

CIRCUIT COURT

Grand Jury's Report--Libel Case Against R. Zweifel Caused Some Interest.

Judge Percy R. Kelly is still presiding over the November term of the Circuit Court, and as there are quite a number of cases to be disposed of, it is doubtful whether he will be able to get through by the end of the week. All the jury cases were disposed of on Tuesday and the jury was discharged, but the grand jury was only excused after filing its report. The following cases were passed upon since our last issue:

The cases against Benz F. Vin, who was indicted for assault and for resisting an officer came up on Thursday evening, when Vin was fined \$50 for assault, and on motion of the Acting District Attorney, the case was dismissed against the defendant for resisting an officer as the facts were covered in the previous case.

The grand jury brought in two indictments on Thursday, one against Rudolph Zweifel, charged with criminal libel, and the other against R. L. Ray, of Portland, charged with receiving money under false pretenses in passing checks. The latter case was settled by the defendant paying the amount of the checks and the costs.

Pacific Railway and Navigation Co. vs. Elmore Packing Co. Contemdn. Settled and dismissed.

Maud Joseph vs. David Joseph. Divorce. Continued for service.

Pacific Railway and Navigation Company vs. J. L. Vosburg, et al. Contemdn. Settled and dismissed.

Thomas N. Kennedy vs. Z. T. Hogard. Foreclosure. Consolidated by stipulation with case pending in Marion County.

Macdonald Potts vs. Rollie W. Watson. Action for money. Continued.

T. R. Potter Realty Co. vs. L. H. Field, et al. Contemdn. Settled and dismissed.

John Krebs vs. William G. Willet, et al. Foreclosure. Decree on findings of fact and conclusions of law as to defendants, Willet. Default of defendants Gee and Ellis for failure to answer amended complaint as per stipulation, and decree as to defendants, Gee and Ellis as prayed for in amended complaint.

A. L. Johnson and E. P. Johnson vs. Tillamook County. Appeal. This was a jury trial and a verdict of \$400.00 rendered in favor of plaintiffs.

Harry Mitchell vs. C. W. Pike, et al. Injunction. Judgment by stipulation in favor of defendant.

W. S. Cone vs. Dennis I. Caldwell. Foreclosure of tax lien. Dismissed on motion of plaintiff.

M. W. Harrison vs. Pacific Railway and Navigation Company. Suit for damages. Continued pending cross bill.

Theodore Senn vs. W. G. Dwight, et al. To quiet title. Default of all defendants except W. G. Dwight entered. Decree in favor of plaintiff.

S. S. Johnson vs. Miami Lumber Company. Action for money. Verdict in favor of the plaintiff for \$455.

Mary L. Berger and F. W. Berger vs. F. R. Beals. Action for money. Jury trial and a verdict in favor of the defendant.

W. G. Dwight vs. M. C. Aaron. Foreclosure of tax lien. Dismissed on motion of plaintiff.

H. B. Karr vs. C. W. Pike, et al. Temporary Injunction. Demurrer overruled. Judgment by stipulation from defendants without costs.

N. J. Myers vs. H. Crenshaw, Sheriff. Damages. Motion to strike parts of answer withdrawn. Case continued.

T. A. Poster vs. F. R. Beals, et al. Injunction. Demurrer to complaint sustained.

Edward Stasek vs. Joseph Kutchner, et al. Foreclosure. Dismissed on motion of plaintiff.

George A. Strese vs. A. F. Garrison. To set aside deed. Plaintiff granted and including Dec. 15 to reply.

M. R. Hanenkraft vs. Thomas Havenden and Charles Hovenden. Foreclosure. Service incomplete.

Ed. Smith vs. Cora Smith. Divorce. Plaintiff granted leave to file amended complaint. Edward Earl appointed guardian ad litem for plaintiff.

Cheboygan Timber Company vs. W. F. Hays et al. To quiet title. Plaintiff granted leave to file amended complaint.

Cheboygan Timber Company vs. The Astoria Company. To quiet title. Default and decree in accordance with prayer of complaint.

J. B. Silver vs. D. O. Kenagy, et al. Foreclosure. Default and divorce as prayed for except attorney's fee allowed in sum of \$50.00.

Oregon Fisheries Co., et al vs. Elmore Packing Company, et al. Damages. Jury trial and verdict for plaintiffs in the sum of \$120. Judgment for \$360.

Cynthia F. Johnson vs. Andrew Johnson. Divorce. Decree of divorce granted. Plaintiff granted custody of children.

B. W. Neilson vs. Joseph Kutchner, et al. Foreclosure. Continued for service.

Wester Lendingham vs. Rosalind Lendingham. Divorce. Decree of divorce granted without cost.

