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AN WINKLE RULES ON POWER DISPUTE

State Engineer Must Act on Applications—Two Alternatives Open.

A Salem special to the Morning Oregonian says the state engineer is only two alternatives to the approval of an application covering the appropriation of water from Oregon streams, when the same is made in proper form, according to an opinion given by Attorney-General Van Winkle to Governor Norblad.

The first of these alternatives is the denial of the application when the proposed use of the water in question conflicts with existing rights. The second alternative lies in the exercise of the application to the state reclamation commission "when, in his judgment, the proposed use may judicially affect the public interest."

In either instance the engineer is required to act upon the application within a reasonable time or the applicant has recourse to the courts in mandamus proceeding to compel compliance.

Should the engineer refer the application to the reclamation commission, that body must hold a hearing within a reasonable time and pass upon the question at issue, the opinion pointing out that any unnecessary delay on the part of the commission would also open the way to a mandamus proceeding to compel action.

In adverse decision on the application by either the state engineer or reclamation commission would be subject to appeal to the circuit court from there again to the supreme court, the attorney-general holds.

From a study of the statute—in which which definitely established the duty of the state engineer when application for an appropriation of water is filed with him, the conclusion cannot be escaped that if he refuses to take such action he can be compelled to do so by an action of mandamus, the opinion reads.

Answering Veteran's Demand "Bailey For Governor" Club Is Organized

Salem.—Answering the demand of 1000 veterans of the World War, the Oregon Ex-Service Men's "Bailey For Governor" club was organized here with Douglas McKay of Salem, President; Frank McCullough of Baker, secretary, and Brazier C. Small of Salem, treasurer. Headquarters will be maintained here until the election next month.

Statewide organization of an executive committee of nearly 50 ex-service men has practically been completed, every section of the state to be represented by an ex-service man of outstanding achievements in his own community.

"Edward F. Bailey is the democratic nominee for governor and the only candidate to be nominated by the people of this state at the May primaries, and, we believe, the only candidate in the race familiar enough with state problems through contact with them to make a capable leader at this time," declared McKay at the organization meeting.

"This movement upon the part of ex-service men is entirely non-partisan and is being financed through small donations by the veterans themselves. In this campaign party lines are already broken and we feel that 'Big Ed' Bailey, through his education, experience with state problems and service in the World War, is the best qualified candidate for the office of governor."

Bailey enlisted as a private in the marine corps in 1917 and was discharged in 1919 as a first lieutenant. He served six years as the veteran representative on the state bonus commission, and is the first World War veteran to be nominated for governor of Oregon.

M. L. Watts Nominated For Mayor At Meeting

At a meeting held at B. B. Richards office Saturday evening, according to notice published in the Athena Press on Friday previous, M. L. Watts was nominated unanimously for mayor. The city election will be held Tuesday, November 4.

At the election the legal voters of the city will vote for mayor, three councilmen, city recorder and city treasurer. Other nominations made at the meeting were:

For Councilmen—J. C. Burke, C. M. Jones, J. W. Pinkerton.
For Recorder—B. B. Richards.
For Treasurer—J. F. Kershaw.

Of the men nominated, J. W. Pinkerton, B. B. Richards and J. F. Kershaw are incumbents. Henry Dell, a councilman, has been holding the office of mayor by appointment for nearly the entire term, as a result of the resignation of Mayor-elect McFadden, who removed from the city to Portland.

Death of William J. Shaw

William J. Shaw, brother of Mrs. M. M. Johns, died at Vancouver, Wash., September 29, after a lingering illness. Mr. Shaw spent several weeks at the home of Mrs. Johns in Athena last fall. He was born at Vancouver, where he had lived all his life. He was an ex-postmaster of his native city and served his county in the Washington state senate. He is survived by his widow, two sons, five sisters and two brothers.

