

# THE GAZETTE-TIMES

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## JOHN DAY DIRECTORS REJECT LEWIS OFFER

Many Interested Parties Attend Meeting of Board of Directors of John Day Irrigation District Tuesday Night—Three Important Resolutions Adopted.

A meeting of the board of directors of the John Day Irrigation district was held at the office of Woodson and Sweek in this city on Tuesday evening, the meeting being called for the purpose of considering a proposition of compromise between the district and John H. Lewis, engineer in charge of work of the district. Directors Wheelhouse of Arlington and Clark of Heppner were present, as was also their attorney, S. E. Van Vactor and Secretary Sweek. Attending the meeting were a large number of the land owners in the district and the "leak" taxpayers, among them being Jas. Carty, Hynd Bros., Smythe Bros. and others, who were instructed to speak on behalf of numerous other interested parties who were unable to attend the meeting.

The proposition of Mr. Lewis, being the chief topic for consideration, it was taken up first. It is as follows: "To the Board of Directors, 'John Day Irrigation District. 'Gentlemen:

"After talking the matter over with your attorney, I have decided to submit herewith merely as an offer of compromise, and not to be construed otherwise, the very minimum which could be accepted in adjustment of the John Day controversy recently decided by the court, which offer is conditioned upon the completion of the information heretofore collected and the preparation of a final report based thereon for filing with this district, also that your district will protect me against any further costs or losses incident to this litigation, or the collection of the money for warrants as issued. The completion of the report was referred to in the court's findings, and I would like to make it of credit to myself as well as to the district. It would seem a great waste of funds not to put this information in convenient shape for filing and future reference.

"Having heretofore expended approximately \$29,000 on account of this project, exclusive of any salary or profit to me for the last several years, and that I have been connected with this work, it seems only fair that this amount should be paid. In addition to this my own time and profit on the job should far more than cover the work done under the supplemental contract and to cover my attorney's fee in this litigation which was unexpectedly forced upon me. Furthermore some \$8,200 in warrants have been sold by me without recourse which were not included in the \$29,000 allowed by the court. The proceeds from these warrants have gone into the work. As these warrants bear interest at the rate of 6 per cent per annum from September 12, 1920, this interest should also be allowed to the date when new warrants are registered. I am primarily influenced at this time to submit the very minimum as a basis for settlement, in order that these warrants should be relieved of further anxiety due to further litigation.

"Therefore I will accept as full settlement for all work rendered the John Day Irrigation district on account of contracts of John H. Lewis or Lewis & Clark, with such district, for engineering work, the following warrants of your district, bearing 6 per cent interest, which warrants are in addition to the \$20,000 allowed by the court:

6 warrants of \$1,000 each	\$6,000
4 warrants of \$500 each	2,000
1 warrant of \$700	700
1 warrant of \$300	300
1 warrant of sufficient amount to interest at 6 per cent from \$8,200 from September 12, 1920 to date of registration of the above mentioned new warrants to be issued, which interest is estimated	1,000
Legal expenses unpaid—warrant	5,000
To complete reading of information as heretofore collected, prepare final report with estimate of cost including suitable index maps and illustrations	3,000

Total of new warrants, \$17,000 plus interest as above mentioned, say \$18,000.

"This offer was made verbally to your attorney with the understanding that I could have your decision thereon prior to the time allowed for appeal in this case, which upon my return, I find to be less than I had anticipated. As some question may come up on the merits of this letter, it may be best for me to attend your meeting. This I will gladly do if it can be held this week, and notified by phone prior thereto.

"Very truly yours,

"JOHN H. LEWIS."

Upon the reading of this proposition from Mr. Lewis, consideration of the same was had no further than the first paragraph, for the reason that the directors could not agree to that portion stating "That your district will protect me against any further costs or losses incident to this litigation, or the collection of the money for warrants as issued." This the board could not do, and upon a thorough discussion of the point in question by all present, it was unanimously agreed that the proposition of Mr. Lewis for compromise on the basis presented be rejected.

