

BOOZE TO BE CUT OFF!

County Court Prohibits its Sale after January 1st.

A REMONSTRANCE IS FILED.

Lot of Trivial Objections are Made - Women's Petition Presented.

At a special meeting of the County Court on Monday, when County Judge Conder and Commissioners Bodyfelt and Loerpabel were present, the matter of prohibiting the sale of intoxicating liquors came up, when an abstract of the vote cast at the last election was before the court to act upon.

1.—The protestant herein is a legal voter of said County of Tillamook, State of Oregon, and a large bonafide taxpayer therein, and is also a legal voter and a bonafide taxpayer in Tillamook City, in said County and State.

2.—That the Legislative assembly of the State of Oregon, at the 17th biennial session thereof, held as by the constitution and laws of the State of Oregon, provided, in the year 1893, duly passed an act, entitled "An Act to Incorporate the City of Tillamook City, in Tillamook County, State of Oregon, and to repeal all acts or parts of acts in conflict herewith," which said act was filed in the office of the Secretary of State, February 13th, 1893, and thereafter became, and still is a valid existing law, and said Tillamook City thereby and thereunder became, and is now, a political subdivision of and a body corporate, within the County of Tillamook and State of Oregon, and a public corporation.

3.—That under and by virtue of said law, said Legislative Assembly delegated to said Corporation through its Common Council, the right and power to tax, regulate, restrain or prohibit the sale of all kinds of intoxicating liquors within its boundaries or corporate limits, as described in said act of incorporation.

4.—That the pretended law, under which this Court is contemplating making said order protested against as aforesaid, and said order if made, is subsequent in time, to said act of incorporation heretofore described, and is subsequent in time to the rights and property acquired and held by the protestant under said license, agreement and undertaking entered into as aforesaid with said Corporation, and said order if made would have the effect of destroying the value of a large amount of protestant's property, and would deprive him thereof without due process of law.

5.—That said pretended local option law, does not comply with the constitution of the State of Oregon, in that it is passed by a vote of the people, and takes effect upon the authority of such order hereby protested against, which said order if made, is not such authority as is provided for in the constitution of the State of Oregon.

6.—That no legal election was ever held in said Tillamook County, State of Oregon, in pursuance of said pretended law, upon which the order of prohibition contemplated by this Court, and against which this protest is entered, on the 8th day of November, 1904, or at any time, or at all, for the reasons and grounds following, to-wit: That in all of the precincts of said county, designated as Union precinct, Hebo precinct, South Prairie precinct, Fairview precinct, Blaine precinct, Beaver precinct, Hoquarton precinct, Tillamook precinct, Bay precinct and Nehalem precinct, said election was irregularly held, unfairly conducted, illegally carried on and void, in the following particulars, viz: That no guard rails were placed around the tables at which the various judges and clerks of said election precinct were seated, to protect the ballot boxes, and poll books, and official ballots, and ballots, from interference, by persons not entitled to be immediately present at the polls, and that during a great part of the time in each of said precincts, when voting was being done, a great number of persons, other than those present to vote, and voting, were unlawfully and illegally allowed to be, and were, immediately present, amongst the said judges and clerks, instead of at the place where the guard rail should have been placed, and in contact with the ballot boxes and poll books, and voting booths,

and official ballots, and voters, during the time legal voters were preparing their ballots, and thereby legal voters present were intimidated and prevented from voting their sentiments and said judges and clerks in each of said precincts above named, totally and unlawfully failed, refused and neglected to enforce the election laws of the State of Oregon, covering the matters above enumerated, and many illegal votes were cast in each of said precincts.

7.—That no legal notice of the time and place of holding the said pretended election was ever given in Tillamook County, State of Oregon, for the reasons following to wit:

The County Clerk of said County, failed to issue and deliver to the Sheriff of said county, any notice of said election, as provided for in said pretended law: That the pretended notices issued by said clerk, and delivered to said sheriff were illegal and void, for the reasons and grounds following to wit: The pretended notices were not signed by the clerk of said County, nor did they have any mark of impression of the seal of the County Court, or any mark or seal thereon showing the authority of said clerk to issue the same.

That the said sheriff of said County did not post said pretended notices in the various precincts of said County, as prescribed by said pretended law, but in truth and in fact, sent said pretended notices, to divers persons in said various precincts, whose names are unknown to this protestant, to be posted.

That said sheriff of said County in his return of his proceedings in regard to the posting of said notices fails to show that any notice, stating the time and place of holding said pretended election, was ever posted in any precinct of said Tillamook County, as by law required, or that any of said pretended notices were ever posted in public places in the vicinity of the several voting places of said County of Tillamook.

Wherefore this protestant, protests against this Court at this time, or at any time, making said order, or any order declaring the result of said vote, and absolutely or at all prohibiting the sale of intoxicating liquors within the said County of Tillamook, State of Oregon, or in any subdivision of said County.

