LOWER VALUES IN STRAWBERRIES; SPUDS SOLD OUT

Portland, May 19—Values ranged lower in the local strawberry market today after maintaining a good firm tone for the past ten days.

Local receipts were also liberal along the street and wholesale prices ranged all the way from $2.75 to as high as $4 a crate for some fancy berries. The extreme top for fancy stock was $3.75 a crate with the bulk of the sales around $3.50. Poorer fruit was being offered at $2.75 to $3.

Weather has been favorable during the last two days for the ripening of the berries and the harvest of the local crop is on full blast. A short season is expected this year with very little liklihood of cheap berries for canning.

There are no fancy grade Burbank potatoes left in the country to speak of. Buyers searching for U. S. grade No. 1 report the growers cleaned up to their seed requirements. Oregon potatoes, U. S. grade No. 2 can be purchased around $2.25 to $2.35 at loading point. The local potato market is firm with still higher prices likely.

Butter and butterfat continue steady with demand and supply well balanced.

Eggs are steady and unchanged. Live poultry receipts are only moderate with a fair demand for heavy stock.

Country dressed meat arrivals were heavy along the street today but prices held well. There is a good call for fancy stuff with choice light calves at 14 to 14½ cents and choice light hogs 15½ to 16.

LIVESTOCK

Portland, May 19—Hogs steady; receipts 145; heavy weight (250 to 350 pounds) medium, good and choice $12.00@13.00; medium weight (200 to 300 lbs.) medium, good and choice $12.25@13.25; lightweight (160 to 200 lbs.) common, medium, good and choice $13.00@13.50; light lights (130 to 160 lbs.) common, medium, good and choice $11.50@12.50; packing hogs smooth $11.50@12.00; rough $10.50@11.00; slaughter pigs (130 lbs. down) medium, good and choice $11.00@12.00; feeder and stocker pigs (70 to 130 lbs.) common, medium, good and choice $11.00@12.00. (Soft or oily hogs and roasting pigs excluded.)

Cattle nom. steady; receipts 15. (154 direct or through.) Steers, good $9.50@9.75; medium $8.00@9.50; common $7.00@8.00; canners and cutter steers $5.00@7.00; heifers, good (850 lbs. up) $8.00@8.75; common and medium, all weights $5.50@8.00; cows, good $7.50@8.50; common and medium $5.00@7.75; canners and cutters $2.50@5.00; bulls, good (best yearlings included $4.50@5.50; common to medium (canners and bolognas) $3.50@5.75; calves, medium to choice (190 lbs. down) $8.00@11.00; cull and common (190 lbs. down) $5.00@8.00; medium to choice (190 to 200 lbs.) $7.00@10.50; medium to choice (260 lbs. up) $5.00@7.00; cull and common (120 lbs. up) $3.50@5.50.

Sheep and lambs steady; receipts none; lambs light and handyweight medium to choice $7.50@9.00; heavyweight (92 lbs. up) medium to prime $7.00@8.00; all weights cull and common $6.00@8.00; spring lambs, medium to choice $9.00@11.50; spring lambs, cull and common $5.00@9.00; yearling wethers, medium to prime $6.50@8.00; wethers (2 years old and over) medium to prime $5.00@7.50; ewes, common to choice $4.00@4.50; canner and cull $1.50@4.00. (Above quotations except spring lambs on short basis).

BUTTER AND EGGS

Portland, May 19—Eggs steady; current receipts 27c; pullets 25½@26c; firsts 25½@26c; henneries 27½@28c delivered Portland.

Butter firm, extra cubes, city 40½c; standards 40c; prime firsts 40c; firsts 39c; undergrades, nominal; prints 43c; cartons 44c.

Butterfat firm. Best churning cream 40c net shippers' track in zone 1, 42c delivered Portland.

PORTLAND GRAIN

Portland, May 19—Wheat: hard white, bluestem, baart $1.60; soft white, western white $1.58; hard winter, $1.60; northern spring $1.61; western red $1.58; B.B.B. hard white $1.80. Today's car receipts: wheat 9, flour 5, oats 2, hay 4.

POULTRY

Portland, Ore., May 19—Poultry steady; heavy hens 24@25c; light 22@23c; broilers 22@27c; young white ducks 30@32c.

ONIONS AND POTATOES

Portland, May 19—Onions nominal, $5.50. Potatoes nominal, scarce, $2.60@2.75.