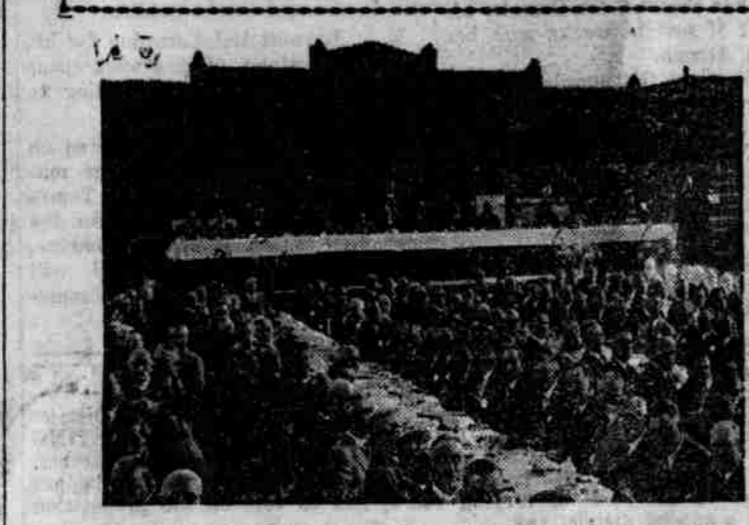
Cougar In Sheep Corral

A cougar broke into the sheep corral at the farm occupied by Orin Brace on Little Dry creek near Weston, one night last week, and killed one of the helpless animals reports the Weston Leader. The fierce creature has been making the upper reaches of this small stream its habitat for the past two years. So far, Mr. Brace has been unable to track it down, and he is careful to keep his children close at home.

Asks For Divorce

Geneva M. Rogers has filed a complaint in circuit court at Pendleton asking for a divorce from her husband, Clayton B. Rogers, charging cruel and inhuman treatment. The couple, who were married at Lewiston, Idaho, in February, 1927, have one two-year-old son, of which the mother is asking custody.

Three Governors Attend Exposition



Seated at speakers' table are late Governor Patterson of Oregon, Governor Baldrige of Idaho, late Governor Hart of Washington; also Rotary President Banfield and A. C. Ruby, President 1929 Pacific International.

One of the features of the 20th Pacific International Livestock Exposition, Portland, Oregon, Oct. 25 - Nov. 1, will be the Rotary Luncheon sponsored annually by the Portland Club for the entertainment of visiting members from all parts of the country. Last year the governors of Oregon, Washington and Idaho were honor guests at the luncheon held in the new Hall donated by J. C. Penney to be used for Boys and Girls Club Work and Smith-Hughes Vocational activities.

The yearly meeting of these Junior Agriculturalists—recognized by the U. S. Government under the name of "Camp Plummer"—is in charge of H. C. Seymour, Oregon State Club leader, assisted by U. S. Dept. of Agriculture officials and other State Club leaders—is one of the most constructive activities in which the Exposition is engaged.

On Sunday morning, Oct. 26, at 11 o'clock, Memorial Services will be held for late Governor Patterson of Oregon and a bronze tablet unveiled.

Exhibited this year under the 11-acre roof will be seen millions of dollars worth of America's finest pure-bred Beef and Dairy Cattle, Heavy Draft Horses, Sheep, Hogs, Goats, Foxes, Mink, Marten, Poultry and Rabbits.

Other exhibits include 2-acre Industrial Exposition; complete Dairy Show, featuring milk, cream, ice-cream, butter and cheese of all kinds; Wool and Mohair Show staged with assistance of U. S. Dept. of Agriculture and Pacific Co-operative Wool Growers Association; Manufacturers and Land Products Show; "Truth-in-Meats" Exhibit—an educational feature of immeasurable value to growers, retailers and consumers; Wild Life Exhibit by Oregon Fish and Game Commission; and world-renowned Horse Show.

Special low round trip fares to the Exposition will be in effect on all leading transportation lines.

Mrs. M. L. Watts Entertains Ladies From Walla Walla and Pendleton

A group of friends from Walla Walla and Pendleton were luncheon guests of Mrs. M. L. Watts, Wednesday at her attractive home on Fourth street.

A profusion of flowers in shades of gold and orchid made effective decorations. Luncheon was served at small tables centered with rosebuds and covers were placed for twenty-eight, guests finding their places by means of cards in the orchid shade. Dainty baskets further accented the colors. Bridge was the diversion of the afternoon and honors fell to Mrs. W. J. Lyons who held high score and Mrs. J. C. Cruden, second.

Mrs. Clason Adams of Polo Alto received with her mother and Mrs. H. I. Watts—Mrs. F. S. LeGrow and Mrs. Armond DeMerritt, assisted about the rooms.

