

LOCAL AND GENERAL.

G. Bingham was in town Tuesday. County court proceedings on first page.

John Smith is agent for Fred T. Merriam's bicycles.

B. Westerfield sold several mowers. Hay rakes last week.

Mrs. Susan Grubbs has returned from visit to Lane county.

A fine bird cage goes to the furniture store. All styles and sizes.

F. Turner and wife, of McMinnville, were in town Tuesday.

Rev. Clyde will preach at McCoy next day, morning and evening.

Mrs. McCain and family have gone to Yamhill to eat fish and clams.

G. H. Smith has located in Lafayette for the practice of his profession.

Rev. J. Hoberg has the thanks of the church for a basket of fine potatoes.

L. Westerfield sells his furniture cheap, and is satisfied with a small profit.

F. Hall, who lives in Chehalem valley, has been appointed notary public for Gov. Penoyer.

County court adjourned to meet July 18, 1888, which is Sunday. Undoubtedly adjournment was intended.

Money to loan on improved farm property in amounts to suit. Apply to Dr. Poppleton, Lafayette.

Transpires that S. G. Ely and Miss Biggerstaff were not married until they reached Nestooton.

J. Hembree is attending the Grand National, A. O. U. W., at Seattle, Washington territory, this week.

See photograph tent has arrived and can procure first-class work at reasonable rates—near Bird & Gates' store.

Hygienic kalsomine for sale at the furniture store, the most brilliant, durable and sanitary wall finish in the city.

Mrs. Ellen Steward and Thos. Ott married in Lafayette, July 9, 1888.

M. M. Hurley, J. P. Peace and joy with them.

Tillamook Headlight reports a celebration in Tillamook, and that of the Lafayette boys who attend complimentary terms.

A fruitful source of pleasure to be obtained with a basket of fine ripe fruit, such as Miss Clara Johnson brought to our office this week.

Tillamook is petitioning for a daily mail from North Yamhill. The growing distance of our neighbor over the main entitles her to a daily mail.

L. Bradshaw and family started for home to-day to recuperate. They have gone three weeks. P. P. Gates and Uncle John Bird and accompanied them.

After Fred Harris, who has been suffering for several weeks with inflammation of the bone of his right leg, is recovering. He has stood the confinement manfully.

Trullinger keeps things moving along down about Trullinger's mill. The way, Perry is an old Yamhill bully boy, and has been here for weeks, last past.—Transcript.

A new railroad bridge across the river at Portland is completed, and has commenced running over it on Monday. It is pronounced by com- judges to be one of the best in the country.

Wall returned from East Portland with his wife Tuesday. Mention made in these columns last week of Wall's suffering from an overdose of gas. There are hopes now of ultimate recovery.

Lindroth, who murdered his daughter at Independence last winter, hanged at Dallas last Friday. Execution was successful, the rope was the same as that used to hang here on the 11th of November.

Maggie Stott, daughter of Field Stott, died at North Yamhill July 8, about 17 years. Death came sudden and resulted from taking the McMinnville celebration. Her friends have the sympathy of the community.

Dr. J. M. Kelly's Arnica Salve.

Best salve in the world for cuts, bruises, sprains, salt rheum, fever sores, tetter, eczema, chilblains, corns, and all skin troubles, and positively cures piles, or no pay. It is guaranteed to give perfect satisfaction. Price 25 cents per bottle. For sale by J. M. Kelly.

CARLTON.

Our church has a new organ full of all kinds of tunes. Just a little varnish please; also a few nails and a little paint.

Prof. Knapp hid himself away to bunchgrass a few days ago.

Any one would know that these young men were Yamhillers, they are so galling.

Lots of our folks went to the Fourth of July (race) celebration at McMinnville and report a good time.

Our good citizens are talking of building a hall for the use of the public; that is right gentlemen, stay with it.

J. E. Young laid the corner stone of his new house on the glorious Fourth, amid the boom of the people and the hurrah of the anvil.

Thomas Jefferson has been carrying his foot in a sling for some time, but is about alright now. You see his mind was far away and he struck his foot instead of the stick.

Elder W. L. Skeels will preach in the schoolhouse on the Saturday evening before the fifth Sunday in July; also Sunday and Sunday night. All are invited to come; seats free and no collection.

The railroad company is extending their switch further north to make room for wood purposes, as there is an immense lot of good oak being delivered for shipment to the metropolis from here.

