

RAILROAD WAR COURT

Harriman Forces Make Stubborn Fight Against Hill at Vancouver.

GOOD FAITH PROTESTED

Claim Columbia Valley Is Not Paper Railway—Senator Rands Tells of Right-of-Way Purchases on Witness-Stand.

Stubbornly fighting every advance of the Hill attorneys, who would dispose of the Columbia valley along the Columbia valley, Harriman attorneys are protesting that the Columbia Valley Railroad Company is attempting in good faith to build a railroad along the river to care for the growing business on the north bank. Proofs of actual construction are offered by the Harriman road in the condemnation suits brought by the Portland & Seattle, now being heard at Judge McCredie in the Superior Court of Clark County.

If the Columbia Valley can establish its good faith and show that it is entitled to every consideration that any bona fide corporation in the state may enjoy, it can place almost impassable barriers in the way of the Hill road at a hundred points along the river. The case at trial is one where the burden of proof is on the defense. To "make good" the Columbia Valley must prove its right to exist by actually demonstrating its good intentions. Subterfuge avails nothing. Proof must be offered to show that the project is not being carried out by Harriman on Wall street, is in the field to build railroads and not to block the plans of Mr. Harriman's rival, James J. Hill.

The good faith of the Harriman road was attacked yesterday at Vancouver by testimony showing that the survey of the Columbia Valley shows curves of eight and even ten degrees. It will be argued at the close of the case that railroads mapped out with ten-degree curves, having a radius of 22 feet, are not intended to be built. Counsel for the Hill line, which is being built with a maximum curvature of three degrees, intimated in the examination of witnesses that possible railroad men do not care to run trains over ten degree curves.

Pretty, but Not Economical.

Through a 130-ton locomotive and a heavy train around a sharp curve and the danger and cost of operation are increased amazingly. Safety is ignored, trains are shortened, speed is reduced, the neither motive power nor rolling stock can be used to the best advantage, while the wear and tear on equipment makes railroad officials old before their time. This is why railroads, by a curve as the devil is said to hate Holy Water, and engineers lie awake nights trying to get long tangents and "take the wrinkles" out of the line. A straight track along a river, with steep bluffs behind, looks good in folders and attracts the tourist, but railroads are not built nor operated for the pleasure-seeker, say the Hill lawyers.

Every railroad system in the country is spending millions in straightening its tracks because of overhauling cars and the growing weight of locomotives. Counsel for the Portland & Seattle will point to the main line of the Oregon Railroad & Navigation across the Columbia and will show that the tracks at those points are now being spent to straighten its tracks. One reason the surveys of the Columbia Valley "snake" is because it was originally surveyed by George W. Hunt in 1888, for the Oregon & Washington Territorial Railroad, the surveys of which were bought by Harriman. At that time curves were not so religiously avoided as they are now, because trains were lighter, cars were shorter and speed not so important as it is now. If the road is restricted to 40 miles per hour, as is now, the curves, the lines will have been straightened.

Judge Martin L. Pipes sought to combat the inference of Mr. Kerr's remarks by stating that it is economy for the people he represents to build a cheaper and more crooked railroad in 1906, than the comparatively small return to be expected from the investment just now, and that when traffic demands, the curves will be straightened. The cross-examination of State Senator E. M. Rands was concluded yesterday, when questions were directed at him to ascertain the extent of the rights-of-way secured by the Harriman agents and the methods used in each case to acquire them. The fact was brought out that purchases of right of way were made after the conflict of surveys was known and that Senator Rands rather preferred to pick up tracts where the surveys of the two railroads conflicted. Contracts held by the Columbia Valley extend beyond the zone of conflict had in most cases been allowed to lapse. Contracts made in 1889 with one year and one and a half years lapsed, said the witness, he supposed because of the merger between the Northern Pacific and Great Northern, which put an end to construction. Right of way secured within the past year had been selected with careful reference to strategic points.

