



TILLAMOOK, OREGON, MAY 22, 1919.

Tillamook Jottings.

Dr. Wise—Dentist.
Live Stock Ins.—See Watson.
Sharp and Allen, dentists.
Coming, "The Barrier" at the Gem.
Hoofrot Remedy at C. I. Clough Co.
Spend your evenings at the Gem Theatre.
Practically new 1 1/2 h.p. gas engine for sale at Allen Page's store.
Don't fail to see the farm tank at the Kuppenbender Warehouse.
Apartments for rent. Address Box 143.
Be a good sport and vote yes for the reconstruction measures.
Born to Mr. and Mrs. John Kunzi, May 12th a girl.
Buy a Roosevelt Highway Button and show your colors.
Dr. J. B. Grider, dentist, I. O. O. F. Bldg., Tillamook, Oregon.
Seven room house for rent.—C. O. & C. M. Dawson.
Apartment with garage, close in. For rent. Address Box 143.
Singer Sewing Machine Agency opposite P. O. Both phones.
Why not place your feed orders for the future with Kuppenbender?
Dr. W. E. Lebow—Dentist with Dr. Wise.
For Sale—Nice white potatoes for seed—Jim Simmons, Mutual phone.
Born to Mr. and Mrs. Frank McCleary, a son, on May 9th.
Auto for sale, cheap. Suitable for hauling milk. Call at Heyd's Shop.
A. L. McCarty was appointed county fire warden by the county court.
Alfalfa hay, quality guaranteed at lowest prices. Tillamook Feed Co.
We handle Trojan Powder. Best for stumping.—Tillamook Feed Co.
Buy your hay at the Kuppenbender Warehouse.
See The Tillamook Feed Co. about Republic tires and save money.
Obtain your wood from the Tillamook Transfer Co., Liberty Temple.
For sale small house and two good lots. \$750.00. Easy terms, owner. W. L. Campbell.
M. F. Lamb, of Eugene, came in for the summer, and his family will follow in a few weeks.
For Sale—Five room house in paved district, or will take automobile as part payment.—Sam Moulton.
Dancing every Saturday night, at Barview. Excellent music and floor like polished glass.
For rent, eight roomed house in Sunnyside. Enquire at the Headlight office.
See "The Barrier" by Rex Beach at the Gem Theatre soon. Watch for dates.
For sale or rent—50 acre dairy ranch 4 miles from Tillamook on main county road.—Call 56-J.
For the best and most purely Mutual Live Insurance in the U. S. see W. A. Church.
Two New Home sewing machines for sale cheap. Singer Sewing Machine Agency opposite P. O.
For rent—Eight room house, modern throughout, will only rent by the year.—Apply to M. R. Hannenkratt.
Just received a car of mill feed at the Kuppenbender Warehouse. Prices are lowest.
Regular services at the Christian Church next Sunday. The public invited.
Four good milk cows for sale, been fresh one month.—J. D. Johnson, Sandlakk, Oregon.
If you are contemplating buying a drag-saw see the Tillamook Feed Co. and get prices.
Let B-K be your disinfectant. It is safe, clean and powerful. For sale at the Kuppenbender Warehouse.
Let your co-worker on the farm be the Cleveland Tractor. On display at the Kuppenbender Warehouse.
For Sale—Bay horse, 6 years old, weight about 1400, good all round work horse.—Ike Quick, Mutual Phone.
For Sale—Our entire herd of fine high grade Jersey milk cows, 11 head. These are very heavy milkers. Rasmussen Bros. Dayton Ore.
Special meeting, Marathon Lodge No. 89, K. of P. Saturday evening, May 24. There will be work in different ranks.
For rent, a dairy ranch with 15 head of cows, 1 1/2 miles from Tillamook. Enquire at the Headlight office.
The "Bolshevik" can't hang on always. Bayocean will come back strong, most any time. Get some now.—H. L. King.

Seven room house and five acres for sale.—C. O. & C. M. Dawson.
See Williams, of the Tillamook Feed Co., and get prices on the handsome 19 series Studebaker cars, before buying your new car.
Stray cow, partly Jersey with one Crumpled horn. Owner can recover same by paying charges.—Mrs. Hughey.
For Sale—Seven head good grade cows, all fresh, at Oscar Tittle's ranch on Wilson River. Call and see them.
For Sale—20 acres of river bottom land one and one-half miles from Tillamook—Apply to Karl Kumerle, Tillamook, Oregon.
The Oregon Dairy Council will put on a program at the Rotary Club soon. And they won't forget to boost for Tillamook.
