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### Notice of Hearing Upon Final Report.

IN THE COUNTY COURT OF THE STATE OF OREGON, FOR UMATILLA COUNTY.

In the matter of the Estate of John W. McElroy, Deceased.

NOTICE IS HEREBY GIVEN that the undersigned administrator of the estate of John W. McElroy, deceased, has filed his final report with the Clerk of the above entitled Court and that the Judge of said Court has designated Saturday, the second day of January, 1932, at the hour of 2 o'clock in the afternoon as the time, and the rooms of the above entitled Court in the County Court House in Pendleton, Umatilla County, Oregon, as the place when and where hearing is to be had thereon. All persons interested are hereby notified to then and there appear and show cause, if any they have, why said report should not be approved, the administrator discharged, his bondsman exonerated and the estate closed.

Dated this 3rd day of December, 1931.  
CHARLES H. McELROY,  
Administrator.  
(Dec. 3-Dec. 31)

### Notice of Sale.

NOTICE IS HEREBY GIVEN that under and by virtue of an execution issued out of the Circuit Court of the State of Oregon for Umatilla County to me directed and delivered upon a judgment, decree and order of sale rendered in said Court on the 16th day of November, 1931, in favor of W. J. Warner and against the defendants, B. J. Pinckney and J. Louise Pinckney, his wife, O. V. Badley and Flora L. Badley, his wife, and Carry Furry, for the sum of \$1900.00, together with interest on \$2000.00 at the rate of 7 per cent per annum from the 20th day of April, 1931, to the 1st day of August, 1931, together with interest on \$1900.00 at the rate of 7 per cent per annum from the 1st day of August, 1931, until paid, for the further sum of \$200 as attorneys fees, and for plaintiff's costs and disbursements taxed at \$25.50, in a suit therein pending wherein the above named plaintiff was plaintiff, and the above named defendants were defendants, and said judgment and decree and order of sale being also in favor of the defendant, Carry Furry, and against the defendants, B. J. Pinckney and J. Louise Pinckney, his wife, and O. V. Badley and Flora L. Badley, his wife, for the sum of \$1000.00, together with interest at the rate of 6 per cent per annum from the 18th day of January, 1928, until paid, for the further sum of \$140 as attorneys fees, and for her costs and disbursements taxed at \$15.90; which said judgment, decree and order of sale has been duly docketed and enrolled in the office of the Clerk of said Court, and in and by said judgment, decree and order of sale it was directed that the hereinafter described real property in Umatilla County, Oregon, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also of the right, title and interest of the said defendants, as above named, in and to the same,

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be sold by the Sheriff of Umatilla County, Oregon, to satisfy said judgment and all costs.

NOW, THEREFORE, I will, on the 9th day of January, 1932, at ten o'clock in the forenoon of said date at the front door of the Court House in Pendleton, Umatilla County, Oregon, sell all of the right, title and interest which the said defendants, or either of them, had on the 2nd day of August, 1928, or since then have acquired, or now have in or to the following described premises situate in Umatilla County, Oregon, to-wit:

The Southwest Quarter of the Northwest Quarter of Section 11, Township 4 North, Range 28, E. W. M., excepting therefrom the following tracts:  
Beginning at the Southwest corner of the Northwest Quarter of said Section 11, thence East 427.4 feet; thence North 30 feet; thence East on a line and parallel to and 30 feet distant from the South line of said Northwest Quarter, 400 feet; thence North 263 feet; thence West on a line parallel to the South line of said Northwest Quarter, a distance of 400 feet; thence North 237 feet; thence West on a line parallel to the South line of said Northwest Quarter, 427.4 feet to a point on the West line of said Northwest Quarter; thence South 530 feet to the point of beginning.  
Beginning at a point where the North line of Ridgeway Street in the town of Hermiston intersects with the East line of the Southwest Quarter of the Northwest Quarter of said section, and running thence North along the East line of said Southwest Quarter of the Northwest Quarter, a distance of 200 feet, thence at right angles westerly a distance of 180 feet; thence at right angles South a distance of 200 feet to the North line of said Ridgeway street; thence East a distance of 180 feet along the North line of Ridgeway Street to the place of beginning.

