

THE PORT OF BAYOCEAN CASE IS DECIDED.

Election Was Illegal—Court Comments on Illegal Voting.

The Supreme Court has affirmed the decision in the Port of Bayocean case on appeal from the decision of Judge Galloway in the Circuit Court, who held that the election was illegal in that the territory embraced in the Port overlapped into other water sheds. Attorneys S. S. Johnson and T. B. Handley represented the citizens, who won out in both courts, while Webster Holmes had the Port's side of the case.

Following is the mandate of the Supreme Court:

This is a proceeding in the nature of quo warranto to test the legality of the organization of the port of Bayocean, an alleged municipal corporation claiming to have been organized under the provisions of the statutes providing for the organization of ports. The petition for an order for an election to determine whether the proposed port should be organized is in proper form and specifies the boundaries of the proposed port with convenient certainty. In the notice of the election, after specifying the place of beginning and several calls not necessary here to be given, occurs the following indefinite call: "Thence north five miles to the southwest corner of section 3, township 2 south range 10 west of the Willamette Meridian, thence west one half mile, thence north along the quarter section line in section 4, township 2 south range 10 west of the Willamette Meridian, and sections 33 and 28 to the north line and section 28, township 1 south range 10 west of the Willamette Meridian"—the indefinite call being italicized. The proposed boundaries also included portions of the watershed tributary to Nestucca Bay, and a portion of the watershed tributary to Netarts Bay. The relators brought this proceeding alleging these errors and also fraud and irregularity in the conduct of the election, which matters are stated in the opinion. The court declared the proceeding void, and the defendants appeal.

McBRIDE, C. J. The first contention of appellant is that by filing a complaint against the corporation economic relators have admitted the existence of the corporation, and in support of this proposition they cite 2 Spelling Extraordinary Remedies, 1844; 3 Abbott Mun. Cor., Sec. 1145, and numerous decisions. These do not apply in this case as the defendant is described, not as a corporation, but as a pretended corporation, and the persons claiming to be the officers are not described nor implied as such, but as individuals only.

We do not believe the notice of election sufficiently describes the exterior boundaries of the proposed port. The omission of one call from the description of the boundary leaves a hiatus to be supplied by the imagination of the person reading the notice. A defective description of a boundary in a deed may be corrected by a suit to have it reformed according to the true intent of the parties, but a misdescription in an election notice cannot be corrected nor reformed by any sort of proceeding. It must be absolutely definite in itself. This notice lacks that quality, and the proceeding is void.

We are also of the opinion that the inclusion of part of the watersheds of two other bays renders the proceeding void. In State ex rel. v. Port of Bay City, 129 Pac. 496, we held that a substantial and not a technical mathematical compliance with the statute is sufficient; but the area of watershed tributary to other ports is so extensive in this instance that it passes beyond a mere technical deviation from the statute and becomes a matter of substance. It is not contemplated that inhabitants of other ports shall be bound by the notices posted in the district proposed to be included, and their rights can only be protected by the ports refusing to sanction any substantial deviation from the area which the statute permits the inhabitants of any particular locality to include within their port boundaries.

