

IF YOU WANT ALL THE NEWS OF MORROW COUNTY WHILE IT IS NEWS, READ THE HEPPNER HERALD. WE PRINT IT FIRST

HEPPNER HERALD

VOLUME X

HEPPNER, OREGON, TUESDAY, JULY 10, 1923

NUMBER 11

DEFENDANT'S APPEAL LOST IN SUPREME COURT

A copy of the supreme court decision in the damage case in which James Carty brought suit against F. A. McMenamin and Patrick Ward for damages growing out of the leasing of grazing lands, was received here by Woodson & Sweek, attorneys for the plaintiff, a few days ago. The higher court affirmed the decision of Judge D. R. Parker, before whom the case was tried in circuit court here a year ago when a decision in favor of the plaintiff was rendered.

Mr. Carty entered a contract with McMenamin & Ward by which he leased some 13000 acres of summer sheep range in the state of Washington. It being represented to him that it was good summer range and that the price charged him, 20 cents an acre, was the same price the defendants were paying the people from whom they leased it. Mr. Carty sent an agent to inspect the range but it is alleged that the defendants did not take the agent to the land in question but showed him other lands which they represented as being of the same class as the land they were leasing to Carty.

Later, when Carty took his sheep to the range he found that it was not summer range at all but range of value only in early spring and late fall. He also found that the defendants were paying only 15 cents an acre to the owners instead of 20 as they had represented to him.

One point of interest in the case and upon which the decision seemed to hinge to a considerable extent, was a clause in the leasing contract in which the defendants claim to make no representation to the plaintiff as to the value or grazing quality of the range.

Carty, in his complaint charged fraud and deceit on the part of the defendants in their dealings with him and the court held that the position of the defendants in pleading the above provision of the lease is untenable and says: "The law is otherwise. If a party is guilty of fraud in making a contract, he cannot exculpate himself from the consequences of his own wrongdoing by a provision in writing that his fraudulent oral representatives shall not be used against him in a case in which fraud and deceit is the gist of the cause."

The decision handed down follows in almost every instance the brief filed in the case by Woodson & Sweek, attorneys for Mr. Carty.

The amount of damages awarded Mr. Carty in the circuit court and affirmed by the supreme court is \$1875.00.

MOUNTAIN CAMPERS ARE MAR- MOONED BY RAIN AND MUD

A party of Heppner folks made up of Peter Prophet, O. H. Hendrix and E. Albee and their families, went across the Ditch creek summit last Tuesday morning to spend a few days camping and fishing in the Potomac creek expecting to return Friday. Heavy rains coming on Thursday and Friday made the grades impassable, however, and it was not until Monday afternoon that they reached home. Barring the hard experience of bucking mud on the homeward journey, however, they report having had an enjoyable trip but home no doubt looked good to them Monday night.

BOARDMAN

Boardman, Or., July 7.—Several carloads of Boardman people attended the Meacham celebration and report a fine time and a pleasant trip. Those going were Mr. and Mrs. T. E. Hendricks, Mrs. Charles Breeding and family, John Brice and family, Opal Waggoner, Charles Barnes, H. E. and Clay Warren families, Misses Ethel and Edna Broyles, Mr. and Mrs. W. A. Murchie, Mr. and Mrs. J. C. Ballinger, Mr. and Mrs. Glen Carpenter, Lytle Blayden and Mr. and Mrs. Richard Dylman.

The families of William and Norma O'Donnell, brothers of James O'Donnell, visited at the Porter and Conley ranch last week.

Mrs. M. B. Signs and family were in Boardman last week.

L. V. Woodard of The Dalles was a business visitor in town last Wednesday. Mrs. Charles Breeding and children are visiting at the T. E. Hendricks home. Mrs. Breeding is a sister of Mrs. Hendricks.

Mr. and Mrs. William Anderson and children of New Plymouth, Idaho, arrived Saturday for a visit with Mrs. Anderson's parents, Mr. and Mrs. C. G. Blayden.

The picnic on the fourth was much enjoyed by the few remaining in the community. After a basket dinner a fine program was given, races and other sports were enjoyed. Free ice cream was served during the entire day.

Mr. Kings with Louise and Fred spent the fourth at home, returning on Thursday to Yakima.

Mrs. Jacob Marty of Portland is visiting Mr. Marty and Carl.

Tom Hendricks and Joe Curran made a business trip to Hermiston on Saturday.