Notice is hereby given that on next Fourth of July Carlton will invite some of her sister towns to join in getting up a celebration. We have one of the finest picnic grounds in Oregon. It will be free to all; won't cost fifty cents to get in and seventy-five cents to get out. Cumtux?

The hatchet brigade was out in full force the other day making war on the thistles along the old dilapidated sidewalk. The brigade is composed entirely of ladies, which being interpreted means a new sidewalk. Just as well order the lumber, it must go.

By a grapevine despatch from my old time friend, E. Sifton, we understand he is getting very tired of backing, and would like to persuade some female to go to bunchgrass and share his lonely lot and soothe his declining years with her presence, providing she can make good bread and knows how to cook jack rabbits.

HAWK-EYE.

NEWBERG.

July 9, 1888.

Noah Heater has moved into his new house.

Mrs. John Kirkley, of Portland, is up on a visit.

Mrs. Ed. Robinson is not enjoying good health.

G. W. Mitchell is putting up some new picket fence.

John Hardwick and family have moved to Middleton.

Miss Ella Hadley has closed her school and returned home.

Osburn Brown and family have moved near the White house.

A great deal of clover hay has been damaged by the late rains.

Born.—to the wife of Wm. Garland, July 4th, a fine daughter.

Thomas Warner and family expect to move to Tualitan this week.

The Graham girls have a new and neat sign out at their hotel.

Lee Jones, while working in the timber last week, badly cut his leg.

E. Steigleader and B. M. Wilson have the lumber on the ground to put up a creamery.

A. D. Webber, of Wisconsin, brother of Mrs. Nancy Wiley, arrived at this place on the 2d.

The Fourth at this place was celebrated in fine style and everybody seemed to enjoy themselves.

A. E. Moore and N. Snodgrass are putting up a large dryer; capacity, one hundred bushels of prunes per day.

PROHIBITIONIST.

BRACE UP.

You are feeling depressed, your appetite is poor, you are bothered with headache, you are fidgety, nervous, an irregular all out of sorts, and want to brace up. Brace up, but not with stimulants, spring medicines, or bitters, which have for their basis very cheap, bad whiskey and which stimulate you for an hour, and then leave you in worse condition than before. What you want is an alternative that will purify your blood, start healthy action of liver and kidneys, restore your vitality, and give renewed health and strength. Such a medicine you will find in Electric Bitters, and only 50 cents a bottle at J. M. Kelly's drug store.

BURNED.—Yesterday morning about 3 o'clock the Barnekoff warehouse on the narrow gauge at McMinnville crossing, was burned to the ground. Alexander & Beno, of Dayton, lost about sixty cords of wood adjoining. Further particulars are unknown.

FOR AN INJUNCTION.

Below we publish the complaint in a suit for an injunction on the new court house, that our readers may know what is prayed for. The matter will be argued before Judge Boise at Salem, on the 25th inst.

In the circuit court of the state of Oregon for Yamhill county:

R. P. Bird, Plaintiff,

vs

Yamhill county, the Pauly Jail Building and Manufacturing Company, L. Loughary, S. Brutscher, D. B. Kingery, P. P. Gates, J. W. Hobbs and D. Canuto, Defendants.

The above named plaintiff complains of the above named defendants, and for cause of complaint alleges that he is a citizen and resident of Yamhill county, state of Oregon, and that the plaintiff is a taxpayer and owns real estate situate in Yamhill county of the value of about \$700, and that said property is subject to all taxes and assessments imposed by law on real property within said Yamhill county for state and county purposes; and that the said defendant, the Pauly Jail Building and Manufacturing Company is a private corporation duly incorporated and existing under the laws of the state of Missouri and now doing business in the state of Oregon; that the said L. Loughary is the duly elected, qualified and acting county judge of said county; and that said Sebastian Brutscher and D. B. Kingery are the duly elected, qualified and acting county commissioners of said county; that said Yamhill county is a public corporation duly organized and existing in this state; that the said P. P. Gates is the duly elected, qualified and acting treasurer of said county, and that said J. W. Hobbs is the duly elected, qualified and acting county clerk of said county.

