

COUNCIL
OLD.

Com-
minded.

Mayor F. R. Botts was appointed city marshal and N. J. Myers city marshal.

Report of the treasurer and the report of the recorder for the year 1913 read and on motion were referred to the committee on finance.

Communication from O. G. Parker, who proposes to put waste paper on three different corners of a, desiring exclusive right for printing purposes was referred to the committee.

Attorney Clausen appeared before the council in behalf of F. D. Small and C. Urie who are desirous of securing an electric light franchise.

Communication from the Tillamook Light & Fuel Co., was laid on the table for further consideration.

The question of sewers was discussed upon the recommendation of the committee a motion was made and the committee on streets improvements to make an investigation of the same to see if the work had been done to specifications.

The committee appointed by the mayor consists of: G. A. Edmunds, head, G. B. Lamb, S. A. Brodhead, S. A. Brodhead, M. Melchior, S. A. Brodhead, M. Melchior.

Police and Public Improvements: G. B. Lamb, S. A. Brodhead, M. Melchior, S. A. Brodhead.

Mayor's Message.

Members of the City Council of the City of Tillamook: The honor of election to the office of Mayor of the City of Tillamook conferred upon me, it becomes my duty, to communicate to you the statement of the affairs of the city and to recommend such measures as may be deemed expedient and useful to you in the discharge of your duties as Councilmen.

My first call your attention to an examination made by me of the financial condition of the city, including a comprehensive statement furnished me by the Recorder of the city, showing an aggregate indebtedness of approximately \$64,563.67.

Water bonds outstanding, \$26,500.00; general fund warrants outstanding, less available cash, \$35,468.00; Road fund warrants outstanding, less available cash, \$2,595.67; Total outstanding floating indebtedness, \$64,563.67.

The last two items of indebtedness are largely made up of warrants in favor of city officials and home people, the justice and validity of which are unquestioned. However, included in this warrant indebtedness are so-called claims of the Warren Construction Co. that should not, in my judgment, have been allowed.

In relation to the indebtedness of the city, I desire to further call your attention to the fact that in the year 1912 the City Council of this city let a contract to the Warren Construction Co. of approximately seventy-two blocks of streets in the city in the sum of about \$160,000.00. In letting this contract, under the law as I understand it, it was the duty of the city to regularly conduct the proceedings in relation to such improvements so as to charge the abutting property for the cost thereof, and that therefore the contract price or cost of such construction of street improvements, is not a direct indebtedness of the city of Tillamook, yet the proceedings of the city council has been held to be a direct indebtedness of the city.

allowed the Warren Construction Co. and is included in a warrant issued by the city in favor of the Warren Construction Co. of \$1,834.58, and is apparently allowed as a ten per cent commission on the premium of \$1,129.48, paid by the city as a premium on Employers Liability Insurance secured by the city for its protection against claims for damages for workmen and employees, employed in the construction of a storm sewer. This is a most extraordinary claim and I find no basis for its allowance except an agreement entered into between Tillamook City and the Warren Construction Co. by letter dated May 4, 1912, the particular part of which bearing upon the question is the following paragraph:

"We will construct any work of this kind awarded to us on force account plus ten per cent for Superintendence, you installing your own time-keeper to keep track of all time expended and we before buying any pipe or other materials necessary to construct the work referred to, submit same to your engineer for approval."

I am unable to see how this contract can authorize the allowance of \$112.04 to the Warren Construction Co., because it is a ten per cent upon a premium paid by the city for its protection, and in no wise enters into the cost of construction of the sewer. By examining the city files you will find bills rendered by the Warren Construction Co. containing items of much the same character and I recommend that you seek the advice of the City Attorney upon the question of the validity of these claims and whether or not the city can contest the same and be relieved from the payment thereof, and if so, to take such action, consistent with prudence and good judgment, as may be necessary to attain that end.

