## ARE INDICTED.

Judge Would Not Allow Proscution to Offer Evidence--Law is Deffective--Cases Are Dismissed.

The grand jury indicted Charles Saling, James A. White, Roy Saling and Adolph Ritcher, charging them of the crime of aiding and abetting a prize fight at Cloverdale on April Attorney Johnson contended that for a meaning, the affair was simply a boxing. The rule of strict construction

warrant the charge.

Judge Holmes promptly rendered his decision and sustained Attorney Johnson's motion that the pro-secution could not introduce evi-

dence. He said:
"The Supreme Court of this state
has decided that you cannot bring an indictment upon a common law offence, and so far as this statute is concerned, it relies on what you might call common law. Different individuals might have different definitions. A law, a criminal law, must always be definite and cer-The legislature must state what acts constitute a crime. In this statute there isn't anything said about it, and so far as this Court is concerned, I will not undertake to legislate or engraft my own personal yiews into the Statute, and tell this jury that is the law. That is not the court's province. That is for the legislature to do. There never has been a case gone to the Supreme Court constraint. to the Supreme Court, construing this section, so far as I know. This point has not been raised with reference to the Statute, but it has been raised as to other criminal statutes. The crime must always be defined. It must have a definition, and I fail to see how an indictment could possibly be drawn to state a crime under this defective statute. It is absolutely defective and wanting in that one respect, in defining what constitutes a prize fight. The dictionaries give a definition it is true, and the legal dictionaries give definitions, but they are all of dif-ferent kinds, and there is a line of demarcation between what is comdemarcation between what is commonly called sparring exhibitions and athletic performances, although they are commonly called fights with gloves. They use the term "fight" in both instances, and in order for any court or any jury to tell which is a sparring match or a prize fight, you have to read into the statute something that is not there. I will sustain the objection."

thereof, be imprisoned in the peni-

would constitute a prize fight, in short, does not define a prize fight. The indictment in this case, in the charging portion, reads as follows; The said Roy Saling and Adolph Ritcher on the 4th day of April, 1914 in the said county of Tillamook.

TillamookCounty, a MunicipalCor-1914, in the said county of Tillamook and State of Oregon, then and there being, did then and there wilfully and feloniously, jointly engage each with the other, towit; and did then and there fight a prize fight each one with the other, for and in cousideration of a prize and reward."

It will be seen that the indictment follows substantially the language of the Statute, and in drawing the indictment it could not be drawen any broader than the language. Statute be en. larged upon.

Chief Justice Waldo in the case of State vs. Gaunt, reported in the 13th Oregon, page 115, following earlier cases and affirmed the doctrine in this state that we have in Oregon no indictable common in Oregon no indictable common law offenses. We may look to the common law for definations but not for the crimes themselves, where the common law has defined the crime; but prize fighting does not come under this rule in any particular,

Following the cases decided by the Supreme Court of the U.S., the Chief Justice quoted as follows

"That if Congress did not declare particular acts to be offenses, etc. no particular court has any right to try a person for doing these acts or affix the punishment."

One reason which the Chief Iustice assigns for reaching the contioned case was that we have a crim inal code in this state which was en-reted in 1864, with subsequent amendments and additions, and the criminal code does not make the common law rule a statutory rule; also the Supreme Court of Oregon in the case of State vs. Mann in the 2nd Or. page 238, has laid down the rule that the statute must specify what acts or omissions constitute a grand jury on a charge of obtaining grand jury on a charge of obtaining a signature by false pretenses. Decrime and uses this language: "A crime or public offense is some act forbidden by law; and it is a well settled rule of law that no one can be punished for doing an actunless it clearly appears that the act sought to be punished comes clearly within both the spirit and the letter of the law prohibiting it. The there indictment before it adjourned and specifically describions of the complaint sustained and an order made that the case be re-submitted to the grand jury, and on Wednesday Currey was reindicted.

The grand jury brought in another indictment before it adjourned and specifically describions of the complaint sustained and an order made that the case be re-submitted to the grand jury on wednesday Currey was reindicted.

