

WE GUARANTEE

4

BIG

4

GOODS

HONEY & HATHAWAY

PRICES

4

Local Happenings.

Miss Blanche Barrett has been appointed by Judge Holmes as official reporter for the 12th Judicial District. We never use the same towels on the second customer. Moulton's Sanitary barber shop. Look for the revolving pole. Allen Page is selling and collecting agent for the Singer sewing machine. Machines sold on easy payments. Repairs furnished. Mokait ice cream in pakers, from one to ten gallons, delivered to any part of the city, \$1.25 per gallon. Sweet Shop, exclusive agent. Bell phone. Rudolph Zaehman vs. James Vernon, Sr., and Jim Doe Vernon, and C. E. Hadley is a suit filed in the Circuit Court to recover \$62.35. Mrs. H. W. Kuhlman and children left on Thursday morning for Forest Grove where they will visit relatives for the next two or three weeks. Marriage licenses were issued to John Coleman and Beulah F. Huebner; and Wm. P. Purcell and Margaret N. Fitzpatrick. 5 Boxes Parlor Matches for 20c; full count, best grade. Lamar's Variety Store. "Drop in and look around." See Turner and Schild before you build and get prices on first class shingles at their mill 9 miles south of Tillamook City. We can handle any size order on short notice. See Geo. L. Hamlin, only first class house mover in Tillamook County. Thirty-five years in the business. P. O. Box No. 482. Miss Mina Flaaker wishes to thank all her friends who so kindly assisted her in securing the piano during the late contest at the Mason, Pennington & Co. store. Bert King and wife are Portland visitors this week. Mrs. King will attend an assembly of the Nazarine Church which takes place at Portland this week. F. J. Retter of Spokane, has been in the city during the past week in the interest of a furniture house that is endeavoring to get the contract to furnish the new hotel. Mildred E. Small and F. D. Small vs. Anna Herrall, Chas. Herrall and Robert Herrall is a suit filed in the Circuit Court praying that a guardian ad litem be appointed for two of the defendants and the property be sold. Morris Leach was a Rockaway business visitor on Wednesday. The increase in the beach population which will soon take place will no doubt demand a meat shop on the beach in the near future. The members of the Rebekah degree of the I. O. O. F. will present the play, "The Way of the World," June 19th, and 20th, at the Gem theatre. The proceeds of the play will be used to help furnish the new lodge room. A valuable horse belonging to Jas. Christensen of Hemlock, was seriously injured by being kicked by another horse the first of the week. Dr. Reedy reports that the horse will be disabled for some time. F. C. Felsch and nephew H. Johnson left on Wednesday for Portland where they are enjoying the Rose Festival. They were accompanied by Sam Hoover the great fisherman of Portland, who returned to that city with a fine catch of fish. C. J. Blanchard of Hemlock, accompanied by his daughters Bertha and Jennie, left on Wednesday for a trip outside. Mr. Blanchard will visit in Washington and Idaho, and the girls will visit relatives in Yamhill and Sheridan while gone. The vegetable wagons are coming in from the valley and we warn you to be careful in making your purchases. Last Saturday they sold Gooseberries at \$2.00 per box. If you would have come to the BIG 4 we could have sold you a box for \$1.50, the same berries. (It pays to live in a free country.)

VISIT CLOUGH when you want anything in a FIRST CLASS Drug Store He also keeps SCHOOL SUPPLIES FOR EVERY PUPIL CLOUGH THE RELIABLE Druggist and Book Seller

Last Sunday night between Presbyterian church and Miller Ave., on Third St., a gold chain with cross pendant. Finder please leave at this office.

Attorney C. W. Talmage and brother Marcus left on Thursday for Southern Oregon where they will enjoy a season of hunting. C. W. is about to take a much needed rest and his many friends hope that he will return in due time much benefited by his vacation.

Dr. A. M. Taylor of San Francisco who has been taking in the Rose Festival at Portland, made a trip to Tillamook this week to see his brother Wilson Taylor of the Allen House. T. S. Weathered of Hillsboro, accompanied him here.

James Hughey and Wesley Rush vs. Hiram W. Smith was a case appealed to the Supreme Court from Tillamook County in which the plaintiffs sought to cancel a lease to a farm, the court rendering a decision in favor of Smith. Attorneys R. E. Dunaway and C. W. Talmage were for Hughey and T. B. Handley for Smith.

Clay Harper who formerly resided with his parents here, died at his home at Gales Creek last Saturday, at the age of fourteen years. He was apparently quite well up to within two or three weeks of his death when he was taken suddenly ill and it was discovered that he had tuberculosis of the bone. He was taken to Forest Grove and operated on and everything done to save his life but to no avail.

Miss Sara Giles, who has been employed at Mason & Pennington's store for some time, and Miss Ruby Dunn, who has had charge of the millinery department of that institution, both left for outside points on Thursday. Miss Giles will visit friends in Portland and Seattle and will then go to her home in Oklahoma. Miss Dunn returned to her home in Eugene.

Dr. Wendt is the only Eye Specialist permanently located in Tillamook. Your eyes which are the most sensitive organ of your body should be examined by a physician who is capable of recognizing diseases other than the need of glasses. I guarantee my glasses and am always here to make good that guarantee. Prices are reasonable as anywhere.