I find the revenues of the city will little more than meet the operating expenses of the city government. It therefore devolves upon you to devise ways and means whereby the pressing obligations of the city, in the form of outstanding warrants, may be refunded. In this connection I would recommend:

1st: That an ordinance be passed appropriating funds received from issuance of liquor and other licenses in the city, for the purpose of defraying the immediate expenses of city government, such as salaries of officers and payment of employes; and that by such ordinance a special fund be created and the moneys received from such licenses be converted into such fund and be used only in payment of warrants issued for salaries of city officials and employes of the city, so that such salaries and wages of employes may be promptly paid in cash.

2nd: I recommend that an amendment to the city charter be formulated and submitted to a vote of the electors of the city of Tillamook, providing for the issuance of bonds for the purpose of refunding outstanding city warrants. And, if in your judgment you deem it proper, to also include in such amendment a provision for additional bonds for the purpose of meeting the current expenses of the city.

There exists at this time an urgent necessity for a new city hall but if one is built it should be in keeping with the splendid structures and other improvements that have been made in the city in the last two years and will therefore involve quite an expense and, in view of the fact that we are heavily burdened with public debt, it would be well in proposing to bond the city for this purpose to proceed with caution and with due regard to the wishes of the tax-payers of the city.

The sanitary sewer constructed in this city by the Warren Construction Co., involving a cost of over \$47,000.00, lacked proper supervision and inspection during the course of construction thereof and should, as far as practicable at this time, be subjected to thorough inspection and test, and if found not to have been constructed in accordance with the specifications and contract therefor, steps should be taken forthwith to protect the city and its abutting property owners affected by the improvement from injustice or damage due to the non performance of said contract on the part of the Warren Construction Co., and in any event, the sewer should not be accepted by you until you are thoroughly satisfied that the contract and specifications for said sewer have been substantially complied with.

In relation to the indebtedness of the city, I desire to further call your attention to the fact that in the year 1912 the City Council of this city let a contract to the Warren Construction Co. of approximately seventy-two blocks of streets in the city in the sum of about \$160,000.00. In letting this contract, under the law as I understand it, it was the duty of the city to regularly conduct the proceedings in relation to such improvements so as to charge the abutting property for the cost thereof, and that therefore the contract price or cost of such construction of street improvements, is not a direct indebtedness of the city of Tillamook, yet the proceedings of the city council has been held to be a direct indebtedness of the city.

Construction Co. has utterly failed to live up to its contract with the city and that therefore the city is not entitled to levy upon the abutting property the cost of such improvements, and there is a remote possibility, in the final outcome of the litigation now pending between the Warren Construction Co. and Tillamook City concerning said street improvements, that some liability might be fastened upon the city as to said improvements, and I consider it my duty to inform you in relation thereto, so that you may be advised of the exact situation and may take such steps as in your judgement may be necessary to protect the city from liability on account of such improvements. In this connection I desire to further state that the Citizens Committee, who have so successfully conducted the litigation with the Warren Construction Co., are in possession of much valuable data and evidence that will be of inestimable value to you in best serving the city's interests in case the Warren Construction Co. should seek to recover from the city. There can be no conflict of interests as the litigants and property owners affected by the improvements own approximately 90 per cent of the taxable property of the city, (some of whom would have been more burdened for the improvements had they been made at the expense of the city rather than the abutting property owner.) The committee therefore represent interests in common and identical with that of the city and in my judgement its assistance and cooperation should be sought in the event the Warren Construction Co. should be so unwise as to further undertake to prosecute its case against the city.

I append to this message a copy of the findings of Hon. J. U. Campbell, so that you may be particularly advised as to the findings of the Court. Recent unpleasant and costly experiences have taught us that we have a very faulty city charter, affording little protection to the property owners with the Mayorship and Council in the hands of men disposed to arbitrarily use the power conferred upon them by the charter. To remedy this and to afford more adequate power and jurisdiction to the city council I recommend that amendments be made to the city charter so that:

1st. Some limitations be placed on the power of the city council in making improvements at the cost of abutting property owners; (a) that the power of the Council to make improvements shall depend upon the filing of a petition containing the signatures of the owners of seventy-five per cent of the property to be affected and upon which assessment for the cost thereof will be levied; or (b), if a remonstrance, signed by the owners of seventy-five per cent of the property so affected, is filed with the city council, that it be deprived of jurisdiction to proceed; and (c), that the owners of seventy-five per cent of the property to be affected have a right to select and designate the character of material to be used in the construction of the improvement, and upon such selection the city council be bound thereby; and (d), that if a petition is filed, asking for the improvement, containing the names of the owners of seventy-five per cent of the property to be affected, that it should be compulsory upon the council to proceed.

