

SUPREME COURT RULES IN MCCONNELL'S FAVOR

STOP GATE PERMITTED IN CERTAIN CASE INVOLVING THE UPPER OWYHEE DITCH

The supreme court affirmed the decree of Judge W. W. Wood in the case of J. C. McConnell vs. Owyhee Ditch company Tuesday, according to word received by E. M. Blodgett and R. D. Lytle, attorneys for McConnell. The decision gives McConnell the right to have a stop gate in the Owyhee ditch. As there are a dozen water users along the upper end of the ditch in the same position as McConnell, the case is of wide interest.

In reviewing the case, Mr. Lytle said McConnell and his predecessors had been using water from the ditch since its inception by gravity flow. In 1917 and 1918 the company had the ditch widened. The water surface was consequently lowered at McConnell's taps making it impossible for him to irrigate with gravity flow after the flood head had passed. He put in a stop gate in 1923 and it was used until 1928, when the board of the company ordered its removal, maintaining that a by-law prohibited the same. McConnell brought suit enjoining the removal.

Questions involved were: could a stockholder bring suit against his corporation; was the by-law effective and had it or could it be waived; did McConnell have the right to demand the delivery of water for irrigation to the same position as he held in the same position would be other water users in the same position. Other questions were: whether the ditch was established in his right to have the stop gate in this ditch was established in favor of McConnell and whether the questions were decided in favor of McConnell and whether the questions were decided in favor of McConnell and whether the questions were decided in favor of McConnell.

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County Statistics

Real Estate Transfers Recorded
Quinn River Bank to Margarett Bengoa, Metes and bounds and Lot or parcels of land in McDermitt, Or. 8, 30, 29, \$10.00.
Robt. Boswell et ux to Wm. Boswell, et al., Mining Claims, 12, 12, 29, \$850.00.

J. G. Lamberson to Rosa Lamberson, Lot 16, Block 20, Ontario, 1, 6, 30, \$1.00.
Leonard Stowell et ux to Perry D. Williamson et ux, Lots 5 and 6, Block 181, Ontario, 9, 4, 28, \$10.00.

Nellie B. Parks et al to Jesse Lamberson, SE 1/4 SE 1/4 SW 1/4 & NE 1/4 SE 1/4 SW 1/4, Sec. 16-30-44, 6, 29, \$10.00.

Carman Eiguren et vir to Bert C. Palmer, O. SW 1/4 NE 1/4, S 1/4 NW 1/4, N 1/4 SE 1/4, and S 1/4 SE 1/4, Sec. 3, SE 1/4 SE 1/4, Sec. 4; NE 1/4 NE 1/4, Sec. 9; NW 1/4 NW 1/4, Sec. 10, all in Tp. 30 S., R. 45 E., 14, 29, \$7500.00.

Ronald Axtell to J. G. Cassingham, Metes and bounds in NW 1/4 Sec. 26-16-47, 1, 2, 30, \$5.00.

O. A. B. Mueller et vir to Fred Zeidler, N 1/4 NE 1/4, Sec. 22-17-44, 8, 29-29, \$2500.00.

J. P. Dunaway et ux to T. T. Nelsen, O. SW 1/4 NW 1/4, Sec. 36-17-44, 1, 8, 30, \$1.00.

Oregon & Western Colonization Co. to United States of America, Metes and bounds in Secs. 19-19-43, and in Secs. 25 and 35-19-42; also tracts in Secs. 27, 29 and 31, Twp. 19 R. 42; also tracts in Secs. 13-19-42 & Secs. 7, and 5-19-43; and Secs. 31, 33, 37, 25, in Tp. 18-43 and Sec. 19-18-44, 12, 31, 29, \$1463.80.

E. W. Fisher to Mark A. Winkler, O. Lot 5, Block 34, Park Add., Nyssa, 4, 26, 29, \$1.00.

Mattie Sayles to H. C. Sayles et ux, Lot 6, Block 7, Teutsch Add. Nyssa, 1, 6, 30, \$10.00.