Order of the Court. Judge Conder took the position that the County Court was not a judicial body, and, therefore, had no jurisdiction. Both Commissioners agreed with the Judge. Attorney B. L. Eddy was present in behalf of the people of the county. The following order was made:

It is therefore now ordered and declared that the result of said vote is as set out in the recitals of this order: that a majority of the votes on said questions were and are "For Prohibition in said County as a whole," and in pursuance thereof, it is now hereby ordered that the sale of intoxicating liquors within said county as a whole except for the purposes and under the regulations specified in an act passed and approved by the people of the State of Oregon, at the general election held in said state on the 6th day of June 1904, and which act was proposed to the said people and known as a "Local Option Liquor Law," the same having been proposed by Initiative Petition filed in the office of the Secretary of State of the State of Oregon, on February 5th, 1904, is ABSOLUTELY PROHIBITED until such time as the qualified voters in said county at a legal election held for that purpose, by a majority vote decide otherwise.

And the protest filed this day against the making of the foregoing order by John S. Lamar, by C. W. Talmage, his attorney, is hereby overruled on the ground that this tribunal has no jurisdiction to try the issues raised by said protest.

The Women's Petition.

At the suggestion of the women of Tillamook City a petition was prepared and numerously signed by them, praying that the county court would not set aside the local option law which was passed at the November election. Attorney B. L. Eddy, by request of the women, presented this petition to the court, which he read. It was ordered placed on file by the court, and was as follows:

PETITION.

To the honorable county court of Tillamook County, Oregon:

Your petitioners, residents of Tillamook County, respectfully show unto your Honorable Body as follows:

That it is commonly reported that an effort will be made on behalf of certain interests in Tillamook City, to induce your Honorable Body to refrain from making an order to carry into effect the Local Option Liquor Law in accordance with the wishes of the people of said county as expressed at the polls on November 8th last. We understand that such application to your Honorable Body will be based upon legal quibbles and technicalities wholly trifling in character, and that it will be further represented to your Honorable Body, that the said vote of November 8th, does not correctly represent the wishes of the people of said County. We beg to remind you that the people of this County by a majority of nearly two hundred votes, decided that the sale of intoxicating liquors should be prohibited in the County as a whole, and that nearly every precinct in said County gave a majority in favor of such prohibition, as

is well known by your Honorable Body; that not only did every large precinct in the County vote for prohibition, but the two precincts which include Tillamook City also voted for prohibition. We beg to remind you that said vote represented the fixed genuine sentiment of a large majority of the people of this County, and we respectfully urge that the verdict of the people, when so decidedly given upon so important a matter, is not to be lightly set aside. We have every reason to believe that your Honorable Body will find, upon investigation, that every substantial requirement of the law has been met with regard to the submission of said question to the people, and now that the people have spoken in so decisive and emphatic a manner, we insist that their decision shall not be over-ruled. We stand for order, progress and preservation of the home life of our County, and we most respectfully ask that your Honorable Body, at the proper time, take such official action as will carry into effect the will of the people of said County. And your petitioners will ever pray.

Commissioners' Court.

An adjourned session of the county court was held on Monday, when Judge Conder and Commissioners Bodyfelt and Loerpabel were present. The following bills were allowed and business transacted:

Judges and Clerks of Election.

Table listing names and amounts for Judges and Clerks of Election, including Fred Zaddock, H. Tohl, E. K. Seovell, W. E. Knight, John Hickey, Geo. Knight, P. P. Hobson, C. Tilden, John Johnson, W. S. Cone, E. B. Jacobov, W. D. Rhodes, G. Kunze, C. Randall, S. V. Anderson, W. H. Cooper, Alex Watt, H. Heisel, H. T. Botts, W. G. Kelso, F. D. Vincent, J. M. Morgan, Geo. W. Phelps, C. Austin, George H. Higgins, John A. Biggs, S. B. Morris, John Sheets, Henry Rogers, D. D. West, J. H. Moore, E. G. E. Wist, John Bumgarner, W. M. Webb, M. Sommer, A. Hembree, G. W. Wallace, W. T. West, C. L. Woole, M. A. Cady, P. B. C. Lucas, E. E. Rowland, H. M. Farmer, A. P. Wagner, D. A. Bailey, D. T. Werskhul, R. Allen, J. L. Lawrence, J. K. Craven, T. R. Wilson, C. W. Goers, L. L. Shortridge, W. M. Baxter, W. H. Galland, B. A. Todd, H. V. Alley, S. M. Batterson, Felix Roy, Wm. H. Hoskins, C. P. Knudson, L. M. Alley, W. E. Catterlin, F. M. Shearer, D. A. Simmons, W. B. Vaughn, Theo. Jacoby, Alfred Carlson, Morrison Mills, Thomas Jenkins, G. B. Alley, C. A. Johnson, B. S. Powell, Otto Heins, W. H. Cary, E. D. Hoag, G. M. Watkins, Alfred Pratt, Bat O'Hara, E. D. Snodgrass, H. D. Mahler, T. W. Lyster, Frank Fitzpatrick, T. H. Goyno, L. S. Phillips, L. P. Rey, P. A. Lowry, G. W. Harris, J. Atkinson, E. E. Webb, A. W. Bunn, A. O. Jackson, I. W. Hiner, L. P. Moon, W. M. Rey, J. J. Hollett, Fred Lewallen, J. Burk, J. J. McGinn, Ed. Knoblock, W. R. Roibee, H. A. Miles, J. D. Dunn, W. H. Christensen, P. Gwinn.

