

**DISTRICT ATTORNEY TO ENFORCE SUNDAY CLOSING.**

**Judge R. G. Morrow Declared Law Unconstitutional—Attorney General Says it is Constitutional.**

We received the following letter from District Attorney T. H. Goyne, after we had gone to press last week, in regard to the Sunday closing law:

Tillamook, Oregon, April 16th, 1915.  
Editor Headlight:

Inasmuch as the notice sent out by me a few days ago to operators of pool rooms and other places of amusement about keeping their places of business open on Sunday is causing considerable comment as to who are, and who are not, required to close, I thought it best to include in this communication a verbatim copy of the section of the code governing such matter, which is as follows:

"Sec. 5125. If any person shall keep open any store, shop, grocery, bowling alley, billiard room or tipping house, for the purpose of labor or traffic, or any place of amusement, on the first day of the week, commonly called 'Sunday,' or the 'Lord's Day,' such person, upon conviction thereof, shall be punished by a fine not less than \$5.00 nor more than \$50.00, provided, however, that the above provision shall not apply to theatres the keepers of drug stores, doctor shops, undertakers, livery stable keepers, butchers and bakers; and all circumstances of necessity and mercy may be pleaded in defense, which shall be treated as questions of fact for the jury to determine when the offense is tried by jury."

The people will readily see that the law includes stores and shops of all kinds, except those specifically mentioned as being exempt, and also all places of amusement, except theatres.

It is rumored that a few persons feel hostile because they are not allowed to remain open; but it is difficult to see how any places of business can be injured when all other places of business of the same kind are closed also, unless it be such places as cigar stores, confectionaries, etc.; and their principal claim of a prospective loss of business is because they believe that drug stores, which sell such merchandise, will remain open; but, in my opinion, the drug stores will not be allowed to sell any other merchandise than drugs, medicines, etc., and if complaint shall be made that they do so, the matter will have to be taken into the court and tried out.

But even should it be found to result in a loss of business to some, my oath of office obligated me to uphold and enforce the laws of the State to the best of my ability, and it would seem that all good citizens should rather encourage an officer of the law to perform his duty than to criticize him and uphold the violation of the law. It is not my law, but the law of the whole people of the State of Oregon, and no man can be a true citizen who will violate the law for the sake of the gain of a few paltry dollars.

However, I feel satisfied that these same persons who now complain of the attempted enforcement of the law, will in the end gain by resting from their labors for one day in seven, as the Almighty has beneficently provided in his law that they should. "The Sabbath was made for man and not man for the Sabbath."

Respectfully,  
T. H. Goyne, District Attorney.

**Sunday Trading in Tillamook City Last Sunday.**

District Attorney T. H. Goyne is the only county attorney in Oregon who is endeavoring to enforce the Sunday closing law, a law that was enacted in the year 1864, the last amendment being in 1903, and notwithstanding this and the fact that Circuit Judge Morrow declared the law unconstitutional in Lane County last October, Mr. Goyne has started out to make Tillamook people toe the line and put the "lid" on Sunday trading. As a result of this, the fruit and candy and drug stores closed on Sunday, after being advised by the district attorney to do so. In other parts of the county Sunday trading went on as usual. Although some of the store keepers were glad of the opportunity to do so, the mandate of the district attorney was not favorably received by a large number of the citizens because it is hard to draw the line as to what businesses should be allowed to violate the law and those which should close up. Mr. Goyne has made it plain that he proposes to enforce the law and prosecute all those who violate it. He was given that opportunity on Sunday, for although the fruit, candy, and drugstores and billiard halls closed up there were numerous instances where the law was flagrantly violated, and the district attorney, to act square should immediately bring proceedings against them. Let us mention a few corporations and individuals who did business on Sunday the same as other days, and employed labor for gain, the same as the fruit, candy and drug stores have been doing:

The directors and stockholders, of the Mutual Telephone Co., who keeps its office open for business and profit.

The Pacific Telephone and Telegraph Co., both of which were doing business on Sunday.

The directors and stockholders of the Coast Power Co., who run their plant for profit and gain and employ men on Sunday who violate the Sunday law.