The two propositions above discussed settle the case, but we deem it proper to call attention to the irregular manner in which the attestation of the qualifications of nonregistered voters was conducted. Sec. 3449, L. O. L., prescribes a form, designated as "Blank A," to be subscribed by a nonregistered person claiming the right to vote at an election, wherein he is required to set forth particularly his place of residence and length of time he has resided in the state. This the Judges may require to be attested by not more than six witnesses, who must be freeholders of the county and who are required to subscribe to the following oath: "We the undersigned witnesses do swear that our names and signatures are genuine; that we are each personally acquainted with the elector and his residence as stated, that we believe all his other statements are true, and that we are each freeholders in the county." It will be seen that there are two facts of which the witness must have actual and personal knowledge: (1) Of the actual residence of the person offering his vote; and (2) that he has resided in the state for six months immediately preceding the election. The statements of the intending voter, or of other persons, to the subscribing witness to the affidavit, are not sufficient to qualify him to testify as to the residence of the voter. He must know at first hand that the voter resides in the precinct and that he has resided in the state for six months; and this, of course, involves actual acquaintance with the voter for that period. It does not appear that the subscribing witnesses to the affidavits referred to had any such acquaintance with the persons whose qualifications they vouched for. The witnesses did not even reside in the district where the vote was taken, and did not know of their own knowledge where any of the proposed voters had lived for the six months next preceding the election. There was a large number of these persons, all employees of the Potter Realty Company, which appears to have been the active agent in the project of creating the port of Bayocean in connection with its business interests at that place; and most if not all of them, it is conceded, voted in favor of the organization of the port.

HOT BISCUIT,

hot cakes, made with ROYAL Baking Powder are delicious, healthful and easily made.

There being no machinery provided by which the county court can investigate the legality of the votes cast at a port election, it is perhaps competent for citizens whose property is included within a proposed port to question the legality of the vote by which it is claimed to have been established by a proceeding in the circuit court. However, it is not necessary to pass upon this question in the present case, but the frequent practice of persons acting as witnesses to the residence of non-registered voters upon a mere introduction or vouching by other persons, and without actual personal knowledge of such residence and actual personal acquaintance with the proposed voter, is not warranted by law, and, in fact, is a violation thereof.

The judgment of the circuit court is affirmed.

U. B. Conference Ends.

The session just closed was the sixtieth of the Oregon conference, instead of the sixth, as these columns reported at the opening. It was well attended and much enjoyed. Among the resolutions passed was a ringing appreciation of the welcome and hospitality of the local U. B. pastor and congregation, the other local pastors and churches, the Commercial Club and the city and citizens of Tillamook.

The following telegram was sent to Governor West: "The Oregon Conference United Brethren in Christ in annual session assembled at Tillamook send greeting and thank you for better laws and for conscientious and impartial enforcement. We pray for you, commend and love you."

Miss Florence Chapin, who came all the way from Montana to the conference, is offering herself for deaconess work in Oregon. She is a fine teacher and will take up her new work upon her return from the World's Sunday School Convention to be held in Zurich, Switzerland, in July.

Mr. and Mrs. J. T. Sherrill, of Hillsboro, were interested and helpful visitors at the conference; they were accompanied by Miss Laporte, a skilled teacher recently from Penn.

The new pastor for Beaver and Pleasant Valley, Rev. W. N. Blodgett, used to be connected with the Capital Journal of Salem. Last year he did good work as pastor at Irving.

Dr. M. R. Drury, President of Philomath College, Philomath, Oregon, was a late comer to the conference. He delivered an excellent address Saturday evening.

The conference thought it was too busy to take a Saturday half-holiday and a trip down the bay to the ocean beach, as many wanted to do, but some stayed over Monday and took a fishing trip way up the Nestucca by the courtesy of Mr. Hathaway's automobile. As well as being fishers of men, they proved themselves fishers of fish.

After quite a contest as to whether the conference next year should be held in Portland, Salem, The Dalles, or Philomath, Portland won out.

Mrs. W. W. Rosebraugh and her son Arthur were conference visitors quite welcome among former friends at Tillamook, as Rev. W. W. Rosebraugh was a former pastor well remembered at this place; they now reside at Salem. Rev. Rosebraugh is president and manager of the furnace and boiler work at the capital city.

Charles Kunze Appointed on Livestock Sanitary Board.

SALEM, Or., June 10.—The Governor today appointed the following members of the State Livestock Sanitary Board, created by an act passed at the last session of the legislature:

Woolgrowers' Association, Herbert Boylen, Pilot Rock, four year term, and John G. Hoke, of Baker, two year term; Purebred Livestock Association, Frank Brown, Carlton, four year term, and Chas Cleveland Gresham, two year term; Oregon State Dairymen's Association, F. E. Lynn, Perrydale, four-year term, and Chas Kunze, Tillamook, two-year term.