Complaints Filed in Circuit Court
Chas. F. Smith vs. Adda Bice et al. 1, 9, 30, To Quiet Title.
Clement T. Douglass vs. Ramona Rowena Douglass, 1, 11, 30, Divorce.

Marriage Licenses Issued
J. M. Laflin and Minnie Swan, 1, 6, 30.
Arthur Stanford Olsen and Myrtle Oliver, 1, 11, 30.

Petitions Filed in Probate Court
Estate of Mary B. Jacques, 1, 6, 30, Assumed Business Names
Davis Real Estate Co., 1, 6, 30.

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ANNUAL FARM WEEK INSTITUTE
JAN. 28 TO 31

COUNTY AGENT AND ASSISTANT ARE LINING UP FOUR-DAY PROGRAM

O. S. C. EXPERTS COMING

Dairying, Farm Crops, Horticulture and Home Economics to be Topics Discussed by Extension Leaders

Farmers and ranchers of all Malheur county are invited to the annual Farmer's Week convention at the courthouse in Vale January 28, 29, 30 and 31. Every effort to make the institute a big success, of actual value to the farmer, is being made by R. G. Larson, county agent, and his assistant, W. Wray Lawrence. It is to be a big meeting. Specialists from Oregon state college will be main speakers.

Tuesday, January 28, will be dairy day. N. C. Jamieson, dairy specialist, will lead subject matter discussions. Wednesday, January 29, is farm crops day. E. R. Jackman, crops expert of the college, is in charge. Thursday, January 30, is horticultural day and the speaker is C. L. Long, another specialist from the college who is well and favorably known by the farmers. "who keep pace."

A home economics day is being planned but definite arrangements have not yet been completed. Mr. Larson is arranging for a closing banquet with the Vale commercial club at the Drexel Hotel.

Watch for a complete program in next week's issue of the Malheur Enterprise. Plan now to attend. These institutes are a valuable part of the county agent's program and there is much to be gained by attendance. As a farmer of Big Bend stated recently, "The meetings are well worth a trip of many miles."

E. Gould, a new settler on the Vale project from Yakima valley, was so pleased with this section that he told his friend, J. Dimmick, a progressive young neighbor. Mr. and Mrs. Dimmick made the most of an opportunity to sell their Yakima farm and they have purchased land under the Owyhee project.

TO A JUNIPER ON COUGAR KNOB
O twisted tree
On Ironside's heav'n most peak,
With tortured torso,
A wrestler spent and weak;
With straining limbs
And veiny gnarled feet
Knee-sunk in rims
Of bleak and sterile stone;
O piteous tree!
You love the hurts and long, long, fight,
In agony
You lay forgotten in the night
Or felt the slim
Keen finger of the cruel sun
Slip through the dark
And fearful cloudburst's high-heaped dun.

O tragic tree,
Storm-beat and thunder-shocked
By howling winds
And bitter blizzards rocked,
Tell me, bowed tree
Has life been fair to you?
So proud the heads
Of trees in glens below!
Within the tree
A hundred humming harps awake
From bleached lips
Triumphant, grey-voiced singing broke.
"Grieve not for me!
My head, tho' low, lies near the stars!
I acquiesce
Nor fight resistless nature's endless wars.
Above all trees
God chose me for this hardest task;
Let weakling ones
Their crowns in sheltered sunshine bask.
Strong in my heart
Throb Life's full, thrilling, urging tides—
Yes, I have lived
Life's fill, and I am satisfied."
Anna D. S. Pratt, January 1, 1930.

Reclamation Congress Will Meet at Burns

Malheur county irrigationists were pleased to learn Saturday that Burns was selected for the convention city of the 1930 Oregon Reclamation Congress, August 7, 8, 9.

A legislative committee, to which will be referred matters that are to be brought before the next session of the legislature, was appointed, as follows: Wilford Allen, Grants Pass, chairman; George Kanoff, Redmond; James Chincock, Grants Pass; Charles Stricklin, Salem; Sam Brown, Gervais.

President Chincock appointed a public domain committee consisting of E. C. Van Petten, Ontario; M. N. Dana, Portland; Rhea Luper, Salem; Ivan E. Oakes, Burns; Bert Hall, Klamath Falls.

