



ISSUED TWICE A WEEK—TUESDAY AND FRIDAY

LARGEST CIRCULATION OF ANY PAPER IN TILLAMOOK COUNTY

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## REQUEST HALE TO SHOW CREDENTIALS

### Rebels Make Demand on President Wilson's Agent Before Continuing Conferences.

Mexico, Nov. 20.—Francisco Escudero, Minister of Foreign Relations in the Carranza cabinet asked William Bayard Hale, President Wilson's agent, to present his credentials before continuing further with the conferences which have been under way here informally for several days.

This was interpreted by many as a virtual demand for recognition of the Constitutional revolution by the diplomatic exchanges between the Carranzistas and the Washington government.

Escudero explained that the request was made in order to make the conferences formal, so that they might be concluded promptly. He said that Bayard Hale had been received unofficially and that the cabinet members had acted merely as individuals in the "exchange of impressions."

The announcement of the Constitutional demand disrupted the situation with the effectiveness of a bomb. No reason the American side expected a request for recognition of the insurgents in the event that permission to inspect war munitions from the United States were granted.

## GRANDE RE-ELECTS WILSON

### Massachusetts Wins in Fight on Governor for Lictor.

Providence, N. H.—Oliver Wilson of Florida, Ill., was re-elected world master of the National Grande. The contest was a close one, the defeated strong opposition of the candidate to Mr. Wilson being previously announced.

The contestants were successful however in their fight against Charles Gardner, master of the Massachusetts Grande, candidate for National lecturer. George W. F. Gaunt, Hull, N. J., high priest of Demeter, won the three-cornered contest in that position, the present lecturer, N. P. Hull, of Michigan, being the third candidate.

W. H. Vary, master of the New York Grande, defeated the incumbent, D. H. Haly, of North Woodstock, Conn., for National overseer.

## State Treasurer to Be Sued

Salem, Or.—As the result of a resolution adopted at a meeting of the state land board, at a recent meeting, District Attorney Ringo will be instructed by a majority of the members of the board to bring a mandamus suit against State Treasurer Kay to compel him to turn over the state educational fund, aggregating about \$6,500,000, to G. G. Brown, clerk of the board.

## HUERTA DISMISSES MEMBER OF CABINET

Mexico City.—It was learned that the American charge had seen President Huerta and had been told that he would not resign and would listen only to such proposals as were compatible with his own dignity and that of his country.

What doubt remained regarding General Huerta's intentions with respect to compliance with the American demands for his own elimination was removed from the minds of most Mexicans and foreign residents by his peremptory dismissal of Manuel Garza Aldape, the minister of the interior, who was looked upon as the head of the Huerta cabinet.

Aldape led that group of the cabinet which held the conviction that it would be best to accede to that portion at least of Washington's demands which meant the total abandonment of power by the provisional president, and he is said to have been the only one with sufficient courage to discuss the international situation frankly with his chief.

El Paso, Tex.—For the sixth time in the last three years Ciudad Juarez changed governments when 2000 rebels, led by General Pancho Villa, attacked and captured the town. Taken completely by surprise, the federal garrison of approximately 400 men put up a weak resistance.

## CITIZENS WIN FIRST BLOOD IN FIGHT WITH PAVING OCTOPUS

### Judge Campbell Renders Verdict Giving Citizens Sweeping Victory Over Warren Construction Co. Citizens' Allegations Sustained in Every Particular.

The arguments in the case of the Citizens of Tillamook versus the Warren Construction Company took place in the City of Portland on the 18th inst and immediately thereafter Judge Campbell rendered his decision in effect that the Warren Construction Co. had violated its contract with the city, substituting an inferior pavement for the one contracted for and was therefore not entitled to recover from the property owners. Also that the Mayor and City Council were without authority to enter into contract with the Warren Construction Company.

