

TILLAMOOK JOTTINGS

County Commissioner F. L. Sappington returned from Hood River on Monday, where Mrs. Sappington has been quite sick.

On Monday afternoon a serious accident happened to Sylvester Taylor which will deprive him of his right hand for life.

The first part of "The Trey O Hearts" was given at the Gem Theater on Monday and Tuesday evening, and to show the interest taken in it, the house was packed.

The City Caucus.

At the city caucus on Saturday evening, at the court house the following nominations were made for the city election, which will take place next Monday:

- Mayor—S. A. Brodhead. Treasurer—M. W. Harrison. Councilmen: First Ward—John Keldson. Second Ward—G. A. Edmunds.

Water Commissioner Fourth Ward—U. G. Jackson. Mr. Brodhead had filled the position of mayor before having served one term, and filled the office of councilman for several terms, having taken considerable interest in city affairs.

Circuit Court.

A. G. Beals vs. F. H. Wilkins and Burton Rice. Action for money. Demurrer to complaint sustained. A. R. Caruthers vs. Bay City. Writ of review. Writ sustained and judgment for plaintiff as demanded.

State of Oregon vs. Edgar Williams. Indictment for cruelty to animals. Defendant pleaded not guilty and bail fixed at \$100. Lewis L. Smith vs. W. G. Dwight. Quiet title.

Albert August John Zimmerman and Alfred Larson were admitted to citizenship. The grand jury brought in a "no bill" against Russell Hawkins, who was bound over on a charge of violating the corrupt practices act at the recent election.

Christian Church.

Some were out to Church last Sunday whom we have not seen at church before. We are glad to see new people coming in and taking an interest in the work we are doing.

Be on time for our great Bible School next Sunday morning beginning at 10 a.m. sharp. If you live in reach of the auto truck as it passes your place take advantage of the opportunity to attend the services.

Preaching service at 11 a.m. Evening program as follows, beginning at 7:30 p.m. Chorus singing led by orchestra, Solo, W. G. Culver, "Bow Down thine Ear" by Chancellor Jenks.

Thanksgiving Ball.

The flag dance and social on Thursday night, Nov. 26th, was a grand success. The club rooms had been elegantly decorated with American flags and bunting, the grand march was a beautifully patriotic pageant.

entertained a number of his friends at an eight course "Flag" dinner at the Tillamook Hotel, including Mr. and Mrs. Fred C. Baker, Dr. and Mrs. E. E. Koch, Mr. and Mrs. C. A. Eastman, and Miss Bessie Bays of Beaver.

Grand Jury Comes Back.

Tillamook, Oregon, Dec. 2, 1914. To M. J. Gersoni, Tillamook, Ore.

Dear Sir:—In answer to the charges made by you against the grand jury a your recent letter published in the Herald and Headlight, we would like to be able to state all of the facts as we found them, but we been sworn to keep such proceedings secret and so are thereby prevented from divulging what is necessary to properly answer you, but your action judged by such letter, leads us to conclude that you intentionally took advantage of this fact and knew we were thus handicapped, or else you were ignorant of the law, either of which condition would unfit you to hold the office of county attorney; for if you intentionally took such advantage, you are acting in such an unfair manner that shows you would not be a fit man to fill the office; and if you did it ignorantly, then your ignorance of such a well known law would be a sufficient reason for your removal.

Again, if you wanted to give the facts concerning the investigation of your case by the governor, you would not have inferred as you do, that it was at your request he began the investigation. You are well aware of the reason why and at whose instance it was made. You also know why an indictment was not brought in, and that we dare not publish the reasons why it was not.

You want to know why we did not bring in an indictment and give you a chance to get a fair trial, and represent that you are willing to waive all technical objections, which strictly speaking, means merely abstract and harmless error; and if you pretend to mean more than that, and are competent to fill the position of county attorney, you would know that you could not by law waive any fatal defects in the indictment, and that some of the most competent lawyers of our county have stated that, owing to the condition of the law an indictment in such case would be very difficult to draw so as to make it hold, and you may therefore make a pretty close guess why an indictment was not found against you; but the recall leaves no such loopholes, and the people may thereby decide whether or not they wish to retain you in so important office.