Mrs. Bradshaw and family of LaCrosse, Wash., are here visiting her sister, Mrs. O. A. Beck and mother, Mrs. Ellis.

INVITED TO SPEAK AT VANCOUVER, B. C.

District Attorney S. E. Notson has received a letter from L. C. May, president of the International Law Enforcement Officials league, asking him to make an address at the meeting of that body to be held at Vancouver, B. C., July 23-25. The association embraces all law enforcement officials in nine western states and British Columbia and Alberta, in Canada.

Mr. Notson and Sheriff McDuffee will attend the meeting if they can arrange to get away from their official duties at home at that time.

The last meeting of the association was held at Portland and was a most important meeting in working out plans for better law enforcement.

WHEAT MEN RECEIVE FINAL CHECKS FOR 1922

Final statements and checks covering the 1922 wheat crop handled by the Oregon Co-operative Grain Growers have been mailed during the past week, according to a statement published in the latest issue of the Producer, official organ of the grain growers association.

The average prices for 1922, basis No. 1, are about the same as those of 1921 although there is a difference in the relative values of the several varieties of wheat handled. Last season red wheats brought more money on the whole than the white varieties while this season the latter were the better sellers.

The association officers attribute this change to the fact that this season, due to the fact that the associations have increased west coast prices as compared with the middle west, large quantities of Montana red wheat grown by unorganized producers were dumped on the western markets, lowering the price for the red varieties. With the largely increased membership in the Montana association which has been secured during the last three or four months, it is hoped that this dumping will not be continued in the future.

The associations this year have prepared statements showing the average prices returned to growers on a basis of local shipping points, and exclusive of all deductions.

LOCAL NEWS ITEMS

Mr. and Mrs. Peter Farley and children spent the Fourth visiting their friends Mr. and Mrs. Pat Connell, on Rhea creek.

Mrs. D. E. Gilman returned from Portland Sunday evening where she has been visiting friends since the W. R. C. convention at Grants Pass last month. Mrs. Gilman has been endorsed by the Oregon W. R. C. and Grand Army posts for the coveted position of national president of the organization and a spirited campaign will be carried on by her friends and admirers from now until the date of the national convention which meets at Milwaukee, Wis., in September.

M. C. Marshall, well known stockman and rancher of Boardman, was a visitor in Heppner Saturday evening. Mr. Marshall reports that he has been losing a number of sheep lately from his band and on the 4th while himself and family were attending the celebration at Arlington somebody stole 16 head from a small band in his barn lot. He proposes to take some steps to apprehend the thieves and with that in view is offering a substantial reward for information leading to their arrest and conviction.

F. L. Harwood returned from Portland early Thursday morning where he went Monday night to be on the ground ready to help welcome President Harding and party on the fourth. Mr. Harwood says the trip was one continuous round of pleasure with but little time wasted sleeping. He exchanged smiles with the President which would indicate that each was well pleased with the other. Miss Vivian Vocum, office deputy in the sheriff's office, and Postmaster W. W. Smead also went down for the Harding celebration.

Mr. and Mrs. W. P. Mahoney and their daughters, Misses Doris, Kathleen and Patricia, and Mrs. Kenneth Mahoney left Sunday morning for Bonners Ferry, Idaho, where they will spend a week or ten days visiting friends. They will also spend some time visiting friends at Spokane while on the trip.

Captain Everett May, military instructor at Clatsop College, South Carolina, is here visiting his sister, Mrs. Guy Boyer, and many old time friends. Captain May is a former Morrow county boy but has been in the east and south for some time. He is making the trip in his car and drove from South Carolina to Heppner in just 13 days, coming by the northern route through the Dakotas and Montana and expects to return by the southern route.

HIGH SCHOOL STUDENTS NEED CIVIC TRAINING

University of Oregon, Eugene, June 30.—(Special).—"Are you giving your students any training for effective citizenship?" asked superintendent W. J. Cooper of Fresno, California, in his address before the educational conference at the university June 30, on the subject "Education for Effective Citizenship."

Going on to develop the idea of giving high school students a sound basis of civic knowledge, Mr. Cooper said, "There are three essential things in the development of civic knowledge. First, knowledge that will enable me to select the right men for public offices; knowledge that will help me to vote for the right persons to represent me in government. I don't recall anything that I was taught in school to help me in my selection. We should work out some sort of a criterion for the future voter to use in selecting people to represent him."

