

The number and form in which the ballot titles for said measures will be printed on the official ballot is as follows:

100 _____ YES.
101 _____ NO.

Proposed by the Common Council:

Shall a measure entitled 'A Measure to Amend Article VII of the Charter of Tillamook City, Oregon,' proposed by the Common Council of Tillamook City, by Ordinance No. 282, be enacted? This measure changes Article VII of the Charter of Tillamook City, Oregon, so as to provide that two thirds property owners may prevent street improvements by the Common Council, and allows property owners to specify the kind of street improvements they wish made; makes more definite property chargeable with expense of improvements, requires published estimate of cost before improvement is ordered which cost can not be exceeded more than five per cent, makes the city surveyor City engineer, makes the Bancroft Bonding Act specifically applicable, with changes, authorizes change of street grades and assessment of benefits and damages caused thereby, authorizes guaranty by City of street improvement bonds, subject to referendum, and provides for reassessment where original assessment invalid. Mark X between the number and answer voted for."

102 _____ YES.
103 _____ NO.

Proposed by the Common Council:

Shall a measure entitled 'A Measure to Amend Article VIII of the Charter of Tillamook City, Oregon,' proposed by the Common Council of Tillamook City by Ordinance No. 582, be enacted? This Measure changes Article VIII of the Charter of Tillamook City by providing for the assessment of benefits against property specially benefitted by opening, closing or changing the streets and making the same a lien on such property. Also allows appeal from assessments in such cases. Mark X between the number and answer voted for."

104 _____ YES.
105 _____ NO.

Proposed by the Common Council:

Shall a measure entitled 'A Measure to Amend the Charter of Tillamook City, Oregon, by adding thereto an Article to be known as article XII,' proposed by the Common Council of Tillamook City by Ordinance No. 282, be enacted? This measure adds a new Article to the Charter of Tillamook City and provides procedure to be followed when bonds are issued; that all ordinances for issuing bonds are subject to referendum except for street improvements where city does not guarantee payment thereof, requires all bonds to be sold for not less than par, and reserves the right to the city to take up any bonds at or after 5 years from date of issue. "Mark X between the number and answer voted for."

106 _____ YES.
107 _____ NO.

Proposed by the Common Council:

Shall a Measure entitled 'A Measure to Amend the Charter of Tillamook City, Oregon, by adding thereto an Article to be known as Article XIII,' proposed by the Common Council of Tillamook City by ordinance No. 282 be enacted? This Measure adds a new Article to the Charter of Tillamook City making definite provision for the exercise of the Initiative and Referendum as to City matters, requiring that 15 days notice at least be given of any election on any matter submitted to the electors under the initiative and referendum, and that the full text of any measure submitted shall be published. Under present condition these matters are left entirely to the discretion of the council. Mark X between the number and answer voted for."

108 _____ YES.
109 _____ NO.

Proposed by the Common Council:

Shall a Measure entitled 'A Measure to amend the Charter of Tillamook City, Oregon, by adding thereto an Article to be known as Article XIV, providing for the refunding of the outstanding warrant indebtedness of Tillamook City, Oregon, and running expenses for 1914, proposed by the Common Council of Tillamook City, by Ordinance No. 282 be enacted? This Measure adds an Article to the Charter of Tillamook City, authorizing the issuance of bonds of the city to the amount of \$70,000.00 to take up outstanding warrants to pay current expenses of the City for the year 1914. Under this Article no warrants are to be taken up except those for which the city has received a consideration. Mark X between the number and answer voted for."

Said election will be held at 8 o'clock in the morning and will continue until 6 o'clock in the afternoon of said October 19th, 1914.

Dated this 24th day of September, 1915.
JOHN ASCHIM,
City Recorder of Tillamook City, Oregon

LAMAR'S VARIETY STORE,
TILLAMOOK, OREGON.
"Drop in and Look Around."

Jolly Dime Social.
A jolly dime social and program will be given by the Parent-Teacher's Association Friday, Oct. 9, 1914, at the High School Auditorium. The admission will be ten cents for adults and five cents for children. The money collected will be used to pay the dues to affiliate with the Mothers Congress, which will entitle us to the loan papers of lectures by eminent speakers. Everyone cordially invited. The Parent-Teacher's Association shall hold its meeting the second Monday in October at which time we hope to have with us some eminent speaker, sent out by the University Extension

Course.
At the Parent-Teacher's Association a committee has been appointed to procure a handsome picture which will be awarded to the school room for the following month, which has the best representation of parents at the meeting.
The regular meeting of the mothers will be held the fourth Friday of each month in the grammar grades school house.
Owing to a social which will be held at the Christian Church on Friday night the above mentioned announcement will be postponed until Friday, Oct 9th.

WHO IS TO BE MADE THE "GOAT?"

Attorney Johnson Punctures Attorney-General's Opinion.

District Attorney Gersoni handed us the following written opinion by Attorney General Crawford in regard to the much discussed indictments recently thrown out of court by Judge Holmes, with the request that we publish the same for the information of the public.