Dr. Wise can be found at his Tillamook office across the street from the court house, Mondays, Tuesdays Wednesdays until further notice.
For Sale—Dairy ranch, will carry 50 to 60 cows.—Inquire of C. W. Miller at A. F. Coats Lumber office, Tillamook, Oregon.
Before buying your auto tires, investigate the Republic Standard five thousand mile guarantee, price right at Tillamook Feed Co.
Harry Nelson was appointed assistant road master for road district No. 2 to fill the vacancy caused by the death of Frank Dye.
For Sale—Young registered Holstein bull, ready for service, in good condition and good breeding. Bob Stillwell.
Archbishop Christie, of Portland, will confirm a large class at Sacred Heart Church Sunday, May 25th, immediately after the high mass.
See Williams about the Republic, the yellow chassis truck that serves so well and honest, a truck at an honest price. Tillamook Feed Co.
Don't miss "The Barrier" when it is shown at the Gem Theatre. Dates announced on the screen Sunday, May 25, also in next week's paper. Watch for them.
Married, May 16th, Robert H. Getchell, of Hebo, and Miss Orle E. Sherwood, Rev. Harry E. Tucker, of the Christian Church performing the ceremony.
For sale, one team of horses, weight about 2200, and harness, well broke.—G. I. Graham, Route Box 33, Nehalem, inquire at Kuppenbender Warehouse.
R. M. Golden has returned from Eugene where he has been the past six weeks running a store in that city. Mrs. Golden has left for Eugene to take charge of the business there.
Look! My 1/2 interest in acre tract and also lot 14 in Pacific Addition, all in Bay City, for sale for tax valuation. Write Gilbert Eyk, New Auburn, Wis.
For rent, 4 room modern furnished house. Want to sell gasoline iron, baby swinging chair, breakfast table and chairs, dresser and stand, tables, call, at S. E. corner of 8th Street and 6th Ave. East.
There will be a meeting of the Home Guard at the court house in Tillamook City, Monday, May 26th, for the purpose of disbanding. All members are requested to attend.
Boys, get in on the prize dance Saturday May 24, bring your girl and get her a box of candy. This is not a prize for the best dancers but who holds the lucky number gets the candy. Plenty of numbers.
At the home of Florence M. Baker, May 16, 1919, Ula M. Baker was married to Harry C. Taylor, of Greenbrier, West Virginia. Rev. H. E. Tucker of the Christian Church conducting the ceremony.
Why pay four or five hundred dollars for dairy land without improvements when you can get as good soil with improvements for \$300.00 per acre.—See C. W. Miller about this proposition.
For Sale, a 25-candle power acetylene gas plant, to be sold at a great sacrifice. Splendid opportunity to procure gas plant for farm house at a small cost. C. B. Wiley, north of Tillamook City.
The funeral services over the remains of Bud Johnson, a student of the Tillamook High School, took place on Wednesday. He had undergone an operation. The deceased was the son of the late George Johnson.
H. F. Cook has, in recent months tuned and repaired more than 80 pianos in this county. He handles the best pianos for this climate. On exhibition at Singer Sewing Machine Agency, Opp. P. O. Liberty Bonds taken.
The Wiley B. Allen Co.
Dealers in high grade pianos and Player pianos for over 45 years. Sold on easy monthly payments. Write for catalogue and terms.—Leland B. Erwin, R. P., Tillamook.

Good time to grab some Bayocean property. Consult with H. L. King. Modern cottage, Corner lot. One of the most convenient locations in Bayocean. Can be secured for what cottage alone would cost. See H. L. King.
For Sale—Two fine registered Holstein bulls, one ready for service and from Toby De Kol 2nd Johanna Duke, 75 per cent same breeding as Lady De Kol 36.59 butter, at 3 1/2 years, world's record when made. Also one 6 weeks old well bred.—Chas Macpherson, Grand Ronde, Or.
Jesse Earl, who hails from Tillamook, the land of cheese, says there was a time when Tillamook light was known as a warning to keep folks away from the coast. Now the cheese, the good roads and the great climate beckon folks and they are flocking Tillamookward.—Oregonian.
Drs. Wise and Lebow will be at Dr. Wise's office and residence across the street south of the court house Mondays, Tuesdays and Wednesdays to do dental work. Thursdays at Cloverdale; Fridays at the Nehalem Hotel and Saturdays until noon on Sundays at Wheeler.
The County Court appointed A. E. Joyner "speed cop" for Tillamook county, and the first two auto speeders he managed to "cop" were Harry Elliott and Joe Williams. Justice Stanley fined them each \$15 and costs.
