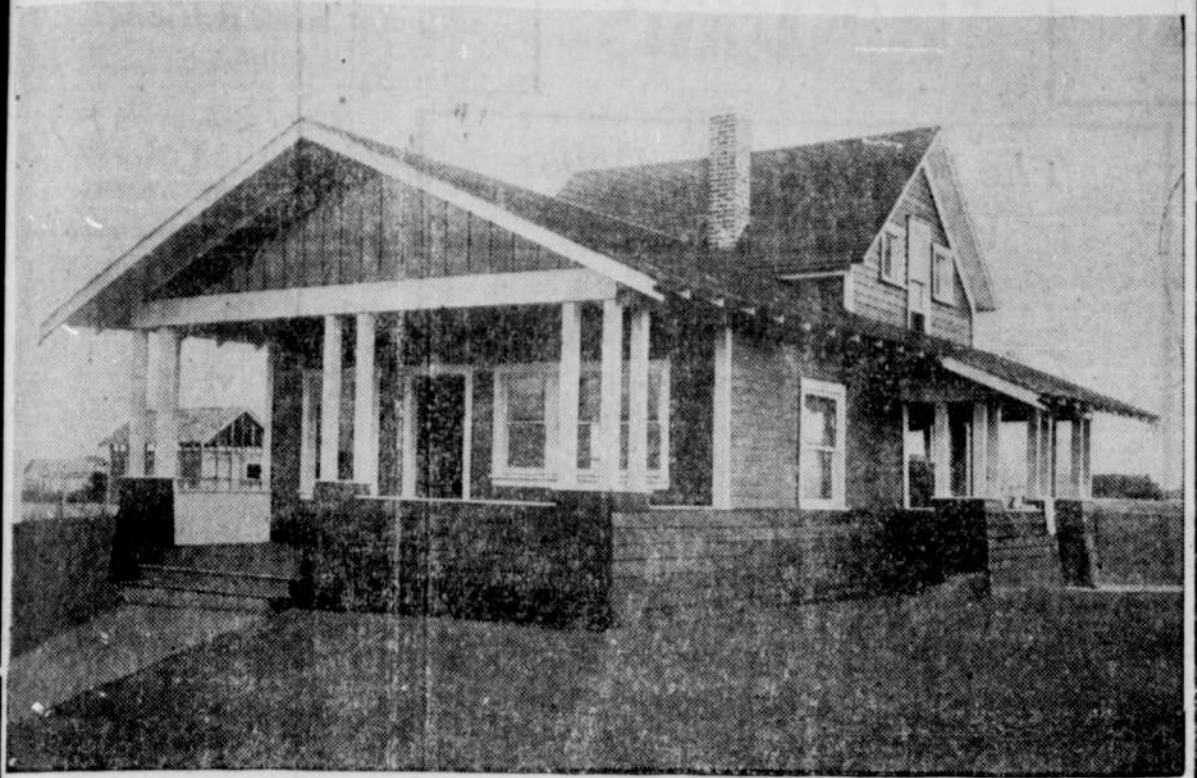


These Two Comfortable Houses for Lease to Desirable Tenants.



This house is situated at the corner of 5th Street and 4th Avenue West, just four blocks West of the High School, on corner lot. House contains six large rooms—Living room, Dining room, Kitchen and three Bed rooms; Bath room, three closets, modern plumbing including bath, toilet, laundry tub, sink, hot water; electric lights throughout including front and back porches. Window shades on all windows, linoleum on kitchen and bathroom floors.

RENTAL AT \$15.00 per MONTH—is cheaper than Owning it—go. a day Present-tenant desires to dispose of some House Furnishings at a sacrifice—breaking up housekeeping, see W. L. Gosser at house or Leach's Market.



This house is situated on the South side of 3rd Street, just three blocks west of the City Hall, is very desirable close-in property. House is modern in every detail will soon be complete and ready to move into. Having made a study of the house situation in Tillamook, we have made this the most convenient in arrangement and comfort. House contains five rooms; consisting of Living room, Dining room, Kitchen, two large Bedrooms, two closets, Bath room, Work pantry, screened porch. The large day-light basement is 26x26 feet concrete floors and walls—has laundry tubs in basement with a laundry drop from the kitchen; Medicine closet in bath room; modern plumbing consisting of bath, toilet, lavatory, kitchen sink, double laundry tubs, hot and cold water; lighted throughout with electric lights; built in book cases and buffet, window shades on all windows. It will cost very little to furnish this house.