The said lands to be sold at public auction to the highest bidder for cash in hand, the proceeds of said sale to be applied in satisfaction of said execution and all costs.  
I will also on the same day at the same time and at the same place sell all of the right, title and interest which the defendants, B. J. Pinckney and J. Louise Pinckney, his wife, and O. V. Badley and Flora L. Badley, his wife, or either of them, had in or to the following described real property on the 18th day of March, 1930, or since then have acquired, to-wit:  
Southeast Quarter of the Northwest Quarter of Section 11, Township 4 North Range 28, E. W. M.  
The said real property to be sold at public auction to the highest bidder for cash in hand, the proceeds of said sale to be applied in satisfaction of said execution and all costs.

DATED this 3rd day of December, 1931.  
TOM B. GURDANE, Sheriff of Umatilla County, Oregon  
By Grace Jackson Deputy.

(Dec. 10-17-24-31-Jan. 7)

## THEN AND THERE

History told as it would be written today  
By IRVIN S. COBB  
The Truth About the Forty-Niners

Most of us see the Days of the Forty-Niners through the romantic mist in which the gifted pen of Bret Harte wreathed them. We see noble-hearted gamblers and adopted wife and talented chivalric gun-fighters; we see red-shirted miners with the banjos on their knees singing quaint songs about their Suzzanne back East among the settlements. What we are apt to forget is that the great transcontinental pilgrimage was marked more by endurance than by sporadic melodrama, more by sweat than by high heroics, more by a sweat-soaked brow than a hero's. The average Forty-Niner was neither a swashbuckler nor a hero nor a desperado. He was not a character fit to go into a story-book or a scene in a play. Generally speaking, he was an orderly, hard-working, typical young American of his time who had been lifted out of the ordinary run of ordinary mankind only by his adventurous spirit and by his powers for facing and conquering hardships which to us of the present generation seem well-nigh incredible.

Those who have read Emerson Hough's novel, "The Covered Wagon," may get a reminiscent thrill on reading the lines with which Alonzo Delano begins his main narrative. The principal distinction was that Hough dealt with the first great stream of homeseekers over the Oregon trail, so that, in his chapters women and broods of children played their parts; his pioneers, starting on a journey two-thirds the breath of this continent, took with them their families, their portable household equipment, their most valued possessions.

But Delano in his journal is telling us of a gold rush made up almost exclusively of full-grown men. The domestic side was altogether lacking. His companions were sturdy adventurers inspired by the oldest lure next only to love of warfare that set the feet of mankind on paths far and strange and perilous—the quest for treasure. But the country through which the expeditions passed, the dangers and discomforts they encountered, the sufferings they underwent—these largely were identical in both cases. Only the personnel and the goals were different.

For the emigrants there was the hope of new homesteads in the vast free fertile lands of the newly-opened Northwest; for the argonauts the chance to dig for those precious grains of yellow ore on craggy California hillsides sterile of every valued prospect save the metal hidden in them. Delano's diary gives a graphic idea of the departure from what then was the farther fringe of the civilized settlements:

"Our general rendezvous (he says) was to be at St. Joseph, on the Missouri, from which we intended to take our departure. My wagon I shipped by water to St. Joseph and sent my cattle across the country about the middle of March (1849) to meet me at the place of rendezvous in April. Our desire to be upon the road induced us to be stirring early and we were moving as soon as our cattle had eaten their fill, when a drive of a mile placed us upon the great thoroughfare of the gold seekers.  
"For miles, to the extent of vision, an animated mass of beings broke upon our view. Long trains of wagons with their white covers were moving slowly along, a multitude of horsemen were prancing on the road, companies of men were traveling on foot, and although the scene was not a gorgeous one, yet the display of banners from many wagons and the multitude of armed men looked as if a mighty army was on its march; and in a few moments we took our station in the line, a component part of the motley throng of gold-seekers who were leaving home and friends far behind to encounter the peril of mountains and plain."  
The Price of Westward Travel.  
Within a month, though, this mighty caravan which he described had disintegrated. What made it fall apart into separate trickling units was that certain hardier spirits, growing impatient over the slow movement of the unwieldy mass, broke away with their trains, preferring to risk the danger of Indian attacks from which the main body might have been free, in order to reach the diggings the sooner. The face of the earth was streaked with tolling strings of wagons, teams and foot-travelers, each of these lines marking independent and helter-skelter route of a little group hurrying toward the Sierras and the diggings. Thus it befell that instead of chronoling the march of an army, Delano, from this time on, told of the experiences of the individual outfit which he led.