John T. Berry vs. Mary L. Berry is a divorce suit filed in the circuit court. These parties were married at Los Angeles, California, on the 12th of June, 1917. The complaint alleges that defendant wilfully deserted her husband.
Ross Shreve, who has been working for the State Highway Commission at Grants Pass returned last week to take the place of C. A. Dunn, who has been engaged by Oskar Huber, the contractor. Ross will have charge of the state highway work in this and several counties.
State Senator T. B. Handley left on Saturday for Eastern Oregon, where he is scheduled to make several Roosevelt highway speeches. The Senator is doubly armed, for he has a humber of clippings from the editorial columns of the Headlight that he is going to use in his speeches.
Susan Hanshel, Gottlieb Wyss, Margaret Becker, Anna Jenck, Ulrich Wyss and Chris Wyss vs. A. B. Freberg was an ejectment and damage suit tried last week before Judge Bagley, involving a strip of land about four acres. A verdict was rendered in favor of the plaintiffs.
Oscar Swenson returned to Tillamook county last week, after being mustered out of the service, with the rank of lieutenant. He has been traveling in different states checking up for the government, but is glad to get back, for there's no place like Oregon in his estimation.
H. H. Rosenberg returned from Portland on Saturday, where he had gone in the interest of the Roosevelt Highway measure. He is somewhat pleased with the work that will be done between now and election, and if the people will go to the polls there is not much doubt but what the measure will carry.
O. A. Schultz returned from British Columbia last week, where he had gone to inspect a sawmill which had been operated by the government, but found it was not suitable for the saw mill at Hobsonville. Mr. Schultz obtained a crew of men for the new shingle mill, from the manifee shingle mill which was burned down last week.
For Sale—Two improved lots, full size, well located, in desirable part of city, on one of the most prominent paved streets in town, concrete walks house of seven rooms besides bath, pantry, washroom, hall, closets and porches, modern plumbing, electric wired, commodious woodshed and barn. Price \$2,550.00, \$1,000 cash, balance on terms to suit purchaser. Apply at F. R. Beals office.
We are looking for a woman at Tillamook, past 30 years old as resident manager, to take charge of collections, renewals, circulation of most all magazines published. Must have some salesmanship ability and good references. Our new plan makes everybody a customer and saves the public much money. Position will pay from \$1,000 to \$3,000 a year. E. J. Hamilton, 311 Globe Bldg., Portland, Oregon.
A meeting of the men who have been in the military or naval service is called for next Wednesday evening, May 28th, at 8 p.m. at the Court House. It is proposed to form a permanent organization in this county of men who have been in the service during the war. Returned soldiers have also undertaken to put over the quota of \$11750.00 allotted to the county for the Salvation Army, the drive for which commences next month, and this will be discussed at the meeting.
The quota for Tillamook county for the War Saving Stamp drive this year is placed at \$55,000. County

Chairman Geo. B. Lamb expects to raise that amount amongst the school children of the county, as one purpose of the W. S. S. drives was to teach the young generation the habit of saving money, instead of squandering it, which is so prevalent at the present time. When school takes up in the fall, then an effort will be made to raise the amount amongst the pupils of the public schools.
It is expected that the receipts from cheese this year will bring \$2,000,000 into the county. No wonder that the dairymen of Tillamook County have a broad smile these days for the monthly checks range from \$1,000 to \$2,000 for milk. When the Roosevelt Highway is built there are numerous places along the coast that will be made as prosperous as this county.
"If the Bayocean road was complete I would like to have a cottage site down there near the ocean". How often we hear such a remark. If the Bayocean road was in operation it would cost a lot of money to get the right kind of place down there. Better get it now. H. L. King can put you wise to something interesting.
"Hearts of the World" A Thrilling Photoplay.
Elsie Ferguson's new Arcraft photoplay, "Heart of the Wilds" which will be shown at the Gem Theatre, Tuesday May 27, is filled with Indians, cowboys, mounted police and thrills aplenty. Thomas Meighan is leading man and the cast generally is one of supreme excellence. The heart interest of the story is manifest in every scene.
Feats of horsemanship unequalled in daring are conspicuously shown.
"The Gypsy Trail" at the Gem.
All the world loves a lover, is an old adage and a true one. Therefore, it will captivate when it sees "The Gypsy Trail" with Bryant Washburn as the star at the Gem Theatre Sunday, May 25. Mr. Washburn is a true and tried lover, a bit backward, but winning in the end, against a formidable rival in the person of a rover with the instincts of a vagabond, but who appeals mightily for a time to the girl in the story.