Rental at \$20.00 per month is cheaper than owning it. SEE US RIGHT AWAY FOR RENTS—WE ARE HERE TO SERVE YOU AND TAKE CARE OF YOUR NEEDS.

ROLLIE W. WATSON PHONE 53J, TODD HOTEL BUILDING.

BAY CITY AMENDED CHARTER KNOCKED OUT.

Case Growing Out of Sale of Property Decided by Circuit Judge Bagley

Circuit Judge Geo. R. Bagley has handed down a decision in the case of W. L. Provoost vs. M. J. Cone, which was tried before him recently. He holds that Bay City, in amending its charter did not comply with the formula prescribed by the Legislative Assembly, and for that reason the amended charter is void. As this case is of some importance, we give the decision in full. Attorneys H. T. Botts and H. E. Claussen represented the plaintiff and Attorneys Webster Holmes and T. H. Goynes the defendant.

The decision is as follows: This is a suit to foreclose a delinquent tax certificate issued by the Sheriff of Tillamook County covering lots 3, 4, 5, and 6 in Block 9, of Bay City, Oregon, dated January 12, 1914, and covering a delinquent Bay City road tax for the year 1911 amounting to \$11.55 and penalty and interest and cost of certificate in addition, making a total of \$15.24 and also additional road taxes paid by the plaintiff levied by Bay City for the years 1912 and 1913 amounting to \$21.38; the total demand being \$44.54, an amended complaint being in the form prescribed by statute and praying for a judgment and decree of foreclosure and sale of the real property described to satisfy said tax lien. The defendant denies all of the allegations set out in the amended complaint and affirmatively pleads that the defendant is the owner in fee simple of the real property described in the complaint and the payment of all taxes levied and assessed upon said premises for the years 1911, 1912 and 1913, except the road tax for said years attempted to be levied by Bay City; that the town of Bay City was legally incorporated under the general laws of Oregon enabling inhabitants of a community to incorporate, found on page 119 of the Session Laws of the state of Oregon for the year 1893, and that therefore said town of Bay City attempted to amend its charter by the adoption of a form of organic law on December 20, 1910, but that said charter attempted to be adopted December 20, 1910, is void for reasons particularly alleged in said answer, the proceedings being set out in the amended complaint and prayer therein, and the reason thereof claims that all tax levies and proceedings leading thereto are void, and that the tax upon which such certificates of delinquency was issued is an unlawful imposition upon the property of the defendant. The reply controverts the new matter set out in the answer and historically sets forth all of the proceedings leading up to and the adoption of the proposed charter of December 20, 1910, and two amendments thereto claimed to be subsequently adopted.

Under the pleadings all of the facts necessary to a determination of the issues were stipulated, and from this stipulation it appears that the council of Bay City actually made, by Ordinance No. 46, on December 7, 1911, a road tax levy of six mills; that prior thereto on Nov. 2, 1911, the council by Ordinance No. 38 levied a five mill tax to defray the general current expenses of said Bay City, a total of eleven mills, and the six mill tax levied by Ordinance No. 42 is the tax remaining unpaid against the property of the defendant and upon which the sheriff issued the delinquent certificate sought to be foreclosed.

1. Many reasons are assigned and argued by the defendant in her brief why the Bay City road tax upon which the delinquent certificate sought to be foreclosed is based is invalid, it will be necessary, however, to advert to two only which are decisive of the issues involved.

2. By the stipulation it appears that Ordinance No. 3 of the town of Bay City was adopted by the Common Council on October 17, 1910, as follows:

Ordinance Number Three. An ordinance submitting to the electors of the town of Bay City an amendment to the charter of said town of Bay City, and incorporating Bay City as the successor of said Town of Bay City.

Be it ordained by the common council of the town of Bay City:

Section 1. The act hereinafter set forth, entitled: "An act to incorporate Bay City, in Tillamook County, Oregon, as the successor of the Town of Bay City, Oregon heretofore incorporated under the general laws of Oregon, and to repeal all acts and parts of acts in conflict therewith," be submitted to the legal voters of said Town of Bay City, for adoption or rejection, at an election to be held on the 20th day of December, A. D. 1910, as an amendment to and a substitute for the present charter of said Town of Bay City, as enacted under the general laws of the State of Oregon, by virtue of an order of the County Court, made and entered on the 7th day of September A. D. 1910, and a certified copy of which order was filed in the office of the Secretary of State on the 13th day of September, A. D. 1910."