CLOVERDALE PUGILISTS ed in the statute, and with sufficient certainty at least, to enable the court to determine, from the words used in the statute, whether the act charged in the indictment comes

within the prohibition of the law . . . and puts this further test "Can the court ascertain from all the words used in it, without resorting to evidence". . Referring to the statute in this case he further says, "It is nowhere defined in the code, nor has it any common definition." And the law makes a further dis-tinction between a crime mala in se a prize fight at Cloverdale on April 4th. They all pleaded not guilty, and Roy Saling and Adolph Ritcher stood trial on Wednesday. County Attorney Gersoni, in his opening address to the jury, said that the apply to prize fighting. Applying State would prove that a prize fight took fight, that it had been advertook fight, and the law makes a further distinction between a crime mala in se and mala prohibita. Those mala prohibita are merely crimes because made so by the statute, which would apply to prize fighting. Applying the rule that the penal statutes must be construed strictly, but at the same time giving the words used therein their full meaning, the Court must not strain the context Attorney Johnson contended that for a meaning.

match.

When County Attorney Gersoni placed his first witness on the stand Attorney Johnson objected to the introduction of evidence as there was nothing in the indictment to show that a crime had been committed. Replying to this the prosecuting attorney admitted that the law was defective, but sufficient to warrant the charge.

The rule of strict construction only applies to that portion of the Statute which defines the offense and applying this unalterable rule of construction, there is no definitions whatever in the Statute, to which any effect can be given at all, there being an absolute lack of any definition, and the Court would have to resort to evidence to accertain what was a prize fight, and tain what was a prize fight, and would then necessarily have to in-vade the province of the jury in passing on the facts, in order to in-struct it, in attempting to declare what the law is or was, and this would amount to legislation on the part of the Court. If the legislature has failed to perform its function, by omitting the necessary matter in the Statute, the Court is power-less to supply it by reading into the Statute something that is not there in order to try and remedy the there in order to try and remedy the defective legislation.

County Attorney Gersoni was so nonplussed by the ruling of the court that he could do nothing, so moved the court to dismiss the indictments against all the prize fight defendant.

#### Circuit Court Cases.

H. A. Yoemans vs The Pacific Railway & Navigation Company, a Damages. clusion of plaintiff's case defendant moved for non suit for reason of failure to prove negligence charged. Motion allowed. Judgment for de-fendant and costs and disburse-

C. E Reynolds vs J. W. Vint and G. B. Lamb. Action for money. Plaintiff moved for judgment on pleadings. Motion over ruled. De-fault of defendant Vint entered. Jury trial and verdict for Lamb.

F. C. Feldshau vs Chas. E. Haas,

J. W. Tompkins vs E. P. Curry. Action for money. Judgment for plaintiff as per stipulation on file for \$1,500 and interests thereon at 6 per cent per annum and \$250 at torney's fees and \$15.00 costs and

eree, aider, abettor, solicitor, or agent, whether said fight shall take place or not, shall, upon conviction thereof, he imprisoned in the unit

It will he seen at a glance that this section does not state what acts this section does not state what acts L. Hiner vs Randolph Lamb. Ac-

TillamookCounty, a MunicipalCorporation of the State of Oregon, upon the relation of Peter Nelson and John A. Nelson vs W. J. Stephens and Henry Wolfe. Action on bond. Demurrer to complaint sustained. Plaintiff refuses further to plead. Judgment for the de-fendants for their costs and dis

F. R. Beals and Clarence Tilden

Jackson Powell vs Aaron Sherman, et al. Foreclosure of mort-gage. Default of defendants entered and decree as prayed for. In the matter of the petition of

Josef Emmenegger, an alien, to be-come a citizen of the U.S. States of America. Naturalization. Admitted to citizenship. In the matter of the petition of

August Ludtke, an alien, to become a citizen of the U.S. of America. Naturalization. Admitted to citi-In the matter of the petition of

Josef Baumgartner, an alien, to be come a citizen of the U.S. of America. Naturalization. Admitted to citizenship. William Brown, who was indicted

on a charge of attempted rape was found guilty by the jury. Motion for a new trial entered and denied. Brown was sentenced this afternoon to an indeterminate sentence, which is from 1 to 10 years.

# ROYAL BAKING POWDER

Is the Housewife's Greatest Help.

WHAT so tempting to the laggard appetite as a light, flaky, fruit short cake or a delicate hot biscuit?

Royal makes the perfect short cake, biscuit and muffin, and improves the flavor and healthfulness of all risen flourfoods.

It renders the biscuit, hotbread and short cake more digestible and nutritious, at the same time making them more attractive and appetizing.

Royal Baking Powder is indispensable for the preparation all the year round of perfect foods.

Great Majestic

Malleable and Range Charcoal Iron Range

Outwears Three Ordinary Ranges

It is the only range made entirely of malleable iron and charcoal iron. Charcoal iron won't rust like steel mallaable iron can't break, and while the first cost of a Great Majestic may be more than some other ranges, it outwears 3 ordinary ranges.

