

Alpine Farm Bureau Holds Very Enjoyable Meeting

Members of the Alpine Farm Bureau... The meeting was held on Saturday evening, February 6th. The program was long, consisting of speaking and singing by school children. Resolutions were given by Ralph Finley, Mrs. Geo. Moore, and Bertha Morley. Several songs were sung by the girls club, after which L. A. Hunt gave a splendid talk on cooperative handling of wheat, showing the benefits to be derived from cooperation and explaining the farm program of the wheat growers. After Mr. Hunt's talk the ladies served sandwiches, cake and coffee. The evening seemed to be perfectly satisfied. Some ten farmers signed the wheat growers contract. Everyone enjoyed the meeting. Regular meeting night is the first Saturday in each month.

C. D. MOREY.

His Enthusiasm for Umatilla Power Project Bubbles Over

Spencer Akers was among those who represented the Heppner Commercial Club at the big meeting in Pendleton last Saturday, and naturally he imbibed freely of the "Pendleton Spirit" as it was dispersed there and came home all bubbling over with enthusiasm. He was so thoroughly imbued that he just had to "break out" and the following is the result:

Columbia Grand! Columbia Great! Why sleep so long in dormant state? Awake thou from the slumber bed. And show the world thou art not dead. Your mighty strength the West doth need.

And measured by the faithful steed, A million times as great they say, But still you while your time away.

As human power is very weak, Your strength at last he's come to seek. Though long your might has been concealed, He says it soon will be revealed.

Hell hitch you to a mighty dam— Assisted by our Uncle Sam, And check you in your natural flow And make you serve as fore you go.

It may be wrong to treat you thus, And let you foam and rant and fuss, And laugh at all your antics, queer Just like a wild awakened deer.

Oh River, of the sunset land! Thou mighty river of the sand! These two great things I ask of thee Before you gallop to the sea:

That you will furnish power great To all your farms, your towns, your state, And have respect for those who toil By soaking well their sunburnt soil.

Please pardon me, Columbia, while I turn my face just once to smile. It won't, I'm sure, this mighty scheme Revert into a Piper's dream.

R. Tessler, who has been conducting a sale of army and navy goods at the Gilman Building in Heppner for the past month, shipped out what stock he had left on Tuesday, going from here to Portland.

C. D. Morey was in town from lower Sand Hollow on Tuesday and reports that many of the farmers in his section are now busy plowing. Much rain has fallen in that locality and the present crop outlook is good.

Roy Neill was in Heppner from Butter creek Friday. He found it pretty hard traveling by jitney over the sloppy and muddy roads in getting to town and on account of the storm Friday evening was compelled to remain over.

LOST.

Two heifers branded TH connected on left hips ear marks, crop off the right and a round hole in the left. Information will be appreciated by H. J. Hayward, Monument, Oregon.

In a communication to this office this week, Mrs. C. C. Haynie states that the Haynie family are very pleasantly situated in their new home at Fairfield, Idaho, where Mr. Haynie has charge of the Security National Bank of that city as cashier.

W. H. Cronk, resident manager of the Tum-A-Lum Lumber Co., who has been on the sick list for the past couple of weeks, is able to be about again, though not quite himself. Mrs. Cronk was also quite indisposed at the same time, both of them being sufferers from the epidemic of grip that has been passing around.

As usual about this time of the year, we got a communication this week from our good friend, W. C. Lacy of Portland which was accompanied by a couple of dollars to "move my subscription up a peg" the letter said. Mr. Lacy expects to be absent from Portland for a while, and will go to Sunny California, we presume, to recuperate for it is a strenuous life W. C. lives these days.

Mr. and Mrs. Joe J. Nys were called to Mt. Angel, Oregon, on last Friday on account of the death of Mrs. E. J. Brown, a sister of Mr. Nys. Mrs. Brown passed away at her home at Mt. Angel on last Thursday and she was buried on Sunday at Woodburn. She was Mr. Nys' oldest sister. Joseph returned to Heppner Monday evening, but Mrs. Nys remained for a short visit with relatives.

E. O. Neill, Butter creek sheepman, was in Heppner Tuesday.

Mr. Van Vactor's Statement.