The City Transfer Co. for operating its truck Sundays and the Pioneer Transfer Co. and express office.

The P. R. & N. and all boat service on the bay.

The postmaster and the clerks and

those who patronize the post office on Sunday.

The milk peddlers.

The news agents and newsboys for selling daily papers.

The auto owners who did business on Sunday.

The cheese factories and fish canneries.

Those who received pay for their services in the churches last Sunday.

All the candy, fruit and drug stores in Bay City, Garibaldi, Cloverdale, Hemlock, Rockaway, Wheeler, Nehalem, Beaver, etc., were open and doing business on Sunday.

The correspondents who report and send messages on Sundays.

Every one of these violated the Sunday closing law on Sunday, and probably many more, and as it is not fair to make fish of one and fowl of others, there should not be any privileged individuals or corporations. They are no better than the fruit and candy proprietors and the drugstores for in every instance that we have mentioned the parties are running their business or profession for gain, the same as those who have been running their businesses on Sunday.

Mr. Goyne, like a number of other citizens, view the Sunday closing from a Puritan standpoint and a strict reading of the state law, which he has sworn to enforce, but has not gone far enough, as we have conclusively shown by a number of instances where the law was violated on Sunday. It is up to him then to enforce the law in the cases we have mentioned and not single out the fruit and candy and drug stores for prosecution.

**Sunday Law Void.**

Eugene Oregon, October 27—The Oregon Sunday closing law, section 2125 Lord's Oregon Laws, was today declared class legislation and unconstitutional by Judge R. G. Morrow, of Portland, sitting in the Lane Circuit Court. The decision is the result of a test case brought following the closing on Sunday of cigar stores, fruit shops and confectionary stores in Eugene by the District Attorney several weeks ago.

The effect of the decision is to leave Eugene wide open for any class of business on Sunday, except pool-rooms and theatres, which are closed by city ordinance. The District Attorney said tonight that he will not carry the case to the Supreme Court.

The decree of Judge Morrow held that the law not only contravened section 20, article 1, of the state constitution, but violated the fourteenth amendment of the Constitution of the United States.

"The law is unconstitutional on more grounds than claimed by the defendant," declared Judge Morrow in returning his decision. "If a young man is not allowed to take his lady friend to get some ice cream on Sunday afternoon she is deprived of that constitutional right of granting life, liberty and pursuit of happiness."

He emphasized the "pursuit of happiness" and continued: "I've been waiting five years to get a whack at that law, and I'm glad that I've had the opportunity."

**Attorney General's Office Says Law is Constitutional.**

In answer to District Attorney Goyne, who asked for an opinion from Attorney General G. M. Brown as to whether that office thought the law constitutional, Joseph A. Benjamin, second assistant sent the following reply:

"Replying to your letter of April 17, I beg to say that this office is of the opinion that section 2125, Lord's Oregon Laws, is constitutional. I understand that Judge Morrow construed said section to be unconstitutional in so far as it applied to the ice cream power, said section in its application should be enforced in so far as it tends to a reasonable extent to protect the public morals, health and welfare."

**History Repeats Itself.**

(From the Oregonian, April 19 1865.)  
The Sunday law, which calls for the closing of all kinds of stores and places of amusement, goes into effect May 1.

(From the Oregonian, April 19 1915.)

The District Attorney of Tillamook who closed all the stores last Sunday, evidently wants to get into the newspapers.

We would like to ask the Oregonian if the District Attorney of Multnomah county 50 years ago wanted to get into the newspapers?

**Boulder Creek.**

R. M. Dingess and family of Beaver were visiting at H. L. Jensen's last Sunday.

W. C. King and Johnny Borba, visited the county seat last Saturday. Mrs. E. L. Kinnaman, of Beaver, spent Saturday with her sister Mrs. Ezra Nash.

Rev. Ward of the Beaver pastorate, was canvassing in our neighborhood last week.

**Varsity Fifty-Five.**



Copyright Hart Schaffner & Marx

A young man's model that has taken its place among the suit styles for the present season.