This case grew out of a contract entered into between the City of Tillamook and the Warren Construction Company to lay approximately four miles of bitulithic pavement. It was alleged by the property owners effected by the improvements that there had been flagrant violations of contract on the part of the Warren Construction Company. To substantiate this allegation numerous experts of high standing, after making careful inspection of the pavement and in some instances chemical tests, swore that the pavement was not laid in conformity with the specifications, the most essential departures being: 1st, a failure to properly prepare and compress the subfoundation; 2nd, a failure to properly lay the bitulithic base and 3rd, a deliberate substitution of an inferior wearing surface for the bitulithic wearing surface called for in the contract. The plaintiffs confronted the Warren Construction Co. with voluminous literature issued by Warren Bros., patentees of Bitulithic Pavement, pointing out the superiority of bitulithic pavement over that of any other pavement and particularly as regards the wearing surface with rock ingredient giving it inherent stability, a quality that they proceed to say is lacking in other types of pavement. This wearing surface was accurately specified in the Tillamook contract and the people of Tillamook were clearly entitled to have received such a pavement but in lieu thereof the Warren Construction Co. attempted to palm off on them a mixture of beach sand and other ingredients that in no way met the requirements of the contract and, according to the best authorities, will disintegrate and give way under traffic.

The Warren Construction Co. offered to give a maintenance bond covering a period of ten years but this was not looked upon with any favor as twenty years is the life of bitulithic pavement.

Witnesses for the Warren Construction Co., under the searching cross examination of counsel for the citizens, were many times during the trial forced to admit that the contract with the city had not been complied with. Judge Campbell was selected by the Supreme Court to try the case. He is an eminent judge and his decision in favor of the citizens dispels any doubt as to the soundness and justice of their contentions.

Judge Campbell touched upon the legality of the procedure of the City Council leading to the contract for the work, and rendered a decision to the effect that the procedure was not correct, because the mayor did not, at the proper time, sign the ordinance passed by the council, providing for a special election at which an amendment to the charter was to be submitted to the people, providing for the improvements in question. Judge Campbell held that the mayor's signature should have been obtained before final action was taken by the council. The failure of the mayor to sign the ordinance at the proper time made the amendment invalid, and all the proceedings under it void.

While the matter of irregularity was of importance in itself, it was of minor consideration compared with the sweeping decision rendered by Judge Campbell relative to the pavement itself as explained above.

The attorneys for the citizens are E. B. Tongue and Geo. Bagley of Hillsboro, Ex-Senator Fulton of Portland, Geo. H. Bingham of Salem and C. W. Talmage of Tillamook. The attorneys for the Warren Construction Co. are Montague, Malarkey, Huntington and several others of Portland.

The trial was the most important one ever held in this county, involving approximately \$150,000 and consuming three weeks in the taking of testimony.

Those among our citizens who attended the pleadings before Judge Campbell in Portland last Tuesday were F. R. and A. G. Beals, W. G. Dwight and Attorney C. W. Talmage.

## TRESTLE IS DAMAGED; TRAIN SERVICE DELAYED

Sections of one of the trestles on the Pacific Railway & Navigation company's line went out Tuesday on account of the heavy rains of the past several days, and traffic between Portland and Tillamook was delayed several hours. The damaged trestle is on the Hillsboro side of Timber, one of the main stations on the line. Passengers have been transferred at the trestle, the Portland bound train backing to Tillamook and the Tillamook bound train backing to Hillsboro. The road bed being only a couple of years old is still easily affected by the winter storms in the coast range.

## TILLAMOOK MAN IS BUNCOED BY BRIDE

Salt Lake City, Utah, Nov. 20.—Dryden Baker, of Tillamook, is mourning the loss of his bride, money and clothes. He came here Sunday to marry Daisy West, a widow whom he met through a matrimonial bureau. The ceremony was performed Wednesday in the County Clerk's office, and they started for the Perry Hotel, where Baker had been stopping. The bride objected to going there, and said she did not want to meet someone who was there. The couple went to another hotel, but when Baker awoke this morning his wife and \$25 out of his trousers pockets were gone. He hurried to the Perry Hotel, and was told the woman had presented an order for his money and had secured \$81 more. He rushed to the police and asked their aid.