Table listing names and amounts for various court expenses, including George Baxter, Arthur Hill, C. A. Johnson, W. W. Wiley, G. B. Lamb, K. Mills, Tillamook Herald, C. S. Hannon, A. M. Hare, G. B. Lamb, G. E. Alley, C. H. Wolfe, Thos. Coates, A. K. Case, F. L. Sappington, J. R. Hicks, C. W. Preston, Hugo Klien, G. R. McKineus, G. M. Cobb, E. H. Lane, Arthur Bodyfelt, Oscar Bodyfelt, A. Wells, G. B. Alley, I. W. Hiner, C. B. Hadley, T. B. Handley, Walter Wood, School District No. 12, H. B. Johnson, E. W. Mills, W. W. Conder, F. L. Sappington, Chas. Ray, J. D. Wallace, W. D. Wood, Felix Roy, Andrew Anderson, H. F. Goodspeed, R. O. Richards, H. M. Farmer, Jacob Pesterfield, Robert Farley, J. W. Maddux, C. L. Smith, Emmett Jenkins, N. McMillan, Frank Fowler, S. V. Anderson, Adolph Erickson, L. M. Alley, Albert W. Phelps, Frank Berns, Peter Nelson, William Patrick, W. H. Leach, J. Jewellen, I. W. Hiner, E. K. Gilbert, John Morgan, W. B. Alderman, C. B. Hadley, Lewis Johnson, Alex McNair, Charles Ray, Fred Kalkre, H. B. Johnson, Erwin Phillips, G. Munson, F. L. Sappington, L. L. Smith, James Hunt, Henry Robbins, Jacob Jardi, Roger Mahoney, Ellen Mahoney, Frank Tone, C. W. Talmage, Expense Bill of Sheriff Woolf's Office, S. A. Brodhead, Reynolds & Jones, Tillamook County Bank, Cohn & Co., Clyde Clements, Emmett Quick, Dawson Bros., Easter & Son, Easter & Son, McMinville, Expenses on trip to McMinville with prisoners, Deputy Sheriff, Wage of Deputy Sheriff at Circuit Court.

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Table listing names and amounts for various court expenses, including Delivering ballot boxes, Care of Geo. Bryant, Dave Reddaway, N. J. Myers, W. H. Eberman, Sherman Myers, Chas. Vogler, Board, Expenses of Frank Archer, Cohn & Co., M. F. Leach, Claims of Deputy Sheriffs, C. T. McKinley, W. L. Lucas, John N. Simmons, Norman Olson, W. B. Smith, Clarence Atterbury, Albert Wavmire, H. E. Warren, J. W. Tompkins, N. J. Myers, Dave Fitzpatrick, G. W. Kawffman, Oscar Bodyfelt, Louis Glaser, S. A. Brodhead, T. J. Harris, A. C. Daniel, Geo. W. Elliott, W. H. Cary, repairs, J. S. Dellenger Co., Glass & Prudhomme Co., Yellow Fir Lumber Co., Fred Forslund, William Dowd, Maude Compton, Jacob Blum, Mrs. Marguerite Shield, Geo. Eoerpabel, salary, Mrs. W. Bodyfelt, Claim of C. E. Reynolds for \$85 rejected, Claim of G. B. Lamb for \$2 rejected, Claim of W. W. Conder for \$12.00 rejected, Claim of P. L. Sappington for \$21 rejected, Claim of O. E. Quick for \$2 rejected, Claims of A. O. Wells for \$3.50; T. Kellow for \$4; School District No. 12 for \$3; J. Daly for \$2; J. Saunders for \$15.50; Frank Wheeler for \$53; M. F. Leach for \$5.08; and Coroner Reynolds's expenses at inquest for \$56.60 were all continued.

Court House Bids Turned Down. In the matter of bids, plans and specifications for the construction of a court house for the county, A. F. Peterson, E. P. Angell, C. A. Grey and the Contracting Engineering Company, submitted plans, specifications and bids which were examined by the Court. After due examination the court not finding any of them satisfactory, they were all rejected, and it was ordered that the plans and certified checks be returned to the bidders.

Levy For Nehalem Bridge. In the matter of the notice of H. V. Alley and others to levy a special road tax, the notice read as follows: "This is to notify you that it is the intention of the legal voters in road district No. 1 to have a special road meeting called for the purpose of levying a special road tax in said district, said tax to be used in building a bridge and necessary structures across the North Fork of the Nehalem River near the forks of the river to cost between \$1500 and \$4000, according to the plans and specifications to be given by the County Court, and we hereby submit the proposition for consideration." This appeared satisfactory to the court and an order was made that the notice be hereby approved.

Dr. P. J. Sharp, the experienced dentist is located in Dr. Wise's dental parlors, and is prepared to do nothing but first class work and give the best of satisfaction. If your teeth need fixing call upon him.

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THOS. COATES, Agent for Fireman's Fund and London and Lancashire Fire Insurance Companies. Tillamook .. Oregon.

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