. Gilman, Carl Nord, O. Carlson, C. A. Binder, Dan McDonald.

The Speedwell will take on part of a load of ties here and will go to Coos Bay from which point she will sail for the south Thursday at 1:00 p. m.

MEASLE EPIDEMIC AT LAKESIDE AND TENMILE.

Practically every family in the Lakeside and the Tenmile district are afflicted with measles and many there have been exposed to smallpox. Postmaster McGee and family are among the afflicted as are also John Vamburger and family, prominent residents of that section.

CELEBRATE! YES? NO?

MEETING WAS HELD AT THE COMMERCIAL CLUB HALL YESTERDAY BUT NO DEFINITE STEPS TAKEN.

A meeting was held last night at the Commercial Club rooms to decide whether or not Bandon would celebrate, but only about a dozen were present and nothing was done. If we are going to celebrate there should be something doing at once as it is less than a month to July 4th.

All those who attended the social dance given at the Wigwam last Saturday, June 6th, pronounced it a very enjoyable affair. Patrons of the Wigwam are always assured of a good time, nothing being left undone by Mr. Lewin that will increase the pleasure of his guests. Another dance will be given at the Wigwam Wednesday evening.

ARE YOU REGISTERED?

Next Friday, June 12th, is the last day for registration before the coming city election.

There seems to be some erroneous ideas in regard to the registration. Some seem to think that their registration for county and state election will suffice for the city election also, but this is a mistake. In order to vote at the city election you must register at the city hall, before City Recorder Kausrud, as he is the only man authorized to register voters for the city election.

If you have not registered, remember you have only three more days in which to attend to it.

Every man and woman in Bandon should register so they may have a voice in the choosing of city officials on the 17th.

NEXT SUNDAY IS FLAG DAY

CHURCHES OF BANDON WILL UNITE AT THE M. E. CHURCH TO HONOR OUR NATIONAL EMBLEM.

Next Sunday will be "Flag Day" and in honor of the occasion the churches of Bandon will hold union services at the M. E. Church at 11:00 a. m. under the auspices of Bandon Post G. A. R. and Bandon Lodge W. R. C. The program will include patriotic songs, recitations, and an oration on the flag.

Every man woman and child who loves the flag should attend these services and learn of the uses and abuses of the flag.

The stars and stripes were adopted as the official flag of the United Colonies in 1777 consequently it has been our official emblem for 137 years next Sunday.

RAINY DAYS MAKE BUSINESS FOR THE LIBRARY

Saturday was a rainy day and demonstrated the popularity of the public library in such weather. Thirty seven books were taken out on that day and seven new borrower's cards given out. Besides a great number took advantage of the free reading tables, loaded down with popular magazines and daily and weekly newspapers.

The Christian Science Sunday school has made the library a present of a volume entitled "First Church of Christ Scientist," and other church literature. Other friends have given "V.V.'s Eyes" and "Prairie Night."

ELKS COMING SUNDAY JUNE TWENTY-EIGHTH

As was announced in Friday's Recorder the Coos County Elks will come to Bandon enmasse Sunday, June 28th, and as is always the case on Elks Day, there will be something doing every minute.

The Bandon Elks will hold a meeting in a few days and lay plans for the big event. There will be a base ball game and other amusements, besides the usual humorous stunts that are pulled off when Elks gather together.

4th of July Meeting

A MEETING WILL BE HELD WEDNESDAY EVENING, JUNE 10TH, AT THE COMMERCIAL CLUB ROOMS TO ARRANGE FOR CELEBRATING THE FOURTH. BUSINESS MEN ESPECIALLY REQUESTED TO ATTEND.
BY ORDER OF COMMITTEE.

BASE BALL GAME SUNDAY

GAME POSTPONED LAST SUNDAY ON ACCOUNT OF RAIN WILL BE PLAYED HERE NEXT SUNDAY.

Owing to the heavy rain of last Saturday and Saturday night it was necessary to postpone the ball game between Bandon and Coos Bay last Sunday, but if the weather permits the game will be played next Sunday. The Bandon team is working hard to get into shape to carry off the honors. The Coos Bay team is said to be a strong one and a good game is looked for.

NEW REGULATIONS ISSUED FROM U. S. LAND OFFICE.

The following self explanatory letter has just been received from the United States Land Office at Roseburg:

Bandon Recorder—As a matter of information, we shall be pleased if you will publish the fact that the General Land Office has issued new regulations and instructions governing the opening of Siskiyou Forest lands in Coos and Curry counties (Townships 30 and 31, Range 13, and Township 31, Range 14), and these amend in some particulars the circular recently issued from the Roseburg Land Office. An important change is made by providing that filings will be received on and after July 7, 1914. A circular giving full instructions will be mailed to all applicants. Yours very truly, J. M. Upton, Register.

DECISION IN PORT OF BANDON CASE EXPECTED MONDAY

Port Attorney G. T. Treadgold informs us that Judge Coke expects to decide the case of the State of Oregon vs. Port of Bandon next Monday, at the opening of the equity term.

The present term of the Circuit court is the longest one in the history of Coos county, about twenty-five cases having been tried, and the court now being adjourned until next Monday to try equity cases, with the jury adjourned until June 22d, when criminal cases will be taken up again.

"THE LION AND THE MOUSE" AT THE GRAND SUNDAY

This photo play masterpiece complete in six reels will be offered at the Grand Theatre next Sunday, June 14th. "The Lion and the Mouse" has had a wonderful run in the largest picture houses thruout the country and again proves that high class productions of this kind meet with instant favor with the picture loving public.