## "SHOWER" NEXT TUESDAY.

The Parish House, which is being built by the ladies of the Presbyterian Church, is nearly completed and is a source of great pleasure to those who are faithfully carrying on this work. Aside from its usefulness to the various organizations of the church, it will be available to others for suitable entertainments.

The building contains three rooms, a main auditorium, thirty by forty-six feet, a work room and a kitchen, all splendidly lighted and conveniently arranged.

The first meeting to be held in the new home of the Guild will be Tuesday afternoon, Nov. 25, at which time it is planned to have a miscellaneous shower to help the general equipment of the building. Kitchen utensils, table service, sewing room articles, any and everything needed for furnishings will be greatly appreciated.

All members and friends of the church, as well as strangers, are cordially invited to come and enjoy the hospitality of the Guild, as well as to lend a hand in the promotion of this laudable enterprise. Refreshments will be served.

The ladies of the church are certainly to be congratulated on the success of the undertaking, which will provide a place as much needed for entertainments of a church as well as other organizations of the city.

## OREGON NEWS NOTES OF GENERAL INTEREST

### Events Occurring Throughout the State During the Past Week.

Scrip Land Surveys Accepted Albany.—That the land office in Washington has accepted the survey of township 12, south of range 4 east of the W. M., which is known as the Northern Pacific scrip land, on which a colony of 70 people settled two years ago, following a decision in regard to lands in California, was the word brought here by Edward G. Weber, one of the homesteaders.

The settlement is located 10 miles from the town of Whitcomb and about 55 miles east of Albany.

Mr. Weber said that the legality of the filings will be determined in a short time, probably before Thanksgiving.

## Will Furnish Logs For Fair Building

Grants Pass.—Josephine county court has taken steps to comply with the request made by Commissioner Booth of Eugene, of the state commission for the exhibit and building of the Panama-Pacific Exposition, for several pine logs to be used as columns in the state building. The court has granted \$100 to be used in securing and bringing to the Southern Pacific tracks, two pine logs to be the entrance columns in the Oregon building. The logs are to be 45 feet long and measure five feet through at the small end.

## Farmer Kills Wife, Then Self

Sandy.—To the belief that his wife was "crazy" is the cause of a tragedy enacted seven miles from here when Francis McCabe, aged 34, shot and killed his wife, Amanda Kuhn McCabe, aged 24, went to the home of his parents, a quarter of a mile distant, told of the crime he had committed, killed his 6-year-old son, fled from his father's house and returned to his own, where he fired four shots into his breast and head, dying instantly.

## WILL BOOST HIGHWAY

Governor West Hopes to Get County And Railroad Officials Together Salem.—Further steps to straighten out the difficulties that have hindered the completion of the Columbia river wagon road from Portland to The Dalles, will be taken by Governor West, when he expects to arrange a meeting between the county court at Hood River and the representatives of the O. W. R. & N. railroad company.

The question of right of way has blocked the building of the road, which, when completed will be one of the scenic highways of the state. In one place it is necessary to parallel the railroad on the company's right of way, and so far the company has withheld its consent for the highway to occupy any of its ground, giving as a reason that it would interfere with double tracking its line.

## Klamath Expected to Vote Bonds

Klamath.—There will be some opposition to the \$300,000 bond issue to be voted on next month for county roads, but there is now every indication that the bonds will be voted by a large majority.

If the bonds are voted the lakeshore boulevard along the east side of Lake Ewauna will become a reality. This will open a direct route to a large farming area, and will also make one of the most pleasant driveways in the Klamath country.

The Herald Office is now located in the new Masonic bldg. Give us a call.

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