Other matters coming up for settlement were presented to the meeting in the form of resolutions. Three of these were presented. The first has to do with the assessment levied against the lands within the district, and was upon the motion of M. D. Clark and duly seconded as follows:

"Whereas, a former board of directors adopted a budget amounting to about One Hundred and Twelve Thousand Dollars (\$122,000) and ordered an assessment of Fifty Cents per acre on all the privately owned land in the district to raise said sum, and

"Whereas, the land owners commenced a suit against the John Day Irrigation district and others for the purpose of cancelling said assessment and the indebtedness for which it was levied, and

"Whereas, the Circuit Court of Morrow County has rendered a decision con-

## Former Pendleton Girl Now French Countess

An imposing legal document drawn up recently in a Broadway law office in New York is the modern glass slipper which makes an American girl—who once lived in Portland, Pendleton and Seattle and who was wife No. 1 in a Seattle bigamy case in 1913—a twentieth century Cinderella.

The slipper—C. O. rather the document which was certified and approved in the surrogate's court—transforms Claudia Windsor Tartou, daughter of Mrs. R. Bengue Tartou, of Portland, and wife of Pierre Tartou, famous portrait painter into the Countess de Rampan and Countess de Chanquetel. Mme. Tartou is officially adopted as a daughter of the Countess Clarel de Toqueville de Rampan de Chanquetel, after a friendship of years.

Claudia Windsor Tartou went to Seattle in 1912 from Portland and Pendleton, as the wife of George John Busch, who represented himself as the heir to the millions of Adolphus Busch, St. Louis brewer. Mrs. Busch's beauty attracted attention, and she was voted personally charming. After a time they left Seattle for the East.

A year passed and Busch returned to Seattle alone, explaining that he had been divorced. He represented that he had extensive business interests in British Columbia. In June, 1913, he eloped with Dorothy M. Meyer, 20, daughter of Mrs. J. H. Meyer of Seattle, one who was known in music circles. Mrs. Meyer was distressed over the secret wedding at Victoria, B. C., and at her request a second ceremony was performed in Seattle, June 26, 1915, at the German Lutheran church and the couple departed on a five-months' honeymoon that was to end in San Diego.

Two months after their departure Mrs. Claudia Windsor Busch appeared in Seattle again, making inquiry for her husband, and the investigation subsequently resulted in Mrs. Meyer filing a charge of bigamy against her son-in-law. Report came that the couple were on their way to Argentina.

Early in 1920, Claudia Windsor married Pierre Tartou, French portrait artist who was in America painting portraits of distinguished men and women, and in January, 1921, fled suit for divorce. It is not yet pronounced in the New York report of the filing of the document that is to make her a countess whether her petition for divorce from Tartou was ever prosecuted.—East Oregonian.

Maternity Nursing—will go to home, Mrs. M. L. Oney, Heppner. St.

selling all of said indebtedness except about Twenty Thousand Dollars (\$22,000) and in addition has cancelled about Forty-Eight Thousand Dollars (\$48,000) of the indebtedness accruing since said levy was made; and

"Whereas, under the said decision there is not now outstanding against the district in excess of Twenty-two or Twenty-three Thousand Dollars (\$22,000 or \$23,000); and

"Whereas, the land owners have appealed from the Court decision and seek to have the indebtedness further reduced; and

"Whereas, the Court believed it was without power to cancel the said levy of Fifty Cents per acre, notwithstanding the indebtedness intended to be paid thereon was largely cancelled; and

"Whereas, there is no necessity for the collection of said levy of Fifty Cents per acre and it would work a great hardship on the land holders to pay the same and many of them may not be able to pay it; therefore

"Be it resolved that the said levy of Fifty Cents per acre be cancelled by the Board and the County Assessor be instructed to strike it from the tax rolls and the Sheriff and all other county officers refrain from the collection thereof.

"But it is the sense of the Board that the supreme court shall have passed on the appeal of said litigation and the amount which the directors will owe has been determined another levy will be made sufficient to pay said indebtedness and to satisfy the just claims of all creditors of the district."

The resolution passed.

"Resolved, that as follows:

"Whereas, the indebtedness evidenced by many outstanding district warrants is in litigation; and

"Whereas, there is much uncertainty as to what warrants will ultimately be held valid and what invalid, therefore

"Be it resolved that the county treasurer be instructed not to pay any district warrants until the legal status thereof has been finally determined and he is advised by the Board what warrants should be paid from the funds of the district."

This resolution offered by M. D. Clark was duly seconded and carried.