NUTS, HOPS AND CASCARA

Portland, May 19—Nuts steady; walnuts No. 1, 28@33c; filberts nominal.

Hops steady; 1924 crop 13½@15c; 1925 crop nominal.

Cascara bark quiet. New peal 7@8c per pound; Oregon grape root 4c.

FILBERT PROSPECTS IN VALLEY EXCELLENT

State Senator Brown was up from Gervais today and states that his 30 acre orchard of filberts is looking exceptionally fine this year. He expects to get a small crop from the trees this season. Only about 200 pounds were taken from the young trees last year and they are not yet old enough to yield a full crop, he states, but they should bear some nuts this year.

He also states that he expects to gather 100 tons of evergreens or better this year. He thought early in the season the evergreen crop was gone but indications are now there will be a pretty good crop. The wild evergreens, he says, are dead.

His Ettersberg strawberries never looked better and he expects to get a bumper crop from them.

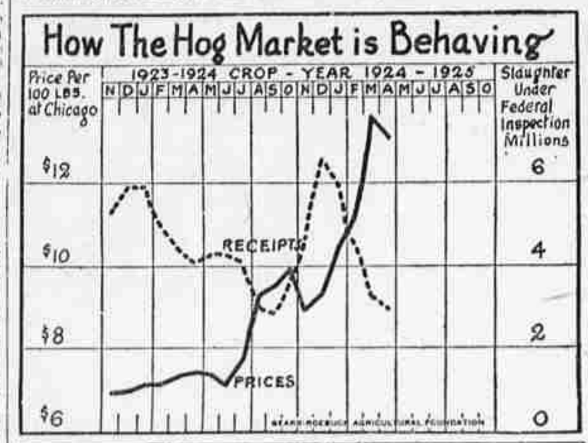
Wants Embargo Lifted

On behalf of southern Oregon fruit men Governor Pierce has asked California agricultural authorities to life their embargo on Oregon cherries as far as the sweet cherries of southern Oregon are concerned. These cherries, it is said, have not been attacked by the insect that has caused the embargo.

Smaller Pig Crop Is Predicted

Reports from 1,500 observers from all parts of the United States to the new Index of the Sears-Roebuck Agricultural Foundation show that only 80 per cent of the number of brood sows will farrow this spring as compared to last year. Field observations for the Foundation made by 800 experts in the heavy hog producing states reveal the fact that 15 per cent fewer brood sows will farrow this spring, in comparison with 1924.

While hog markets are experiencing the moderate increase in receipts which usually extends from the middle of April until some time in June, they are 20 to 25 per cent less than last year in line with the decline in production. Altogether, there is considerably more hog money going to the country than in 1924. The advance in hogs and the decline in corn has made the price ratio favorable for the feeder for the first time in two years. Eventually, as this favorable ratio continues, the tendency will be to increase production again, but it probably will be a year and a half or more before market receipts begin to reflect such a tendency, according to the Foundation's experts.



CHERRY CROP ESTIMATED NOW AT 40 PER CENT

Cherries are now predicting about a 40 per cent crop, indications the last few days piling up that there will be a far shorter crop than expected. A week or so ago some of the more pessimistic were predicting a 50 per cent crop, now it seems to be generally agreed that the production will be even lighter than that.

County Inspector Van Trump reports that cherries are dropping badly, that they seem to reach about half size and then drop off. He says the Lamberts are more badly effected this way than the Royal Annes.

George Vick states he has watched the situation closely in his own and a number of other orchards and states that the dropping seems ot be noticeable on the trees that are very heavily loaded and not on the trees with a sparse crop, and this seems to be equally true of the blacks and Royal Annes he says. He considers this a more or less natural thinning process that is necessary, but nevertheless he predicts a light crop, about 40 per cent and that there will be nothing like the cherry shipments here this year that were first figured on.

It is expected some more definite information as to crop possibilities can be gathered at the meeting of cherry growers scheduled for the chamber of commerce at 7:30 tonight.

From reports coming in this will be a largely attended meeting and it is expected cherry growers will be here from all districts in this vicinity.

FIRST EARWIG OF SEASON SEEN

The detested earwig has put in his appearance as an opening gun of the season, according to County Fruit Inspector Van Trump who states he has appeared at his accustomed haunt around Liberty and Division street. As far as is now known the campaign against the earwig this year must be a personal one as the county court has madeno provision for supplying or mixing the poison to combat the pest.