(Continued from First Page)

any of the respective land holders with in the District, would be held by the Courts to not be an enforceable obligation against the District; that the organization of the District was never completed as required by the statute, and that the Directors have never qualified, and have no authority to order an issue of warrants against the District or to create or enter into any valid or binding obligation against the District.

I regret very much that this condition exists, as I realize the necessity of early and immediate action with respect to the promotion of this irrigation District.

The statute, however, provides special proceedings for the confirmation of the acts of the District and the Board of Directors may in petition, commence proceedings in the Circuit Court of this County for the purpose of having a judicial adjudication and judgment of the court as to the regularity and legality of the proceedings in connection with the organization of the District, and the proceedings of the Board with reference to contracting indebtedness or directing the issuance of warrants against the District. This proceeding could be instituted and carried through without any great delay and would establish the exact legal status of the present organization.

Very truly yours, The contents of the foregoing opinion being made to the officers of the District. Thereafter the order mentioned hav-

has been returned in the different Counties the proceeding mentioned was interrupted in the Circuit Court to establish the exact status of the District, on the 20th day of November, 1920, and on the 18th day of February, 1921, no one having appeared to contest the proceedings, or object thereto in any way, a default decree was entered was entered therein adjudging the organization to be legal.

On the first day of June, 1920, at the request of the officers of the District, I made another examination as to the validity of the warrants then being issued, and reported to the Board of Directors the following report:

Heppner, Ore., June 1, 1920. To the Board of Directors of the John Day Irrigation District.

Reporting on the validity of the warrants issued by your Board, I beg to say that I have given the matter my most careful consideration, and find as follows:

That at the time of the election of your Board of Directors three members were elected, including John Kilkenny. That thereafter his office was declared vacant for the reason that he had failed to qualify and Michael Kenny was appointed to fill the vacancy. It appears that Mr. Kenny filed his bond but not the further appears from your records until a meeting held on the 2nd day of December, 1919, Mr. M. D. Clark moved that Mr. Rietmann be appointed to fill the vacancy in the Board of Directors caused by the resignation of Michael Kenny. The record discloses the signature whatever on the part of Mr. Kenny, nor does it disclose any res-

olution passed declaring the office vacant. Mr. Rietmann was appointed and thereafter filed his oath of office and filed with the County Clerk his bond, and it does not have the endorsement of the County Judge approving the same.

The statute requires that the bonds of directors shall be approved by the County Judge and recorded in the office of the County Clerk and filed with the Secretary of the Board of Directors. It seems that the only attempt to comply with the statute was to have the County Judge approve Mr. M. D. Clark's and Mr. M. D. Clark's bonds and file them in the office of the County Clerk, as some of the bonds have ever been recorded in the office of the County Clerk.

The statutory compensation for the members of the Board of Directors is as follows: "The directors shall each receive \$2 per day and mileage at the rate of ten cents per mile in attending meetings, and actual and necessary expenses while engaged in official business under the order of the Board."

It appears to have been the practice of some of the Directors to charge compensation for each day while engaged in any matter connected with the District. It appears that release was allowed for all the Directors in attending the Irrigation Congress, as well as a salary of a stipulated sum per day. The statute appears to be clear on this matter and the Directors were not entitled to mileage or a salary while attending the Irrigation Congress. It is extremely doubtful whether they are entitled to their actual or necessary expenses, as I am of the opinion that this would not constitute "official business" as contemplated by the statute.

It appears to be the custom also of the Directors when attending a meeting of the Board to charge for two

days when traveling, the extra day to compensate for the extra day required in traveling. This is not permissible under the statute.

It is plain that the compensation provided by the Legislature for Directors in attending meetings, is \$2.00 per day while attending the meetings, and ten cents per mile. They are not entitled to hotel bills nor other expenses while attending meetings. The purpose of providing for ten cents per mile as mileage is to cover the necessary expense incident in the traveling.

The approving, recording and filing of the bond as required by the statute is a necessary qualification of each of the Directors, and it is my opinion that neither of the Directors have ever properly qualified. I am further convinced that in Mr. Rietmann's case, he has never been a qualified Director of the Board, and that in the meetings wherein he and one other Director constituted the acting Board that the proceedings of such meeting were of no effect.