As to our circulation of petitions for your recall, we beg leave to state that we are not doing so as a grand jury, but as citizens of the county who have an interest in its welfare and who feel it to be our duty to let the people know the kind of man they have for county attorney and we have done so at our own expense.

Your suggestion that we drop the recall and proceed with the indictment is at least a wise move on your part, as out of the respect for your family, the charges in the recall petition were made as light as possible. According to your letter you seem to be anxious to save the county the expense of a recall and state it would cost \$1400.00, but we understand that when you were approached and asked whether if the circulators of the petition should secure more than a majority of the names of the legal voters of the county, you would resign, and save the county that expense of \$1400, you stated most emphatically that you would not. You also suggested that the Supreme Court are the only ones competent to pass on your qualifications to fill the office, which means that you would not be willing to let a jury of twelve of your fellow citizens judge whether you are fit for the position or not, even though they are under the guidance of a judge skilled in the law and advised by lawyers. This means that you intended to carry the case to the supreme court, and yet in your letter you state that such trial would cost but \$100.00. Now, as we figure it, the cost of a recall would not exceed \$800.00; but if the charges are true that you are not competent, and that the costs and expenses to the county of these numerous cases which have been thrown out of court by the court, and including those dismissed by you when you discovered that you were out of court, were figured up, would they not amount to much more than the cost of a recall and your salary combined?

As to your representation that we were investigating your matter for a period of six weeks, in order that the people may judge of your reliability in such statement, we will state that such investigation lasted but two days.

Yours very truly, W. S. Hare, Joe Durrer, W. E. Noyes, H. G. Foland, Fred Kabkee, Erick Glad, and E. R. Ayer.

Free Cups and Saucers.

On Saturday, Dec. 5, 1914, we are going to give away 1000 Japanese cups and saucers, 300 cups and saucers will be given away in the forenoon; 400 in the afternoon and 300 after supper. Every lady that is a house keeper, who visits the store on his date will receive one of these cups and saucers as long as they last.

Lamar's Variety Store. "Drop in and look around."

Episcopal Services First Held in this County at Oretown.

Oretown, Ore. Dec. 1, 1914. Editor Headlight—

Sir:—I wish to call your attention to the fact that Rev. Jones, Episcopalian minister, lived at Oretown from Oct. 1891 to April 1894 during which time he regularly held Episcopalian services each Sunday in the old Oretown school house.

Mrs. Bell J. Sellwood, wife of Rev. John Sellwood was much interested in religious work here at that time and it was by her influence Mr. Jones was located here.

Mrs. H. S. Rock.

Grange Meeting.

Following is the program for the Grange meeting Dec. 10: Song by Grange; Brief review of public events since our last meeting, Morrison Mills; Recitation, Joe Donaldson; "How can we enhance the comforts and attraction of our homes" Mrs. Roy Jones; Reading, Mrs. Ina Chance Discussion, "What is the relative proportion of honest men and the dishonest men today compared with 50 years ago," C. E. Trombley and Wm. Maxwell; Song, Mrs. C. E. Trombley and Mrs. Campbell; "Which yields the greater profit, one cow or fifty chickens?" Marion Chance; Roll call by each telling which is the best selection given to-day. Song by Grange.

Giebisch and Joplin Win Case.

The case of Dwight & Kiger against Giebisch & Joplin was tried in the circuit court this week, and Judge Webster Holmes, on Wednesday morning handed down his decision in favor of the defendants.

In this case Dwight & Kiger were owners of the land on which the rock quarry was situated from which the rock for the jetty at the mouth of Tillamook Bay is being taken. It appears that last year when bids were being called for the construction of the jetty, the Port of Bay City approached Kiger with a view of getting an option on the rock so that bidders for the jetty work would know what price they would have to pay for the rock to go in the jetty. Mr. Kiger was willing to dispose of the rock at one cent per ton, but wished to have included the rock for the Nehalem jetty as well as for the Tillamook jetty, and he wrote a letter to Major Morrow offering the rock at one cent per ton to the contractors for the two jetties.