The members are appointed under written recommendations of the associations recommended. The act creating the board was passed over the Governor's veto.

Edyth Olson Married.

A quiet wedding took place Wednesday evening, May 23, 1913, the contracting parties being Roy C. Long, of this city and Edyth Olson, of Tillamook, Ore. The ceremony was performed by Rev. B. Clarence Cook, and took place at the home of Mr. and Mrs. L. P. Jackson, foster parents of Mr. Long.

Mr. Long is a railroad man, and is with the P. & N. The bride is the daughter of J. Olson, of Tillamook. After a wedding trip to Portland, Mr. and Mrs. Long will make their home in this city, where they will be at home to their friends after June 1. Those present at the wedding were Mrs. Bessie Husey, sister of the groom, Mr. and Mrs. L. P. Jackson, Mr. and Mrs. Jas. Miltenberger and Rev. Cook.

Many friends of the young people join in well wishes in their married life.—Hillsboro Argus.

No. 8574.

Report of the Condition of the First National Bank of Tillamook

at Tillamook in the State of Oregon, at the close of business June 4, 1913.

RESOURCES.	
Loans and Discounts.....	91,135.35
Overdrafts, secured and unsecured.....	164.08
U. S. Bonds to secure circulation.....	25,000.00
Other Bonds to secure Postal Savings.....	6,000.00
Premiums on U. S. Bonds.....	100.00
Bonds, Securities, etc.....	33,149.89
Banking House, Furniture, and Fixtures.....	2,857.30
Other Real Estate owned.....	5,325.45
Due from State and Private Banks and Bankers, Trust Companies, and Savings Banks.....	11,967.08
Due from approved Reserve Agents.....	70,640.79
Cheques and other Cash Items.....	23.78
Exchanges for clearing house.....	1,302.28
Notes of other National Banks.....	780.00
Fractional Paper Currency, Nickels, and Cents.....	141.77
Lawful Money Reserve in Bank, viz:	
Specie.....	16,028.80
Legal-tender Notes.....	16,051.80
Redemption fund with U. S. Treasurer (5 per cent of circulation).....	1,250.00
Total.....	265,889.57
LIABILITIES.	
Capital stock paid in.....	25,000.00
Surplus fund.....	4,000.00
Undivided Profits, less Expenses and Taxes paid.....	738.97
National Bank Notes Outstanding.....	25,000.00
Due to State and Private Banks and Bankers.....	5,242.52
Individual deposits subject to check.....	194,694.16
Demand certificates of deposit.....	3,346.12
Time certificates of deposit.....	7,310.13
Certified checks.....	20.00
Postal Savings Deposits.....	237.67
Reserved for Taxes.....	300.00
Total.....	265,889.57

State of Oregon, as County of Tillamook, as: I, Wm. G. Tait, President of the above-named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

WM. G. TAIT, President.

Subscribed and sworn to before me this 12th day of June, 1913.

ROLLIE W. WATSON, Notary Public.

Correct Attest: J. C. HOLDEN, C. W. TALMAGE, B. C. LAMB, Directors.

Hides Wanted.

Calf Hides, 15c.; Veal Hides, 11c.; Cow Hides, 9c. Take your hides to Honey and Hathaway's.—S. Michaud.

Wanted. To Rent Farm.

Wanted, to rent, a small dairy ranch near town with option of purchasing. Apply at the Headlight office.

Sewer Pipe for Sale.

For Sale all sizes of sewer pipe and sewer connections. See I. H. McMahan

Wall paper.—King & Smith Co.

Hotel Ramsey Arrivals.

Friday, June 6.