In the bills allowed for attending the Irrigation Congress, I find where Mr. Rietmann has apparently by inadvertence, been allowed by voucher No. 24, five days at \$3.00 per day, per diem, which your Secretary informs me is in excess for expenses, at \$4.00 per day, \$20.00, and 324 miles at ten cents, amounts to \$39.40 and I find by voucher No. 25 where he is again allowed this identical claim. Mr. Rietmann never

having qualified as a Director, I am of the opinion that all sums allowed him, even to the extent of attending meetings, was illegal.

There appears to be no record books of your meetings, and the records of the District are manager to say the least. This is what is termed a public corporation, and record should be kept in all instances and purposes as near as possible in conformity with the records of the County Clerk. That is, suitable record books should be kept and in which should be recorded the minutes of your meetings and the claims being allowed should be presented, properly itemized, and should be preserved as a part of the records of the Board as this will become a permanent record.

Those warrants not issued to the Directors and not allowed and ordered paid at the meetings at which Mr. Rietmann and one other Director constituted the acting Board, I am of the opinion, the Courts would sustain as a valid claim against the District, but the defective organization as herein stated leaves many questions open, and I could not recommend any of the warrants in their present condition as a desirable investment.

I would suggest that Mr. M. D. Clark and C. C. Clark proceed to qualify as required by statute by having their bonds properly recorded in the office of the County Clerk, and bring the same with the Secretary of the Board

of Directors, and that they then, at a regular or special meeting called for such purpose, pass a resolution declaring the office held by Mr. Kenny vacant, (that having had Mr. Kenny file a written resignation), and that they then appoint a successor. That after having re-organized, you call in the warrants issued up to the present time, as I understand they can be located, and by properly passed resolutions issue new warrants in lieu thereof. The new warrants issued to the Directors to be issued in the proper amounts as indicated herein. Respectfully submitted.

In the minutes of the Board at its regular meeting held June 1, 1920, it appears that it was voted to follow the suggestions contained in the foregoing opinion.

The rendering of the foregoing report was my last connection in any way with the board of directors or District, except that I refused employment as Associate Counsel.

Recently I was retained by a number of the taxpayers to contest the action of the Board of Directors in the late election, and I expect to be paid something for my services.

Respectfully, SAM R. VAN VACTOR.

New Location

I have moved my office from the Slocum block to the new hotel building where I will be pleased to greet my old and new friends.

ROY V. WHITEIS

Real Estate and Insurance

LOOK UP PRICES and then compare them Here for Real Values Is It Groceries? Is It Dry Goods? PRICE ADJUSTMENT IN ALL LINES. Bring Your Money Here. Sam Hughes Company

STAR THEATER

Friday, Feb. 11

Samuel Goldwyn presents

Pauline Frederick

'The Loves of Lettie'

An adaptation of the well known stage success of Sir Arthur Wing Pinero

Sunday, February 13

"Help Wanted--Male"

A Merry Romance

She had cut in on romance and adventure on a busy wife before. But now her heart wires were tangled. She had "wrong number," "busy wire," and "call you later." So, brave heart, she sent out the S. O. S. to all males. Could she beat Cupid?

Blanch Sweet is most magnetic in "Help Wanted--Male."

Monday, February 14

MAY ALLISON

"The Cheaters"

HERE is a really BIG picture. A rousing, STIRRING picture. A ROMANTIC picture. A story that sweep you up out of your hum-drum life and carries you off to sea and marvelous adventure of the kind that thrills you through and through. To fight with strong, silent Elmo Lincoln against the perils of mutiny on the high seas—to fall in love with a beautiful woman and sacrifice liberty for her sake—to make a miraculous escape from a fetid dungeon of a southern republic and become master of a colony of wild beach-combers and conquer them by might of brain and fist and them—to save the one woman from a terrible fate in the midst of a red revolution.