"(August 11.) There were a great many men daily passing, who having worn down their cattle and mules had abandoned their wagons and were trying to get through as they might; but their woe-begone countenances and meager accoutrements for such a journey, with want and excessive labor staring them in the face, excited our pity, wretched as we felt ourselves. Our own cattle had been prudently driven and were still in good condition to perform the journey. Although our stock of provisions was getting low we felt that under any circumstances we could get through, and notwithstanding we felt anxious, we were not discouraged."  
" (August 15.) Beyond us, far as we could see, was a barren waste without a blade of grass or a drop of water for thirty miles at least. Instead of avoiding the desert, instead of the promised water, grass, and a better road, we were in fact upon a more dreary and wider waste without

either grass or water and with a hard road before us.  
"(August 17.) As I walked on slowly and with effort, I encountered a great many animals perishing for want of food and water on the desert plain. Some would be just gasping for breath, others unable to stand would issue low moans as I came up. In a most distressing manner, showing intense agony; and still others, unable to walk, seemed to brace themselves up on their legs to prevent falling, while here and there a poor ox or horse, just able to drag himself along, would stagger towards me with a low sound as if begging for a drop of water. My sympathies were excited at their sufferings, yet instead of affording them aid I was a subject for relief myself.  
"Horrors of the Plains.  
"High above the plain, in the direction of our road, a black, bare mountain reared its head at the distance of fifteen miles; and ten miles this side the plains were flat, composed of baked earth without a sign of vegetation and in many places covered with incrustations of salt. Pits had been sunk in moist places, but the water was salt as brine and utterly useless.  
" (August 20.) . . . Through the day there was a constant arrival of wagons and by night there were several hundred men together; yet we learned by a mule train that at least one hundred and fifty wagons had turned back to the first spring west of the Humboldt on learning the dangers of crossing the desert, taking wisely the old road (the more southerly route) again. This change of route, however, did not continue long, and the rear trains comprising a large portion of the emigration took our route and suffered even worse than we did. It was resolved that several trains should always travel within supporting distance of each other so that in case of an attack from the Indians a sufficient body of men should go together to protect themselves. Reports again reached us corroborating the great loss of cattle on the desert beyond the Sink. This road was filled with dead animals and the offensive effluvia had produced much sickness; but shortly afterwards our own portion of the desert presented the same catastrophe and the road was lined with the dead bodies of worn-out and starved animals, and their debilitated masters in many cases were left to struggle on foot, combating hunger, thirst and fatigue in a desperate exertion to get through.  
" (September 17.) Ascending to the top of an inclined plain, the long-sought, the long-wished-for and welcome valley of the Sacramento lay before me five or six miles distant."  
A Lake of Dross.  
Delano was one of the more fortunate Forty-niners. He had crossed the plains, weathered the desert, threaded through the Rockies and the empty waste spaces on their Pacific side, had dodged the Indians and now, on the sunset slope of the Sierras he was within sight of the promised land from which had filtered back to the East such fabulous stories of richness in every creek-bed and fortune to be made overnight by the lucky or the shrewd.  
He tells how disillusionment and defeat and despair awaited most of those who came as he had come. Here is the story of a typical case:  
"In May, 1850, a report reached the settlements that a wonderful lake had been discovered a hundred miles back among the mountains toward the head of the Middle Fork of Feather river the shores of which abounded with gold, and to such an extent that it lay like pebbles on the beach. An extraordinary ferment among the people ensued, and a grand rush was made from the towns, in search of this splendid El Dorado. Stores were left to take care of themselves, business of all kinds was dropped, mules were suddenly bought up at exorbitant prices, and crowds started off to search for the golden lake.  
"Days passed away, when at length adventurers began to return with disappointed looks and their worn-out and splattered garments showed they had seen some service, and it proved that although several lakes had been discovered, the gold lake par excellence was not found. The mountains swarmed with men exhausted and worn out with toll and hunger; mules were starved or killed by falling from precipices. Still the search was continued over snow forty or fifty feet deep, till the highest ridge of the Sierra was passed, when the disappointed crowds began to return without getting a glimpse of the grand de-

sideratum, having had their labor for their pains. Yet this rally was not without some practical and beneficial results.