In all, the witness said, the Columbia Valley claims about 129 miles of right of way on the north bank. Bonds are held for 14 miles, while seven and a half miles is under contract. The rest is claimed under Government provisions. J. Couch Flanders Testifies. J. Couch Flanders, counsel for the Portland & Seattle at Vancouver, was placed on the stand by the prosecution to show the close connection between the Columbia Valley and the Oregon Railroad & Navigation. It was stated that officials of the Columbia Valley held passes over the Harriman lines in the North and were on the list as entitled to transportation because of their relation to the Oregon Railroad & Navigation. A deposition introduced from President Howard Elliott of the Northern Pacific, which promises to connect the relationship of the two Western Harriman lines. The witness states he has received a letter from Julius Kruttschnitt, director of maintenance and operation of the O. R. & N., as well as of the other Harriman lines, informing him that the Portland & Seattle was to draw from the rights of way of the Columbia Valley Railroad.

LAST MEETING OF YEAR

Council of Jewish Women Elects Its New Officers. The Council of Jewish Women held its last meeting of the year yesterday with a very large attendance of members. After the reports of the different committees were read and accepted the council proceeded with the election of the officers for the ensuing year. The following were elected: Mrs. Ben Selling, president; Miss Ella D. Hirsch, vice-president; Mrs. Max Hirsch, recording secretary; Mrs. Morris Goodman, corresponding secretary, and Mrs. Gustave Simon, treasurer. Mrs. E. M. Bumauer, the retiring presi-

Mr. Skinner. In 1902, 5000 tons of wheat came through Cascade Locks on the way down the river. In 1903, this had grown to 12,900 tons. Flour increased from 1295 tons in 1902 to 2000 tons in 1905, while passengers up the river in 1905 who passed through the locks numbered 24,420. In 1906 the figure was 63,267. The increase of travel down the river was equal to that up stream.

Engineer Wise on Stand.

Having been engineer for the projected Harriman road up the north bank of the Columbia for the past nine months, Chief Engineer P. L. Wise stated on the witness stand yesterday that he does not know which road he is working for, the Columbia Valley or the Wallula Pacific. However, this does not distress him any; as each name represents the same surveys, the same officers and the same purposes, with Harriman behind both. "I believed I was working for the Wallula Pacific at first," said Mr. Wise on the stand yesterday, "but I understand that all of the present year it has been the Columbia Valley. I cannot say when the change came or how I got the impression there had been a change. I have always had my instructions from President Gerlinger, who is the president of both roads, and they are the same thing anyway."

Mr. Wise testified that the Portland & Seattle can seek other locations for its tracks through the Munyon, McIsaac and Mitchell tracts, which are involved in the present suit, without encroaching upon the surveys of the Columbia Valley. The witness said that on these tracts his road has a gang of about 15 men at work who are busily engaged in shoveling rock off the right of way which is being blasted down upon it by men in the employ of the Portland & Seattle. Nineteen or 20 other gangs are busy along the river, and the witness, and they are earnestly at work building grade by the most approved methods and with all the speed possible. Mr. Wise said he was getting all the work done as fast as he could, and that he thought it would be a very good thing if the Portland & Seattle could get on with its construction gangs. At several points grade had been completed for distances of from 200 to 200 feet. About 25 teams, together with cowboys and drivers, are now maintaining the grade, and the line will have a maximum grade of 3 per cent.

Guiltily of Bad Faith.

The defense showed by the witness that the Portland & Seattle has been guilty of bad faith in its building operations, for a 200-foot wide road in its construction began working at a point where a grade had been completed for several hundred feet. This was apparently to hold the point, for since then another grade, 14 feet higher, had been built and the other covered up. The case now on trial will hold the attention of the court the remainder of the week. A witness is being given in the introduction of evidence and numbers of similar cases in other Washington counties bordering on the Columbia will be set out in accordance with the decision given by Judge McCredie. Each side announces that an appeal will be taken to the Washington Supreme Court and for this reason, a full record is being made that the higher court may have all the evidence at hand when it goes up on appeal.