September 22, 1914.
Mr. M. J. Gersoni,
District Attorney,
Tillamook, Oreg.

Dear Sir: In accordance with your recent request, I have examined the indictments in the cases of State of Oregon vs. Lloyd Williams and Howard Edmunds, charged with violating the Game and Fish Laws by exploding powder and dynamite in the waters of the Trask River, without first obtaining an order from the authorities of said Tillamook County, and the State of Oregon vs. Herman Schollmeyer, charged with violating the laws pertaining to the protection of forests and of preventing and suppressing forest fires, by setting fire without first obtaining the written permission from a fire warden therefor.

In my opinion both of said indictments are good upon the face and not vulnerable to demurrer, and each states a crime under the laws of the State of Oregon. You state in your communication that the indictment against Herman Schollmeyer was held insufficient by the court for the reason that it reads:

"without having on said day or any time prior thereto obtained written permission from a fire warden."

The court holding that the indictment should have read:

"obtained the WRITTEN OR PRINTED PERMISSION from a fire warden."

While the statute making it a crime, provides no fires shall be set as these fires were without first obtaining the written or printed permission. If either of those words are used it includes both. Section 2401, Lord's Oregon Laws, Criminal Code, reads:

"The term 'writing' includes printing," and was enacted for the express purpose of avoiding technical decisions of the kind evidently rendered in your case. I conclude the statute perhaps was not shown to the court at the time it made its decision.

In the case of the indictment against Lloyd Williams and Howard Edmunds, reading in part:

"did willfully and feloniously take, kill and injure fish in the waters of the Trask River in said County and State, by means of then and there discharging and exploding powder and dynamite in the waters of the said Trask River without having first obtained an order from the board of County Commissioners of said County of Tillamook, permitting them or either of them to explode or cause to be exploded said powder and dynamite in the waters of said Trask River."

You state that the court held the indictment did not state a crime. The indictment shows the court in which the trial was being held, the title of the case, the date on which the act was committed and defines the act to be taking and injuring fish in the Trask River in the County of Tillamook, states the means used in killing the fish and then concludes by saying:

"The defendants did this without first having obtained an order from the county court permitting them to do so."

It contains every requisite prescribed by the statute and in my opinion the ruling of the court was erroneous. The statute, section 1448, L. O. L., provides that the indictment is sufficient if it can be understood therefrom:

First: That it is entitled in a court having authority to receive it, though the name of the court be not accurately stated; and in that respect, neither the indictments are sufficient.

Second: That it was found by a grand jury of the county in which the court was held. That is shown by each indictment.

Third: That the defendant is named, or if his name cannot be discovered, that he is described by a fictitious name, with the statement that his real name is to the jury unknown. The names of the defendants are given in each case, hence it is not defective under that subdivision.

Fourth: That the crime was committed within the jurisdiction of the court except where, as provided by law, the act, though done without the county in which the court is held, is triable therein. This is fully shown in each indictment.

Fifth: That the crime was committed at some time prior to the finding of the indictment, and within the time limited by law for the commencement of an action therefor. Each indictment discloses those facts perfectly.

Sixth: That the act or omission charged as the crime is clearly and distinctly set forth, in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended. It is clear that the indictments are not defective under

subdivision six. [Seventh; That the act or omission charged as the crime is stated with such a degree of certainty as to enable the court to pronounce judgment, upon a conviction, according to the right of the case. Every fact is stated with certainty, so that the court could pronounce judgment. Everything required by the statute is found in each of the indictments.

Therefore, in my opinion each is a good indictment under the laws and the court was in error in not so holding; however, I see no remedy except the state might have the right to appeal. There are two cases where appeal is given to the state. Under section 1607, L. O. L., the state may appeal to the Supreme Court:

First: Upon a judgment for the defendant on a demurrer to the indictment;

Second: Upon an order of the court arresting the judgment.

The defendants in cases at bar having impaneled a jury before raising any objections to the indictment and then objects to any evidence being produced for the reason stated in its motion that the indictments did not state a crime and asking a court to direct a verdict for the defendant amounts to nothing more than a demurrer to the indictment under the first subdivision of said section 1607, you might be able to sustain an appeal by claiming that it amounts to nothing more than a demurrer to the indictment. In each case, if you appeal, let the records show every thing that was done up to the time the motion for a directed verdict was made and then claim the motion to be in effect a demurrer to the indictment, and that the directed verdict is not on the merits of the case but it appears from the record that it is planned as a sharp trick in practice and was deferred until that time in order to bar the state of any right to appeal which it would have had if the demurrer to the indictment had been presented at the proper time.

Therefore, I would advise you to appeal to the Supreme Court in each of the cases to test the question as to whether that kind of practice will be considered to prevent the state from an appeal when such verdict would not be a bar to further prosecution.

Very sincerely yours,
A. M. Crawford,
Attorney General.

Attorney Johnson Takes Wack at Attorney General.

To the Editor of the Tillamook Headlight.