The third resolution touches upon the proposal to make an appeal of the supreme court of the State of Oregon, from the decision of the lower court in the suit of the Northern Pacific Railway company and others, against the John Day Irrigation district, C. C. Clark and others, and is as follows:

"Whereas, a notice of pretended appeal to the Supreme Court of the State of Oregon in the case of the Northern Pacific Railway company, et al. vs. C. C. Clark, et al., has been filed by Mr. F. A. McMenamin and Mr. C. H. Finn, pretending to act as attorneys for the district; and

"Whereas, the Board has heretofore discharged said attorneys as attorneys for the district and have employed Mr. S. E. Van Vactor as its attorney; and

"Whereas, the district does not desire to appear from said Court decision,

"Now therefore be it resolved, that Mr. S. E. Van Vactor, attorney for the Board take such steps as may be necessary to dismiss said pretended appeal."

Upon motion this resolution was passed.

The district having refused to consider the compromise proposition of Mr. Lewis, it is presumed that he will perfect his appeal from the decision of the Circuit Court of Morrow county as handed down by Judge Phelps, and will endeavor to force the payment of his claims in this manner.

There was considerable interest manifested in the proceedings at the meeting Tuesday evening, and while there was not a great number of the land owners with in the district present, these were well represented, and those who attended had authority to act for a much larger number who were unable to be present.

## Whose Summer Picnic Is This?



## 50 MORROW EXHIBITS TO BE AT WHEAT SHOW

High Quality Milling Wheat to Compete in Northwest Grain Hay Show at Pendleton This Fall.

(Pendleton E. O.)

Grain growers of Morrow county will be here strong with exhibits for the Northwest Hay and Grain show, according to a statement from C. C. Calkins, county agent, in a letter to Fred Benning. Calkins has made a request for 100 extra premium lists to be sent out to leading growers in his county. Morrow county farmers will send 50 bags of wheat which will weigh 100 pounds each, Calkins says.

Samples of wheat grown near Lexington and Lone this year have been displayed here, and quite a lot of this wheat has been purchased by local millers for milling purposes. It is said to be of unusually high gluten content this season. The varieties in which Morrow county excels are Turkey Red, Hybrid, Hard Federation, Forty-Fold and Early Bant.

Farmers from Morrow county last year got in on some of the high money at the show. Burton H. Peck of Heppner won first for certified Turkey Red, and his exhibit placed ninth in the Turkey Red class. This was considered to be a good showing in the stiff competition furnished by the Montana growers with their top Turkey Red grain. C. E. Carson of Hay show at Chicago was common white class with an exhibit of Forty-Fold. In the Forty-Fold class, this exhibit took first prize.

The best bale of hay in the show came from Morrow county. Charles Wicklander of Boardman was the grower of the hay. It was the only bale of the International Grain and Hay show at Chicago, where it was the only bale to be commercialized, and it won seventh place there. (One carload of the baled hay used to build the show last year came from Boardman. B. C. Mitchell, A. L. Dillaough, H. H. Westman and R. Wasmer, all of Boardman, also placed for hay prizes last year.)

The show management pays freight on all grain entries of 100 pounds. This exhibit is then cleaned and re-cleaned and one bushel is used for show purposes. The surplus above the bushel is sold and pays for the freight and the cleaning expenses.

## State Health Officer at Boardman on August 9

Dr. Estelle Ford Warner, head of the Bureau of Child Hygiene of the State Board of Health, will be at Boardman on August 9th. Dr. Warner will hold a free clinic for pre-school children and babies and it is urged that all parents have their children there if it is possible to do so. It is expected that Dr. Warner will be in Heppner at a later date, possibly some time in October.

A young man named Norton was brought to the office of Dr. Murdoch Tuesday evening from the road camp of Moore & Anderson, suffering injuries to his right knee which had been pierced by a large iron hook. The injuries were dressed and the boy returned to camp, expecting to be ready to resume work in a few days. His home is at Portland.

## Horner Hunts History.

J. B. Horner, professor of history at O. A. C., has been made director of historical research in Oregon. Professor Horner has uncovered many incidents of rare historical value, some of which have been published in his history of Oregon, and others in the public press. One item of historical interest was locating old Fort Hoskins, built by Phil Sheridan of Civil war fame, near the present town of Hoskins and, not government war records report on the Silette 20 miles west of there. Professor Horner hopes to enlist the aid of old settlers and others in digging up and recording items likely otherwise to be permanently lost.