The second point in the development of civic knowledge is learning to act directly as a law maker, according to Mr. Cooper. This is the sort of training, he said, that high school civic classes should offer and do not.

"Thirdly," said the speaker, "there is what I shall call the inspectorial side of civic knowledge. Civic classes belong in the street discussing paving, the advantages and disadvantages of different materials. They belong in the city hall, the court house and in the state legislature if they can get there."

Mr. Cooper traced the development of civic education from the time of the Civil War when it got its first start down to the present when its scope of its subject matter is just beginning to be realized fully.

The first so-called civic books, said the speaker, were nothing more than statements of clauses in the federal constitution. This attitude toward civics arose as a result of the Civil War. "In the late '80's and '90's with the growth of railroad and standard oil combines the school masters began to analyze the question of civics anew. They saw that they had given too much time to federal government. They made a place for state government in the civics books. Then in 1900 we began to be confronted with another civic problem, that of city government. We added that, and thus we find the changing emphasis of subject matter in civic education tending gradually toward practical application of civic education."

SUNDAY SCHOOL HAS NEW QUARTERS

The Sunday School which formerly met in the I. O. O. F. hall has secured the building on Willow street formerly occupied by the Elkhorn restaurant and have fitted the four rooms as a permanent meeting place.

The Bethel Sunday School is non-denominational including attendants from no less than six denominations. The Bible school, with W. O. Dix, superintendent, and Mrs. A. M. Phelps in charge of the primary department, meets at 9:45 every Sunday morning. An interesting course of Bible study is pursued by a number of adults every Wednesday evening.

The public generally is cordially invited to attend all services held at Bethel Chapel and a hearty welcome is assured.

IONE MAKES THE EAGLE SUBEAM LOUD JULY 4th

Ione had a big, old-fashioned Fourth of July celebration last Tuesday and every one that attended reports having a good time.

A big delegation went down from Heppner and helped their neighbors celebrate the nation's natal day in a proper and fitting manner.

There was a well organized parade, an interesting program, plenty of sports and a 10-inning ball game between Heppner and Ione.

Hon. S. E. Notson, of this city, delivered the address of the day, receiving hearty applause for the excellent ideas expressed.

The ball game was one of the most interesting of the season in this county. At the end of the ninth inning the teams were tied with a 3-3 score and in the tenth a fumble on the field gave Ione the coveted run and the game.

A dance was held in the evening and those present say it was all that could be desired.

\$100.00—REWARD—\$100.00 I will pay the above reward of \$100 to any person furnishing me information that will lead to the arrest and conviction of any person or persons having in their possession and holding any sheep bearing my brand. My brand is a Circle Bar, (a circle with bar across.)

Dated at Boardman, Oregon, this 7th day of July, 1923.

M. C. MARSHALL, Boardman, Ore.

STATE CHAMBER TO HAVE NEW EXECUTIVE HEAD

Portland, Ore., July 3.—(Special).—A. S. Dudley of Sacramento, said to be one of the best Chamber of Commerce men in the United States, has been selected as Executive Manager of the Oregon State Chamber of Commerce, beginning August first.

The Board of Directors of the State Chamber authorized the appointment of a highly-trained organization man as a step in the state-wide development program to be undertaken jointly by the Portland and State Chambers. Dudley was selected by a committee of Directors composed of E. B. Hall of Klamath Falls, I. E. Vining of Ashland and Roy T. Bishop of Portland.

The new State Chamber executive will devote a major part of his time to the state outside of Portland, particularly along the lines of cooperative marketing and the general strengthening and betterment of agricultural conditions, according to State Chamber officials. This line of work is one in which Dudley is particularly well qualified, and is exactly in line with the state-wide development program for which a fund of \$300,000 is now being raised in Portland.

Dudley was formerly an assistant secretary of the Los Angeles Chamber of Commerce, and for the last three years secretary-manager of the Sacramento Chamber. Under his supervision, the Sacramento Chamber has developed into one of the leading development organizations of California and recognized nationally as a model of its kind.

J. W. Brewer, General Secretary of the State Chamber, will be retained in his present position.

FOREST SERVICE NEWS

A new telephone line has been constructed, southward from Ellis Ranger station to Rimrock, a distance of about ten miles. At Rimrock a horse pasture will be fenced and a small cache of fire fighting tools established.

