

The Boardman Mirror
Boardman, Oregon

PUBLISHED EVERY FRIDAY

Mrs. Claire P. Harter, Local Editor

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FREE FROM SMUT

No clean-minded person in Oregon can help having a sense of satisfaction over the cleanliness with which the telegraphic reports of the Arbuckle trial were handled. Never a suggestive phrase or word was transmitted by the Associated Press nor so far as we have observed in any special news. The Telegram congratulates the people of Oregon over the entire absence of smut in connection with the case in court.

Of course, portions of the testimony were unreportable, therefore they were wholly ignored without so much as the slightest allusion to them. Only the persons who were present in the court room know all that the principal witnesses testified to. A great deal of the important testimony was left to the imagination of the reader, and the purblind-minded found nothing on which to dwell.

Three months have elapsed since the infamous "party" was held in Arbuckle's lodgings. First reports were so sensational that any newspaper was warranted in giving them conspicuous publicity. The country was shocked, not by the death of one person, but by the disclosure of the immorality which had been attached to the making of moving pictures.

Many people have protested against newspapers publishing accounts of the crime and of divorce suits involving gross immorality. The protest is not without merit when it is made against the few papers which make merchandise out of smut. There is always a decent way, free from smut, for presenting any news, and to the lasting credit of the American press, most of our publications are decent.

Relatively little interest in the testimony was shown. The press led a reaction against the whole corrupt business, and at once the public followed. True, there was interest in the verdict, but also general revolt against listening to the evidence of Arbuckle's friendly and unfriendly associates. One probable result of the fatality and the trial will be the reform of the few newspapers which specialized in this kind of filth.—Portland Telegram.

We wish to also add our praise to the cleanliness of the telegraphic reports of the Arbuckle trial. We have just one exception, the pictorial report relating to the principles in the case. In the Oregonian of Dec. 5 is a picture of Arbuckle and Miss Rappe, Arbuckle clothed, Miss Rappe nude, nude as the day she was born. A pose for the artist, Rubens, or the dome of an art gallery. A "set up" for some yellow sheet or the walls of Bacchanalians. Entirely out of place in the sedate Oregonian. The Oregonian will say the writer is a prude that the human form as God poured it is the most beautiful mold of all of God's works. Not so when it is used to depict libertine licentiousness. Our conception of a proper portrait would be of the dead girl laid out on her bier, clothed in the shrouds of death, pennies on her lids and the dying word of a prayer on her lips. Not the nude girl and the thick lipped pleasure-seeking libertine. The power of suggestion is greater than the written word. The mental lapse of the Oregonian is beyond understanding.

WHEN THE TIME COMES

The Pendleton East Oregonian, which has permitted itself to be feverishly agitated because a proposal has been made by Portland for construction of the Umatilla-Wallula cut-off highway, demands "fair play" from Portland. It is a sentiment to which The Oregonian most heartily and unqualifiedly subscribes. Pendleton, Umatilla and all Eastern Oregon are entitled to fair play from Portland and from every other city, county and state. It is only proper to suggest to the East Oregonian that a condition contingent upon a demonstration of fair play by Portland should be a grant of fair play to Portland. To that end it may be well to understand precisely what Portland proposes as to the Umatilla-Wallula cut-off.

The Chamber of Commerce has adopted a resolution approving designation of the Umatilla-Wallula cut-off as a primary state highway. But the resolution carries the stipulation that no money shall be spent by

Oregon on the cut-off until Walla Walla county (Wash.) agrees to build a connecting road, until the Oregon trail through Pendleton, La Grande and Baker to the Idaho state line is graded and macadamized, and until the La Grande-Joseph highway is completed. Unless it be agreed that the cut-off under no circumstances should be built, on the ground that it is, in some respects, a competitive or parallel highway with the road from Walla Walla through Pendleton to Umatilla—many miles longer than the suggested cut-off—the Portland Chamber would appear to have made a rather reasonable proposition. In any event, it is quite clear that there is no immediate prospect of its construction.