## Teachers Institute Will Be Held in October This Year

We are informed by Mrs. Lena Snell Shurtle, school superintendent, that the teachers institute for Morrow county will be held earlier this season than formerly, the dates now being set for October 16, 17 and 18.

The superintendent is already working on her program for this event, and expects to have very excellent talent present—some of the best in the state, in fact, and she looks forward to a successful institute for the teachers of the county.

## O. A. C. FARM POINTERS

Silage is an insurance against a long winter and short hay crop, as well as an economical feed for sheep and cattle. The full value of the silo was felt in the late hard winter with hay out of sight. The Union experiment station has found that a combination of hay and silage produces twice the daily gains at half the cost of hay alone.

When ants become troublesome whole colonies may be destroyed by mixing a teaspoonful of tartar emetic with a tablespoonful of honey, spreading it on a piece of bread and placing this bait in the path of the ants. They carry portions of the poisoned honey to their young as well as eat of it themselves.

Aphis on cabbage and kale plants are particularly bad this year in many parts of Oregon. Black leaf-40 diluted according to directions on the package will clean them out when properly applied. A good soap suds rather than clear water will assist in spreading the solution, making it more effective and economical of labor and material.

## Deputy Game Warden Here.

E. Albee, whose home for the most part is at Pendleton, but who may be living almost anywhere over his district, for he is a deputy game warden, has been sent to this county to remain for a time and look out for those who may be inclined to violate the game laws of the state. It is understood that Mr. Albee will be in this part of his district for the remainder of the summer, making frequent visits to the mountains, and there is no telling when he may bob up and demand that you show that hunting or fishing license. It is well to go prepared if you expect to hunt or fish, and seasons as well. In fact, you should be well tagged, for there is the forest service man to look out for too, and he says you must have a permit to camp within the domains of the forest reserve and build fires.

## Too Hot at Ritter.

John Parkins, who lives over in the Ritter country, but who is at the present time making a visit at the home of his cousin, Andrew Reaney at Lexington, states that it is just a little too hot over that way at present. The thermometer has been registering 112 in the shade over there and the heat is just a little more than he can stand. Mr. Parkins will remain here for some time, and while visiting at the Reaney home he is helping with the hay harvest. He came to Heppner yesterday with Mr. Reaney, who was in quest of laborers to work in his hay fields. He found help very scarce.

The family of S. A. Pattison are sojourning in the mountains in the vicinity of Ditch creek, where they will remain until the hot term has broken and living down here in the valley is a little more tolerable. They went up yesterday and have joined the Heppner colony now enjoying the cool shade and the mountain air.

A. K. Smythe, extensive sheepman and landowner of Gilliam county, who operates near Arlington, was in Heppner over Tuesday night and attended the meeting of the John Day Irrigation district officers and landowners. Much of the Smythe holdings lie within the boundaries of the district.

Miss Dorothy Hill, daughter of Mrs. Eugene Penland, who has been visiting at the home of her grandmother in Portland for a couple of months, returned to her Heppner home on Saturday.

## Local Boys See Accident When Echo Man Is Hurt

While driving into The Dalles on last Thursday afternoon, Baird Patterson and Alvin Boyd of this city were witnesses to the accident that happened to H. D. McCarty of Echo. The boys state that McCarty, whom they did not know, had apparently lost control of his car, when he was near Seufert's, and it went over the bank. They came upon him at the side of the road but had no sooner driven past than he came up behind them and they drove to one side to let him pass, and they noted he was making about 25 miles per hour, the car going from one side of the road to the other like the steering wheel might be broke, finally going into the ditch in plain view of the boys who were right behind. They rushed to his assistance and found him sitting in the seat and pinned down by the top of the car. They attempted to move him to their car to take him to The Dalles, but were prevented from doing so by the railroad bridge watchman who had arrived on the scene by this time, so the boys hurried on to The Dalles and had an ambulance come after the injured man.

From The Dalles Optimist we take the following account of the accident:

H. D. McCarty of Echo was driving to The Dalles yesterday afternoon, when his car left the road near Seufert's cannery, turning over and McCarty will probably not recover, according to the physician in charge. The watchman at the railroad bridge saw the accident and telephoned to The Dalles for an ambulance.