The formula for preparing the poison to combat the pest is as follows:

Sodium flouride, 1 pound
Molasses, 2 quarts.
Wheat bran, 12 pounds.
Water, 6 quarts.

Mix thoroughly and spread the mash in the evening.

Portland and Seattle it is stated have adopted the policy of each person doing his own work in connection with the earwig fight and apparently this plan will be followed here.

Salem Markets

Compiled from reports of Salem dealers for the guidance of Capital Journal readers (Revised daily.)

Wholesale Prices

Grain: No. 1 white wheat $1.46; No. 1 red wheat $1.44 (sacked).

Meat: Top hogs 16c; sows 8@11c; dressed hogs 18c; top steers 6@7c, cows $4.00@5.50; canner cows 1½ up; bulls 3½@5c. spring lambs up to 90 lbs, 14c; veal 9c; dressed veal 12c.

Poultry: Springers 25c; light hens 15c; heavy hens 20c; old roosters 6c; dressed ducks 15@18c.

Butterfat 40c; creamery butter 14@15c; eggs 23c; standards 25c, selects 27c; milk $2.20 cwt.

Vegetables: California new potatoes 6½c; old potatoes $3.00@3.50 sack; local lettuce 80c dozen; Texas cabbage 5c; California 4c; crate onions $3.50@4.00; spinach 5c; peppers 25c; rutabagas $3.00 parsnips 2½c; sack carrots $4.00; local turnips 3½c; California bunch vegetables: carrots 80c; beets, turnips 85c doz. parsley 25c doz.; local radishes 40@80c; green onions 40@80c doz.; grapefruit $5.50@6.50; local rhubarb 5@6c lb.; tomatoes $5.50; asparagus $1.50 doz. lb. bunches new telephone peas 14c; new mustard greens 5c; Oregon, local strawberries 24 basket crate $3.00@3.50; artichokes $1.00 dozen; oranges, small naval $5.75@7.00; new wax beans 17c; green beans 20c; wax onions $3.50@4.00; California broccoli $2.75; pineapple $3.50@4.00 doz.; Oregon hothouse tomatoes 40c lb.; cantaloupes 9@11c.

COOPERATIVES PLAN TO MAKE UNIFORM PACKS

Silverton, May 19—At the May meeting of the Willamette valley co-operative cannery association which was held at Silverton, it was decided to make the packs of the various canneries in the association as uniform as possible. It was also decided to establish a central selling agency. Canneries represented at this meeting were from Spring Brook, Gresham, Stayton, Mount Angel, Woodburn, Canby and Silverton.

The Silverton Food Products company which is the Silverton cannery, is making preparations for its own seasonal opening the first of June when strawberries will begin to arrive. Silverton berries have been on the market for the past few days and growers report that they expect an exceptionally fine crop of strawberries. Other fruit crops will be but small this season. Many of the vine berries froze out during the winter, leaving prospects of but half a crop of loganberries and no raspberries and blackberries. Silverton prune growers also report that there will be no prunes this season in the Silverton fruit district.

The Silverton Food Products company is at present preparing a London, England, order of 2000 cases of prunes. The cannery force reports that it expects to be very nearly cleared of its 1924 pack before that of 1925 begins. John C. Goplerud is president of the Silverton co-operative cannery.

CITY TO BAN SALE OF RISQUE PERIODICALS

(Continued from page one)

night were: Establishing a sidewalk line on the east side of North Front street between South and Market streets. Accepting the dedication of a four-foot strip on Myrtle street from John Williamson and others. Segregating the assessment on lot 12, block 2, Highway addition. Segregating the assessment on lot 8, block 6, George H. Jones addition. Establishing a sidewalk line on the east side of North Summer street. The latter was by suspension of the rules put through third reading and passed.

The council indefinitely postponed a petition for a sewer on Cross street. Favorable reports on the following petitions were adopted: For a sewer in Mellwood addition. Sewer in block 67, North Salem addition. Sewer on Myrtle avenue between Highland avenue and Fairgrounds road. An unfavorable report on a petition for a sewer between North 21st street and Thompson street was adopted.

Petitions were received for the following projects: Sewer in alley between Fairmount and John streets; pavement in alley in block 50; pavement on North 16th between A and D streets; pavement of A street between 16th and 17th; pavement of Willson street between Commercial and John streets; pavement of Richmond avenue from lot 4, block 4, to Oak; sewer between Cross and Winter streets.