Section 2. The said proposed amendment and substituting charter shall be in words and figures as follows, to-wit:

Here follows proposed charter:

Section 3. That the following shall be substantially the form and number by which shall be submitted to the electors of the Town of Bay City the foregoing charter, the same to be printed on the official ballot at the said election, to-wit:

"For the Charter amending the Charter of the Town of Bay City, and incorporating Bay City. Vote yes or no.

300 Yes
301 No.

Section 4. Inasmuch as the present charter of the Town of Bay City is totally inadequate to meet the necessities and to provide for the peace, health and general welfare of the municipality, and inasmuch as the said town of Bay City has no power to levy a tax, or to make an estimate for such tax, and has no power to improve the streets and sidewalks within said corporation, at the expense of adjacent real property most

benefited by said improvements; and inasmuch as said Town of Bay City is incapable under its present corporate limits and securing to them the peace and tranquility which they of right should enjoy, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

E. D. Curtis, Recorder.

Approved this 17th day of October, 1910. D. L. Van de Wiele Mayor.

It also appears from the stipulation that after the council had passed the said Ordinance No. 3 it was not, prior to December 20, 1911, published in any newspaper in the town of Bay City nor in lieu of such publication were any copies thereof posted in three public places in said town of Bay City, but that publication of the ordinance was made more than one year subsequent to the election held to vote upon the adoption of the charter proposed thereby.

Section 18 of the Enabling Act of 1893, provides: "Every ordinance shall be signed by the Mayor or passed over his veto and attested by the Recorder and a copy thereof published at least once in a newspaper published in such city or town, or in lieu of such publication, three copies thereof shall be posted in at least three public places therein before it becomes a law."

The right to submit to the electors, for adoption, a charter, comes within the scope of the power of the common council of the Town of Bay City, and while power to enact laws effecting that purpose is vested in such council, it is requisite and necessary that the process whereby such result is obtained should be in accordance with the formula prescribed by the Legislative Assembly in the law by which the town of Bay City obtained life. That formula not having been followed as required by Section 18 of the Enabling Act, admittedly, at the time the electors of the town voted for the adoption of the charter suggested in Ordinance No. 3, it results that nothing has been submitted to them upon which to exercise the right of suffrage. The power to submit charters being vested in the council and not elsewhere the vote must be upon a bill submitted for that purpose emanating therefrom. The ordinance causing the submission has never become effective, as such, and it follows as a necessary consequence that no charter was adopted; that no charter was submitted; that no charter was adopted; it could have been no more ineffectual if the council had never attempted to submit a charter for acceptance of the voters; and the publication not having been made until long after the election could not validate something that had transpired, necessarily based upon the ordinance itself, prior to the ordinance going into effect and for all practical purposes into existence. The provision of Section 18 of the Enabling Act is mandatory; and until compliance with the law by publication or posting of the notices, the ordinance never becomes effective.

This point has never been passed upon by the court of last report in this state except indirectly in two cases: State ex rel vs. Dallas City 72 Or. 348; State ex rel v Kelsay, 66 Or. 77.

The six mill tax adverted to being referable only to the power derived from the charter submitted and voted upon December 20, 1910, and the amendment thereto under Ordinance No. 42 voted upon December 5, 1911, and both being a nullity, the first because submitted and voted upon without authority from the effectuating power, and being a lifeless corpse was not amendable and life could not be infused therein by any subsequent action, and as a necessary corollary such tax so levied under power assumed therefrom is necessarily void.

3. Section 24, Laws of 1893, limits the power of common council of the town of Bay City to levy and collect taxes for city purposes to an amount not to exceed one percentum per annum upon the property in said city or town taxable for county purposes. It is claimed in behalf of the plaintiff that should the six mill road tax fall under the charter of December 20, 1910, and the amendment thereof of December 5, 1911, that the town would have the right and power under the said section 24 to levy a tax of 10 mills upon the dollar, but the levy having been made under a void charter and void amendment thereto and not under the general law governing towns and cities incorporated pursuant thereto, is necessarily void, and no claim could be made that the tax is valid as an exercise of power under the general law. But be that as it may, the levy made for all purposes being in excess of the limit fixed by the general law would in consequence be void as to the levy of the five mill tax for general purposes. Such six mill tax being one mill in excess of the power granted to the council and it being an entire levy of six mills no part thereof could be legal and valid. The acts of the council of Bay City in levying the six mill tax being an unlawful assumption of power as we have seen, the tax is void; and in consequence no certificate should have been issued and such certificate being a nullity there is no basis upon which to found a decree of foreclosure and sale of the property of the defendant.