2nd. The charter should be made to provide for longer notice of the intention of the Council to make improvements, as seven days now provided by the charter is such notice as to amount to almost no notice.

3rd. The charter should provide that all improvements in the city, whether made at the cost of abutting property owners or to be paid for by the city out of the general fund, should be let by contract, after full advertisement, to the lowest responsible bidder.

4th: The charter should provide a method of apportionment of the cost of improvements and a limitation as to area of abutting property to be affected by such apportionment.

5th: All notices in assessment proceedings should be of sufficient length of time to give the persons affected ample opportunity to investigate the correctness of the apportionment and the regularity of the proceedings.

6th: The provisions of the Baneroft Bonding Act should be incorporated in the city charter to the exclusion of any other form of bonding, because bonds issued under that act render the proceedings definite and certain and the sale of bonds is rendered much easier because bond purchasers are fully familiar with that act; but I suggest that the time in which to file an application for securing the benefit of that act be made thirty days instead of ten, as therein provided.

7th: A provision should be incorporated in the charter granting to the city council power and authority to guarantee improvement bonds, providing the city council is satisfied that the bonds would sell for less than par; in other words, the city council could, by ordinance, guarantee any deficiency, which guaranty should be incorporated in the bond and made a part of the bond itself.

8th: The charter should be amended so as to provide for assessment of damages and benefits for the opening of streets, avenues and lanes in the city of Tillamook, more definite and certain than the present provisions contained therein.

For some years past no record of the ordinances adopted by the city council has been kept, and many ordinances, some of which are of vital importance, have been lost or mislaid. I would therefore recommend that a suitable record book be procured and a classified system be adopted for the recording of ordinances and suitable files be obtained for the preservation of all city records and documents.

I am in hearty sympathy with an idea that has been under discussion for some time in regard to having the Recorder act as collector for the Water Commission. By combining these two offices and putting the Recorder on a salary large enough to justify him in giving his full time to this dual capacity work a better service can be had and a saving made of several hundred dollars per annum to the city. This idea is well exemplified by making comparison of the expenses of the first months with the latter months of the year 1913. The first months of the year, with Surveyor and Street Commissioner and Recorder, I find the expense averaged \$351.57 per month, and latter months, with surveyor and street commissioner dispensed with, averaged \$202.05. This economy has been brought about without impairment to the service.

I note several unsightly places in the business districts of the city, where short stretches of badly dilapidated plank walks have not yet been replaced with cement walks. I feel that the values of the abutting property in the business districts will warrant the construction of cement walks and I therefore recommend that the walks referred to be removed and replaced with cement walks in conformity and harmony with the walks adjoining the adjoining properties.

Respectfully submitted,
F. R. BEALS,
Mayor.

Eighth Grade Final Examinations.

The County Superintendent may select three of the following dates for examinations: January 15 and 16, 1914, May 7 and 8, 1914, June 4 and 5, 1914, September 3 and 4, 1914.

Program for Examinations is as follows:
THURSDAY—Physiology, Reading, Geography, History, and Civil Government.
FRIDAY—Grammar, Writing, Spelling, Arithmetic, and Agriculture.

Sources of Questions for 1914 are as follows:
Agriculture—Agriculture for Beginners, Stephens, Burkett and Hill. If the applicant has a good garden or has done any creditable work in agriculture, the teacher may give 30 per cent for such work, and the pupil may answer only seven questions in agriculture. If the pupil does not make a passing grade in this subject, the County Superintendent may give not more than 25 per cent for a creditable exhibit which the applicant may have made at a district, county or state fair.