The characterization by Mr. Washburn is said to be one of the most pleasing that has ever been offered the screen public. The film playgoers of this city will have the opportunity of proving this for themselves when the picture is shown. Wanda Hawley has the leading female role.
Memorial Day.
In behalf of the remnant of the old G. A. R. and the younger comrades of 1898 and 1917, who gave our Christian civilization its grandest onward step and developed for the people the fullest enlargement of human liberty ever known among mankind in the name of liberty and patriotism and in the interest to country, reverence of our matchless flag, and of respect for our noble dead who died for you and for me in the grandest conflict of the ages, we ask that every mill and factory be still and every business house closed on Memorial Day. Comrades and citizens we invite you to the festival of the dead. All who wish to take part in the program will meet at the K. P. hall at 9:30 a.m. and march to the Christian Church. Program next week. By order.
C. E. Reynolds, Commander.
The Revival Continues.
At the Nazarene Church, Rev. and Mrs. Hopkins, the evangelists from Massachusetts, are preaching helpful sermons every evening at 8 p.m. The public is delightfully surprised to find such a spirit of unity and harmony among the membership, and a devotion and zeal that is commendable everywhere. There have been 15 seekers at the altar of prayer and all of them have been the happy recipients of a free and full pardon for all of their sins. This is a revival that is much needed in Tillamook and we hope it may continue until all the churches are permeated with the old fashioned religion of our fathers.
The people have fallen in love with the evangelists and their methods, and are hoping that they will not be in a hurry to close their ministry here.
There will be three services on Sunday, at 11 a.m., 3 and 7:30 p.m. There will be meetings each evening during the week at 8 p.m. The pastor, Rev. Ingler, is singing at each service and his ministry in song is well received and enjoyed. The public is cordially invited to all these services. Seats free.
Purse Lost.
Lost, a purse, containing about \$75 in bills and silver. Purse had admission card signed P. Thomas, in it. Under leave same at the Headlight office and receive reward.

"FLU" AND SCHOOL CONTRACTS.
School District No. 14 Sustained In Refusing to Pay for Transporting Children.
Frank Crane vs. School District No. 14 was a suit in the circuit court before Judge G. R. Bagley, growing out of the closing of the schools in that district owing to the prevalence of Spanish influenza. Plaintiff had a contract with the school district for the transportation of school children at a compensation of \$95.00 per month, which the defendant admitted, and in answer asserted that due to an epidemic of influenza the state Board of Health directed the county health officers to close the school, which was done, and in consequence the school board claimed that it is not liable for the compensation of the plaintiff during the time the school was closed.
A demurrer was entered to this defense, which raised two questions. First—Has the State Health Board power and authority to close public schools in time of disease epidemics? Second—If such power exists, what affect has the exercise thereof upon contracts of this character?
1st—Legislation of the character set forth in sections 4686 to 4700, Lord's Oregon Laws, and the amendments thereof, and an exercise of the police powers, and the legislation thus appearing in the sections quoted is broad enough to authorize the State Board of Health and its subsidiary arms, through its orders, to close schools and other places of assembly where people congregate in times of epidemics. There can be no question successfully maintained that the subject is not within the police power, nor that the legislature has exercised the police power in the laws quoted, nor that the State Board of Health is empowered to exercise such authority.
2nd. The next question is not easy to solve. If the State Board of Health exercised the power granted under the laws of the state closed the school in district No. 14, which for the purposes of the demurrer must be conceded to be true, performance of the contract by the plaintiff was rendered impossible without fault on his part and also without fault on the part of the school district. The rule is, that performance under such circumstances is suspended. The contract is not abrogated nor the parties absolved from performance altogether. Resumption of performance may be made after the period of suspension expires. There is, however, no reservation in the contract, alleged in the complaint and admitted by the answer, that would excuse performance under such circumstances and protect the school district from liability during the time of suspension.
The court believes that the law should be that under circumstances and conditions as are here presented that when performance of a contract is suspended by reason of the lawful act of officers in the exercise of the police powers of the state the right to compensation under such contract during the period of suspension of performance should also be abrogated. If performance is suspended, there would seem to be no logical reason why one party to the contract should be prevented from accepting the service and the other from performing the services and yet the one who offers to perform should be compensated. But regardless of what the court believes should be the rule, the contrary, from the weight of judicial utterance seems to be the law, and that recovery may be had where the party to the contract seeking recovery has been during the period of suspension ready, able and willing to perform and the contract itself contains no reservation which would deprive the party of the right of recovery. These decisions seem to be predicted upon the rule, that parties contracting for a hiring for a definite term can, in view of the right existing under the police power, provide in contract for a non-liability under the circumstances which exist.