For Sale.

A fine ranch on Tillamook River, 2 1/2 miles from center of Tillamook City, containing 100 acres, more or less. One half or more, bottom land, and nearly all open and in marsh grass. Deep water on river, over half mile front. Price \$100 per acre. North half can be sold separately for 30 days at \$80.00 per acre. No buildings or stock. Enquire of Tillamook Title and Abstract Co., Tillamook, Oregon.

Notice.

This is to notify the public that on the 22nd of May I bought the office equipment and good will of Dr. Daniels, and will continue the office and practice of Chiropractic in my name. Dr. C. W. Miller.

SUIT TO RESTRAIN BAY CITY.

United Railways Co. Attacks City's Right to Sell its Property.

United Railways Co., a corporation, vs. Bay City and F. S. Boushie, marshal, is a suit filed in the Circuit Court to enjoin and restrain the defendant from selling plaintiff's property, so advertised to be held on June 12, 1910, and enjoining and restraining the defendant from making any sale under and by virtue of the warrant issued for the assessment and that a decree be entered herein determining that the proceedings had and taken by defendant Bay City for the assessment of any portion of the cost of improvement of Fourth Street against plaintiff's property or any part thereof is null and void, and of no effect whatsoever; and adjudging and decreeing that defendant Bay City has no claim against any of plaintiff's property.

This action grows out of the attempt of Bay City to sell plaintiff's property for street improvements, and it is contended in the complaint that nothing in the charter authorizes or empowered the Common Council to spread the assessment for the cost of the Fourth street improvement or to attempt to assess according to benefits property not abutting upon or adjacent to the improvement;

Funeral of Miss Scherzinger.

The funeral of Miss Lorena Scherzinger, who died at Heppner last week Wednesday, was held at the Oretown church Sunday afternoon and the remains laid to rest in the Oretown cemetery. The funeral service was preached by Rev. F. S. Ford of Cloverdale, and the attendance was the largest of any funeral ever held from the church at that place. The services were under the direction of the Oretown Grange, of which the deceased and her parents were members. The local lodge of Masons of which Mr. Scherzinger is a member, also attended in a body. The flowers were many and beautiful; the mound at the grave being completely covered.

At school Miss Scherzinger was a bright child and had hoped to complete the eighth grade this year, but failing health necessitated her absence from school and in hopes of effecting a permanent cure her parents last November took her to Heppner where the best medical aid was summoned. A spinal tubercular trouble had made such inroads upon the health of the young lady despite the effort of the best medical science her life could not be spared. She never gave up, but bore her afflictions bravely, hoping and expecting to soon return to her home. Wednesday evening after her parents had retired they were notified that their daughter was rapidly sinking and before they could reach her bedside the child had passed away.

This is the first affliction of this kind the parents and brothers and sisters have had to suffer and the sympathy with everyone is with them. Scarcely a dry eye was to be seen among the large number of friends that assembled to pay their respect to their deceased friend and share the burden of the parents and relatives.

Obituary—Lorena Scherzinger was born at Oretown, March 2, 1902, and died at Heppner, Oregon, on Wednesday, May 24, 1916, being 14 years, 2 months and 16 days old. She leaves a father, mother, two brothers and three sisters to mourn her death.—Cloverdale Courier.

Flag Day Proclamation.

Whereas, June 14th, 1916, is the 139th anniversary of the adoption of the Stars and Stripes; and

Whereas, organizations of a patriotic nature in Oregon are desirous that special emphasis be placed upon this day and its meaning; and

Whereas, this generation has seen no time when loyalty and patriotism are more required than now, or when the encouragement of these vital national virtues is more appropriate;

Now therefore, I do hereby proclaim Wednesday, June 14th, as Flag Day throughout the State of Oregon, and I earnestly urge that the day be devoted to exercises indicative of and



conducive to loyalty to the flag; that in homes, schools, churches and business establishments the occasion be fittingly observed; that the flag be displayed from public buildings, schools, homes, and places of business, and that the entire commonwealth, at this critical period of unrest, unite in honoring the flag of the United States of America and in pledging renewed and vigorous loyalty to it and the principles of liberty it represents.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State of Oregon to be hereunto affixed this third day of June, 1916.

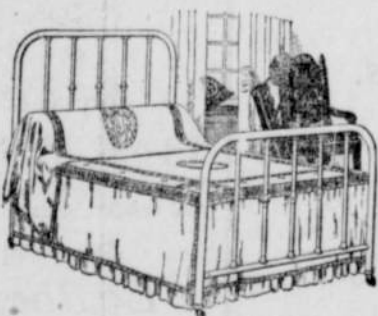
James Withycombe, Governor of Oregon.