The Portland & Seattle is represented by James B. Kerr, A. L. Miller, A. G. Avery and George T. Reed, while the Harriman interests are being looked after by George W. Stapleton and Judge Martin L. Pipes. LAY 72-POUND RAILS. Portland Railway Company Begins Reconstruction of Tracks. The heaviest street-car rails ever laid in Portland have been distributed along the Union avenue tracks of the Portland Railway Company, and the work of pulling up the old 48-pound steel and spiking down the new six-inch 72-pound rails will be begun very soon. Part of the

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HAVE YOU SEEN THIS CHARMING FACE BEFORE? NO. 8

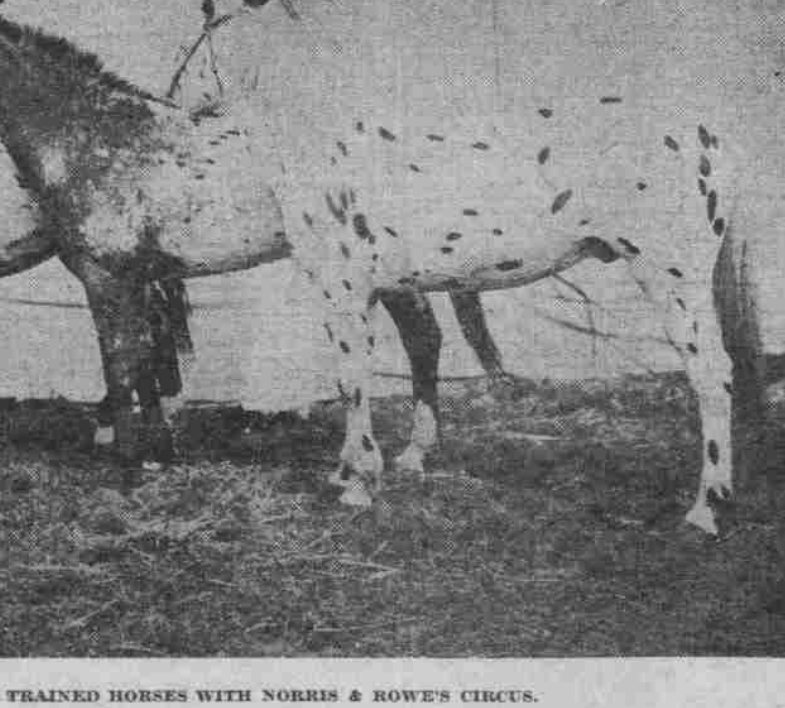


Many sleepless nights are being spent by the unfortunate members of the committee which will select a "Miss Columbia" for the industrial parade which will be held May 20, during the "Made in Oregon" week. The members of the committee thought at first that they would have a comparatively easy time in selecting the most beautiful girl from the many who have entered this unique contest, but now they have thrown up their hands and are in a sea of despair. Photographs of the pretty girls continue to be received by the secretary Freeman of the "Made in Oregon" movement. He could make an exhibit that would make the leading Portland photographers blush for their indignity. All are beautiful, or the members of the committee who will act as judges would have no trouble in picking out the prettiest. One member of the committee has suggested that it would be a splendid plan to place all of the photographs in a sack and then have one drawn out of the bunch, as in a lottery. But he was overruled and the members of the committee will carefully go over all the photographs and select the young lady whom they think deserves to be "Miss Columbia." The likeness of the young lady shown today is a sample of the many submitted to Secretary Freeman.

ident, presided at yesterday's meeting for the last time in the council. With genuine regret the council parted with their president, Mrs. Bumauer, who during her four-year term did much to further the work of the council. Dr. Stephen S. Wise addressed the meeting, this being his farewell address to the council, as the latter does not meet again until Fall. In a short but eloquent speech Dr. Wise emphasized the noble work of the Council and expressed his sincere regret at leaving. The members of the council petitioned Dr. Wise to reconsider his decision to leave Portland, and at the close of the meeting presented him with several elegantly bound books. A big dock for ocean-going shipping will be built by the Hill interests on the Welder tract, in North Portland, where the Portland & Seattle owns 100 feet of water front. Plans are now being considered by officials of the company, and as soon as the type of structure to be put up is settled upon, work will be begun.

President C. M. Levey, of the Portland & Seattle, was in Portland yesterday and said that data is being collected on the shipping situation to determine the draft of vessels entering the harbor, the character and extent of cargoes, and other details that will have an effect upon the kind and size of dock to be built. With the entry of the Portland & Seattle Railway into Portland, which is projected for 1908, the Hill interests will probably put on liners from this port, both to the Orient and Coast points. The Harriman lines are well supplied with docks, while the rival system has as yet no facilities here for handling shipping. It is expected that from time to time, before the completion of the Portland & Seattle, the present Hill holdings of waterfront property will be added to give the needed room for docks that will be required to handle freight in transit between vessels and trains.