The contractors examined the letter and made their bids on the strength of it. After Giebisch & Joplin were awarded the contract Mr. Giebisch came to look over the situation and talked the matter over with Mr. Kiger, and claimed to have made an agreement with him for taking the rock at the price of one cent a ton, no mention being made of the Nehalem jetty work. Mr. Giebisch supposed Kiger was the sole owner of the property and had a contract prepared and submitted it for signing according to what he claimed was agreed on. Kiger retained this without signing. The contractors went ahead and built their railroad, cleared off the ground and spent something like \$20,000.00 in getting ready to take out the rock, and had been working between two and three months on the matter when Mr. Dwight notified them that he had half interest in the property, and for them to quit work. About the same time Mr. Kiger had them notified to get off the ground.

Mr. Dwight, it appears, took an option for half interest in the land from a Mr. Painter just a few days after the Port of Bay City was negotiating with Mr. Kiger for the purchase of the rock. Mr. Dwight got a deed and placed it on record some three weeks after Giebisch claimed to have his contract with Kiger for the rock, but did not notify Giebisch of having any interest in the property for two months after that.

Kiger admitted having the conversation with Giebisch, and visiting the quarry several times, making no objection to the work going ahead. He and Mr. Dwight both claimed that while they were officing together they took no part in each others business, and disclaimed any knowledge of what the other one was doing in

reference to trying to sell the rock on this land, and testified that they never talked the matter over together.

The court held that Kiger had bound himself by his talk to Giebisch to let them go ahead with their work, and that Dwight himself having known of the work going on there, was estopped to claim that the contractors had no right under the circumstances, and dismissed the suit.

A great deal of comment has been had on this case owing to the great public interest felt in the jetty work. Had the plaintiffs succeeded in getting an injunction against the defendants the work on the jetty might have been delayed indefinitely, or the contractors would have been compelled to have paid Dwight & Kiger whatever price they might have asked for the rock after they had gone ahead and expended this large sum of money in getting ready to take out the rock.

The testimony showed that the land was worthless practically for anything except the rock, and that it was a benefit to the property to have the quarry opened up, as this of itself necessitated the expenditure of a large sum of money.

Attorneys S. S. Johnson and Oak Nolan were attorneys for Kiger & Dwight, and Attorneys Botts and Stapleton represented Giebisch & Joplin.

TO ENLARGE THE PORT.

Interesting Meeting Took Place at the Commercial Club.

In pursuance of a call issued by the Commercial Club for a meeting to discuss plans, ways and means for enlarging the Port of Tillamook, and hereby obtaining the benefits to be derived from the harbor improvements, the members of the present Port Commission, together with a number of interested citizens and farmers, met at the commercial club rooms on Wednesday afternoon, Fred R. Beals, President of Commission called the meeting to order, Wm. Maxwell was elected chairman of the meeting and C. J. Edwards Secretary. Secretary Worrall, of the commercial Club, explained the object of the meeting, O. A. Schultz, on request, opened the discussion by comparing conditions here with Gray's Harbor, etc., and showed many advantages to be derived from having a deeper channel to the bay, making cheaper freight rates both ways, not only to Portland, but to San Francisco and all coast points. Mr. Schultz having fully investigated this question, gave much valuable information. The discussion then became general and a feeling was shown by the city people to want the co-operation of all the farmers in this water shed to assist in bringing about the Port's enlargement. The new law fully discussed to dropping our present Port and organizing a new and larger one, taking in much more territory for purposes of taxation and it was preferred to have the adjacent farmers come into and assist the present Port by voting to enlarge its boundaries. The cost of deepening the channel was discussed, and it was suggested that in reorganizing the new Port or enlarging the present Port that the farmers be given their just and full representation as to its management. J. H. Dunstan said the farmers wanted to be shown how and where they would be benefited by taxing themselves for a larger Port, and this idea being the dominant one prevailing, on motion of Fred R. Beals, President of the Port, the following committee was appointed to outline the organization of a new port and to collect data regarding the benefits that would accrue to all citizens and farmers from better water ways to the city from the bay, said committee, when ready with such information, to call a public meeting of all citizens and farmers to hear and discuss the plans and information. The committee as appointed is: B. C. Lamb, chairman, O. A. Schultz, Cyrus Randall, Carl Haberlach, and A. L. Edgar.