The guests were, Mrs. George Day, Mrs. J. J. Christolm, Mrs. F. M. Anderson, Mrs. Walter Shuham, Miss Ann Martin, Mrs. Walter Adams, Mrs. A. M. Lodemell, Mrs. William Struthers, Mrs. Elbert Duran, Mrs. William Steel, Miss Ella Hungeate, Miss Elizabeth Garden, Mrs. W. J. Lyons, Mrs. Otis Whitman, Mrs. George Woodward, Mrs. A. C. Nelson, Mrs. Casper Woodward, Mrs. J. C. Cruden, Mrs. A. A. Campbell, Mrs. Thomas Moggrove and Mrs. George Ginn, of Walla Walla; Mrs. Ralph Hassell, Mrs. Roy Raley, Mrs. N. D. Swearingin, Mrs. George Hartman and Mrs. L. L. Rogers of Pendleton.

County Convention

The county institute of the W. C. T. U. convened in Pendleton, Friday. An all day session was held, an interesting and helpful program was a feature of the day. A recess was taken at noon when a "pot luck" luncheon was enjoyed by the delegates. Those attending from Athena included Mrs. Arthur Coppock, Mrs. Charles Betts, Mrs. Clarence Zerba, Mrs. Louis Keen, Mrs. Zeltha McIntyre and Mrs. Stella Keen and Mrs. Ad Pinkerton.

WOULD SPEED UP HIGHWAY TRAFFIC

Hoss Will Ask Legislature To O. K. Limit of Over 35 Miles Per Hour.

Salem.—A statewide and almost universal demand for a more liberal speed law will become a reality at the next session of the legislature, if plans now being perfected are indorsed by that body. A bill embodying the recommendations of the national highway safety conference has been drafted by Secretary of State H. F. Hoss, and will be submitted to a number of interested individuals and groups for discussion within the next few months.

"No one realizes more than I the impracticability of fully enforcing the present 35-mile speed limit," said Hoss, "and we need the change to the new law as much from an enforcement angle as we do for its other features of safety and general aid to the traffic problem. Under the terms of the new law it will be possible to make arrests for reckless driving regardless of the speed, and with the wholehearted co-operation of the courts I am firmly convinced that we can materially lessen the hazards of driving on Oregon highways."

The principal feature of the new law, as explained by Hoss, is covered simply by the following paragraph: "No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway and the hazard at intersections, and any other conditions then existing."

Arrests under the new law may be made for violations of the foregoing section, or for a speed in excess of the schedule worked out for various localities, as follows: Business district, 20 miles; residence district, 25 miles; outside of business and residence districts, 45 miles; when passing a schoolhouse when children are at recess or going to or from school, 15 miles; when approaching a highway intersection, with view obstructed, 15 miles; when approaching a railway crossing, 30 miles when view is not obstructed and 15 miles when view is obstructed.

Man Is Thought Immune From Rattlesnake Poison

Medford.—Walter Ragsdale, local man, was bitten by a rattlesnake three years ago and nearly lost his life from the wound. While hunting recently in the Dead Indian soda springs district he was bitten again by a big rattler.

Ragsdale quickly applied a tourniquet and cut his leg freely with a safety razor blade to permit the blood to flow. He then walked three miles to his car and drove here. It was four hours after he was bitten before he received medical attention. While the leg was badly swollen, he suffered no ill effect and soon fully recovered.

Physicians said they were in doubt whether the first aid was effective, or whether the patient developed an immunity to snake infection. The doctors said it was not known definitely whether such immunity could be developed in a human being.

A Rain Storm That Proved To Be a Little Too Much

There is no disputing the fact that this part of Umatilla county was and still is in need of moisture and rainfall is generally welcomed with a smile by the farmer and everyone else.

But the rainfall Monday night was plenty for the time being, at least. It descended in torrents, fell so fast that the soil could not absorb it and ran off in floods, scaring the grain fields with deep ditches.

In Athena, portions of streets were smeared with deposits of mud, most of which came out of the Kirk field east of town. A number of roads were damaged to some extent and the maintenance crew was called into action to clear the highway of mud and silt deposits in several places.

The heaviest volume of rainfall seems to have occurred in the Athena district, being particularly severe along the ridge between here and Weston, although a heavy rain fell at Weston, in the Dry Creek section and north of Adams.

Queens At University

Caroline Hahn, queen of the 1930 Rose Festival, in Portland, has entered a new kingdom—one ruled by professors, studies, and upperclassmen—and finds she likes it. For the ex-queen of the rose realm at Portland is now a freshman student in business administration and art at the University of Oregon, preparing for a career as a commercial artist in advertising.