Resolutions adopted last night were: Approving plans and specifications and declaring kind of improvement for Columbia street between Commercial and Broadway; alley in block 88, from Marion to Union; John street from Lincoln to Superior; North Winter street from Market to South; Brooks avenue from Highland to city limits; North Summer street; sidewalk resolutions covering South 21st street were adopted.

Bids were received on a street grader and loader and on sewer pipe, two bids being offered on each.

City Recorder Poulsen was instructed to get figures covering the expense of installing a light in the alley back of the old Y. M. C. A. building.

E. A. Kapphahn appeared before the meeting last night to protest the award of a contract for hauling cement to D. A. Larmer, contending that his bid was lower than Larmer's. It was the judgment of Street Commissioner Low and City Recorder Poulsen that Larmer's bid was lower when figured out in detail and their award to Larmer was upheld by the council.

PATTERSON HOPS SOLD TO LIVESLEY AT 15 1-2 CENTS

T. A. Livesley has purchased the I. L. Patterson crop of 292 bales of hops at 15½ cents a pound, the highest price paid for several months. The local hop market has become rather active recently, all of it based on American account, it is stated, with no English demand.

The Reistegen lot at Silverton of 192 bales is reported to have gone to Arthur Smith for 14 cents, and the Mt. Angel college crop of 200 bales also to Arthur Smith for 13½ cents.

McKay and Miller have sold 86 bales to Harold Ray of Portland at 14½ cents and Harry Hing 58 bales to John Roberts at 14½ cents.

The Earl Burke lot at Dallas has gone to Jim Lina for 13¾ cents. The sale comprised 23 bales.

There has been a good clearance of spot hops on the coast, but little attention has been given to the new crop. Sales in Oregon and Washington on the recent movement aggregated over 2500 bales. There was also considerable activity in California in both 1924s and olds.

The heaviest buying was in the Yakima section, where McNeff Bros. purchased 892 bales of last year's crop. Among the lots purchased were those of Rivard, Fry, Desmarais, Tenasse, Beauleauier, Hiscock, McAlheer and Schmidt.

In the Puyallup district three lots including those of Miller & Spooner, and aggregating 250 bales changed hands. The Chamberlain crop of 187 bales at Chehalis was also sold.

Four hundred bales of Sacramentos were taken at 10 to 10½ cents and 287 bales of Mendocinos at 10 cents. Olds in the Sonoma section moved at 5 cents.

Prices paid for 1924 hops in the three states is about in line with quotations during the previous buying. These orders are believed to represent the usual early summer trade of the eastern distributors. Dealers are hoping they will be followed by more business and it would not take much to clean up the supply left in the northwest.

Contracting is generally brisk at this time of year, but no efforts are being made now to buy the new crop. A number of growers have offered to sell at 15 cents, but dealers are without orders. The uncertain export prospects, arising from the 17½-cent English tariff, are apparently causing buyers to hold off.

COURT UPHOLDS MARKETING LAW

Judge M. J. Rogers of the superior court of Ventura county, in the other day deciding in favor of the association, the suit of the California Prune and Apricot Growers association against grower-members in that county for failure to deliver their apricots to the association's pool of the 1924 crop, upheld the constitutionality of the California cooperative marketing law of 1923. This was one of the main contentions of the defendant growers, who took the position that they had completed their contract when they paid the liquidated damages provided in the contract, in cents per pound, and were not obliged to specifically perform the contract, maintaining that the co-operative marketing law passed by the California legislature in 1923 was unconstitutional.

Judge Rogers disagreed with them in this latter matter, and in his opinion in upholding the association as against its non-delivering members, indicates an understanding of one of the important considerations in growers' cooperative marketing that many seem to overlook. Quoting from the judicial decision: "Each member contracts not merely with the association as an entity, but with every other of the ten thousand members who join; and it is the right of every member to have every other member meet his obligation under the mutual and co-operative contract."

Many growers seem not to understand that cooperative marketing is cooperative and have a tendency to consider their joint organization as a separate and commercial entity with which they are individually dealing. In this they overlook the fact that their association is a group combination of themselves and not something separate and outside.

INCREASE CITY WATER PRESSURE

Negotiations are now under way between the Salem Water company and the Oregon Pulp & Paper company whereby the water systems of the two may be connected for emergency use during the low water period of the approaching summer, and it is said that both sides have agreed to such a connection. This was announced at the meeting of the city council last night by Alderman W. H. Dancy, chairman of the fire and water committee.