Elmore Packing Company, a corporation vs. Hiram Radus. Action for money. Motion to strike parts of answer sustained. Defendant granted leave to file amended answer. Continued pending crossbill.

Iessa Pangborn vs. Quincy J. Pangborn. Demurrer to contempt proceedings argued and taken under advisement.

Miami Lumber Co. vs. A. G.

Beals. Transcript from Justice Court. Jury brought in a verdict in favor of defendant.

In case of A. H. Ruger vs. Vincenz Jacob. Motion for new trial over ruled.

The Zweifel Libel Case.

The case against Rudolph Zweifel, who was indicted for libel growing out of a circular he had printed and circulated in regard to a recall petition that he circulated and which mysteriously disappeared at Nehalem came up for trial on Tuesday last. The circular accused Louis Ostenberger of taking the petition, and Zweifel had the circular printed and circulated it himself for the express of injuring H. V. Alley as a candidate for County Commissioner. The case caused a little local interest, and quite a number of persons were present.

The prosecution having proved the circulation of the circular, placed Louis Ostenberger on the stand who testified that he did not take the petition.

The defense placed Rudolph Zweifel on the stand, who gave his evidence in a straight forward manner, but he was unable to tell the jury who got away with the petition while in Flamboy's saloon at Nehalem.

H. W. Tohl and Henry Tohl both testified to seeing the petition in the saloon, and did not know who stole it. Nor did they know of any agreement between the business men of Nehalem to get away with the petition.

The evidence in the case resolved itself as to the veracity of two witnesses, Louis Ostenberger and Dr. P. J. Sharp. Sharp testified that he, Attorney Johnson and Ostenberger were in Laughlin's saloon and the latter admitted taking the petition and that he had been promised \$50.00 by the business men of Nehalem, but had refused to take it. Sharp could not remember the time when this took place. Ostenberger denied making such a statement to Johnson and Sharp. One surprising feature in Sharpe's evidence was that he admitted having Ostenberger in his office the previous day and endeavored to get him to drop the case, when Sharp made some allusion to Johnson insisting that Sharp appear as a witness. A great deal of the time of the court was taken up in the matter of the stolen petition, but apart from Dr. Sharpe's evidence there was no evidence to prove that Ostenberger had stolen the petition, while, on the other hand, Ostenberger denied doing so or having made the admission that he had done so. It was a weak case as far as corroborative evidence was concerned.

The jury was out nearly three hours. The first ballot was: Two for conviction and ten for acquittal. The second ballot was three for conviction and nine for acquittal. Another ballot was taken and a verdict of not guilty was returned.

Grand Jury's Report.

The Grand Jury of Tillamook County, Oregon, duly appointed and acting at the November, 1912, term thereof, would respectfully report: That we have examined into the conditions of the county offices of Tillamook County and their methods of conducting business. We find that the same are being conducted in a proper manner, and that the books are in good order.

We have also investigated the matter of the county jail. We would recommend that the jail be removed from its present location on the first floor of the Court House to the basement of the Court House, for the reason, among others, that the present sheriff's office is not large enough for the proper transaction of the business of the office, it is poorly lighted and ventilated and is too crowded to permit the sheriff to properly transact the business of the office.

We would further report that many rumors have come to us of the serving of liquors to minors, in violation of the law, in boxes in restaurants within the limits of municipal corporations where the authority of regulation of the liquor traffic is vested in the municipality to the exclusion of control by the county. We have not been able to obtain legal evidence of the sale of liquor to minors in these places, but owing to the opportunity which is given for violation of the law in this manner by these conditions, we would earnestly recommend that steps be taken by the proper authorities to prohibit the use of private boxes in restaurants and eating houses. While this may be a matter coming within the province of the various cities in which these conditions exist, we believe that there is an evil condition in this respect which should be remedied. We have finished all matters which have been presented to us for consideration and which have seemed proper for us to act upon officially.

We extend our thanks to the Court for courteous treatment, as well as to the Sheriff and Bailiff in that respect.

Royal Baking Powder Absolutely Pure

The Woman Makes the Home

She makes it best who, looking after the culinary department, turns her back resolutely upon unhealthful, or even suspicious, food accessories. She is economical; she knows that true economy does not consist in the use of inferior meat, flour, or baking powder. She is an earnest advocate of home made, home baked food, and has proved the truth of the statements of the experts that the best cooking in the world today is done with Royal Baking Powder.

Election Notice.