This committee will at once get busy, and as Mr. B. C. Lamb is one of the best posted men in the west on the advantage of transportation and cheapness, we can all look forward to some definite action soon towards the Port's enlargement.

There was a general feeling of harmony and co-operation and a get together spirit manifested, and it is hoped that all will use reason and be reasonable and work together for what we all realize must be done, to wit: A larger Port boundary and better water facilities.

The Commercial Club is behind this and Sec. Worrall assures us that they are going to see it through, and keep it before the people of this watershed until it is accomplished.

Catholic Order of Foresters.

The State officers of the Catholic Order of Foresters chartered a court of that order in Tillamook; initiated the charter and social members and installed the local officers. Forester Hall was crowded on the occasion and the impressiveness of the ritual, together with the eloquence of the visitors fired the local members with fine feelings of Friendship, Unity and Christian Charity, as between man and man, and with the hopes of accomplishment along lines of a broader social consciousness among members of the Roman Catholic faith.

The court proceeding were followed by a sumptuous banquet given by the ladies of the parish. The following state officers were present: M. J. Malley, State Chief Ranger; Anthony Hermans, State Vice Chief Ranger; A. E. Huchenstein, State Secretary; C. J. Mahar, State Organizer and Robt. O'Neil, an attorney of Portland. The elected officers of the local court are: Henry Plasker, Chief Ranger; Mr. John Kirchoff, V. Ch. Ranger; Frank Fitzpatrick, Past Ch. Ranger; Ford E. Shaw, Speaker; J. B. Delsman, Recording Secretary; Joe Durrer, Financial Secretary; Ed. Stasek, Financial Treasurer. Trustees Herman Sander, Ben Jacob and J. Berns. The order will give its dance on Friday evening which is strictly invitational.

Teachers' Examinations.

Notice is hereby given that the County School Superintendent of Tillamook County, Oregon, will hold the regular examination of applicants for state certificates at the Circuit Court Room, Tillamook City, Tillamook County Oregon, as follows:

Commencing Wednesday, December 16, 1914, at 9 o'clock a.m. and continuing until Saturday, December 19, 1914, at 4 o'clock p.m.

Wednesday forenoon—Writing, U. S. History Physiology.

Wednesday afternoon—Physical Geography, Reading, Composition, Methods in Reading, Methods in Arithmetic.

Thursday forenoon—Arithmetic, History of Education, Psychology, Methods in Geography.

Thursday afternoon—Grammar, Geography, American Literature, Physics, Methods in Language, Thesis for Primary Certificate.

Friday forenoon—Theory and Practice, Orthography, English Literature, Chemistry.

Friday afternoon—School Law, Geology, Algebra, Civil Government.

Saturday forenoon—Geometry Botany.

Saturday afternoon—General History, Bookkeeping.

W. S. Buel, County Supt.

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IMPORTANT EVENTS

1914-15 AT OREGON AGRICULTURAL COLLEGE

WINTER SHORT COURSE—JAN. 4-30

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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.) Tillamook - Oregon

J. E. REEDY, D.V.M., VETERINARY. Both Phones. Tillamook - Oregon

DR. E. E. DANIELS, CHIROPRACTOR. Local Office in the Commercial Building. TILLAMOOK - ORE

DR. L. E. HEWITT, OSTEOPATHIC PHYSICIAN AND SURGEON, OBSTETRICAL SPECIALIST. Both Phones. Residence and Office in Whitehouse Residence. TILLAMOOK, OREGON.

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