That it is a  
**Hart Schaffner & Marx**

Model goes without saying for only a firm with the facilities and capacity for catering to the requirements of the young men of today could produce such a pleasing style.

We should be glad of an opportunity of showing you the many variations of **Varsity Fifty-Five**

now in Stock priced from

**\$20.00 to \$27.50.**

Many other splendid makes from

**\$11.85 to \$18.50.**

**MEN'S TIES**  
**35c.**

Values that sell regularly for 50c.

**Haltom's**

H. A. Chopard is cutting wood for H. W. Smith this week.

Mrs. O. W. Kinnaman has been suffering with an attack of tonsillitis the past week.

Fred Coulson who has been working at Red Clover cheese factory, is visiting his brother Robert, at H. W. Smith's this week.

Mrs. H. A. Chopard spent last Saturday and Sunday with her sister Mrs. J. W. Hester, at Hemlock.

The infant son of Mr. and Mrs. Henry Smith has been very ill for a few days, being threatened with inflammation of the bowels. It is much better at present.

**Notice to Contractors.**

Sealed proposals addressed to the County Court of Tillamook County, Oregon, and indorsed "Proposals to complete Squires County Road, in accordance with plans and specifications thereof on file in the office of the County Clerk of Tillamook County, Oregon, will be received by the County Court of said County, at its office in the Court House, at Tillamook City, Oregon, until the hour of 10 o'clock A. M. on the 8th day of May, A.D. 1915, and at that time and place publicly opened and read.

Each bid shall be accompanied by a certified check on some responsible bank in the State of Oregon, in the sum of 5 per cent of the total bid enclosed therewith, said check shall be made payable to the County Clerk of Tillamook County Oregon, to be held as liquidated damages in case the bid be accepted and the bidder shall fail to enter into the contract, and file therewith the necessary bond for the faithful performance of the work, within 5 days from the date of receiving notice from the County Court that the contract is ready for signature.

All bids shall be made on blank forms furnished for such purpose by the County Court; must state plainly the price of each item of work bid upon and must be signed by the bidder and also state his business address.

The successful bidder will be required to furnish a surety bond satisfactory to the County Court for the faithful performance of the work, in the sum of 50 per cent of the entire amount of the bid.

Each bidder shall be required to satisfy himself, by examination, the location, nature and extent of the work to be performed, and all bids are to be compared on the basis of quantities shown on the bidding blanks and as included from Station 35 plus 58 to Station 80 plus 40. Upon the deposit of \$5.00 a set of plans, specifications, forms for proposal, contract, and bond, may be ob-

tained at the office of the County Clerk.

The right is reserved to reject any or all proposals, or to accept any proposal or proposals, as may be deemed best for Tillamook County, Oregon.

By order of the County Court,  
Dated this 20th day of April, 1915.  
J. C. Holden,  
County Clerk.

**Celebrates His First Mass.**

On Sunday morning at 10:30 o'clock Rev. Fr. Helderbrand Melchior, son of Mr. and Mrs. M. Melchior of this city and a late graduate of the Mount Angel College, celebrated his first Solemn High Mass at the Catholic Church in this city. At the conclusion Rev. Fr. Van Clarenbeck delivered the sermon of the day. The following outside dignitaries of the church were present: Fr. Prior, president of the Mount Angel College; Fr. Basil, Fr. Ambrose and Fr. Thomas, all professors of the college.

At the conclusion of the services at the church about 150 friends of Fr. Melchior sat down to a fine spread at the academy hall, and enjoyed the same very much.

After the disposal of the goods things to eat, speeches were in order and Fr. Melchior was presented with several beautiful and costly gifts. Among those visitors from out side points who attended the services Sunday were M. Melchior's sister and her husband, Mr. and Mrs. Emil Tesch, of St. Paul, Minn.; Mrs. Melchior's sister and her husband, Mr. and Mrs. Jos. Balters, of Portland; Mike Melchior who is attending school at the Oregon Medical College and his friend Mr. Sullivan; Mr. and Mrs. Bernard, of McMinnville; Mr. and Mrs. Frank Nitsch, of Portland; and Editor Fernsworth of the Banks Herald.