NOTICE IS HEREBY GIVEN.--That on Monday, the 2nd day of December, 1912, at the City Hall, in Tillamook City, Oregon, a City Election will be held for the purpose of electing the following officers of said city, to wit:

- One Mayor.
 - One Treasurer.
 - One Councilman from the First Ward of said City.
 - One Councilman from the Second Ward of said City.
 - One Councilman from the Third Ward of said City.
 - One Councilman from the Fourth Ward of said City.
 - One Councilman from the Fifth Ward of said City, and
 - One Water Commissioner from the Second Ward of said City.
- And that P. W. Todd, W. G. Dwight and W. S. Hays have been duly appointed Judges and E. D. Hoag and S. B. Whitehouse, Clerks of said election.
- Said election will be held at 9:00 o'clock in the morning of said day and will continue until 4:00 o'clock in the afternoon of said day.

NOTICE IS HEREBY GIVEN.--That a caucus for the purpose of nominating candidates for City Officers will be held, at the Court House, in said City, on Monday, the 25th day of November, 1912, at 8:00 o'clock p. m. of said day.

Dated this 11th day of November, 1912.

T. B. HANDLEY, City Recorder of Tillamook City, Oregon.

Notice Asking Proposals for Bids.

Sealed proposals will be received at the office of the City Recorder of Tillamook City, Oregon, until 6:00 o'clock p. m. Monday the 2nd day of December for the improvement of the following streets by constructing concrete sidewalks along the portions and sides of said streets hereinafter named, in the manner provided by the Charter, Ordinances and Resolutions of said City and the plans and specifications heretofore adopted by said city for the construction of cement and concrete sidewalks.

The North side of Fourth street from Stillwell Avenue to Third Avenue West in said City.

The improvement must be completed on or before the 1st day of March, 1913.

The proposals must be accompanied by a check payable to the order of the Mayor of Tillamook City, Oregon, certified by a responsible bank, for an amount equal to 10 per cent of the total amount of the bid submitted to be forfeited as fixed and liquidated damages in case bidder refuses to enter into contract and provide a surety bond for the faithful performance of the work. The council reserves the right to reject any and all bids.

Before acceptance of work by city successful bidder shall furnish the Mayor and Common Council with a guarantee maintenance bond equivalent to 50 per cent of the amount of the contract, guaranteeing that for a period of five years from the completion and construction of said concrete sidewalks he will at his own expense repair and make good any defects arising from faulty material or workmanship, and due to the proper use of said sidewalks as such.

Bids will be received for both broken rock and gravel concrete.

Done by order of the Common Council of Tillamook City, Oregon, November 15th, 1912.

T. B. HANDLEY, City Recorder of Tillamook City, Oregon.

Presbyterian Church.

- 10:00 a. m.—Bible School. Faithful and competent teachers in charge of the classes, and classes for all ages.
 - 11:00 a. m.—Morning Worship.
 - 7:30 p. m.—Popular Vesper Service. Sermon: "The History, Purpose, and Possibilities of Thanksgiving Day." Special Thanksgiving music will be rendered by the choir.
- D. A. MACKENZIE, pastor.

Don't waste your money buying strengthening plasters. Chamberlain's Liniment is cheaper and better. Dampen a piece of flannel with it and bind it over the affected parts and it will relieve the pain and soreness. For sale by all dealers.

The boy's appetite is often the source of amazement. If you would have such an appetite take Chamberlain's Tablets. They not only create a healthy appetite, but strengthen the stomach and enable it to do its work naturally. For sale by all dealers.

DEMENT'S BEST FLOUR Is a Prize Winner.

At the Union Cooking School recently held in Walla Walla all the 1st prizes for bread, cake, pies and doughnuts were won by users of Dement's Best Flour, in competition with other local flours.

Prize winners were: Layer Cake, Mrs. W. A. Bratton, 570 Boyer Ave.; Loaf Cake, Mrs. Arthur Stockton, 243 E. Cherry; Pie, Mrs. E. C. Mills, 720 University; Doughnuts, Mrs. E. W. Wilson, 418 Boyer Ave.

Abroad as well as at Home. The following explains itself: Underwood, Wash., Oct. 12, '12. Dement Bros., Portland, Ogn.

Dear Sirs: I received first prize on best loaf of yeast bread, made from your Dement's Best Flour, at the Skamania County Fair, held at Stevenson, Wash., Oct. 9th 1912.

Respectfully, Mrs. Geo. W. Collins.

For Sale by the Tillamook Feed Co.

A Displaced Compliment.

One of the prominent women's clubs of San Francisco has by its recent action, in inviting Clarence Darrow to appear before them to lecture upon social and political subjects, created quite a stir in the Bay City, and much criticism has been the result of this invitation, as this club has systematically stood for the better things in life and in their effort to advance their knowledge of social and political affairs have endeavored to qualify themselves for duties which come with the privilege of suffrage.