San Francisco Musicians. Eilers Piano House will continue to furnish musical instruments free to professional musicians who suffered reverses in the San Francisco disaster. Apply to Mr. McCormick, Park and Washington streets. "SEE AMERICA FIRST." The Denver & Rio Grande has resumed the operation of its open-top and parlor observation cars through Colorado's famous scenery-scenery box found elsewhere in the world. All reduced rates. Apply via this route. For winter information you may desire call upon W. C. McBride, 124 Third street.



THREE OF THE TRAINED HORSES WITH NORRIS & ROWE'S CIRCUS.

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WANT CITY WATER

Residents of Many Suburbs Seek Service From Mains.

ANNEXATION IS FOSTERED

Municipal Board Will Try to Grant Relief When New Pipes Are In. Branch Pay Stations Are Being Established.

Bull Run water is the magnet that is attracting all the suburban communities towards this city, and operating as an incentive to annexation. It is judicially estimated that if interest in this direction is maintained much longer, Portland will embrace more territory than any other city in the country, and that her water mains will extend almost to the limits of Multnomah County. The Water Board yesterday listened to petitions from residents of Piedmont and Woodlawn, besides the new district adjoining St. Johns that was annexed at the general election last Fall, and all were clamoring for Bull Run water. At a recent meeting of the Council a large delegation from Montavilla was on hand pleading for annexation, and their strongest argument was based on the fact that their families would be deprived of a pure water supply until such time as they became a part and parcel of this municipality.

Practically every member of the Water Board sympathizes deeply with the efforts of the suburbanites to secure connection with the Bull Run system, and Engineer D. D. Clark was instructed to devise a water system for Piedmont, Woodlawn and the new territory adjacent to St. Johns.

All Suburbs Must Wait.

In the meantime, the residents of the localities were requested to file petitions with the Board for their desires, and efforts will be made to install the sections with laterals in advance, so that when the 24-inch high-pressure main now being laid from the Mount Tabor reservoir to a connection with the present mains in Killingsworth avenue and Commercial street is completed, the people of the Piedmont, Woodlawn and other districts can be supplied at once.

Wharves For Ocean Liners In North Portland.

C. M. Levey Says They Are To Be Erected on Welder Tract Water-Front—Securing Data.

A big dock for ocean-going shipping will be built by the Hill interests on the Welder tract, in North Portland, where the Portland & Seattle owns 100 feet of water front. Plans are now being considered by officials of the company, and as soon as the type of structure to be put up is settled upon, work will be begun.

IDEAL CIRCUS PROGRAMME

Norris & Rowe Will Provide Many New Features and Novelties. Norris & Rowe term their show this season "The First Prize Ideal," and from the programme submitted it would seem that the term is not exaggerated. The bare-back riders include such Am-

erican and European celebrities as Edna Maratta, lady somersault bare-back rider; Frank and Dolly Miller, with their superb four-horse carrying act; Ed Hocum, principal rider; Janet Melville and her high-school horses; Evie Stetson, one of the very few women who can turn a complete somersault on the bare-back of a horse while he is running swiftly around the ring. Edith Maskelyn and Mark Hayden are riders from the Paris hippodrome. They are considered the champion trick riders of the world; Herbert Rumley is a dare-devil rough rider; his sensational dashes around the ring creates consternation among the more timid spectators; William and Edith Stack perform a two-horse carrying act, always one of the most graceful and pleasing of numbers. Mr. Stack rides two horses at once, at the same time carrying his sister in his arms. In the meantime Miss Stack is assuming all sorts of picturesque poses while the horses dash steadily around the arena; Austin King is the famous Jockey and hurricane hurdlers; Little George Settler has the best chance to show off for he has four pure white, well-educated Shetland ponies and these he rides and drives in a startlingly original manner. The number is a pretty one, and appeals especially to the little ones. Norris & Rowe will exhibit at Twenty-sixth and Raleigh streets today and tomorrow at 2 and 5 P. M. The big parade will start at 10:30 each day.

Assignment Will Be Equal.

The new men will be distributed equally on both sides of the river, and will have instructions to shut off the water in

FAREWELL AMERICAN TOUR

1905-1906. M'NE SARAH BERNHARDT. WORLD'S GREATEST ARTISTE. DIRECTION SAM'L LEE SHUBERT AND W.M.F. CONNOR.