K. P. Cecil and T. P. Flynn of the Portland office were in the Gurdass district a few days in connection with the construction of the Western Road. The route between Ellis and Ditch creek ranger stations was decided upon and part of the way located and staked. Some location work was also done between Ellis and Ukiah. It is planned to clean the right of way and burn the brush this season, then next year to the grading.

Forest Examiner Botcher who is in charge of improvements was at Ellis Ranger station and supervised the location work on the Ellis-Rimrock telephone line. Ranger Groom of the Heppner district assisted in the work of construction.

L. M. Bowles who is in charge of the warehouse and dispatcher's at Ukiah, was a visitor in the district the last of the week. Mr. Bowles, in company with Ranger Woods, visited at Arbuckle lookout and familiarized himself with the lay of the land and the fire hazard.

Mrs. Fred Casteel and the boys moved from Albee to Ditch Creek Ranger station the first of the week to be with Mr. Casteel during the summer.

An attractive new fence of peeled poles has replaced the old yard fence at Ellis station. The work being done during the rainy weather, at odd times.

FORMER HEPPNER WOMAN ACCEPTS RESPONSIBLE POSITION

Mrs. Lena M. White, known in Portland as a business woman and an executive, is to be house mother of one of the cottages on the children's farm home near Corvallis, says the Oregonian. Mrs. C. T. Webb, wife of the superintendent of the home, will have charge of the other. One of the two cottages on the farm is already completed and the other will be finished and ready for occupancy in 10 days. One of these cottages is known as the Willard and the other the Oregon. These units of the farm home will take care of 40 dependent children. Already more than 80 applications have been received for admission to the home.

Mrs. White was a former well known Heppner girl, being the daughter of Mrs. W. W. Smead and a sister of Mrs. W. O. Bayless.

Special music Sunday, 11 a. m.; 7:45 p. m. Federated Church. Come.

WILLAMETTE DEBATERS RAISE TEMPERATURE IN MINNESOTA

Robert Notson, who is a student at Willamette University, returned to Heppner last Thursday evening to spend his vacation. Mr. Notson was captain of the Willamette debating team that made an extended tour through the middle west and south last spring when they won five of the six debates in which they took part. He says the trip was a very enjoyable one despite the fact that they encountered one man's size blizzard in Dakota and 15-below weather in Minnesota. At one point in Minnesota the thermometer registered 15 below when they went into the hall to start the debate and when they finished it was thawing the snow and the Minnesotans declared it was the Oregon hot air dealt out by the Willamette boys that wrought the change in temperature.

MARKET AGENT URGES CO-OPERATIVE SELLING

C. E. SPENCE, Market Agent, 723 Court House, Portland, Ore.

The potato growers of Oregon should have a strong co-operative marketing association, organized along the California contract plan, to put this industry on a profitable and dependable basis.

Many sections of the state are naturally adapted to potato growing, and it is said that but one state, Colorado, can equal Oregon in the quality and quantity of this crop, yet for years with few exceptions the Oregon farmer has not received the cost of growing the crop. Last fall thousands of bushels were left in the ground because the market price would not pay for the harvesting and marketing.

The potato crop of the state should be pooled through a solid co-operative selling agency. This is simply a thoroughly businesslike way. Through it trained men can do for the growers what they cannot do for themselves individually; markets can be stabilized; new markets can be found; ample credits can be obtained; grades can be established, and it would seem that through these channels the potato industry could be made stable and profitable.

The Pacific Co-operative Wool Growers' association has been joined this spring by 300 wool growers, bringing the membership to nearly 2500, according to the reports made to the meeting of the directors of the group held Saturday, says the Oregonian. The increase, it was said, was largely due to the fact that the association's 1922 wool prices were from 3 to 10 cents above the figures obtainable locally.

The association's reports on the wool market received from London on the opening of the colonial wool auctions on June 26 were to the effect that greasy continental Merinos were down 5 to 7 1/2 per cent, while greasy Capeas were steady; ordinary crossbreds were down 5 per cent for fine and 7 1/2 per cent for medium to low. The chief buyers are continental operators, America not participating to any great extent. Some buying is being done for English account.

WOOLGROWERS ASSOCIATION CLAIMED SUCCESS

Visitors from Orient Here

Mr. and Mrs. J. H. Hemperly were here for a few days the past week visiting her brother, Joseph Snyder. Mr. Hemperly is a salesman for one of the big flouring mill machinery manufacturing companies and since 1905 they have spent much of their time in the Orient selling modern milling machinery in China and Japan. Their latest visit to those countries, from which they but recently returned, covered four and one-half years.