U. B. Church Notes.

Sunday School at 10 a. m. The pastor H. F. White will not be present, however, there may be preaching at 11:00 a. m.—yet not sure. All are invited. I. E. Meese Per H. F. White, Pastor.

Christian Church Notes.

10 A. M. Bible School with classes for all. If you do not attend elsewhere we want you with us. 11 A. M. Preaching by Pastor. Subject, "Taking the Church to the People." 7 P. M. Christian Endeavor. 8 P. M. Evangelistic Service. Subject for sermon, "The Great Game." A cordial invitation is extended to any or all of these services. R. E. Jope, Pastor.

Methodist Church Notes.

There should be 100 delegates from Tillamook to the World's Christian Citizen Convention in Portland, June 29-July 6. The joyous vacation period is the time of neglect of church work too often. Let us see to it that this year it will not be so. Our Sunday School we believe is doing splendid and efficient work. The preparation of lessons is a most encouraging feature. Next Sunday: At 10 A. M. Sunday School. We have classes and teachers for all. If not elsewhere enrolled plan to be there. At 11 A. M. Public Worship. Subject: "Our Lives Fitting Into God's Plan." At 7 P. M. Young People's Meeting. At 8 P. M. Public Worship. Subject: "Playing the Fool." You are invited. H. W. Kuhlman, Pastor.

CARD OF THANKS.

We wish to thank the citizens of Tillamook for their patronage to the sessions of the Annual Conference, and especially to those aiding in the entertainment of ministers and delegates. The pastors who so kindly gave up their Sunday services. As Pastor and members of the U. B. Church, we express our high appreciation. Fraternally, I. E. Meese, Pastor.

Make the Home Look Cheery

A 15-watt Mazda Lamp on your front porch can be lit every night until midnight and register not over fifty cents per month on the meter. Tillamook Electric Light & Fuel Company WILL SPALDING, Manager.

HOT BISCUIT,

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



"That's the sixth Studebaker we've passed—the only kind to invest in"

"The only kind—because, as I always say, when a man puts money in a thing he wants to know that he's going to get the worth of it out again." "That's plain business as I look at it." "That's why I say the price doesn't tell you anything at all. There's only one thing that talks—the wagon itself. That's the name of the maker." "When you buy a Studebaker you're buying a vehicle that has behind it and in its sixty years of experience—sixty years of success—and sixty years of reputation for the square deal. That's why a Studebaker always looks good to me." "My father used to say that Studebaker honor was as sure as a United States bank note. He was talking after having used Studebaker vehicles since he was a lad, and he told me his father before him said, 'Be safe—get a Studebaker.'" "Vehicle builders can't hold that sort of reputation nowadays without delivering the goods. A Studebaker wagon has the best in it. That's why a man gets the most out of it—why it's always an economy." "Dealers may say to you something else is 'just as good.' But when you buy a Studebaker, you're making a safe investment every time."

See our Dealer or write us. STUDEBAKER South Bend, Ind. NEW YORK CHICAGO DALLAS KANSAS CITY DENVER MINNEAPOLIS SALT LAKE CITY SAN FRANCISCO PORTLAND, ORE.

Visit the Toggery

Saturday, June 14th

SPECIAL

- With Every \$10 Suit, \$2 Worth Mdse. Free
With Every \$15 Suit, \$3 Worth Mdse. Free
With Every \$20 Suit, \$4 Worth Mdse. Free
With Every \$25 Suit, \$5 Worth Mdse. Free

THE TOGGERY

The average workman likes to rest on Sunday so that he can go to church. But he very seldom thinks how hard his wife works on that day, more than any other. He likes the rest, so why not give her the same kind of pleasure, let her be free from the care and trouble of cooking Sunday Dinner, and take her and the remainder of the family down to Tillamook's leading eating house and enjoy the comforts of home, away from home. Dinner served from 11 A. M. to 8 P. M. Look for the sign E. A. T. PALM CAFE 2nd Avenue, Next Door to Tillamook Feed Co.

THOROUGHbred PER-CHERON STALLION KING.

A beautiful gray horse 1800 lbs. or over, will make the following season at Dawson Bros. Livery barn at Tillamook.

Take Plenty of Time to Eat.

There is a saying that "rapid eating is slow suicide." If you have formed the habit of eating too rapidly you are most likely suffering from indigestion or constipation, which will result eventually in serious illness if not corrected. Digestion begins in the mouth. Food should be thoroughly masticated insalivated. Then when you have a fullness of the stomach or feel dull and stupid after eating, take one of Chamberlain's Tablets. Many severe cases of stomach trouble and constipation have been cured by the use of these tablets. They are easy to take and most agreeable in effect. Sold by all dealers.

Advertisement in the Herald, because the Herald has the largest circulation of any paper in the county.

SUPREME COURT SAYS PORT OF BAYOCEAN WAS ILLEGALLY ORGANIZED.

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. Attorney 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 observe, 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 25, 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 ex nomine relators have admitted the existence of the corporation, and in support of this proposition they cite: 2 Spelling Extraordinary Remedies, 1344; 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 technically 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 acts 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.

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