And plaintiff alleges that heretofore on the 15th day of February, 1887, the legislative assembly of the state of Oregon passed an act entitled "An Act to relocate the county seat of Yamhill county, Oregon, to provide for the submission of said relocation to the voters of said county and regulate the manner and fix the time of said submission, and the construction of its county buildings;" and that afterwards, on the 1st Tuesday after the 1st Monday of November, 1887, under the provision of said act a pretended election was held in said county at which the question of relocating the county seat was voted upon by the electors of said county and the said promoters of said scheme to relocate said county seat, and the defendants pretended and declared that the majority of the votes cast at said election were in favor of the town of McMinnville, in said county; and plaintiff alleges that section six of said act of the legislature is in the words and figures as follows: "Sec. 6. Should the legal voters of said county decide to change the location of said county seat and should the same be relocated at some other point than where it now is the county court of said county shall not have the power or authority to contract for or construct public buildings to exceed the cost of \$45,000, and shall not have the power or authority to levy any tax upon the property of said county in excess of two mills on the dollar of taxable property of said county annually for said purposes." And that thereafter in the year 1887 the said county court caused a two mill tax to be levied and collected upon the taxable property of said county and that said tax so collected amounted in the aggregate to the sum of about \$8000 for the purpose of constructing public buildings and no more. That afterwards on the 10th day of May, 1888, the county court of said county of Yamhill pretended to enter into a contract for and on behalf of said Yamhill county with the said defendants, the Pauly Jail Building and Manufacturing Company, for the furnishing of materials and the construction of and building a new court house and jail at the town of McMinnville, in said Yamhill county, according to the plans and specifications submitted by Geo. W. Babcock to said county court, and the said county court there and then awarded said contract to the said Pauly Jail Building and Manufacturing Company, and entered into said contract and agreed to pay to said company the sum of \$45,000 for said building fully completed, but the special terms and conditions of said contract the plaintiff is unable to state for the reason that said contract is kept secret in the hands of said county judge and county commissioners and that they refuse to permit the plaintiff to see or inspect the same, although the plaintiff has often demanded an inspection of the same, and the plaintiff states that the only record of said contract made by said county court that he has been permitted to see or inspect is in the words and figures following, to-wit: "May 10, 1888. In the matter of the adoption of plans and award-

ing the contract for the construction of a court house at McMinnville. On this day the matter coming up for consideration and it appearing to the court that the plans and specifications for a new court house to be built at McMinnville, in Yamhill county, Oregon, have been submitted by various parties and that said plans were accompanied with bids for the construction of the building to be built, and that all the plans and bids so submitted have been duly considered by the court—that they were duly submitted pursuant to notice heretofore duly given and published, and it appearing that the plan submitted by Geo. W. Babcock (architect) is best adapted to the requirements of this county and that the Pauly Jail Building and Manufacturing Company have offered and agreed to furnish and construct said building in accordance with the said plan and specifications submitted by Geo. W. Babcock for the sum of \$45,000. It is therefore ordered by the court that the said plan and specifications of Geo. W. Babcock be and the same are hereby accepted and adopted and the contract for the construction of the said building be awarded to the Pauly Jail Building and Manufacturing Company, and that they be required to furnish a good and sufficient bond to this county in the sum of \$40,000 for the faithful performance of the contract.