Open iron grate—you can see it. No heat escapes — no cold air gets into even—saves half the fuel and assures perfect baking.

Movable Copper Reservoir ordinary ranges.

In addition, it is lined with pure It's the best range at any price bestos board, covered with an and should be in your kitchen.

FOR SALE BY .

ALEX MENAIR & CO.

The Range with a Reputation

Half The Fuel

The Majestic is put together with rivets (not bolts and stove putty) making it absolutely air tight, like an engine boiler. The joints and seams will remain air tight forever as neither expansion nor contraction can affect or open them.

Pure Asbestos Lining

Movable Copper Reservoir

The reservoir is all copper, heated
like a tea kettle through copper pocket (stamped from one piece of copper)
settling against left hand lining of fire
box. It boils is gallons of water in a
jiffy and, by turning lever, the frameand reservoir—moves away from fire.
This feature is patented and can be
used only on the Majestic.

Ask us to show you the greatest
improvement ever put into a range—
makes Majestic 300% stronger where
other ranges are weakest.

Other Feature

Other Exclusive Features

## Call for City Road Warrants.

All City road warrants that have been endorsed for interest are now payable. Interest ceases after this date, April 16, 1914.

M. W. HARRISON,

City Treasurer.

# TILLAMOOK FOLKS ASTONISH DRUGGIST.

We sell many good medicines but we are told the mixture of buck-Action for money. At close of thorn bark, glycerine, etc., known plaintiff's case defendant moved as Alder-i-ka, is the best we ever for non suit for want of sufficient sold, Tillamook folks astonish us proof. Motion allowed and defendant given judgment for his costs and disbursements.

J. W. Tompkins vs E. P. Curry.

We are told the mixture of buck. Action for bark, glycerine, etc., known as Alder-i-ka, is the best we ever sold. Tillamook folks astonish us daily by telling how QUICKLY Adler i-ka relieves sour stomach, gas on the stomach and constipation. Many report that A SINGLE DOSE relieves these tropbles almost DOSE relieves these troubles almost IMMEDIATELY. We are glad we are Tillamook agents for Adler-i-J. S. Lamar, Druggist.

there. I will sustain the objection."

Sec. 2063, Lord's Oregon Laws, reads as follows:

"Any person or persons arranging or attempting to arrange, or offering to arrange, or engaging or offering to engage in, a prize fight, to be fought within the limits of this state or otherwise, in any manner, either as principal, second, assistant, stakeholder, trainer, reference, aider, abettor, solicitor, or any months as addicate and \$15.00 costs and disbursements.

A. Ramsey vs Milwaukee Mechanic's Insurance Company. Action for money. Set for trial April 16th.

A. Ramsey vs Milwaukee Mechanic's Insurance Company. Action for money. Set for trial April 16th.

Tillamook County, a municipal corporation of the State of Oregon, on the relation of James Langley as and could not get my right hand to my mouth for that length of time" writes Lee L. Chapman, Mapleton, Iowa. "I suffered with rheumatism, "I suffered with rheumatism, and sworn to.

The schedule filed discloses two years and could not get my right hand to my mouth for that length of time" writes Lee L. Chapman, Mapleton, Iowa. "I suffered with rheumatism, "I suffered with rheumatism, "I suffered with rheumatism, "I suffered with rheumatism for two years and could not get my right hand to my mouth for that length of time" writes Lee L. Chapman, Mapleton, Iowa. "I suffered with rheumatism, "I suffered with rheumati

meeting,

#### Notice to Creditors.

oankrupt; No. 2821 in bankruptcy and transact such other business as may properly come before said

In the District Court of the United States for the District of Oregon. In the Matter of Charles R. Funk signed, rooms 401-2-3-4-5 Fenton Building, Portland, Oregon, on the 28th day of April, 1914, at 10 a.m., at which time said creditors may attend, prove their claims, appoint a trustee, examine the bankrupt,

Claims must be presented in form required by the Bankruptcy Act,

longing or in anywise appertain-ing, to satisfy the herein-before mentioned sums, and for said costs and disbursements. Said sale will Notice is hereby given that on the lith day of April, A. D. 1914, Charles R. Funk, of Tillamook, Oregon, the bankrupt above named, was duly adjudicated bankrupt; and the first meeting of his creditors will be held at the offices of the underging of the supplementary of the supplementary of the content of by law provided. by Hall's Catarrh Cure.