Contention was made that the epidemic was the act of God, and therefore performance was rendered impossible by action over which neither party had control, but this contention cannot be successfully maintained. It is true that the epidemic itself may be actus dei, but the contract could have been carried out, notwithstanding the prevalence of the epidemic. The act of closing the schools was that of officers exercising the police power of the state, set in motion, however, by the act of God.
However much this court believes the law should be different, it has found it to be that the matters set forth in the separate answer do not constitute a defense, and, therefore, the demurrer is sustained.
Soldiers! Sailors! and all Interested
W. A. Church, of Tillamook, Ore., has been selected for this district by the Treasury Department of War Risk Insurance to explain and assist those desiring information or Government Life Insurance. Your inquiries will be gladly answered.

GEM THEATRE PROGRAM.
Saturday, May 24—"The Spender" Metro production featuring Bert Lytell.
"I'm on My Way", Comedy.
Sunday, May 25—"Gypsy Trail" Paramount production featuring Bryant Washburn.
"Pathe News."
Tuesday, May 27—"Hearts of the Wilds" Arcraft special production featuring Elsie Ferguson.
"Pathe News."
Thursday, May 29—"Fan Fan" William Fox extravaganza production featuring Virginia Lee Corbin and Francis Carpenter. A special feature which is sure to please the children and will prove to be very interesting to the older members of the family.
"His Wife's Friend" Two reel Mack Sennett Comedy.
School Notes.
The new Semester began this week. There will be a course consisting of six weeks, offering one credit for each subject of two periods, equivalent to ninety minutes a day. This will compensate in a measure for the time lost through illness during the winter.
The High School annual picnic was held last Saturday at Netarts beach. In spite of a general depression of the weather, thirty students participated in hikes, a big dinner and general good time.
On Wednesday morning Glen Leach presented the school with a painting. The picture is sixty-two inches by forty eight inches and the setting is a scene taken from Mt. Hood. It is bound by an immense gilt frame. Professor White showed both his appreciation and that of the entire school.
The high school wishes to announce to the public that the Memorial Day exercises for the school will be held May 30, at 2:30 p.m. at the school house. There will be a school program and the old soldiers will be present. All who wish to come are cordially invited.
Every student feels deeply the loss of their fellow-student and friend, in the death of Bud Johnson, whose funeral services were held Thursday morning. Bud was a great favorite and active member of the Freshman class. The High school students were dismissed during the services.
The Robbers are Caught.
The Austrians Joe Busch and Antonio Sorori, who robbed another Austrian, John Festina, at the logging camp of the Brighton Mills Co. of a large sum of money, and then took to the hills, have been arrested, after a little exciting chase and gun play. B. J. Cooper, who is a deputy Sheriff and Toney Peuar, started for Astoria thinking they would run down the men, which they succeeded in doing. The men must have taken to the brush when they found the officers were on their trail, and to get out as quickly as possible, they engaged a farmer to drive them to Astoria. When Cooper and Penar reached Seaside the former went on to Astoria and the latter remained there and after a time Penar saw the men in a rig being driven by a farmer. He held them up with a gun, but one of the men drew a revolver and pointing it at the farmer, commanded him to drive on as rapidly as possible which he did. Penar fired two shots at the men, but not with the intention of injuring or killing them, but thought it might scare them. Astoria had been notified and a number of deputy sheriffs started out to capture the men who had gone across the mud flats, where they were both arrested. They had \$1,110 in their stockings of the money that was stolen. Sheriff Campbell was notified and the men are now locked up in the county jail. It is thought that the men will plead guilty, and in that event Judge Bagley will be asked to sentence them before the next term of the circuit court. The sheriff has appealed to the immigration authorities to deport the men, as neither have taken out their naturalization papers.
The men claim they left their packs in the woods.
Notice to All Odd Fellows.
The memorial services will be held this year on Friday, the 30th day of May, in conjunction with the regular memorial services held by the G. A. R. and other societies, and all Odd Fellows are requested to present themselves at their hall, promptly at 9:30 a.m. on the morning of May 30th, for the purpose of joining the other organizations in the memorial services, which will be announced later.
In a speech in Philadelphia on Jefferson Day Attorney General Palmer warned his audience against "stand pat Democrats." Stand pat Democrats? Does Mr. Palmer imagine there is a democrat in the country with nerve enough to stand pat on the record made by the party under the present national administration.