H. E. Craig of Rockaway had charge of the kitchen at the Melchior home during the past few days and every arrangement was made and carried out to give the visitors a good time. Rev. Fr. Melchior receives the congratulations of many friends in this vicinity.

**ELAND B. ERWIN,**

**PIANO INSTRUCTION.**

Diploma from Chicago Musical College—granted June, 1911—on the following subjects Piano, Harmony, Musical History, Science and Pedagogy (Teaching).

TERMS—\$20.00 for 20 weeks instruction. All lessons given at Studio.

**An Important Sale of Ladies' Summer Underwear.**

Offering exceptional opportunities for effecting remarkable savings on Undergarment purchases for present wear.



This Sale of Ladies' Summer Undergarments, coming as it does just at the beginning of the season, will enable every lady in this county to fill all her wants at savings usually only possible during "end of season" Sales.

Excessive buying prompted by the offer of exceptional values, is the reason for putting on a sale of this kind at this time of the year. We have, therefore, in order to ensure an entire clearance during this season, decided to offer the whole of our present stock at prices that will net you remarkable savings on every purchase.

See Special Display in the Underwear Section of the Dry Goods Dept. Every quality and style mentioned here is now on view and priced with special Underwear Sale Tickets.

**Vests.**

**35c. Vests for 25c.**  
White Summer Vests in sizes 38, 40, 42 and 44, with open fronts and ribbon drawn necks.

**50c. Vests for 39c.**  
Fine bleached Vests with open fronts prettily finished and shown in sizes 36, 38, 40 and 42.

**75c. Vests for 55c.**  
Desirable Bleached Cotton Vests with open fronts finished with draw ribbons at neck and shown in all sizes 34 to 44.

**Pants.**

**38c. Pants for 25c.**  
Ladies' Bleached Jersey Ribbed Pants in all sizes from 34 to 44 exceptional bargains.

**38c. Pants for 25c.**  
Bleached Jersey Ribbed Pants in lace trimmed Umbrella Knee styles and in sizes 34, 36 and 38.

**50c. Pants for 35c.**  
A full range of sizes from 36 to 44 in lace trimmed umbrella knee style pants in bleached Jersey ribbed.

**75c. Pants for 49c.**  
Fine white fitted Knee Pants in all sizes from 34 to 44. Nicely finished and trimmed.

**75c. Pants for 49c.**  
Ladies' Cotton and ribbed pants in Lace trimmed umbrella knee styles and shown in all sizes from 36 to 42.

**\$1.25 Pants for 89c.**  
Sizes 36 and 38 only in fine white lace trimmed umbrella knee pants of exceptional quality and value.

**Union Suits.**

**35c. Union Suits for 25c.**  
Shown in all sizes from 36 to 44, these sleeveless Union Suits have low necks and lace trimmed umbrella knees.

**50c. Union Suits for 39c.**  
Sleeveless Union Suits with low necks and lace trimmed knee and shown in all sizes from 34 to 44.

**50c. Union Suits for 39c.**  
Ankle length Union Suits in fine summer weights and shown in sizes 36 and 38 only.

**63c. Union Suits for 49c.**  
Sizes 40 and 42 only are shown in these fine summer weight Union Suits made in full ankle lengths.

**69c. Union Suits for 49c.**  
Knee length Union Suits for summer wear in sizes 40, 42 and 44 only. Splendid bargain for those requiring large sizes.

**To 88c. Union Suits for 59c.**  
Reg. 88c. "Cumfy Cut" lace trimmed Umbrella Knee, Sleeveless and Low Neck Union Suits in sizes 34, 37 and 38 as well as a splendid line of reg. 75c. Sleeveless, low neck and lace trimmed umbrella Union Suits in sizes 34 to 40. These two numbers are well worth investigating.

**To \$1.39 Union Suits for 98c.**  
Sleeveless, low neck and fitted Knee Union Suits in sizes 34, 36 and 38. Fine Suits at a remarkable saving.

**Double Gold Bond Trading Stamps Every Friday.**

**Haltom's**