The public service commission, remembering the low water pressure of last year and the extreme fire danger in which the city was placed, has requested the Salem Water company to increase its facilities for this season. A connection of the city system with the paper company's system appears to be the easiest way out of the difficulty, and it is said that this connection would double the pressure of the city water system in event of fire. The connection between the two would be made only in emergency cases. For the reason that the city's present water supply is chlorine treated, it would be necessary to treat the paper company's water in the same way as it passed into the city mains.

Alderman Dancy announced last night that the state fire marshal has standardized all hydrants and hose connections of the city water system.

ERROR CAUSES REVERSAL OF DAMAGE CASE

(Continued from page one)

pend on circumstantial evidence. The accident happened April 75, 1922.

It was alleged that Stanfield was employed by Mrs. Fletcher, and that by the terms of the employment it was agreed that he would operate the farm and furnish wood for Mrs. Fletcher's domestic use, and do such other general work as was necessary in operation of the farm, for which Mrs. Fletcher paid him $75 a month, furnished a house for him and his family to live in, also to furnish him with wood and other necessities. Stanfield was required to cut his own wood from timber on the place and also timber for the defendant.

The complaint accused Mrs. Fletcher of negligence in the lack of protection on the machinery, but this was denied by Mrs. Fletcher in her answer.

"It will be noticed," says Chief Justice McBride, "as to the requested instruction respecting contributory negligence, that there is no plea of contributory negligence in the answer. Defendant simply denies her own negligence in the matter so that contributory negligence is not in the case; and, as a general rule, courts are not required to instruct upon issues not made by the pleadings. This, however, is not an absolute rule, as there may arise from the testimony, or from circumstances attending the trial, a necessity for instructions not specifically within the issues, but necessary to enable the jury to appraise fully the evidence and its effect. This may be by way of cautionary instructions or may arise from a variety of causes and is most generally within the discretion of the court. But we fail to see the necessity for it in the case at bar, and we cannot conceive how the defendant was injured by the refusal of the court to give such instructions.

"In fact, there is no evidence whatever of contributory negligence on the part of the defendant. It is a plain question before the jury as to whether the decedent, at the time he was injured, was doing an act within the scope of the employment, or engaged in sawing his own wood for his own use upon his own time and not in his employer's; and, whether the accident was caused by an inherent defect in the machinery, or failure to properly guard it. There is some circumstantial evidence tending to show that his clothing was in some way caught in the machinery in such a manner as to have resulted in his death. This evidence is slight but sufficient to go to the jury. The evidence as to the necessity and practicability of guarding the machinery was contradictory and was submitted to the jury by proper instructions. Taking the instructions given by the court as a whole, they seem to us to have been quite as favorable to the plaintiff in these respects as the law justifies."

The supreme court today handed down two other opinions. They were:

William Crowther vs. C. R. Jones, appellant; appeal from Multnomah county; motion to dismiss appeal granted in opinion by Chief Justice McBride.

E. C. Herrick, appellant, vs. Clyde E. R. Wallace and others; appeal from Lane county; action to cancel satisfaction of judgment; opinion by Justice Brown; Judge George F. Skipworth affirmed.

Petition for rehearing denied in case of Gilbert vs. Branchflower.

SHIPMENTS OF LETTUCE START FROM LABISH

Work of clipping lettuce in the Lake Labish fields has started and for a number of days express shipments have been made of the succulent dainty grown in the rich soils in these meadows. It is expected that freight shipments will start about the middle of next week and carloads will start to go out. With about 25 acres of lettuce out this year it is probable from six to eight carloads will go out by freight. The good experience had with smaller lettuce plantings in the past have convinced the farmers in the meadows that this is to be a big crop of the future and the 25 acres is expected to be just a forerunner of enormous development.

Celery plants also are being set out in the meadows and it is expected there will be a bigger crop of celery than ever this year. Hundreds of cars of celery are shipped from the Labish country annually.

The Oregon Electric has made some material improvements at the Quinaby station to handle shipments from the Labish territory. The tracks have been lowered, the warehouse there remodeled and rearranged to make shipping more convenient and a roof has been put over the porch.

In addition the Oregon Electric will keep an agent at that point until about December 1 to assist in handling of the shipments.

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