Oregon State Beavers Take a Sound Trimming From Fighting Trojans

Oregon State College.—Coach Paul J. Schissler and his Oregon State football team returned from Los Angeles Monday after taking a beating from the University of Southern California by a 27 to 6 score last Saturday. Even though the game was hard fought all the way through the Orangemen came through minus a serious injury.

For three quarters the Beaver team battled with Coach Howard Jones' footballists on just about even terms but in the fourth quarter the Orange defense broke down completely and the Trojans making yardage at will added two more touchdowns to their score.

This week the Orangemen went into a stiff five days of practice to prepare for the game with California Aggies here Friday night. The game ought to be a tough one as the California Aggies have a considerably better team this season than they have had in years.

In past years the Aggie team from California has given the Beavers stiff competition and this year promises to be no exception.

Coach Schissler was not impressed by the showing made by the Orange team in Los Angeles and will hold some strenuous practices to whip the line into shape for Friday night's encounter.

Probable starting lineup for Oregon State: Lovejoy, right end; Harn, right tackle; Thompson, right guard; Hammer, center; Bergerson, left guard; Kent, left tackle; McKalip, left end; Buerke, quarter; Moe, right half; Kerr, left half; Little, full.

Heard the Marine Band

A large number of school children went to Walla Walla Wednesday to hear the United States Marine Band in concert there. The affair was sponsored by the American Legion and the seat sale reached such proportions that hundreds of disappointed ticket holders were turned away.

Those going from here were Marjorie Wilson, Bernice Wilson, Mary Tompkins, Goldie Miller, Roland Richards, Ralph Moore, Fred Singer, Bob Campbell, Lowell Jenkins, Robert Lee, Walter Caninass, Mrs. H. A. Barrett, Bonney and Mildred Alkire, Dorris Jenkins, Helen, Genevieve and Beverley Barrett, Mr. and Mrs. Bloom, Dan Tilley, Jack Moore, Marjorie Douglas, Arleen Myrick, Harold Kirk, Walt Huffman, Marjorie Montague, Mrs. Laurence Pinkerton, Walt Singer, Nylene Taylor, Arleen Foster, Fern Carsten, Jewell Pinkerton, Max Johnson, Aaron Douglas, Mrs. Flint Johns, Mrs. C. M. Eager, Billy Hansell, Tilman Taylor, Joyce Pinkerton, Virginia Eager, Melba Montague, Billy, Maurice Johns, Mr. and Mrs. Otha Reeder, Herbert, Howard and Daniel Reeder.

Umatilla County Clear

For the first time in at least eight years Umatilla county was able to call in all out-standing warrants for county road work when its share of the money collected by the state for automobile licenses arrived at the treasurer's office, it was announced by Betty DeHart, treasurer. Although the amount received, \$52,125.47, ordinarily would be applied towards paying off bonded indebtedness, Umatilla county at present has no unpaid road bonds, and the state funds, along with other county funds, are being used to pay off some \$55,000 due for road work, Mrs. DeHart said.

Rob Government Traps

The predatory animal department of the geological survey reports considerable robbery of government traps in this district. Both traps and catches have been stolen, according to Harold Dobyns, who believes that some of the thievery is the work of hunters. He is posting signs along the trap lines warning offenders that they are liable to a \$5000 fine and five years' imprisonment.

Salem Policeman Lost

Emery James, a member of the Salem police force, has been missing in the Umpqua national forest since Monday morning, fellow hunters reported. James was last seen 15 miles east of the Wolf creek ranger station.

Killed a Coyote

While hunting pheasants Sunday, Millard Kelly shot and killed a coyote. Lee Crawford, driving a Ford sedan, circled the coyote in a stubblefield and ran it down, so the Kelly was given an opportunity for the shot.

ATHENA DAIRYMEN TAKE FAIR PRIZES

Coppock, Duncan, Ringel Won With Guernseys, Pinkerton With Jerseys.

Athens and vicinity are world famed for wheat, but another branch of agriculture is coming into its own through increased enterprise in dairy activities by virtue of development in the high standard of local dairy herds.

This fact was made notable by the awards given in the Guernsey division at the Hermiston district fair last week, when three Athena dairymen almost swept the prize board clean with their entries.