According to the watchman, McCarty was apparently driving about 35 miles per hour, when the car, a Ford roadster, struck the soft gravel, causing the wheels to turn out of the road. The car went over a four foot embankment, ran about 20 feet and then turned over.

A gash from the right eye to the back of the head with the scalp torn loose and a fracture of the base of the skull were the worst injuries. The car was badly wrecked.

The ambulance was rushed to the scene of the accident and the injured man brought to the local hospital. The serious injuries to the head make recovery doubtful, Dr. Reuter said last night.

McCarty is 56 years of age and was traveling alone.

## Ulceration of Stomach Causes Death of Wife of Heppner Business Man. Burial at Kansas Home.

Mrs. I. R. Clabough died at St. Vincent's hospital in Portland on last Friday evening at 8:15, at which institution she had been for several weeks under care of physicians who were treating her for goiter. Her health had been poor for several years, and on this account the family moved about to various points in the hopes that change of climate and altitude might prove beneficial. They had been living in Heppner for more than a year, and two months ago Mrs. Clabough was taken to Portland to receive treatment for goiter and heart trouble. Recently there developed other complications, and the physicians thought an operation for appendicitis was necessary, and this they decided to perform on last Friday morning. Mrs. Clabough took suddenly very ill early in the morning, and word was sent to Heppner. Mr. Clabough leaving immediately, and reached her side about ten minutes before she passed away.

A post mortem examination was held by the physicians to determine the cause of death, and it was found that she had ulceration of the stomach, the ulcer had broken, causing the severe sickness and death, and her weakened heart brought about her death.

The body was prepared for shipment to Kansas for burial, going to Florida, their Kansas home, Tuesday, in charge of Mr. Clabough, who was joined at Arlington by all the other members of the family excepting himself, the eldest son, who remains at Heppner with the business owned by himself and father.

Mrs. Sylvia Clabough was a native of Kansas and aged about 41 years at the time of her death. She is survived by her husband, I. R. Clabough and six sons, Delbert, James, Richard, George, John and Norbert, all of whom are in the employ of the Clabough family.

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Roy Neill was in the city a short time yesterday from his ranch on Big Butter creek above Pine City. He was in the midst of putting up his second crop of alfalfa and is getting a good crop. He states that he had no trouble in getting lands this season but he had to go to Pendleton for them.

## Man Caught in Combine Cylinder Dies at Condon

A dispatch to the Oregonian from Condon under date of August 1, gives the following report to the violent death of W. H. Colwell, a Portland ranch operator:

W. H. Colwell of 335 North Tenth street, Portland, Or., 46 years old, died at the local hospital early this morning. Death was the result of being caught in the cylinder of a horse-drawn combine on the ranch of Frank Lewis at Mikalko, about 20 miles from Condon. Mr. Colwell had interests with Mr. Lewis and was assisting him with harvest, having charge of the separator, and in going about his work slipped and fell in the rapidly moving cylinder. One leg was ground to a pulp, and from where he lay he directed his release, having the men hitch the horses to the rear of the combine and reverse the machine and in that way free him. He showed remarkable grit and courage in directing his release. He was brought to Condon and placed in a hospital, where one leg was amputated in an effort to save his life.

Mr. Colwell was well known in eastern Oregon, having settled in Lone Rock about 1876, and was a pioneer stockman of that place. Later he lived in Arlington and of recent years in Portland. Besides his widow he leaves a sister, Mrs. Salzer of Tacoma; a brother, James Colwell of Seattle, and three daughters, Mrs. Christensen of Troutdale, Mrs. Black of North Carolina and Mrs. Donnelly of Portland. Mr. Colwell will be buried in the Masonic order, Knights of Pythias and Artisans.

John Brosnup, Butter creek stockman, was a visitor in the city today.

## INITIAL STEPS TAKEN TO PUT ON ROUND-UP

Heppner People in Favor of Wild West Show This Fall—Will Probably Be Held at Same Time Tractor Caravan Visits Heppner.