W. E. Hutchenson, Portland; Jas. Doyle, Portland; P. E. Myers, J. Mam R. H. Alexander, Kansas City; R. A. Byrne, F. Rebbie, Portland; Bert Arrivee, St. Paul; P. Byron, Garibaldi; A. H. Black, Portland; Mrs. Capt. F. Johnson, Portland; L. N. Sandoz and wife, Beaver; Ed Hallier, City; Spicer Peterson, City; James Shaw, Portland.

Saturday, June 7th.

Tom Rood, Mrs. LaPorte, W. D. Wendevhill, E. A. Culp, G. W. Turner, Portland; Felix Roy, Mohler; Lyle Cramer, Jim Cramer, Beaver; A. C. Alexander, Bay City; P. H. Secor, Kansas City; Carl White, H. J. Hause, A. D. Sackafoose, Nehalem; J. P. Austin, Seattle; H. L. Simpson, A. D. Ash, Bar View.

Sunday, June 8th.

S. P. Strang, E. B. White, F. A. Voertwan, R. D. Cruikshank, F. P. Pyle, Edward Barrett, Portland; Roy Brimmer, Newberg; O. B. Parker, Carl White, McMinnville; J. A. Jensen, C. V. Palmer, Wheeler.

Monday, June 9th.

Frank Woodard, S. Philippe Portland; J. W. Dawkins, Spokane; Mrs. C. E. Morrell, Seattle; Tom Rood, A. D. Sackafoose, W. Pool, E. McFrait, E. S. O'Neill, J. O'Neill, Portland.

Tuesday June 10th.

S. P. Strong, F. Pyle, F. A. Ford, G. Florence, C. H. Hall, Portland; Arthur Davis, Rockaway; C. H. Dunn, Sand Lake; M. J. Cotton, R. S. Acorn, Chas. L. Daniel, Bay City.

Wednesday June 11th.

C. F. Kuster, Col. Geo. Henderson, H. Jacobson, A. H. Black, Tom Rood, A. E. Schutte, H. J. Brown, F. H. Dunn, H. E. Bailey, Portland; W. Pollak, Rockaway; A. D. Sackafoose, E. E. Wilson, Melbourne, Australia.

Family Recipes.

The valued family recipes for cough and cold cure, liniments, tonics and other remedies here as careful attention here as the most intricate prescriptions.

Our fresh, high grade drugs will help to make these remedies more effective than ever.

Right prices are also assured.

CLOUGH, Reliable Druggist.



Now is the time to have that group picture made. Let us show you our special display of attractive new styles. We are perfectly equipped for making group pictures and will please you with the quality of our work.

Monk's Studio.

Next to POST OFFICE.



with the problem of buying Harness you will find it distinctly advantageous to come and do your selecting here. You will get the best qualities, the most thorough and conscientious workmanship and be charged the most reasonable prices. We can supply single or double Sets or any single article that you may be in need of.

W. A. Williams & Co. Next Door to Tillamook County Park

THE CURSE OF MAR.

Every Part of it Was Fulfilled in the Course of 300 Years.

Curses do sometimes come home to roost. One of the best known is "the curse of Mar." The Earl of Mar was cursed prior to 1571, when he was elevated to the position of regent of Scotland. This was the curse:

"Thy lands shall be given to the stranger, and thy titles shall lie among the dead. The branch that springs from thee shall see his dwelling burnt in which a king was nursed—his wife a sacrifice to that same flame, his children numerous, but of little honor and three born and grown who shall never see the light. Horses shall be stabled in thy hall, and a weaver shall throw his shuttle in the chamber of state. Thine ancient tower shall be a ruin and a beacon until an ash sapling shall spring from its topmost stone. Then shall thine honors be restored. The kiss of peace shall be given to the countess, though she seek it not, and the days of peace shall return to thy line."

In the course of 300 years every part of the curse was fulfilled. Then in 1820 the ash sapling duly appeared. Two years later George IV. restored the earldom, and later Queen Victoria kissed the countess.—London Cor. New York Sun.