F. J. CHENEY & CO., Teledo, O.

Three Other

Perfect

A Fuel

We, the undersigned have known F. J. Cheney for the last 15 years, and believe him perfectly honorable in all business transactions and financially able to carry out any obligations made by his firm.

NATIONAL BANK OF COMMERCE, Toledo, O. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system. Testimonials sent rec. Price 75 cents per bottle. Sold by all

Pruggists.
Take Hall's Family Pills for constipation

A Healing Salve for Burns, Chapp-ed Hands and Sore Nipples

As a healing salve for burns, sores, sore nipples chapped hands Chamberlain's Salve is most excellent. It alleys the pain of a burn almost instantly, and unless the injury is very severe, heals the parts without leaving a scar. Price, 25 cents. For sale by Lamar's Drug Store.



Some housewives who display a remarkable amount of broad, sound, common sense along other lines, persist in the delasion—and it is a delasion—that they are really practicing economy by trying to get along—to get results—out of an old, wornout range merely to save the price of a new one.

Your old range or stove was put together with putty and stove bolts and probably you can stick a penkife in the seams and joints anywhere on it where the atove putty has crumbled away. When a range gets in that condition, it takes fuel enough to warm all outdoors in order to get your oven hot enough for behing—and then you run the risk of burning whatever is in the oven. You can soon burn up the price of the best range ever made in a useless waste of fuel in an old, worn-out stove or range—and that's neither practical economy nor good management.

If you would practice real economy in your household management, it will pay you, the next time you are in town, to call at our store and inquire closely into the perfect baking and remarkable fuel saving qualities of the Babies will grow and while they are growing, you should have them photographed often enough to keep a record of each interesting stage of their childhood. You will prize the collection of baby's pictures more and more as the years go by Monk's Studio.

# Made My Life Worth Living

"I feel it my duty to tell others what Chamberlain's Tablets have done for me," writes Mrs. L. Dunlap, of Oak Grove, Mich. "I have suffered with pains in my back and under my shoulder blade for a number of sears."

a number of years, also with a poor appe-tite and constipation. I tried all of the rem-I tried all of the remedies that I heard of, and a number of doctors, but got no relief. Finally a friend told me to try Chamberlain's Stomach and Liver Tablets. I got a bottle of them and they soon helped my stomach; by their gentle action my bowels became more regular. Today I feel like praising them to all who suffer as I did, for me and made my life worth living."

## WOMEN WARRIORS.

Foreclosure of Mortgage, Notice of Sale Under Execution.

Department No. 2, In equity, Reg-

ster No. 1440. In the Circuit Court of the State of

Oregon, for Tillamook County.

Defendants.

Notice is hereby given, that by virtue of an execution, decree, and

order of sale, issued out of and un-der the seal of the Circuit Court of the State of Oregon for Tillamook

County, on the 14th day of April.

1914, in favor of Jackson Powell.

plaintiff, and against Aaron Sher-

man and Jennie I. Sherman, his wife, A. G. Reynolds and Daisey V, Reynolds, his wife, defendants,

for the sum of two hundred seventy (\$270) dollars, in gold coin of the

United States, with interest thereon

in like gold coin, at the rate of eight

disbursments of this suit, taxes at

\$---, and the costs of and upon this writ, to me directed and de

livered, commanding me to make

sale of the real property herein-after described, I have levied upon,

14th, 1914, at the front door of the Court House in Tillamook County,

Oregon, at the hour of ten o'clock

A. M. of said day, sell at public auction to the highest bidder for cash in hand all of the following

described real property lying, being, and situated in Tillamook County,

Oregon, and more particularly de-

scribed as follows, to wit;

Lots one and two of block six in

Norton's Addition to Tillamook

be made subject to redemption as

Sheriff of Tillamook County, Ore. By CLENT KING, Dep. John Leland Henderson,

How's This ?

We offer ONE HUNDRED DOLLARS REWARD

Attorney for plaintiff.

H. CRENSHAW.

Jackson Powell, Plaintiff

Aaron Sherman and

lennie I. Sherman,

his wife, and A. G. Reynolds and Daisey V. Reynolds his wife,

One That Was Made a Heroine in Spite of Herself.

