

The Tillamook Herald

E. E. Crombley, Editor

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Locals, per line, first insertion	ings to insure publication in follow-	
	ing Tuesday and Friday issues.	
	Reasons are imperative.	

FRIDAY, NOVEMBER 21, 1913.

THE PAVING CASE.

The paving case? Citizens of Tillamook vs. the Warren Construction Co., has finally been thrashed out in the Circuit Court and a sweeping victory has been won by the citizens. There was great rejoicing in Tillamook when the news of the victory reached us last Tuesday evening and well there might be, for the fight has been a long, hard, fast and furious one. Since that night in January of this year when a hundred or more of our citizens headed by F. R. Beals pled with Mayor Harter and the council for hours to defer the assessment of abutting property, finally gaining their point over the insistent endeavors of the mayor, there has been no let upon the part of the citizens to get at the bottom of things, with the result that the Warren Construction Co. has been shown up in its true light and whipped to a frazzle.

The history of the case has been an interesting one. Immediately after the scene above mentioned with the mayor, the citizens organized and appointed a committee to investigate the pavement, (a task which should have been ordered by the mayor before he endeavored to make an assessment.) Pavement from different localities about town was taken up and sent to different high class experts throughout the state with the result that every report received from the experts condemned the pavement. Then followed the exciting meeting at the court house, which was attended by the council, the citizens and representatives of the Warren Construction Co. At this meeting the reports of the experts were read, as was also read considerable literature published by the Warren Bros. Co., patentees of bitulithic pavement, said literature condemning the manner of construction and makeup of our pavement. It was quite evident from the showing which the citizens made at that meeting that the Warren Construction Company was holding mighty uncertain ground. The representatives of the company who were present were put to the disagreeable task of endeavoring to explain some things that simply could not be explained to the satisfaction of the citizens. The situation at times was quite humorous, especially when the Warren Construction Company men were put into a corner.

After the meeting at the court house Mayor Harter recommended that a committee be appointed to secure an "unbiased" report in regard to the pavement. The committee was appointed and more samples were taken up and examined, a chemist in Spokane testing the samples and reporting on the same. In connection with this particular report it will be remembered that the report was brought to the council meeting by the committee but somehow was lost sight of and had disappeared and the mayor again endeavored to make the assessment before even all the councilmen had had a chance to read it. However, upon the insistent demand of the citizens present, search was made for the report with the result that mayor Harter finally fished it out of his pocket. The report was then read, and the contents of it were practically the same as the other reports secured by the citizens, which were to the effect that the pavement was not a bitulithic pavement and came far short of what the people were expected to pay for. Mr. Harter had secured his "unbiased" report.

The case was set for trial at the spring term of the Circuit Court, but a later date was set for its hearing and during the first weeks of July the trial was held before Judge Campbell of Oregon City, he being selected by the Supreme Court to try the case.

The great mass of real expert testimony given during the trial was in support of the citizens' contentions. Mr. Archambeau, an ex-official of the Warren Construction Co., and who has had miles and miles of pavement stated that our pavement was not a bitulithic pavement, and when asked what kind of pavement it was, stated that he would call it "The Tillamook Special," as he had never before seen anything like it in the line of pavement.

Mr. Richardson of Portland who had been acting as city engineer for Tillamook, during the construction work, gave some startling testimony while on the witness stand stating that Mr. Geibisch of the firm of Geibisch & Joplin which had the contract

to construct our sewers, had told him (Mr. Richardson) that he (Geibisch) had paid or was to pay Mayor Harter \$3,500 for his influence in connection with securing sewer contracts. Geibisch was complaining to Mr. Richardson about being held up. The evidence given by Mr. Richardson was never to our knowledge denied by Mr. Harter or Mr. Geibisch.

During the trial considerable excitement was occasioned by the discovery that a large area of the pavement in front of W. C. King's residence had broken through and the excitement was considerably increased by an attack which was made on Ex-senator, Fulton, one of the attorneys for the citizens. While Mr. Fulton was examining the pavement in front of the King residence one McMahon an employee of the Warren Construction Co., and a man of most unenviable reputation, brutally assaulted him, knocking him down. This incident occasioned considerable disgust among the citizens.

After all the evidence had been taken Judge Campbell made arrangements to hear the pleadings in Portland at a late date, but it was not until last Tuesday that the case was finally disposed of by him.

The employment of detectives during the investigations and subsequent developments occasioned considerable stir and comment, and some of the citizens were unjustly criticized at the time, but the consensus of opinion now seems to be that the hiring of the detective was all right, but the detective made a mistake by tackling the wrong man.

It is seldom that an official of a city, will have the audacity to work against the interests of the city as John Harter has apparently done. Mr. Harter is out of the city and we are not in the habit of jumping on a man when his back is turned, but we feel that Mr. Harter's case has been such an extraordinary one that a resume of the pavement controversy would not be complete without some mention of his quite apparent disloyalty to the people of Tillamook.