SUMMER IN THE ARCTIC.

Between the Heat and the Mosquitoes Life Was a Burden.

Stefansson, the arctic explorer, writing in Harper's Magazine, tells of the discomforts of summer days in the far north:

July was intolerably hot. We had no thermometer, but I feel sure that many a day the temperature must have been over 100 degrees in the sun, and sometimes for weeks on end there was not a cloud in the sky. At midnight the sun was what we would say an hour high, so that it beat down on us without rest the twenty-four hours through. The hottest period of the day was about 8 o'clock in the evening and the coolest perhaps 4 or 5 in the morning. The mosquitoes were so bad that several of our dogs went completely blind for the time through the swelling of their eyes, and all of them were lame from running sores, caused by the mosquito stings on the line where the hair meets the pad of the foot. It is true that on our entire expedition we had no experience that more nearly deserved the name of suffering than this of the combined heat and mosquitoes of our Coppermine river summer.

Scott and Thackeray.

Sir Walter Scott once confessed to having a bad memory, but in dealing with the wealth of historical incidents in his books he is remarkably accurate. On occasion, however, he is at fault. In "Ivanhoe" Wamba says, "I am a brother of St. Francis." The order of St. Francis was founded in 1206, but Wamba lived in the time of Richard I, 1189-99. In the "Heart of Midlothian" Scott errs in some of his references to Reddredin Hassan of the "Arabian Nights." As Thackeray copied the same mistakes into "Vanity Fair," he is also at fault. One of Scott's most picturesque incidents is that in "Waverley," when Prince Charles Edward lends Flora Melvor out to the dance. Whether Scott erred knowingly cannot be said, but a reliable authority has recently told us that "there is nothing so authentic as our knowledge of the fact that Prince Charles never danced at all."—Westminster Gazette.

Good Salesmanship Rewarded.

One evening just a few moments before closing time an elderly man and his wife entered a book store in New York city, according to an American publisher quoted in the Bookseller. Practically every one had left the floor, with the exception of one clerk. The lady wanted a particular kind of book for a most particular friend, and after the clerk had spent half an hour during which time he had taken nearly every book out of the shelves (the husband became impatient, not the book clerk. He was as genial and agreeable as though he were selling a diamond necklace and was to receive the entire profit of the sale. Finally she secured just the book she wanted. The man was so impressed with the salesman that he offered him a position at \$20 a week more than he was then receiving.

Taking Tea Through a Reed.

The natives of Paraguay in drinking their mate tea do not pour it from a teapot into a cup as Europeans are accustomed to drink tea, but fill a goblet with the beverage and then suck it up through a long ornamented tube. The former is generally made out of a pumpkin or gourd, while the tube is a long reed, but with the upper classes it is often made of solid silver. Both reed and gourd are richly carved. The natives say that this tea is an excellent remedy for fever and rheumatism.

A Girls' School.

"We have 500 girls at our school, and today we vote to decide who is the prettiest girl."

"How many votes does it take to elect?"

"The decision usually goes to any girl who can get two votes."—Kansas City Journal.

A Tender Strain.

First Diner—What is that sad, low piece the orchestra is playing? Second Diner—Don't know, but I hope it will have a softening influence on this steak.—Boston Transcript.

Vulgarity in manner defiles fine garments more than mud.—Plautus.

Java's Valley of Death.

The Valley of Death is on the island of Java. It is the most remarkable natural example of an atmosphere loaded with carbonic acid gas in existence. It has never been fully explored because of the danger of remaining more than a few minutes in its poisonous atmosphere. Approached through an opening between the hills, it is seen to be an oval shaped valley about half a mile across. It is about thirty-five feet deep. The bottom is hard and sandy, without vegetation and strewn with large stones. The surface is covered with the bones of animals, birds and human beings. Explorers seldom venture beyond the borders, though the deadly air does not immediately affect human beings. This is because the carbonic acid gas, being heavier than the atmosphere, settles to the bottom of the valley. Dogs and fowls thrown into it fall senseless instantly and die in a few minutes. No craters or fissures are visible on the floor of this valley, and it is thought that the openings are near the base of the hills.—Exchange.