There are few countries that have not at one time or another had women soldiers in their ranks-either in disguise or openly accepted despite their sex. England, France and Germany have all had military heroines. Gen many, which traditionally demands of its women only softness and domesticity, has nevertheless had its full share, One of them, Eleonore Prochaska, had saved her wages as a cook to buy ber man's equipment. In her last battle, when storming some heights under heavy fire, she snatched a drum from a fallen Frenchman and beat the charge as she advanced.

"You can sew, cook, wash, sing and shoot better than any of us," said the comrade at her side admiringly, "and now it seems you can drum too!"

A moment later she was mortally wounded. As she fell she called to the nearest officer, with a dying flash of

(8) per cent per annum since the pride and humor: 29th day of December, 1911; the further sum of five and 25-100 (\$5.25)

Another girl, A "Lieutenant, I'm a girl!" Another girl, Anna Luhring, only dollars, with interest at the rate of six (6) per cent per annum since the her father after she had enlisted, but eighteen, was traced and claimed by her captain refused to dismiss so fine a soldier.

13th day of February 1914; and the further sum of fifty (\$50) dollars at-torney's fees, and for the costs and A young dressmaker, Sophia Kruger, who made her own uniform before enlisting, won the Iron Cross for bravery. Maria Werder, a farmer's wife, serv. ed, undiscovered, with her husband and was promoted to be a sergeant, aland pursuant to the commands of said execution, decree, and order of Sale, I will, on Thursday, May

though he remained a private. An amusing contrast to these genuinely gallant women is afforded by Johanna Stegen, who quite by accident won a reputation for heroism. She and a companion, Caroline Berger, were caught by chance in the fighting lines at the battle of Luneberg. Caroline fled to what cover she could find. tore off her apron and began binding the hurts of the wounded who had

crawled there also. Johanna, spying a beap of cartridges, City, Oregon, according to the plat of said addition on record in the office of the County Clerk of Tillamook County, Oregon; together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appetrs in anywise a tore off her apron also and began to where to take it, orders which she dared not disobey. Apronful after apronful of cartridges she carried-and the next day found herself acclaimed a heroine!

Her apron was tied to a staff and borne proudly at the head of the regiment. Men cheered her, the king praised ber, and she sat at his right hand at a banquet. Later she married and was lionized by the fashionable ladies of Berlin.-London Tatler.

No Title Page In Early Books.

or any case of Catarrh that cannot be cured The idea of a title page did not oc-cur to the early printers. "The books started straight off with 'Incipit' or 'Here beginneth,' without author's or publisher's name. This causes much difficulty in attributing earlier works to the proper sources." The idea of a title page with names seems first to have occurred to a Cologne printer named Therhoernen about 1470, but it was not generally adopted until fifty years later. The early punctuation was very simple, consisting of an oblique line and a full stop. One of the first books to introduce the colon and notes of interrogation and exclamation was a "Lactaptins" printed at a monastery near Rome in 1465.-Imprint.

## London's Gunpowder Alley.

The city coroner, who commented upon the "funny' name of Gunpowder alley (off Shoe lane) and confessed that he bad never heard of it, may nevertheless have heard of the poet Lovelace, who died in the alley two years before the restoration. The lodging in which he died was a miserable one, but probably seemed to the poor poet released from prison a glorious palace, for he was philosopher enough already to have written that 'stone walls do not a prison make." In this alley also lived the notorious astrologer. Lilly, the Sidrophel of 'Hudibras."-London Chronicle.

A Cure For Hiccups. Fill a glass tumbler with clear, cold

water and place on a table. Then let the patient stand where he or she can look directly into the glass and fix the attention about the center of the bottom of the glass for about a minute. when the patient will find that the hiccups have entirely disappeared. This has been known to cure the most violent cases of this uncomfortable disorder.-London Family Herald.

To Make Vinegar.

Save the parings and cores of apples and put them in a jar with warm water enough to more than cover them. Set in a warm place for several days; then strain and add one pint of molasses to a gallon of the water. Put in a jar, tie a thin cloth over it, beep in a warm place and in a few weeks this will be good vinegar.-National Magazine.

Different Proposition. "What is the object of your society?" "To prevent gambling among we-

"Nonsense. It can't be doza." "Certainly gambling can be stopped." "Gambling? I thought you said gabbling."-Louisville Courier-Journal.

"Has your husband given you grounds

for divorce?" asked the woman who is always eager to sympathize.

'Yes," replied the one whose mind is on alimony. "Plenty of grounds. but I'd rather have some regular real estate."-Washington Star.

One of the most rare kinds of cournge is the courage to wait.-St. Lotis Globe Democrat