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PAT DONEGAN WRITES RELATING TAX BILL

**Explains Views of Situation and
Cites Authority; Should
Cure Our Local Defects.**

To the editor:

In view of the fact that an uncertainty is before the tax payers of my home county in relation to certain failures to equalize the 1924 assessment roll, I presume that you will allow me the courtesy of attempting to some what clarify that condition.

Stating the propositions which I will lay before you as distinctly and concisely as it is within my power to do I submit this as the settled law upon the question:

That the failure of the assessor to cause a notice to be published of the meeting of the board of equalization, as prescribed by our statute, was a vital omission of a jurisdictional character and invalidated the ultimate purpose of our levy. In other words the directions of the statute providing the time and manner in which notice must be given are mandatory, and not directory, and must be followed to the letter of the law. Any failure to comply with the plain directions of the statute will nullify all subsequent proceedings had in connection with the levying and collection of taxes. Let me cite in support thereof, 30 Ind. App. 12, 139 Mich 495, 58 Neb. 839, 78 N. Y. Suppl. 74.

If then your taxes are invalid we come to the interesting question, can your legislature cure such an omission by a subsequent act. I will state that it is a rule of constitutional law that a legislative assembly can not by a retrospective act supply a jurisdictional defect, that is, it can't revive or give life to that which is dead. It may however cure an omission by an act which operates prospectively although the doing of that thing relates back to a lifeless proceeding. A jurisdictional defect can not be cured merely by the force of a statute which says that notwithstanding such a defect the proceedings based thereon shall be valid, something more must be done, a provision for the doing of the act itself must be made. That, then, is the purpose and tenor of House Bill 29. Fortunately, the validity of that bill can not be questioned since it, and the procedure adopted by it, has been long since determined by the highest appellate court of the land. The precise question was brought before the United States Circuit Court of Appeals for the District of New York when the legislative assembly passed an act identical in character and purpose curing a defective equalization and that court decided in the Exchange Bank Tax Cases, cited as Williams v. Board of Supervisors of the County of Albany, 21 Federal 99, that the act was valid. The decision of the lower court was placed on review before the Supreme Court of the United States by a writ of error and was there affirmed. To the same effect as this decision is the case of Evans v. Fall River County, 9 South Dakota 30.

The cases cited upon the propositions that I have raised are the complete and final holdings of the courts in so far as the questions have been adjudicated, and include every cited authority upon the identical points involved. To that extent they are conclusive and must be accepted as controlling upon the tax situation of Harney County. You will kindly extend me the favor of causing the publication of this article since I deem it important that every tax payer in the county should understand his position upon a question which is, unfortunately, more or less involved.

Sincerely yours,
PAT H. DONEGAN.

Born—Feb. 1, to Mr. and Mrs. A. J. Johnson, a son. This new arrival has been doing fine but has just come to the attention of the newspaper man. We want all the births in Harney county reported at once. We want The Times-Herald to be a record of such arrivals and in after years the files may be turned to as references and accurate history of these events.

"WHEN THE TRAIN COMES IN"

Whoa, you long eared critter,
Stop and get a breath of air
Don't you know the train's a coming
Coming to the county fair?
Quit your champing on them bits
You old slab sided hunk of sin,
Rest your weary bones a minute
Watch the Train come in.

Don't you know we'll rest tomorrow,
Take it easy for a spell,
Don't you know this dryland farming
Harney county sure is—H?

Kind and honest. Whoa there Min
You be still and watch the natives.
While they watch the Train come in.

Can't you see the day's 'bout ended,
Soon we'll stop; you're getting lank;
Then while Molly gets some supper
I'll get old Lizzie out and crank.
Back her up and turn her over,
Twist and look, cuss and spin
I can see myself a swearing,
Sweating, while the Train comes in.

I can see old Pal Dell Dibble
Standing there as big as gruff;
How he'll tell them 'bout the old
times—
Peddling all that hot air stuff.
Good old Dell can hold the public
With those tales he loves to spin
Telling how he knew he'd be here
When the Train came in.

Isaac Weinstein on the platform,
Always ready with his smiles,
Standing there to greet the public
Shaking hands, an dalking, while
All the boys and girls have gathered
Bobs got Mable, Nell and Min
All stand spellbound, breathless wait-
ing
While the Train comes in.

Long we've waited for its coming,
Waited just to take a ride.
On its nice warm soft plush cushions
With Molly darling by my side
Now your trips to Crane are ended;
You can take it easy Min,
For Ma and I will take the choo choo
When the Train comes in.

—Robert Scott

85 YEARS YOUNG, RIDES HORSEBACK

"Auntie" Clarinda Frye, who celebrates her 85th birthday this month, is an example of what sturdy pioneer women are capable of. Recently she went out to Cow creek on the stage to visit her daughter, Mrs. John Dacey. She was not expected and John met the stage as Poupades, some three miles from the ranch with no way for "Auntie" to continue the journey. He suggested that he would return home and secure a suitable conveyance, but as there was an extra saddle horse there she insisted that she ride horseback with him. She would not listen to any other arrangement and therefore was assisted on her mount and made the trip in fine shape, although she had not been on a horse for over 45 years. She announces that she found the saddle a little tiresome but did not complain in the least during the ride.