At a meeting on Tuesday evening, held at council chambers, the initial steps were taken to put on a round-up for Heppner this fall. The meeting was well attended by business men and citizens of the town interested in the matter, and after considerable discussion a committee on arrangements was appointed by W. W. Smead, who acted as chairman. This committee consists of C. W. McNamer, chairman, L. V. Gentry and C. H. Latourelle. This committee will take the preliminary steps in the enterprise, such as figuring on dates, getting talent and finding out what the expenses necessary to putting on a creditable show will amount to, and after this is done, to call another meeting, make their report and get instructions.

There was considerable enthusiasm manifested in regard to this proposition and this points to its ultimate success. The coming of the tractor caravan to Heppner at the same time that it is proposed to stage the round-up, will add an important feature to the occasion and be a strong drawing card, and will in no way interfere with carrying out the round-up program. In fact it should assist much in drawing a crowd to the city at the time. When the report of the committee on arrangements shall have been turned in, it can be pretty definitely stated as to the expenses necessary to putting on a creditable show, and the success of the undertaking. The opinion expressed at the meeting was to the effect that it would require something like \$1500 from the citizens and business men of the community, and if the enterprise is handled as it should be, it should be made to pay out and repay any amount that is put up as a guarantee. It is proposed to put on a three-day program, and the date will likely be about a week following the round-up at Pendleton, though this is a matter to be decided upon investigation and report of the committee on arrangements.

## A Son Is Born.

A son was born to Mr. and Mrs. Ellis Erickson at the home of Mrs. Erickson's parents, Mr. and Mrs. Jeff Erickson, in this city on Wednesday, August 2. The young man weighed 10 pounds and 6 ounces, and was born healthy and well. Grandpa Jones is all up in the air over the advent of this, his first grandchild, but he is expected to get down to earth again in due season.

## We Wonder If This Is Former Heppner Boy

The Oregonian of yesterday contained a telegram from Creswell under date of August 1, stating that John Elder of Mosier was killed at the Creswell crossing that afternoon by the Shasta limited. A freight train was standing on the passing track on the west side of the main track, and Mr. Elder, with Mr. Lister of Albany, was coming east in an automobile. The flagman of the freight train stopped their car and the men got out. Elder then started across the track and was struck by the train.

The body was taken to Eugene. The men had been looking at a ranch west of town.

John Elder, formerly of this place, brother of Mrs. Edith Wilson, has been living in the vicinity of Mosier, but his relatives here have not been able to learn whether he was the man killed at Creswell. They had no knowledge of his being in that vicinity recently. Up to the time of going to press, Mr. Wilson has been trying to locate his brother-in-law, but without success.

Jim Carty was up from his Tub Springs ranch a couple of days this week, being interested in the meeting of the board of directors of the John Day Irrigation district.

Frank Sloan and Hugh Stanfield, stockmen of Stanfield, Oregon, were in the city a day or so the first of the week, being interested in the purchasing of some sheep.

Mack Clark and Will Ball of Minor and Co., departed Wednesday morning for their vacation but they expect to spend at Lehman Springs in the Blue mountains.

Commissioners Blackman and Davidson were on the job at the court house Wednesday, looking after the business of the regular August term of county court.

Mr. and Mrs. A. S. Akers and Mrs. Chas. Barlow and daughter Edith Marie left by auto on Monday, going to Portland where they expect to spend a week.

Miss Helen Barratt, O. A. C. student, arrived home Saturday to spend her summer vacation with her parents, Mr. and Mrs. W. B. Barratt in this city.

**TURKEY RED WHEAT**—Karko Turkey Red wheat; test 99.75 pure. For sale at ranch or will deliver. F. E. MASON, Lexington, Ore. St.

Dr. D. R. Haylor, eye specialist, was in the city for a few days the first of the week fitting up a large number of our people with "new eyes."

F. L. Harwood, local jeweler, returned Wednesday evening from a short business trip to Portland. He went to the city on Monday.

**FOR SALE**—4½ horsepower Ottawa wood saw, practically new. Price \$100 cash. See machine at Peoples Hardware Co.—Adv. 4t.

Miss Rubina Corrigan left for a two weeks vacation Saturday, expecting to spend the time at Seaside and other points.

Attorney F. A. McMenamin departed Tuesday afternoon for Portland, to be absent for a few days on business matters.

Four good work horses for sale. See Frank S. Parker below depot, Heppner. Phone 50F3.

Miss Florence Cason left for Rockaway Sunday morning for a vacation of two weeks.