Mr. Hemperly is well versed in the business and political situation over there and is of the opinion that the world has nothing to fear from the Japanese because of the understanding between the United States and England on the far eastern situation. China, he says, is a different country from what it was before the establishment of the republic and the cutting of the queues as the people are fast taking on western business methods and need watching in business deals.

Mr. and Mrs. Hemperly just missed by a few days being passengers on the train which was held up by Chinese bandits when many Americans were held prisoners for weeks.

While in Heppner Mr. Hemperly looked over the Heppner flouring mill. His son who is a practical miller with experience in country town milling in the Pacific northwest is now in China superintending the installation of milling machinery but wishes to return to this country and settle down in some small town in the milling business.

Martin Reid and wife were among the Heppnerites that visited Meacham for the big celebration last Tuesday.

MARKET AGENT URGES CO-OPERATIVE SELLING

C. E. SPENCE, Market Agent, 723 Court House, Portland, Ore.

The potato growers of Oregon should have a strong co-operative marketing association, organized along the California contract plan, to put this industry on a profitable and dependable basis.

Many sections of the state are naturally adapted to potato growing, and it is said that but one state, Colorado, can equal Oregon in the quality and quantity of this crop, yet for years with few exceptions the Oregon farmer has not received the cost of growing the crop. Last fall thousands of bushels were left in the ground because the market price would not pay for the harvesting and marketing.

The potato crop of the state should be pooled through a solid co-operative selling agency. This is simply a thoroughly businesslike way. Through it trained men can do for the growers what they cannot do for themselves individually; markets can be stabilized; new markets can be found; ample credits can be obtained; grades can be established, and it would seem that through these channels the potato industry could be made stable and profitable.

The Pacific Co-operative Wool Growers' association has been joined this spring by 300 wool growers, bringing the membership to nearly 2500, according to the reports made to the meeting of the directors of the group held Saturday, says the Oregonian. The increase, it was said, was largely due to the fact that the association's 1922 wool prices were from 3 to 10 cents above the figures obtainable locally.

The association's reports on the wool market received from London on the opening of the colonial wool auctions on June 26 were to the effect that greasy continental Merinos were down 5 to 7 1/2 per cent, while greasy Capeas were steady; ordinary crossbreds were down 5 per cent for fine and 7 1/2 per cent for medium to low. The chief buyers are continental operators, America not participating to any great extent. Some buying is being done for English account.

WOOLGROWERS ASSOCIATION CLAIMED SUCCESS

Visitors from Orient Here

Mr. and Mrs. J. H. Hemperly were here for a few days the past week visiting her brother, Joseph Snyder. Mr. Hemperly is a salesman for one of the big flouring mill machinery manufacturing companies and since 1905 they have spent much of their time in the Orient selling modern milling machinery in China and Japan. Their latest visit to those countries, from which they but recently returned, covered four and one-half years.

Mr. Hemperly is well versed in the business and political situation over there and is of the opinion that the world has nothing to fear from the Japanese because of the understanding between the United States and England on the far eastern situation. China, he says, is a different country from what it was before the establishment of the republic and the cutting of the queues as the people are fast taking on western business methods and need watching in business deals.

Mr. and Mrs. Hemperly just missed by a few days being passengers on the train which was held up by Chinese bandits when many Americans were held prisoners for weeks.

While in Heppner Mr. Hemperly looked over the Heppner flouring mill. His son who is a practical miller with experience in country town milling in the Pacific northwest is now in China superintending the installation of milling machinery but wishes to return to this country and settle down in some small town in the milling business.

Martin Reid and wife were among the Heppnerites that visited Meacham for the big celebration last Tuesday.

PARKERS MILL HOLDS 3-DAY CELEBRATION

A three-day celebration was held at Parkers Mill Tuesday, Wednesday and Thursday of last week and the usual good time is reported. There were fair crowds present Tuesday and Thursday with a big gathering on the fourth.

There were the usual sports, dancing afternoons and evenings and a regular round-up in the afternoon of each day. Many went out from this city and other parts of the county as well as Grant and Wheeler counties were well represented.

HONEST MEATS

Morrow County Meats for Morrow County People

Get our Prices on Hams, Bacon, Lard

We want to handle your Harvest Trade

The Central Market

G. B. SWAGGART

fresh from the factory
Tuxedo TOBACCO
now 15¢
ROLL YOUR OWN WITH Riz La Croix Papers Attached