A Floral Flirt.

The hollyhock is the worst flirt out. One never knows what to expect of it, except that it will always jauntily throw up its banner spikes of bloom and look brightly and smilingly at you. It is a stately coquette. It is pretty and willful. It won't grow in the place to which you carefully transplant it and positively refuses to allow its seeds to germinate in the spot of your choice, but wantonly throws them about in the most undesirable places and flourishes its coarse green leaves from the most impossible locations. Depend upon it? Not much! After you have carefully purchased or saved the seeds from the most double of blossoms and sowed them in fear and trembling, watched and protected them for a year, they will calmly open their flowers and stand there unblushingly and look you in the eyes, frowned with single petaled bloom. Of all the beautiful, coquettish, tantalizing flowers the double hollyhock is queen.—Suburban Life.

Their Lines Are Ended.

When one considers how many families there are which trace their ancestry in a direct line for many generations it is rather a surprising fact that there is not a single living descendant in the male line of some of the greatest men the world has ever produced. The following is a list of some of the illustrious men whose line never will be represented on the earth again as long as the world stands:

Chaucer, Shakespeare, Spencer, Milton, Cowley, Butler, Dryden, Pope, Cowper, Goldsmith, Byron, Moore, Sir Philip Sidney, Sir Walter Raleigh, Drake, Cromwell, Hampden, Monk, Peterborough, Nelson, Bollingbroke, Walpole, Chatham, Pitt, Fox, Burke, Washington, Canning, Bacon, Locke, Newton, Davy, Hume, Gibbon, Macaulay, Hogarth, Sir Joshua Reynolds, Sir Thomas Lawrence, David Garrick, John Kemble and Edmund Kean.

Why Memoirs Are Tame.

A professor at a Harvard tea was asked why books of recollections were always so tame.

"Let me tell you a story," he answered. "A great man once said to a friend: 'I think I'll write my recollections.' 'Very good,' said the friend. 'But let me caution you not to recollect anything about celebrities that are living.' 'Oh,' said the great man, 'living celebrities are just the ones I want to write about. They're the ones that will make my book sell.' 'Very well,' said the other. 'But remember my warning.' 'Why, what's the danger, anyway?' 'The danger,' replied the other, 'is that as soon as you begin to recollect things about living celebrities they will begin to recollect things about you.'—New York Tribune.

A Distinction.

Whibbles turned wrathfully on his yokel guide as his car sank up to the hubs in the mire road. "What in thunder did you mean when I pointed this road out to you on the map and asked you if it was a good road and you said it was?" "Why," said Silas, "you ast me if it was a good road on the map, and it was. Ye never ast me what kind of a road she was off the map. I could ha' told ye then it was the wust in the bull digged county."—Harper's.

Excused.

The Judge—Unless you have a most satisfying excuse I shall have to fine you for contempt of court for failing to respond to the jury summons. The Taleswoman—I meant no disrespect, Judge, but I hadn't a thing suitable to wear, and I couldn't find a ready-made jury costume any place.—Woman's Cause.

Did She?

"Do you know, Ethel," said Grace. "I overheard George say to Fred that, although he loves me and wants to propose, whenever he is near me he is too nervous to speak." "Then, my dear," replied Ethel, "I suppose you will be calling him up on the telephone soon."—Exchange.

On Exhibition.

"Have you seen Mamie's engagement ring?" "Of course. Did you have an idea that she was making an effort to hide it?"—Detroit Free Press.

Very Decollete.

"Poor chap! Everything he says goes on his wife's back." "Well, if you'd seen her at the opera you wouldn't think he earned much."—Exchange.