IMPORTANT MEETING FOR DAIRYMEN TUESDAY

Dairymen of this vicinity are requested to be present at a meeting in Burns on next Tuesday at 1:30 o'clock, when two representatives of the Payette Co-operative Creamery will be present to discuss the future of the dairy business in this section.

R. C. Rosmuson of the Harney County Creamery was out to Payette this week and discussed the dairy situation in this county and has succeeded in getting the Payette concern interested. As a result the two men are coming to Burns for a conference with local dairy men with a view of providing ways and means for handling the local situation on a basis that will prove satisfactory to the producers here and which will mean a ready market for their cream for cash.

All people interested in the dairy business are urged to attend this meeting. It means immediate relief so far as providing for the marketing of the products of the dairy herd and a realization of such for the local farmer who is disposing of his cream.

Joe Pine, one of the successful stock men of this part of the state, was in town during this week looking after some business matters and greeting his friends.

LOCAL STREAMS TO BE STOCKED NEXT SEASON

**Eastern Brook and Rainbow
Trout To Be Planted From
The Canyon Hatchery.**

While here during the week, District Game Warden L. B. Hazeltine, took up the matter of distributing young trout from the Canyon Creek hatchery next spring in the streams of Harney county. He met with the local Fish and Game Club and the following recommendations were made in regard to distribution:

Silvies river in the vicinity of Burns 60 cans of Eastern Brook trout.

Poison creek, 10 cans of the same kind.

Silver creek, 30 cans of Eastern Brook, 30 cans of Rainbow.

Myrtle creek, 30 cans of Rainbow and Brook.

Emigrant creek, 30 cans of the two kinds.

Spring creek, 30 cans of Rainbow.

Blitzen 50 cans of Rainbow and Brook.

McCoy, 10 cans Rainbow.

Kelger, 30 cans of same.

Pine creek 30 cans of Rainbow.

Carry Garden creek 20 cans of Rainbow.

Rattlesnake, 10 cans of Rainbow.

Trout creek in the south end, 15 cans of Brook.

Cottonwood creek, in south end, 15 cans of Brook.

The eggs are hatching at this time and the young will be ready for distribution during May, June, July and August.

FOREST OFFICER TO ARRIVE TONIGHT

Assistant Forester Carter is expected to arrive in Burns tonight. He is coming in connection with an investigation of the work done by the Fred Herrick Lumber Co. on the contract with the government or the Bear valley timber. Mr. Herrick has asked for an extension of time in which to begin operations. This extension is granted upon certain conditions and the object of Mr. Carter's visit is to investigate conditions and make a report to the Chief Forester that the terms of extension may be named.

Mr. Carter should have no difficulty in getting such information as he requires here and with the forest officers in charge of the Malheur he will likely make a tour of the territory to ascertain conditions in the mountains as it affects work at this season of the year.

DELEGATION MINISTERS VISIT LOCAL CHURCH

**Head Of Presbyterian Missions
Interested in Aiding Local
Indians; School Possible.**

Dr. D. A. Thompson, superintendent of national missions in Oregon, Dr. W. L. Van Nuys, representing the department of education, and Rev. Wm. Baird, Sunday school missionary, all connected with the Presbyterian church are visitors to Burns, having arrived on the latest train Thursday night. The two former gentlemen have their headquarters in Portland, Rev. Baird residing in Baker.

These reverend gentlemen are making a tour of the state in the interest of the respective departments they represent and yesterday afternoon Dr. Van Nuys addressed the high school students just after the noon hour on the subject of education.

There will be a popular meeting at the Presbyterian church this (Friday) evening to which the general public has been extended a cordial welcome and no doubt much of interest will be discussed in connection with education, religion and the future work in this field. All these gentlemen are good talkers and particularly well informed in their respective fields and citizens of Burns should take advantage of this opportunity to cultivate them.

Dr. Thompson spent considerable time yesterday afternoon in conference with citizens in Burns who were interested in giving aid to the Piate Indians who make this their home. Dr. Thompson has pledged his support toward an effort to get a school established here for the Indians and with the cooperation of local men this may be accomplished. It is a subject that has had attention in the past and one that should enlist the support of every citizen of Burns.

F. M. Gault, from the Cameron district of Africa, was also a member of this junketing party who was expected but was unable to come because of illness. Mr. Gault is a particularly entertaining man and is much sought in schools as well as churches. It is hoped he may be in Burns the coming week, arriving in Thursday night and spend the following three days in Burns, addressing the schools on Friday, possibly the Burns and Harney County Commercial club and occupy the Presbyterian church pulpit on Sunday morning, going to Crane for the evening and the following day in the schools there.

THE LADIES' LIBRARY CLUB

(Contributed)

The Ladies' Library Club met at the home of Mrs. I. S. Geer on Saturday, February 7th.

The President announced that the entertainment now being rehearsed for the benefit of the Library would be given on March 6th.

Remember the date March 6th.
The subject for the day was Sweethearts in Song, and an entertainment in pantomime and song was given.