The Umatilla cut-off will of course be built some day. Economic pressure, industrial necessity will do it. It will cost somewhere from \$400,000 to \$1,000,000. If it can be designated how as a state highway, there is an excellent prospect that the federal government, out of its road funds, will be willing to commit itself to an agreement to contribute one-half or more of the cost. There is little doubt, by the way, that the United States road bureau regards the cut-off as a highly desirable and important connecting link between the highway systems of Eastern Washington and of Oregon. Is it suspected by the East Oregonian that federal officials have some mercenary or discriminating purpose in support of a policy which would connect state road systems at strategic points? It does not seem possible.

Nor does it appear reasonable for the Pendleton paper, or for any one to demand that such a road shall not be built because it will benefit Portland. Yet that is what it is in effect saying.

It will doubtless be interesting to the East Oregonian and to others to know just how much Multnomah county has contributed for highway construction in other counties, meanwhile building its own roads from money raised in Multnomah county. Here are the net figures:

Quarter mill tax, 1917-18-19-20	\$ 236,583.69
Market road state tax, 1919-20	\$ 520,373.76
Motor vehicle license fees, 1917-18-19-20 & to Sept. 19, 1921	\$1,524,034.60
Gasoline and distillate tax to Nov. 1, 1920	\$ 591,694.40
Total	\$2,872,686.45

Let us say that Multnomah has done no more than its duty, and has been inspired by no motive of altruism, but of enlightened self-interest, in thus supporting by its funds the policy of state highway construction. Whatever the motive, the result is highly beneficial to the state. Certainly it establishes the right of Multnomah to a voice in the state highway policy.

Withal, it is a question for the state highway commission, where it can be and doubtless will be settled on its merits. When the time comes to build the Umatilla cut-off without injustice to other interests, or without interference with the proper development of the state highway programme, it should and will be built. The contribution of the state will be \$200,000 to \$500,000.—Oregonian.

RESOLUTION ENDORSING THE 1925 EXPOSITION

WHEREAS our chief executive, Governor Ben. W. Olcott, has declared that an emergency exists, and has called a special session of the Oregon Legislature for December 19, 1921, to consider two questions, i. e., the passage of the state-wide tax measure to finance the 1925 Exposition, to be referred to the people, and the consideration of much needed legislation to regulate the operation of trucks over our public highways, and,

WHEREAS the 1925 fair tax was carried in the City of Portland by a vote of more than four to one, and,

WHEREAS we women recognize the broad educational and cultural advantages to be derived from holding a world's fair within the borders of the state, to say nothing of the added general prosperity that will accrue to us, therefore,

BE IT RESOLVED, that the Portland Federation of Women's Organizations, comprising 88 affiliated bodies, and representing approximately 7,000 voting women, does hereby commend the Governor for calling the special session, and believing that the whole state will be benefited, we endorse the measure of a state-wide tax for the 1925 fair, and we earnestly implore the members of both houses of the Legislature to confine themselves exclusively to the consideration of those questions named in the Governor's call, to the end that the session may not be prolonged to unreasonable length, incurring needless expense to the taxpayers of the state, and,

BE IT FURTHER RESOLVED, that a copy of these resolutions be sent to the Governor, and a copy to the President of the Senate and the Speaker of the House of Representatives, to be read before these bodies.

Portland Fed. of Women's Clubs, Mrs. Alexander Thompson, Pres. Mrs. G. L. Buland, Chairman of Legislative Committee. Passed at Portland, Oregon, Dec. 19.

PHELPS UPHOLD IN J. D. ELECTION CONTEST CASE

(Heppner Herald.) Notice has been received that the decision of Judge Phelps declaring C. A. Minor and A. W. Wheelhouse legally elected directors of the John Day, has been affirmed by the Oregon Supreme court as directors of the John Day Irrigation District.

The cause is entitled A. L. Henriksen, plaintiff, vs. Clay C. Clark, Edward Reitman and M. D. Clark, defendants. The notice of contest was directed to the defendants in their proper names without the addition of the official title of "directors of the John Day Irrigation District," although in the body of the notice it is particularly alleged that they are the directors of the district. That document sets out with great particularity that at the election held to choose successors to the defendants Reitman and Clay C. Clark, the voters, wrote in the names of Arthur Wheelhouse for the three-year term and C. A. Minor for the one-year term, on the blank lines left on the ballot in sufficient numbers to give Minor and Wheelhouse a majority of all the votes cast for the respective directorships.