Arithmetic—Practical Arithmetic, Smith; or Complete Arithmetic, Watson and White.
Civil government—United States Constitution.
Geography—Natural School Geography, Redway and Hinman; or World Geography, Tarr and McMurry. (See Rule IV for conducting Eighth Grade Final Examinations).

Grammar—Buehler's Modern English Grammar; or Kimball's Elementary English, Book II.
Physiology and Hygiene, Krohn. (See Rule IV for conducting Eighth Grade Examinations).

Reading—The teacher will send to the County Superintendent the class standing of the applicant in reading, which will be taken by the Superintendent as the applicant's grade.
Spelling—Reed's Word Lessons; or Hicks' Champion Spelling Book.
Writing—Specimens of penmanship; or a Palmer certificate.

Respectfully submitted,
W. S. Buel,
Co. Supt.

Notice Closing Streams.

KNOW ALL MEN BY THESE PRESENTS, That WHEREAS, the State Board of Fish and Game Commissioners of the State of Oregon (as well as its predecessors, the Board of Fish Commissioners) has propagated and stocked, and is propagating and stocking the waters of Tillamook Bay and its tributaries, in Tillamook County, State of Oregon, with salmon fish, and

WHEREAS, said Tillamook Bay and its tributaries are frequented by salmon fish, and for the purpose of protecting the same the said State Board of Fish and Game Commissioners has decided to close a tributary of said Tillamook Bay, known as Hoquarton Slough, and its tributaries above a point on said Hoquarton Slough 47 degrees 31 minutes West 2,012.7 feet from the section corner common to Sections 23, 24, 25 and 26 of Township 1 South, Range 10 West of the Willamette Meridian—this point on said Hoquarton Slough being more particularly designated by posts erected by the Master Fish Warden warning the public; and also another tributary of said Tillamook River, known as Tillamook River, and its tributaries, above a point 100 feet below the lowermost portion of the mouth of Trask River, all being in Tillamook County, State of Oregon, to prevent fishing therein by any means whatever, except with hook and line, commonly called angling, for salmon fish during the periods of time hereinafter specified.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN by said State Board of Fish and Game Commissioners that said tributary of Tillamook Bay, known as Hoquarton Slough, and its tributaries, above a point on said Hoquarton Slough 47 degrees 31 minutes West 2,012.7 feet from the section corner common to sections 23, 24, 25 and 26, Township 1 South, Range 10 West of the Willamette Meridian, is or are opened again to salmon fishing herein prohibited, as provided for under Section 5316 of Lord's Oregon Laws; and that said tributary of Tillamook Bay, known as Tillamook River, and its tributaries, above a point 100 feet below the lowermost portion of the mouth of Trask River, are and each of them is hereby closed to fishing of any kind for salmon fish, except with hook and line, commonly called angling, from and after January 31, 1914, until said tributary of Tillamook Bay, known as Hoquarton Slough, and its tributaries, above a point on said Hoquarton Slough 47 degrees 31 minutes West 2,012.7 feet from the section corner common to sections 23, 24, 25 and 26, Township 1 South, Range 10 West of the Willamette Meridian, is or are opened again to salmon fishing herein prohibited, as provided for under Section 5316 of Lord's Oregon Laws; and it is and will be unlawful to fish for, or take or catch any salmon fish by any means whatever, except with hook and line, commonly called angling, in any of said waters during the said periods of time above specified.

Any and all persons whomsoever so fishing in violation of this notice will be prosecuted as by law provided.

STATE BOARD OF FISH AND GAME COMMISSIONERS.
By FLOYD BILYEW, Chairman,
By H. H. CLIFFORD, Secretary,
By GEO. H. KELLEY,
By C. H. EVANS,
Commissioners.

\$100 Reward \$100.

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DENTIST.
Commercial Building, Tillamook.

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DENTIST.
(I. O. O. F. Bldg.)
Tillamook - Oregon

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