Tuesday, February 15

30 and 50 cents

Pythias, the Conqueror returns in glorious triumph

The triumphant return of Pythias from the battlefield whither he was sent by the tyrant king Dionysius, is most gorgeously portrayed in most elaborate and picturesque scenes, in

Damon and Pythias

Hundreds of these exquisite scenes, lavish in the extreme, as only old Rome could have them, are faithfully depicted in this sublime spectacle. Battle scenes, conflicts on land and sea, unending columns of gorgeously arrayed Roman warriors, in full battle regalia.

Wondrous Roman senate scenes, Roman streets, Roman buildings with every detail carried out to the very last degree of perfection, are faithfully reproduced in this pictured presentation of Damon and Pythias.

No lesson of life half so noble as this one. No screen production half so colossal, so wonderful, so supremely alluring. It teaches to all who view it the finest example of true friendship.

Don't fail to see it



Presented under auspices of DORIC LODGE NO. 20, Knights of Pythias

The Buying Power of Your Dollar Restored

J. C. Penney stores at least, the long looked, hoped for period of lower prices has finally arrived. Here the American dollar has again assumed its rightful value and purchasing power.

The prices quoted here and those you will find marked in plain figures on the goods in our 312 stores are the lowest it is possible to put on the kind of merchandise you want to buy. Every article will remain as priced until sold or forced by market conditions to change.

- Coat's or Clark's 150-yard spool sewing thread, spool 5c
Coat's Crochet Cotton, ball 10c
27-inch Outing Flannel, good quality, checks, solid colors and stripes, yd. 19c
27-inch Daisy Cloth, yard 19c
36-inch Outing Flannel, good quality, white only, yard 23c
27-inch Dress Gingham, standard quality, yard 19c
27-inch standard quality apron checks, yard 12c
32-inch high grade Dress Gingham, yard 39c
27-inch Canton Flannel, good quality, white only, yard 19c
9-4 Pequot Unbleached Sheeting, yard 57c
9-4 Pequot Bleached Sheeting, yard 59c
10-4 Pequot Bleached Sheeting, yard 69c
8-4 Pepperell Bleached Sheeting, yard 45c
9-4 Pepperell Bleached Sheeting, yard 55c
10-4 Pepperell Bleached Sheeting, yard 59c
10-4 Pequot Unbleached Sheeting, yard 59c
9-4 Pepperell Unbleached Sheeting, yard 49c
10-4 Pepperell Unbleached Sheeting, yard 55c
36-inch Coronet Cambric, yard 19c
Berkeley No. 60 Cambric, yard 23c
Berkeley No. 100 Cambric, yard 29c
36-inch Bleached Muslin, yard 12 1/2c
36-inch Philippine Nainsook extra fine sheer quality, yard 39c
36-inch Shadow Nainsook, pink or white, yard 49c
27-inch English Nainsook, yard 33c, 25c
30-in. Pliss Crepe, fine for gowns, undergarments, etc, yard 25c
36-in. English Long Cloth, yard 25c, 29c, 39c
36-inch Mercerized Batiste, yard 49c, 59c
Barber Towels, dozen 90c
Cotton Huck Towels, 16x32 15c
Cotton Huck Towels, 19x38 20c
Cotton Huck Towels, 18x36 2 for 35c
Bath Towels, pure white, 17x32 29c
Bath Towels, good weight, 18x34 23c
Bath Towels, good weight, 20x40 30c
Bath Towels, good weight, 22x44 49c
Bath Towels, good weight, 24x48 79c
Cotton Sheet Blankets, 54x74, pair \$1.69
Cotton Sheet Blankets, 64x76, pair \$1.98
Woolnap Blankets, 72x80, pair \$3.98
Wool Mixed Blankets, 66x88, pair \$4.93

For the Men

- Men's Pay Day and Underhill Bib Overalls, heavy quality, pair \$1.19
Men's Striffel Stripe Bib Overalls, pair 98c
Men's Chambray Work Shirts, good quality, blue or gray, each 79c
Men's Rockford Sox, pair 15c
Canvas Gloves, knit wrist 10c
Jersey Gloves, knit wrist 15c
Leather Faced Canvas Gloves, gauntlet style 29c
Leather Faced Canvas Gloves, knit wrist, pair 29c
Men's Dress Shirts with or without collar, each 98c

PENDLETON, OREGON