William Coppock, who has been engaged for several years in building up his prize-winning herd of Guernseys, scored two firsts, two seconds, one third and a championship. He took first prize for cow over 3 years old; first for heifer 2 to 3 years old; second for bull over two years old; second for heifer under 1 year, and had the champion Guernsey female of the show. In the classes open to all dairy cattle, he took first prize for best display and was awarded second for the best fitted animal.

James Duncan was very successful in winning prizes on his Guernsey entries. He took three firsts and a championship award: first on bull over 2 years old; first on heifer 1 to 2 years old; first on produce cow and his bull won the championship.

Louie Ringel, whose herd of Guernseys has figured in high percentage butterfat contests in the past, came home from the show with two firsts; first on bull under 2 years old and first on heifer 1 year old.

In the Jersey class, Floyd Pinkerton won first on bull and first on cow. The Hermiston fair was well attended and the exhibits this year excelled in standing and volume over other years. The stock entered by owners were considerably larger in number than in the past, and the judges praised owners for the care taken in fitting the animals for the exhibition ring. Fruit, grain and vegetable products were shown in profusion and visitors were astounded at the high quality of produce that is raised on the Umatilla project.

Honoring Dr. and Mrs. Smith

A small group of intimate friends gathered informally at the R. B. McEwen home Thursday afternoon to welcome Mrs. C. H. Smith of Portland who was here for a brief visit. The afternoon was spent at contract, Mrs. H. A. Barrett making high score and Mrs. Henry Dell low. Mrs. Smith was presented with a dainty gift. Ices and cakes were served at the tea hour, Mrs. Dell and Mrs. Barrett assisting the hostesses. Others present were, Mrs. H. I. Watts, Mrs. Clason Adams, Mrs. M. L. Watts, Mrs. F. S. LeGrow and Mrs. Chase.

Cut Theft Losses

Telling of the beneficial effects of the measure passed by Oregon to curb livestock thefts and urging Washington to pass a similar law, Judge William Doby, of Baker, Ore., secretary of the Oregon-Washington Cattle association, spoke before the Wenaha Cattle and Horse association members and guests at the luncheon meeting at the Grand hotel Wednesday.

Rain Damaged Property

The recent rains did serious damage to the beautiful lawn and gardens at the Pambrun home south of Athena. The lily pool was completely filled with mud and the water over ran the retaining walls surrounding the house. The lawn at the M. L. Watts ranch was ruined by a torrent sweeping through the place and the basement is covered with several inches of mud.

Oregon 14, Drake 7

University of Oregon conquered Drake University of Iowa in the first East-West football contest of the season, Friday night on Soldier Field, Chicago, by the score of 14-7.

Henry Schroeder Better

Reports come from Weston that Henry Schroeder, well known carpenter who is often employed in Athena, is better. It is said that Mr. Schroeder has partly regained his speech.

Athens At Waitsburg

Coach Miller and his Athena high school football team are at Waitsburg today, where this afternoon the annual game with Waitsburg high will be played.

Real Estate Transfer

Among the real estate transfers of recent date was Horace N. Desper to George and Charles Payne, 20 acres in section 5, township 3 north, range 37, E. W. M.

Tollgates Road Finished
McDougal Camp-Tollgate road inside the boundaries of the Umatilla national forest has been completed by the contractors and the road leading from Weston Mountain, one of the finest scenic spots in the northwest, is now a fine scenic drive.

To Clear Title
Complaint filed in the equity court of circuit court Monday by Street and Bertha C. Street Inez Westerdale and others for a decree of the court giving plaintiffs full and clear title to certain land in section three, township three north, of range 35, E.

Apple Harvest Proceeds
The Milton-Freed district have completed harvesting Jonathan apples and are now to the Rome Beauty, though most of this variety will not be ready until the middle of the week. Delicious are also being gathered in the Dayton district. Golden are being gathered.

Bucks Win From Hermiston
Pendleton Buckaroos won from Hermiston high school at football Saturday by the one-sided score of 36 to 0.

Boy 11, Admits Shooting
Raymond Cressy, 11, son of Mr. and Mrs. Charles Cressy of Camas Valley, near Roseburg, confessed that he fired the shot which fatally wounded Melvin McCann, 13-year-old schoolmate, Tuesday. The confession came after District Attorney Cordon and Sheriff Jackson had spent the entire day questioning students at the Camas Valley school.

Schannep With Beavers
Bill Schannep, former Pendleton high school football star is one of 80 or more aspirants turning out for practice with the Beavers at Oregon State College. He plays center.

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