Christian Church.

During the absence of the pastor the Sunday school maintained its high standard of efficiency and attendance. This speaks well for the church and those upon whose shoulders the responsibility rested.

"The Moat and the Beam" will be the theme for the morning sermon and "What if Christ should Leave Tillamook," will be the evening subject. These themes will be practical and interesting to all. You are invited.

This Is the Time To Buy Beds!



Right at this season is the very best time to buy beds—when our stock is full and complete for your selection.

Above, for example, we show one of the beautiful new Simmons Steel Beds as advertised in the Ladies' Home Journal and Saturday Evening Post. Come in and let us show you the full line.

They are the famous light weight, electrically welded steel about which you have been reading. There is not a nut or a bolt in the whole bed to rattle loose. And the finishes are beautiful.

The quality of our merchandise is the best that human skill and ingenuity can produce; our enormous buying power lowers the price to the point where they cannot fail to interest—even the most experienced buyers. Let us prove to you that we can and do sell you the greatest home furnishing values at prices no other concern can equal.

Jones-Knudson Fur. Co. TILLAMOOK, ORE.

Call For Bids

Tillamook City, Oregon, will receive bids up to June 27, 1916, at 8 o'clock p. m. for the improvement of the following streets, to-wit: 1st.—Eighth Street, from the East line of Stillwell Avenue, East to the West line of Block 10 in A. A. Miller's Addition. 2nd.—Fifth Avenue East, from the South side of Third Street to the North side of Eighth Street. 3rd.—Fifth Street, from the center of Sixth Avenue East, East to the East boundary of Tillamook City. 4th.—Fifth Street from the East line of Second Avenue East to the center of Sixth Avenue East, and Third Avenue East from Fourth Street to Fifth Street.

The improvement consists in hard surfacing said streets with concrete pavement, with curbs and headers and provisions for surface drainage and sewer for part of project No. 3, in accordance with plans and specifications on file therewith with the City Recorder. Bids for each project numbered to be separate.

All bids must be accompanied by certified check in favor of Tillamook City to the amount of 5 per cent of the bid as a guaranty that the successful bidder will enter into contract with approved bond for the performance thereof. Dated this June 3rd, 1916. Ira C. Smith, City Recorder, of Tillamook City, Oregon.

INDICTMENT FOUND AGAINST R. P. HUTTON.

Head of Anti-Saloon League Must Stand Trial for Political Criminal Libel.

R. P. Hutton, instigator of the publication of a pre-primary circular of the Anti-Saloon League, of which he is superintendent, accusing Representative C. N. McArthur with abetting California liquor interests in the evasion of Oregon laws, was indicted by the Multnomah County grand jury Saturday for political criminal libel. Conviction is punishable by a term of from one to three years in the penitentiary.

The dodger which was distributed in churches and about the city by members of the Anti-Saloon League, contained a cartoon depicting Mr. Arthur holding open the door through which illegal shipments of liquor were being made into Oregon. Beneath the picture was the line, "Pat" McArthur gives license to booze-boozing, home destroying defilers of Oregon laws." The circular was distributed on May 6, and was in the interest of E. V. Littlefield, who was endorsed by the dry forces.

Issue Injected into Campaign. Not desiring to mingle in politics, the grand jury withheld its decision in the consideration of the case of Superintendent Hutton until after the primary fight. The issue was plunged into the campaign in some degree, however, by the \$50,000 libel suit filed against Mr. Hutton by Mr. McArthur alleging malicious slander. Progress in that suit went as far in Portland as the taking of a long deposition from Mr. Hutton.

The case is still pending in the Circuit Court. Attorneys for the defense asserted their belief that it would be dropped after the primaries. It has not been. The defense in the case does not deny the publication and circulation of the circulars in question, but contended that Mr. McArthur's reputation was not smirched by them.

The criminal libel against Mr. Hutton is, of course, distinct from the civil action to recover damages.

The indictment charges Mr. Hutton with assisting in the circulation of a poster containing false statements reflecting on the character, morality and integrity of C. N. McArthur, then candidate for Republican nomination for Representative from the Third Congressional District. The circular is said to state falsely that Mr. McArthur gave license and permission to California wholesale and retail dealers in intoxicants to violate and defy the Oregon laws, creating a false impression, damaging the character of the Representative.

Safe deposit boxes for rent. Tillamook County Bank.