Dear Sir:—I have just read the opinion of the Attorney General of Oregon which asserts that the indictments filed at the last term of our Circuit Court in the cases of Oregon versus Williams and Edmunds and Oregon versus Herman Schollmeyer are good indictments. This of course is a matter about which the best of lawyers might differ, but it is only necessary to notice one part of the Attorney General's letter to enable even the individual of the most mediocre talent to pronounce with certainty that the Attorney General knows little or nothing about criminal law. The part of the letter which I refer to is the part in which he advises Mr. Gersoni to appeal to the Supreme Court. Almost every graduate of high-school knows that when a man is arranged before a jury upon a valid indictment and that jury after a plea made by the defendant renders a verdict of "not guilty" the constitution of the United States and the constitution of every state in the Union inhabits an appeal from such verdict and the judgment founded thereon.

So, if the Attorney General's opinion is so glaringly erroneous upon this elementary question, no attention should be paid to any portion of the text contained in this letter. We can only wonder why the State of Oregon selected such a man for the high station of Attorney General, but at the same time have a satisfactory reason for his rejection as Republican candidate for Governor.

S. S. Johnson.

Cut Prices.
Cabinets, per doz. \$1.00 and up
Post cards50 and up
Enlargements25 and up
Tillamook Studio,
Opposit Court House.

The two boys who were awarded the greater number of credits and thereby earned a membership to the Boys' Fair Camp, State Fair, Salem, Oregon, Sept 28 to Oct. 3, are Chester Jensen, of the Boulder Creek School, Dist. No. 50, and Miles Blacklock, of Brown Schood Dist. No. 32. These boys have their car fare paid, the State Fair Board provides board and lodging for them and gives them free passes into the entire ground.

Watchtower Apartments
MRS. ALICE HEITSMAN,
1, 2, 3 Room Apartments,
Furnished or Unfurnished,
\$1 to \$5.00 PER WEEK.
Free Phones, Water and Light.
First St and 4th Ave. East,
TILLAMOOK, OREGON

LAST THREE PRESIDENTS OPPOSED TO PROHIBITION



PRESIDENT WILSON SAYS:
"I am in favor of Local Option. I am a thorough believer in LOCAL SELF-GOVERNMENT and believe that every self-governing community which constitutes a social unit should have the right to CONTROL the matter of the regulation or the withholding of licenses."



WILLIAM HOWARD TAFT
Ex-President, Statesman, Jurist and Professor, in an address on Civic Duty, said:
"Nothing is more foolish, nothing more utterly at variance with sound policy, than to enact a law which, on account of conditions surrounding the community, is incapable of enforcement. Such instances are presented by summary laws by which the sale of intoxicating liquors is prohibited under penalties in localities where the public sentiment will not sustain the enforcement of the law."



THEODORE ROOSEVELT
Ex-President, Soldier, Explorer and one of the most remarkable leaders in the United States, is a strong champion of LOCAL SELF-GOVERNMENT and Home Rule. He has never raised his voice in behalf of statewide prohibition, and so he has suffered attacks from radical and hysterical prohibitionists. As between a man of Theodore Roosevelt's ability and standing and those who are the paid emissaries of professional propagandists, the voters of Oregon will not be slow in passing upon the wisdom and credibility of the witnesses.

With these three National Leaders agreed on the issue of Prohibition, isn't it wisdom to follow their course?

Register and Vote
333 X NO
Paid Advertisement
Taxpayers and Wage-Earners' League
of Oregon, Portland, Ore.

- CALVIN R. WORRALL,**
LAWYER,
BUSINESS COUNSELOR, TITLES
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25 years experience. Consultation
Free.
Commercial Club Bld., Tillamook
- DR. L. L. HOY,**
PHYSICIAN AND SURGEON
TILLAMOOK BLOCK,
Tillamook, Oregon.
- DR. ELMER ALLEN**
(Successor to Dr. Sharp),
DENTIST.
Commercial Building, Tillamook
- DR. JACK OLSEN,**
DENTIST.
(I. O. O. F. Bldg.)
Tillamook - Oregon
- W. C. HAWK,**
PHYSICIAN AND SURGEON
Bay City - Oregon
- CARL HABERLACH,**
ATTORNEY-AT-LAW.
TILLAMOOK BLOCK
Tillamook - Oregon
- T. H. GOYNE,**
ATTORNEY-AT-LAW.
Office: OPPOSITE COURT HOUSE
Tillamook - Oregon
- JOHN LELAND HENDERSON**
ATTORNEY
AND
COUNSELLOR-AT-LAW.
TILLAMOOK BLOCK,
Tillamook - Oregon
ROOM NO. 261
- E. J. CLAUSSEN,**
LAWYER,
DEUTSCHER ADVOKAT
213 TILLAMOOK BLOCK
Tillamook - Oregon
- R. T. BOALS, M.D.,**
PHYSICIAN, AND SURGEON.
Surgeon S.P. Co.
(I. O. O. F. Bldg.)
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Reasonable Prices Guaranteed