Another case of rank disloyalty to the interests of the people of Tillamook has been the attitude of the Headlight. The Headlight's disloyalty to the cities' interests is even more marked because of the fact that Mr. Baker has secured for years a fine patronage from the people of Tillamook, and for him to turn against them in their hour of greatest need, is beyond comprehension. If Mr. Baker could have his way the people would be forced into debt for the inferior pavement of approximately \$150,000; enough money to build a good, deep, wide channel from Tillamook to the sea and give us the finest kind of harbor facilities. And the worst of it all is the fact that regardless of the late decision Mr. Baker is still apparently contending against the citizens. It can only be left to the imagination as to why a man should do as he has done and is doing.

The writup of the decision of Judge Campbell appearing on the third page of the last issue of the Headlight, showing the fine Italian hand of the Warren Construction Co., while admitting the triumph of the citizens over the Warren Construction Co., is unfair and misleading, but is characteristic of the usual writups on the paving subject appearing in the Headlight. The article would lead the reader to think that Judge Campbell's decision had to do only with an irregularity or technicality relating to the charter amendment when, as a matter of fact, Judge Campbell's decision also covered the quality of the pavement, the most vital issue involved, his decision being that the pavement was not in conformity with the specifications, in other words that the Warren Construction Co. had not carried out its agreement with the city and in failing to do so the property owners could not be held liable.

Poor old benighted Baker may some day take a tumble to himself and discover that when he undertook to assist the Warren Construction Co. in its exploitations in Tillamook that he made a fatal mistake.

The Herald has moved into its new quarters in the Masonic Building, where we will be pleased to meet all our old friends. Our new quarters are a great improvement over the old and we certainly appreciate the change.

Because of the moving job which we have had on our hands this week we are a day late with this issue and we have been compelled to omit some timely articles and news items of interest, which we will take up in our next issue.

The name of F. R. Beals has been mentioned in connection with the office of Mayor which will have to be filled at the coming city election. A great many of our citizens are taking the stand that while we have the pavement fight on our hands we need a strong, alert man at the head of things, and especially one who is thoroughly familiar with the paving controversy. Such a one is F. R. Beals, and for this reason a strong following is lining up to support him, in fact there seems to be no other candidate in the field to oppose him. A good council is of as great a necessity as a good mayor, and it is hoped that the different wards will see to it that the proper men are nominated.

At this time the Citizens' Committee which engineered the fight against the Warren Construction Co., should be highly complimented for the splendid showing that has been made. We would especially mention F. R. and A. G. Beals and W. G. Dwight who have worked unceasingly and without pay in behalf of the citizens in general. It is true that they were heavily interested as property owners, but regardless of this fact they have displayed a disposition to work for the interest of the city in general throughout the whole controversy, and should receive credit for their endeavors.

BIDS WANTED FOR SCHOOL HOUSE.

School District No. 35, Tillamook County, Oregon, requests bids for the building of a school house, also for felling trees on acre of school grounds. Board reserves the right to reject any and all bids. For full particulars address Mrs. Jennie A. Keeher, Clerk, Wilson River, Oregon.

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

NOTICE IS HEREBY GIVEN, that by virtue of an Execution issued out of the Circuit Court of the State of Oregon, for the County of Multnomah, dated the 1st day of October, 1913, in the cause wherein F. R. Beals was plaintiff and the Pacific City Realty Company was defendant, upon a judgment theretofore rendered and docketed in said cause and court, said judgment being against the said defendant, the Pacific City Realty Company, and in favor of the said plaintiff, F. R. Beals, and amounting to \$1800.00 with interest thereon at the rate of 6 per cent per annum from the 23rd day of October, 1913, and \$12.25 costs and disbursements.

NOW, THEREFORE, in order to satisfy the said judgment and the costs and expenses of this writ, I will, on the 6th day of December, 1913, at 10 o'clock a. m., at the front door of the County Court-house in Tillamook City, Oregon, sell, at public auction to the highest bidder for cash in hand, the real property of the said defendant, situated in Tillamook County, Oregon, and described as follows:

Lots 4, 5, 6, 7, 18, 19, 20, and 21, of Block 3; and Lots 8 and 9 of Block 7, all in the town of Pacific City, Oregon.

Dated November 7th, 1913.

H. Crenshaw, Sheriff of Tillamook County, Oregon.

Notice of Sheriff's Sale of Real Property.

NOTICE IS HEREBY GIVEN, that by virtue of an Execution and Order of Sale issued out of the Circuit Court of the State of Oregon, for Tillamook County, dated the 18th day of October, 1913, in the cause wherein D. F. Trowbridge was plaintiff and Lawrence E. Sanders and Gertrude A. Sanders, The First National Bank, a corporation, and C. L. Dye, were defendants, upon a judgment and decree rendered and docketed in said cause and court against said defendants, Lawrence E. Sanders and Gertrude A. Sanders, and in favor of said plaintiff, amounting to \$465.00 with interest thereon from the 24th day of April, 1909, at the rate of 7 per cent per annum; the further sum of \$65.52 taxes; the further sum of \$100.00 attorney's fees; and \$29.50 costs and disbursements, by the sale of the real property belonging to said defendants, Lawrence E. Sanders and Gertrude A. Sanders hereinafter described.