THE ARMORY

PORTLAND, OREGON. TO ACCOMMODATE NONRESIDENTS—Mail orders will now be received from Portland and all points, when accompanied by express money order, Postoffice money order or certified check and stamped, addressed envelope for reply. Address and make check payable to EILERS PIANO HOUSE, 351 Washington Street, Portland. SEATS NOW ON SALE AT EILERS Piano House

HOTEL PERKINS.

Fifth and Washington Streets PORTLAND, OREGON EUROPEAN PLAN

Rooms, \$1.00 to \$3.00 Per Day According to Location. First-Class Check Restaurant Connected With Hotel.

J. F. DAVIES, President. C. O. DAVIS, Sec. and Treas.

St. Charles Hotel

CO. (INCORPORATED) FRONT AND MORRISON STS., PORTLAND, OR. European Plan Rooms 50c to \$1.50 First-Class Restaurant in Connection

HOTEL OREGON

CORNER SEVENTH AND STARK STS. Portland's New and Modern Hotel. Rates \$1 per Day and Up. European Plan—Free Bus. WRIGHT-DICKINSON HOTEL CO., Props.

every case where the rules and regulations of the department are being violated. It was decided to establish branch offices during two days of each month in some store at Sellwood and University Park for the accommodation of ratepayers in those localities. If the system works satisfactorily, it will be extended to other districts. These applications for mains were granted: W. H. Nunn and three others for a 6-inch main in Cook avenue, between Vancouver and Gaitenbush avenues; L. E. Rich, for a 6-inch main in Hamerham avenue, from Division to Taggart; and a 4-inch main west on Taggart street to a connection with the present 4-inch main; T. A. Kitchens and 8 others for an 8-inch main on Portsmouth avenue, between Bluff and Houghton street. Several Petitions Are Denied. The following were denied: Mrs. W. J. Christmas, main in Morris street west from Delay; Ben A. and B. F. Campbell, on Union avenue, from Harrison to Lincoln; Charles E. Parker, East Eleventh from East Washington to East Morrison; and Mrs. S. G. Allen, at intersection of East Twenty-sixth and Holgate streets.

TRADE IS DRIVEN NORTH

KLAMATH FALLS COMPELLED TO BUY IN PORTLAND. Heavy Orders Are Sent In That Ordinarily Would Have Gone to San Francisco. Klamath Falls, Or., May 9.—(Special.)—Owing to the destruction of warehouse stocks of big wholesalers and jobbers of San Francisco, a heavy demand is being made upon the stocks of Portland jobbers by the merchants of Klamath Falls. The representative of one jobbing concern in Portland, who visited this place a short time since, was disappointed in his hopes, as the limit, so numerous were the orders and so extensive the bills required to replace stocks that have been kept low awaiting the season of good roads and consequent lower freight rates for the wagon haul from Pokokagama. The rate has been 2 cents a pound for the wagon haul for the past two months, owing to the condition of the road during the period while the snow has been disappearing. This rate will now be reduced one-half or more on large shipments and many stocks of Summer goods and groceries ordered shipped about May 1 or 15, from San Francisco houses will now come from Portland jobbers instead. This will give Portland dealers an insight into the large volume of business in Southern Oregon that was seen almost exclusively controlled by the Bay City. Ties of long business relation, coupled with sympathy for the loss sustained by California houses, will induce many of the merchants to continue their connections there, unless Portland offers advantages, but the Portland market just now has a splendid opportunity to assert its ability to meet the emergent demand of an immense territory to the south and southeast in both Oregon and California, which will be improved by the progressive jobbers. Packing Company Is Dissolved. MONTESANO, Wash., May 9.—(Special.)—The Ninemire & Morgan Company, the

CEYLON TEA

Is daily being used by thousands of tea drinkers who were wedded to other teas for years. A proper trial of Ceylon tea properly made, has but one result—that is the conversion of the tea lover to Ceylon Tea because of its purity, deliciousness and great economy in use. HOW TO MAKE IT—Use half the quantity as of other tea. Fresh boiling water. Steep four or five minutes.



Friday Evening, May 11... SAPHO Saturday Matinee, May 12. CAMILLE NO PERFORMANCE SATURDAY NIGHT PRICES—\$3.00, \$2.00, \$1.00