### The Man They Left Behind.

"The country was more perfectly explored, some rich diggings were found and, as usual, a few among the many were benefited. A new field for enterprise was opened and within a month roads were made and traversed by wagons, trading-posts were established and a new mining country was opened which really proved in the main to be rich, and had it not been for the gold-lake fever it might have remained many months undiscovered and unoccupied.  
"From the mouth of Nelson's creek to its source men were at work in digging. Sometimes the stream was turned from its bed and the channel worked; in other places wing dams were thrown out and the bed partially worked; while in some the banks only were dug. Some of these, as is the case everywhere in the mines, paid well, some fair wages, while many were failures. One evening while waiting for my second supply of goods I strolled by a deserted camp. I was attracted to the ruins of a shanty by observing the effigy of a man standing upright in an old torn shirt, a pair of ragged pantaloons, and boots which looked as if they had been clambering over rocks since they were made—in short, the image represented a lean, meager, worn-out and woe-begone miner such as might daily be seen at almost every point in the upper mines. On the shirt was inscribed in a good business hand, 'My claim failed—will you pay the taxes? (An allusion to the tax on foreigners.) Appended to the figure was a paper bearing the following words:  
" 'Californians—Oh, Californians, look at me! Once fat and saucy as a privateersman, but now—look ye—a miserable skeleton. In a word, I am a used-up man.'  
" 'Ludicrous as it may appear, it was a truthful commentary on the efforts of hundreds of poor fellows in the 'golden land.' This company had penetrated the mountain snows with infinite labor in the early part of the season, enduring hardships of no ordinary character—had patiently toiled for weeks, living on the coarsest fare; had spent time and money in building a dam and digging a race through rocks to drain off the water; endured wet and cold in the chilling atmosphere of the country, and when the last stone was turned, at the very close of all this labor, they did not find a single cent to reward them for their toil and privations, and what was still more aggravating, a small wing dam on the very claim below them yielded several thousand dollars. Having paid out their money and lost their labor they were compelled to abandon the claim and search for other diggings where the result might be precisely the same."  
The Threshold of Vice.  
Delano offers a realistic picture of the earlier months in the gold country when the majority of the workers were industrious and orderly, and then for contrast a picture of the time when the rascals, the professional bad men and the professional gamblers gathered in force to start their nefarious and corrupting operations, with the result that a condition sprang up which grew steadily worse until that grim day of the vigilantes—earnest honest men who framed their own primitive code of laws and themselves enforced these laws, being by turns criminal-chasers, jurors, judges and sometimes executioners.  
After this fashion he sums up the period of transition from the first of these stages to the second and disreputable one:  
"The population of Independence represented almost every state in the Union, while France, England, Ireland, Germany and even Bohemia had their delegates. As soon as breakfast was dispatched all hands were engaged in digging and washing gold in the banks or in the bed of the stream. When evening came, large fires were built, around which the miners congregated, some engrossed with thoughts of home and friends, some to talk of new discoveries and richer diggings somewhere else; or sometimes a subject of debate was started and the evening was whirled away in pleasant and often instructive discussion, while many for whom this kind of recreation had not excitement enough, resorted to dealing monte on a small scale, thus either exciting or keeping up a passion for play.  
"Some weeks were passed in this way under the clear blue sky of the mountains, and many had made respectable piles. I highly enjoyed the wild scenery, and quite as well, the wild life we were leading, for there were many accomplished and intelligent men; and a subject for amusement or debate was rarely wanting. As for ceremony or dress, it gives us no trouble; we were all alike. . . . At length a monte dealer arrived, with a respectable bank.  
"A change had been gradually coming over many of our people, and for three or four days several industrious men had commenced drinking, and after the monte bank was set up it seemed as if the long-smothered fire burst forth into a flame. Labor, with few exceptions, seemed suspended and a great many miners spent their time in riot and debauchery. . . . The monte dealer, who in his way was a gentleman and honorable according to the notions of that class of men, won in two nights three thousand dollars! When he had collected his taxes on our bar he went to Union valley, six miles distant, and lost in one night four thousand, exemplifying the fact that a gambler may be rich today and a beggar tomorrow."  
(© by the Holt-Warrenton Co.)

### Notice to Creditors.

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UMATILLA COUNTY.

In the Matter of the Estate of Robert A. Allen, Deceased.  
NOTICE IS HEREBY GIVEN that the undersigned has been appointed administrator of the estate of Robert A. Allen, deceased, and has qualified as the law directs. All persons having claims against said estate are required to present the same to me at the office of W. J. Warner, my attorney, in Hermiston, Oregon, with proper vouchers, within six months from the date hereof. Dated this 31st day of December, 1931.

Frank A. Allen,  
Administrator.  
(Dec. 31-Jan. 28)

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