The young man who picked out a wife from the girls that he found in the song.

The Young Man Miss Walker
Those taking parts of sweethearts were:

The Girl from Scotland, Miss Wagner
The Girl of Long, Long Ago

..... Mrs. Waldo Geer
The Old Fashioned Girl Mrs. Hopper
Lass with Delicate Air

..... Miss Katherine Farre
Irene, Village Queen Mrs. Shattuck
Irish Rose Mrs. Harris

Hawaiian Miss Belda Schwartz
Gypsy Queen Miss Gladys Holland
Quaker Mrs. Hopper

Sweet Miss Mary

..... Miss Annette Leonard
The Girl from Burma, Mrs. Franklin
Georgette, Ballet Dancer

..... Miss Katherine Farre
Indian Maiden Mrs. Shattuck
The Girl from Spain

..... Mrs. A. C. Welcome
Pretty Little Widow Miss Jean Cook
Cupid Miss Dorothy Leonard

Cupid gave a clever and graceful
dance after which the Young Man
said "That Sweet Miss Mary's the
one that I choose."

Sweet Miss Mary appears with a
bridal veil and all the other girls
follow the bridal couple in a wedding
march.

As these vivid living pictures were
shown Mrs. Leonard, Mrs. Welcome
and Miss Leonard sang the songs
appropriate to each "Sweetheart."

The program closed with two
beautifully rendered solos, At Dawn-
ing, and Where Love is All by Mrs.
Culver Page.

During the refreshments each
guest was told her fortune and such
laughter followed each reading, some
being, alas, too true.

There were sixty-two present and
as each brought five pennies it made
quite a sum which the hostesses
handed over to the Club for books.

Hostesses with Mrs. I. S. Geer
were, Mrs. Leonard, Mrs. Waldo
Geer, Mrs. Robt. Mrs. Shattuck and
Miss Leonard.

The next meeting will be held at
the home of Mrs. Leonard on Satur-
day, February 21st.

W. T. Van Derveer was over from
his Pine creek ranch this week and
reports the highest water in that
section in years.

FAVORABLE OUTLOOK FOR LIVESTOCK INDUSTRY

**U. S. Department of Agriculture
Report Encouraging; Beef
Cattle Average Higher.**

A considerable increase in hog production next fall, and a corn acreage about the same as in 1924 are recommended by the United States Department of Agriculture in the second section of its annual outlook report just released.

Beef cattle prices this year should average somewhat higher than last year, and those for sheep and wool should be at least on a par with those 1924, the report says.

Dairymen are urged to make no further expansion in their industry. Higher egg prices may be expected during the season of flush production this year than last, but poultry prices may be lower.

"Hog producers," the report says, "enter 1925 with 18 per cent fewer hogs than a year ago and there is every indication that prices during the next 18 months will be higher than at any time since 1920. Six to eight million fewer pigs will be born this spring than last spring. Fewer sows will farrow next fall than farrowed last fall if producers respond to the unfavorable relation of corn and hog prices as they have done in the past."

"While the 1924 corn crop will probably be well cleaned up an increased acreage in 1925 does not appear advisable in view of the indicated reduction in the feeding demand. Stocks of old corn on farms are likely to be smaller than usual in the beginning of the new crop year 1925, but it appears that not more than an average crop will be required to supply the needs of the country from both feed and commercial purposes."

Higher Beef Cattle Prices Expected
"Prices for beef cattle for 1925 should average somewhat higher than for 1924. The industry is gradually working into a more favorable position due to the relation of beef to competing commodities, especially pork; improved industrial conditions, and in no small measure to the cattlemen's own sacrifices. Market receipts will probably be somewhat smaller than in 1924. All conditions indicate that the long-time outlook for the industry is even more favorable."

Advises Against Expansion in Dairy
"Further expansion in dairying in 1925 seems inadvisable. A recovery in prices of dairy products could hardly be expected should the number of milk cows be further increased. Domestic production appears adequate, and the foreign dairy situation is such as to keep world market prices low and thus limit the height to which our butter prices can rise without bringing in foreign butter."

Favorable Outlook for Sheep, Wool
"Prospects for the sheep industry in 1925 appear favorable. The world wool outlook and the prospective meat situation in this country promise prices for 1925 at least on a par with those of 1924. There does not appear to be any immediate danger of overproduction, as the increase in the number of sheep has as yet been only slight."

Outlook for Poultry
"The outlook of the poultry industry during 1925 from the standpoint of market egg prices is favorable while from the standpoint of market poultry prices it is not so encouraging. It seems probable that higher egg prices will prevail during the season of flush production this year than last. With an abnormally large carry-over of dressed poultry in storage it seems probable that lower prices on market poultry may prevail for at least the first half of the year."

"There are as many horses and mules of working age on farms as will be needed for the coming season, and average prices of work stock are lower than they were a year ago. A decided decrease in colt production during the past few years, however, points to a future shortage of good work stock. This shortage is likely to be acute during the time that colts foaled this year and next, or even young horses purchased now are still in active service."

WHEN MOTHER WAS A GIRL

By SATTERFIELD