The defendants filed a demurrer against the notice of contest, asserting, "that there is a defect of parties defendant in the following respect, to-wit: Clay C. Clark, M. D. Clark and Edward Reitman are not made parties defendant as directors of the John Day Irrigation district," and second, "that the complaint does not state facts sufficient to constitute a cause of action or suit for the reason that it is not alleged in said complaint that the said C. A. Minor and Arthur Wheelhouse were nominated, as required by law, for the offices of directors of the said John Day Irrigation District."

The trial court overruled the demurrer and the defendants did not appeal further. From the consequent judgment declaring Wheelhouse to be elected director for the three-year term and Minor for the one-year term, the defendants have appealed.

Burnett, C. J. The demurrer calls for a construction of the notice of contest which in this proceeding performs the function of a complaint. In this connection we are governed by section 85, Or. L., reading thus:

"In the construction of a pleading for the purpose of determining its effect, its allegations shall be liberally construed, with a view of substantial justice between parties."

Taking the paper together, it is clear that there is no attempt to assert a cause of contest against the defendants in any other capacity than as directors. To institute a contest against private parties wholly disconnected with the district would be utterly futile and ineffectual. But the notice discloses that only the conduct of the defendants as directors is called in question. The complaint is sufficient as against the objection that there is a defect of parties.

It is not necessary that a candidate be nominated for any office under the election system for any office under the election system of this state, in order to receive the votes of the electors at the elections prescribed

by our constitution. In order to get his name on the official ticket prepared by the election authorities it is required that a candidate be properly nominated by a petition or an assembly of electors. But this is only permissive. It is not mandatory in irrigation district elections. The voter has a right to vote for whom he chooses for any office.

Moreover, the sole duty of a canvassing board is to count the ballots and issue a certificate reciting what those ballots disclose. Such a board has no jurisdiction to raise issues in the nature of quo warranto and determine, the eligibility of an election candidate to hold office to which he has been elected.

These considerations dispose of all the issues of law which were raised by the demurrer. They were correctly decided by the circuit court. The judgment is affirmed.

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All are welcome.

Cleaning and pressing—Mrs. Alice Dingman. 39tf

Let us print those butter wrappers.

NOTICE FOR PUBLICATION

DEPARTMENT OF THE INTERIOR
U. S. LAND OFFICE AT THE DALLES, ORE., NOV. 19, 1921.

NOTICE is hereby given that Paul Partlow, of Boardman, Oregon, who on October 21, 1916, made Homestead Entry, No. 016627, for W 1/2 SW 1/4 NE 1/4, W 1/2 NW 1/4 SE 1/4, (being unit "D" Umatilla Project), Section 24, Township 4-North, Range 24-East, Willamette Meridian, has filed notice of intention to make three-year Proof, to establish claim to the land above described, before C. G. Blayden, U. S. Commissioner, at Boardman, Oregon, on the 3rd day of January, 1922.

Claimant names as witnesses: Alonzo C. Partlow William A. Price, Ben Atberry, W. W. Weston, all of Boardman, Oregon.
J. W. DONNELLY, Register.

NOTICE FOR PUBLICATION

DEPARTMENT OF THE INTERIOR
U. S. LAND OFFICE AT THE DALLES, OREGON, NOV. 8, 1921.

Notice is hereby given that Dan Charles Doherty, of Lexington, Oregon, who on November 20, 1916, made Additional Homestead Entry, No. 016640, for Lots 3 and 4, Section 18, Township 2-North, Range 25-East, Willamette Meridian, has filed notice of intention to make three-year Proof, to establish claim to the land above described, before J. A. Waters, U. S. Commissioner, at Heppner, Oregon, on the 23rd day of December, 1921.

Claimant names as witnesses: Ed. McDaid, of Lexington, Oregon. Neil Doherty, of Lexington, Oregon. Ed Doherty, of Lena, Oregon. Dan McDewitt, of Ione, Oregon.
J. W. DONNELLY, Register.

Now is the time to Subscribe for the Boardman Mirror

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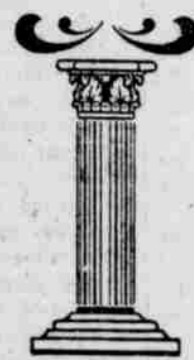
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