In referring to Clarence Darrow as a teacher of social, political and moral duties, the comment from one of our correspondents goes on to state that Darrow is a lawyer, who, in the course of what is known as criminal practice, has sunk to the low depths of a defender and protector of the lowest type of offenders, against the justice, the peace and the order of society. He is not merely the professed champion, but the associate and friend of the dynamiter and the thug. Amity and propensity may have given him some justification, but he has never allowed his sympathies to embarrass his thrift. He is, in fact, a man who has prostituted his profession to the grossest uses.

Mr. Darrow's notoriety is a product of his efforts in behalf of the men who dynamited a prominent newspaper in Los Angeles over two years ago, involving the murder of some twenty non-union workmen. By his own statement, Darrow knew the men were guilty, but for a colossal, he sustained their plea and sought to save them by methods which have morally, if not legally, stamped him as a criminal. He is a man presumptively in legal discredit unquestionably in social and

moral discredit. He has no first claim to attention or respect from the part of worthy men and women.

If it be urged, in justification of Mr. Darrow, whatever his character or condition, that he is a spokesman for the lowly or oppressed classes; in other words, a champion of the under dog, it would be noted that those who serve and protect are usually of another sort. The champions and others of their ilk were not from being "under dogs" were, in fact, sleek, prosperous even opulent criminals, whose personal gains were won by means of various contrivances against more or less prosperous than themselves. In other words, Mr. Darrow is not a champion, not of men oppressed but of men who by criminal means make a trade of oppressing others. It is the shallowest of presumptions to assume to claim for Darrow a hearing as a friend of the poor, when the whole of his energies and such talents as he commands are invariably given in behalf of the poor man and his family, but of the criminally prosperous, who make the poor man's

It was, indeed, a grievous violation of propriety of taste, and morals, to invite this emirally discredited man to invite a group of earnest women concerning political and moral duties, in circumstances can only be justified by the plea of inexperience, or vertance. It is a kind of error which may, indeed, be made once, but never the second time. It would be quite as reasonable to invite Abe Ruef or any other in stripes from the state prison to present his reflections upon right, the good and the beautiful.

J. S. LAMAR, DRUGGIST, DESERVES PRAISE

J. S. Lamar, druggist, deserves praise from Tillamook City, for people for introducing here a buckthorn bark and glyster mixture, known as Adler-Ka. This simple German remedy first came famous by curing appendicitis and it has now been discovered. A SINGLE DOSE relieves stomach, gas on the stomach and constipation INSTANTLY.

"It is a pleasure to tell you the Chamberlain's Cough Remedy is the best cough medicine I have ever used," writes Mrs. H. Campbell, of Lavana, Ga. "I used it with all my children and the results have been highly satisfactory." For sale by all druggists.

W. L. Cook, who was Postmaster at Neihart, Montana, writes: "I recommend Foley's Honey & Tar Compound to all my people, as they are never disappointed with it. Foley's Honey and Tar Compound for coughs and colds gives the best possible results." Sold at Lamar Drug Store.

When you ask for Cyrus Noble the dealer knows that you know good whiskey.

It costs you the same as any other good whiskey. W. J. Van Schuyver Co., Portland, Or.

Fisher's Art Flour
A Superior Patent Flour

Produced exclusively from choicest and most carefully selected BLUE STEM WHEAT Of which every grain is thoroughly cleansed, washed and dried.

"ART FLOUR" is a better milled patent flour than any other SOFT WHEAT flour on the market.

FOR SALE BY TILLAMOOK FEED CO., TILLAMOOK, OR. PELZ & KIRSCHOFF, TILLAMOOK, OR. MEYER & SON, HEBO, OR. D. S. BOYAKIN, NEHALEM, OR.

Fisher's Blend Flour,
A scientific combination of Eastern Hard Wheat and Western Soft Wheat.

"FISHER'S BLEND" is the best for universal use. It bakes more and larger loaves bread per given quantity than any other brand. Whether for bread, biscuits, cake or pastry, it is the dependable "Perfect All-Purpose Flour."

Price, \$1.60 per 49-lb. Sack.

These brand manufactured by Fisher Flouring Mills Co. "America's Finest Flouring Mills," Seattle, Washington.

Costs MORE per Sack LESS per Loaf

ALL HOUSEHOLD EMERGENCIES

AN HOUR saved in summoning the plumber by telephone may save the price of several years of service.

It certainly saves a lot of discomfort and worry.

The Bell Telephone keeps the household in constant touch with all the resources of civilization and is instantly available in any emergency.

It also keeps the household in constant touch with the broader outside world by means of the Long Distance Service of the Bell System.

THE PACIFIC TELEPHONE & TELEGRAPH CO.

Every Bell Telephone is the Center of the System.