Following is the synopsis of this great picture story: "John Burkett Ryder is a master of finance with a boundless desire for wealth. No mean avarice, but a love of power to be gained through riches; a domineering will and unscrupulous soul. Previous to the opening of the story Ryder had compassed the financial ruin and professional disgrace of Judge Rossmore, of the Supreme Court, to avenge himself for certain adverse decisions which the Judge has rendered against the corporation. Shirley Rossmore, the Judge's daughter and young Jefferson Ryder returning from Europe on the same boat, have met and register a pretty story interest in each other, being at the time entirely ignorant of the friction now existing between their respected fathers. Shirley has written a novel and from Jefferson's description of his father has made the star character of the story a fair prototype of the master of finance. Ryder without consulting his son's wishes has already announced an engagement between Jefferson and the daughter of Senator Roberts. Shirley Rossmore's book which is written under the pseudonym of Sarah Greer gets into Ryder's home and makes such an impression that the great financier employs a detective to find the author. Sarah Green is found and Ryder employs her to compile his biography not dreaming that she is the daughter of the Judge he has ruined. Now comes the battle between the Lion and the Mouse. The Mouse wins the Lion's admiration by the outspoken audacity of her opinion of his life and moral code. Kate Roberts, whom Ryder had selected to be his son's fiancée elopes with his aristocratic private secretary. Ryder to pacify his son and to offset his attachment for Shirley Rossmore suggests that he shall marry Sarah Greer: "who has proved herself far more brilliant than the Judge's girl." It is then Shirley's turn, she declares her identity and admits that she has secured certain letters from Ryder's desk that will prove her father's innocence. Ryder orders her from the house, then he sits up all night, consumes innumerable black cigars and finally conquers his own vanity. Next day Jefferson Ryder proposes but Shirley declares that she will never marry a man that has such a father. With bitter words Jefferson denounces his father, he tells him that the girl he loves objects to the family. But John Burkett Ryder eats a big slice of humble pie, he announces that he will prevent the impeachment of Judge Rossmore, and implores Shirley to accept his son. The Mouse had conquered the Lion."

MANY ATTEND CITY CAUGUS

Fully Two Hundred Voters Present at Mass Meeting Called For Purpose of Nominating City Ticket.

GEO. TOPPING FIRST CHOICE FOR MAYOR

Much Interest Manifested In Men Who Will Compose The Next Municipal Council.

- | CITY TICKET | |
|-----------------------|--------------------------|
| Mayor | Geo. P. Topping |
| Mayor | Geo. J. Armstrong |
| Recorder | (by petition) J. Nielson |
| Recorder | E. B. Kausrud |
| Recorder | B. N. Harrington |
| Councilmen, West Ward | |
| Long term | Dr. L. P. Sorensen |
| Long term | H. C. Dippel |
| Long term | C. E. Klepfer |
| Long term | A. McNair |
| Short term | Steve Gallier |
| Short term | J. H. Shields |
| Councilmen, East Ward | |
| Long term | F. J. Chaburn |
| Long term | S. Mundy |
| Short term | C. R. Moore |
| Short term | J. W. Mast |
| Short term | J. H. Gould |
| Short term | S. E. Hines |
| Short term | C. H. Hurley |
| *By petition. | |

The mass meeting Friday night for the nomination of candidates for city officers brought out about 200 people, and though there was much spirit shown, everything went off quietly.

F. J. Chaburn was made chairman and C. R. Moore secretary of the meeting.

The first in order was the naming of candidates for mayor, and the names of Geo. P. Topping, Geo. J. Armstrong, John Nielson and J. W. Mast were duly presented and nominations were then closed.

For city recorder the names of E. B. Kausrud and B. N. Harrington were proposed, and no further names appearing, these two gentlemen were duly nominated by the secretary casting the ballot of the meeting for these two men as the regular nominees for recorder.

Balloting for mayor was then taken up and on the first ballot Geo. P. Topping received 89 votes, Geo. J. Armstrong 36, John Nielson 36 and J. W. Mast 25. Mr. Topping was then declared nominated and a second ballot was taken to vote off the tie between Armstrong and Nielson, the ballot resulting in 107 for Armstrong and 81 for Nielson.

The meeting then adjourned and the voters of the east ward went to the fire hall where they nominated councilmen, while the west ward remained at the opera house.

The west ward named Dr. L. P. Sorensen, H. C. Dippel, C. E. Klepfer and A. McNair for the long term and Steve Gallier and John Shields for the short term.

In the east ward F. J. Chaburn and S. Mundy were nominated for the long term and C. R. Moore, J. W. Mast, J. H. Gould and S. E. Hines for the short term.

On Saturday afternoon petitions with the required number of names attached, were filed with the city recorder demanding the name of John Nielson be placed on the ticket for mayor and C. H. Hurley for councilman for the short term, therefore these names will appear in addition to the nominees of the caucus.

COQUILLE TO BE "DRY"

ACTION PROMPTED BY PETITION SIGNED BY FIVE HUNDRED CITIZENS ASKING THAT NO LICENSES BE ISSUED.

It is reported that the Coquille city council at their regular meeting last night refused by a vote of five to one to grant any saloon licenses for the next six months. The action it is said came from the fact that a petition signed by over 500 voters was presented to the council asking that such action be taken.

The saloons have until July 1st to do business under their old licenses but after that time there will be nothing doing in the liquor business at the county seat.

Earl Goodman and Ray and Chas. Goodrich of Coquille were Bandon visitors Saturday.