It was announced that W. L. Powers, secretary of the congress, will attend a meeting of western water users at Reno in February to be held under the auspices of the federal farm bureau.

MALHEUR HUNTER, C. B. BROWN, MADE THE 1929 HONOR ROLL

Charles B. Brown, government hunter for Malheur county in predatory animal control, was among the twenty hunters of Oregon who made the "honor roll" in 1929. Standard bearers took over 100 predatory animals in the year.

Mr. Brown did one better. He came close to the 200 mark with his total of 187 animals accounted for; 47 of them bobcats and 140 coyotes.

A. J. Knoblock of Morrow was first, John Laurence of Grant a runner-up. Brown makes Riverside his headquarters most of the time.

VALE

On return from Portland, Mr. and Mrs. Ivan E. Oakes of Burns arrived here Tuesday. They were overnight guests of Mr. and Mrs. R. D. Lytle and were also entertained in the home of Dr. and Mrs. C. C. Brown. They went on to Burns Wednesday.

B. E. Hayden, a frequent visitor to the area, began on the Vale irrigation project, is now located on the Klamath project as superintendent. He was formerly reclamation economist.

John Stringer, Idaho sheepman, took a band of 1800 ewes from the Marquis ranch near town to Home-dale lambing quarters this week. Lambing season begins the first of February.

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SHELTON'S DAIRY

HARPER WORKMAN SERIOUSLY INJURED

DERBON EMPLOYEE CAUGHT BETWEEN TWO CARS—HIS LEGS WERE BADLY CRUSHED

While Charles McCurdy was repairing a dinky engine Monday, a runaway car came down the hill and he was caught between the two machines. Both of his legs were badly crushed. He was critically injured. An ambulance was called and he was rushed to the hospital.

McCrudy is an employee of the Derbon Construction company, Seattle, builders of the tunnels on the Harper end of the Vale irrigation project.

This is the first serious accident that has occurred since the disastrous fire on the Derbon works.

BIG BEND

The Wade school Christmas program which was postponed on account of an outbreak of chicken-pox, given at the school house Saturday evening, was witnessed by a large audience. It was unanimously conceded to have been one of the best Christmas entertainments ever given by the school, pageant by Mr. Hudson's pupils and plays by children in Miss Colwell's room were especially enjoyed.

Grange met Tuesday evening with the new master, V. V. Hickox, in the chair. In response to roll call, members told of their New Year's resolutions. A. E. Gifford and Chas. Peck gave humorous readings.

Mr. and Mrs. P. W. Case were dinner guests of Mr. and Mrs. Merton Smith, in Boise Sunday.

Mrs. C. D. McCullough, Mrs. Clark Enos and Mr. and Mrs. C. E. Peck attended the funeral of Charles Crawford, in Nyssa Thursday afternoon.

Mr. and Mrs. Chas. Peck of Vale spent the week end with home folks in the Bend. Frances Peck returned to Vale with them and will be their guests for several days.

E. L. Tate has just completed a handsome little bungalow close to his own ranch home. The new house is to be the home of Wm. Toombs and family. Mr. Toombs will have

charge of the Tate ranch this year. Officers of the Big Bend Park association were elected for the ensuing year. C. C. Kilburn, Wm. Schulz, N. S. Phelan, E. E. Parker and Clint Allen are directors and V. V. Hickox, secretary-treasurer.

Hot lunches are being served in the Wade school, each mother taking her turn in furnishing and serving.

Mr. and Mrs. Basil Rogers have moved from Adrian to make their home in Big Bend.

Bird Bag Limit To Take Drop

Changes in the federal regulations under the migratory bird treaty act are announced by Secretary Hyde of the department of agriculture. The bag limit on water fowl will be reduced next season to 15 ducks and 4 geese a day and a possession limit of 30 ducks and 8 geese.

This decision was reached after an exhaustive field survey, which disclosed that water fowl have not been holding their own during the past year.

The reduction has been vigorously insisted upon by the principal game associations, according to the statement issued by the department of agriculture.

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