NOW, THEREFORE, in order to satisfy the said judgment and decree, and the costs and disbursements due the defendant recovered by the defendant, The First National Bank, against said defendants, Lawrence E. Sanders and Gertrude A. Sanders, in said cause and the amount due on the judgment mentioned and set out in said decree in favor of the said defendant, The First National Bank, and against said defendants, Lawrence E. Sanders and Gertrude A. Sanders, amounting to the sum of \$200.00, together with interest thereon at the rate of 8 per cent per annum from the 25th day of June, 1910, the further sum of \$50.00 attorney's fees, and \$12.50 costs and disbursements, recovered in said court on the 14th day of November, 1910; and also the costs and expenses of this writ, I will, on the 22nd day of November, 1913, at the hour of 10 o'clock a. m., at the front door of the County Court-house in Tillamook City, Oregon, sell, at public auction, to the highest bidder, for cash in hand, the real property belonging to said defendants, Lawrence E. Sanders and Gertrude A. Sanders, situated in Tillamook County, Oregon, described as follows:

The northeast quarter of section four, in township four south of range nine west of the Willamette Meridian, containing 138.97 acres, more or less. Dated October 24th, 1913.

H. CRENSHAW,
Sheriff of Tillamook County Oregon.

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NOTICE FOR PUBLICATION.

(PUBLISHER.) 03349

Department of the Interior,
U. S. LAND OFFICE at Portland,
Oregon, November 3, 1913.

Notice is hereby given that Josephine King, of Blaine, Oregon, who, on January 23, 1912, made Homestead Entry, No. 03349, for SE1, Section 10, Township 3 South, Range 8 West, Willamette Meridian, has filed notice of intention to make Final Commutation Proof, to establish claim to the land above described, before County Clerk of Tillamook County, Oregon, at Tillamook City, Oregon, on the 16th day of December, 1913.

Claimant names as witnesses: Lee P. Gray, Irene Willis, Albert J. McGough, Mrs. Minnie Wilmut, all of Blaine, Oregon. H. F. HIGBY, Register.

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

NOTICE IS HEREBY GIVEN that by virtue of a judgment and decree made and entered on the 31st day of October, 1913, in a certain cause pending in the Circuit Court of the State of Oregon for Tillamook County, wherein Rudolph Zachman is the plaintiff and James Vernon, Sr. and Jane Doe Vernon and C. E. Hadley are defendants and by virtue of an execution duly issued under the judgment and decree aforesaid on the 5th day of November, 1913, the undersigned sheriff of Tillamook County, Oregon, on Thursday, the 14th day of December, 1913, before the Court house door of Tillamook County, Oregon, at the hour of ten A. M. of said date, will offer for sale and sell to the highest bidder for cash in hand the following described real property, situated in Tillamook County, to-wit:

Beginning at a point 35 feet South of the Southwest corner of Block 2, in the town of Lincoln, now within the corporate limits of Tillamook City, Oregon, and running thence South 35 feet; thence East 100 feet; thence north 35 feet; thence west 100 feet to the place of beginning, being the south half of 70 feet of the entire north end of Blocks three and four now occupied by the C. O. D. Laundry.

The foregoing sale shall be made, as by the aforesaid Court ordered, first, to satisfy a judgment made and entered in the above entitled Court and cause, in favor of said plaintiff Rudolph Zachman, against said defendants, James Vernon, Sr. and Jane Doe Vernon for the sum of \$62.35 with interest thereon at the rate of 6 per cent per annum from January 7th, 1913, and the further sum of \$26.00 attorney's and filing fees, and the further sum of \$15.75, costs and disbursements incurred by said plaintiff; and, second, to satisfy a judgment obtained in said court and cause in favor of defendant, C. E. Hadley, against said defendants James Vernon, Sr. and Jane Doe Vernon, in the sum of \$2000.00, with interest thereon at the rate of 10 per cent per annum from October 21st, 1912, and the further sum of \$300.00 attorney's fees, and the further sum of \$5.50 costs and disbursements incurred by said C. E. Hadley.

Dated November 5th, 1913.

H. Crenshaw, Sheriff of Tillamook County, Oregon.

Dr. L. E. Hewitt H. T. BOTTS,
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Oddfellows Building
Both Phones.

J. E. REEDY, D. V. M.
VETERINARIAN;
(Both Phones)
Tillamook Oregon

GEORGE WILLETT
Attorney at Law
Office in Commercial Building

JOHN LELAND HENDERSON
Attorney-at-Law
Abstracter
Tillamook County Bank Bldg.

E. J. CLAUSSEN
LAWYER
DEUTSCHER ADVOKAT
Commercial Building

H. T. BOTTS,
LAWYER
COMPLETE SET OF ABSTRACT
Office 202-204, Tillamook
Block
Tillamook Ore.

T. H. GOYNE
Attorney-at-Law and
Land Office Business.
Opposite Courthouse

Geo. P. Winslow
ATTORNEY AT LAW
Tillamook Block
Room 202
Tillamook, Oregon

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