L. LOUGHARY, County Judge,
J. S. HIBBS County Commissioner."

And plaintiff alleges that under and by virtue of said pretended contract the said defendant, the Pauly Jail Building and Manufacturing Company, has entered upon the performance of said contract and has taken possession of a certain tract of land, in said town of McMinnville, owned by said county of Yamhill, and has commenced the laying of the foundation of said building upon the same and has bought materials for said building, and that said company is still proceeding with the work and that said company threatens and declares its intention to complete the said building as in said contract stipulated and agreed so as to entitle the said company to the said payment of the said sum of \$45,000, and plaintiff avers that he believes that said sum of \$45,000 will, under said contract, become due some time in the fall of 1888, and that the said county court threatens and intends to order and direct the said county clerk to issue an order or warrant in favor of said company for the said sum of \$45,000 as payment upon said contract price in a very short time, and that said clerk threatens to issue and sign the same and that the said treasurer threatens to pay the said warrant to said company when the same is presented, and that unless said defendants are enjoined and restrained they will do and perform said acts in violation of law. And plaintiff alleges that in pursuance of section six of the said act of the legislature passed on the 15th day of February 1887, the county court of said county in the year 1887 levied and collected in gold coin a two mill tax, amounting to the sum of about \$8,000, upon the taxable property within the limits of said Yamhill county, and that said sum of \$8,000 is now in the hands of the said treasurer of said county and that plaintiff is interested in said tax of \$8,000 to the extent of the tax collected from his property, and plaintiff alleges that said county court threatens and intends to levy and collect further taxes each year upon the taxable property in said county until the full sum of \$45,000 is raised, and that said defendants threaten and intend to apply said taxes so levied and collected and to be levied and collected upon the payment of the contract price of said building; and plaintiff alleges that under and by the terms and tenor of said contract the said county of Yamhill has created and incurred a debt and liability which singly and in the aggregate exceeds the sum of \$5,000, for the purpose of erecting and building a court house and not for the purpose of suppressing insurrection or repelling an invasion. That unless the debts are restrained the plaintiff will be put to the necessity of maintaining a multiplicity of actions to recover back the taxes so wrongfully levied and collected from him. And plaintiff alleges that the levy of said taxes upon said property casts a cloud upon the title of his property in said county and the illegality of said levy of taxes is not apparent upon the proceedings constituting the levy and assessment of taxes. And plaintiff avers that unless the defendants are restrained and enjoined in the premises they will carry out and execute and perform said contract for and on behalf of said county of Yamhill and will thereby involve the said county in a debt and liability of \$45,000 and will involve the plaintiff in a multiplicity of suits and actions and will do the plaintiff irreparable injury; and plaintiff alleges that said contract made by said county court with the defendant, the Pauly Jail Building and Manufacturing Company is invalid and creates a lia-

bility and debt of \$45,000, against said county in violation of the constitution of the state of Oregon and the laws thereof.

And plaintiff alleges that said Domingo Canuto entered into a contract with the said Pauly Jail Building and Manufacturing Company by the terms and tenor of which the said Canuto has undertaken and agreed to furnish the materials, construct and erect a stone and brick foundation for said court house upon the property of said Yamhill county, in the said town of McMinnville, and that said Canuto is a mechanic and stonemason by trade and a material man, and has already commenced work upon the foundation of said court house, and has erected a part thereof and laid the corner stone and provided materials therefor, and he is now proceeding with the work at a rapid speed and will soon have the said foundation completed so as to entitle him to file a lien upon said building and the ground upon which the same is erected for his work and materials, and unless he is restrained said property will be encumbered with said lien; and that said Canuto threatens and intends to complete said foundation as soon as possible; and plaintiff avers that he has not a plain, adequate and complete remedy at law.

Wherefore the plaintiff prays that said defendants, their agents and servants and contractors, who pretend to derive their authority from said defendants, or either of them, may be temporarily restrained and enjoined from further proceeding with the work, construction or erection of said building or any part thereof, and that said defendants, each and all of them, may be enjoined or restrained from issuing any order or warrant authorizing or directing the payment of any money to the said Pauly Jail Building and Manufacturing Company or its assigns, and that said county clerk and county treasurer of said county be restrained from signing or issuing or paying any such order or warrant drawn or issued in favor of said company for the payment upon said contract, and that said treasurer be enjoined from paying any money upon said contract to said company or its assigns, either upon an order, warrant or otherwise, and that upon a final hearing that said injunction may be made perpetual and that said contract may be decreed to be cancelled, and for such other and further relief as equity and good conscience may seem to require, and for costs and disbursements herein said out and expended.

CAPLES & MULKEY,
Attorneys for Plaintiff.

OBITUARY.

Mrs. Nettie McLaughlin, sister of Dr. J. F. Calbreath, of McMinnville, and mother of Ralph and Roy Brown, the latter of whom was drowned here two years ago, died very suddenly at her home, in Harney valley, June 27, 1888, aged 37 years. She was entirely alone at the time. Her youngest son, aged about 15, went down the creek a short distance for his pony; when he returned she was lying in the yard, about forty steps from the door, dead. He carried her in and laid her on the bed and mounting his pony, ran for assistance. Her husband was on his road home with a load of lumber, and Ralph was about thirty-five miles away herding sheep. There was a slight bruise on her temple where she struck when she fell. Rheumatism of the heart is supposed to have caused her sudden death. Her death casts a gloom over the community for miles around.

Price, the artist, took some very fine views of the laying of the corner stone. Parties who wish one can get it by calling at his gallery, in McMinnville.

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