

THREE ON ONE TRACK

Contest for Right of Way to Kalama.

ON NORTH SIDE OF COLUMBIA

Washington & Oregon, Portland & Puget Sound and Columbia Valley Fighting It Out in the Courts—Eager to Build.

A triangular fight for possession of the right of way between the Portland & Puget Sound Railway, on the north side of the Columbia River, between Vancouver and Kalama, was begun in the Superior Court of Clark County yesterday. A petition for condemnation of the right of way was filed by the Washington & Oregon Railroad Company, January 28. Edmund Rice, of Olympia, is president of this company, and E. H. Hart and George Sunday are building residences to cost about \$500 each, while Mrs. J. F. Clarke will have one much finer. Other improvements are going on among which is a windmill tower being built by F. Metzger, which is 100 feet high and overlooks everything else in Gresham. The place is rapidly forging ahead and shows evidence of being the most prosperous town anywhere in this section.

The Portland & Puget Sound Railroad Company is a corporation that was organized nearly 12 years ago, to build a line between Vancouver and Puget Sound, and the Union Pacific and the Great Northern were equal owners in the company. Several hundred thousand dollars were expended in building a grade most of the distance between Vancouver and Kelso, and in work on a great bridge that was to have spanned the Columbia at Vancouver. When the Union Pacific system went to pieces in the hard times, its interest in the Portland & Puget Sound Company was sold to the Northern Pacific, thus leaving the Great Northern and the Northern Pacific equal owners at present. It is said, however, that the Great Northern, or James J. Hill, has a larger or more influential interest in the property than the Northern Pacific has, on account of having paid taxes on the property, which the Portland & Puget Sound Company had permitted to become delinquent. O. C. McGilvery, of the law firm of Burke, Shepard & McGilvery, the legal representative of the Northern Pacific in Seattle, represents the Portland & Puget Sound Company in the present proceedings.

The Columbia Valley Railroad Company was organized about two years ago, to build from a point opposite Wallula down the north bank of the Columbia to Ilwaco, L. Gerlinger, of the Portland, Vancouver & Yakima road, being at the head of it. This company has been surveying crews constantly in the field since its organization and has a line located from Wallula to Ilwaco. President Gerlinger testified yesterday that his company had expended \$5,000 in this work.

These are the three companies that are now struggling for the right of way between Vancouver and Kalama, and it is said that the one that shall be successful will run trains over the route this year.

Proceedings in Court.

When the matter came on for hearing at Vancouver yesterday morning the Portland & Puget Sound Company moved for dismissal for lack of jurisdiction, which was overruled. Permission to transfer to the United States Court was asked, and was granted. The case was then filed touching the jurisdiction of the court, the competency of the petitioner and the sufficiency of the notice and petition. This was duly argued and promptly overruled. The case was then set as to be argued of one railroad corporation to take the right of way of another railroad, and the question as to whether the Portland & Puget Sound is a live corporation with rights that would enable it to protect its right of way that had never been used and had lain untouched for 10 years, was considered by the lawyers, but no definite answer was given. The Portland & Puget Sound people filed and served their formal answer, and then the Columbia Valley Railroad Company, through G. W. Stapleton, asked for permission to intervene, on the grounds that it was interested in the same purpose as the Washington & Oregon Company and had a prior right to take the right of way in question, by reason of the fact that it had completed its survey for the route, and had filed its definite maps, which had been duly approved; that it had bought land for right of way, had obtained authority to cross Government land, and had opened negotiations for rights of way across Indian lands. These acts, it was contended, showed the good faith of the company and gave it an interest which should be considered in the present proceeding, and this could only be done by means of the intervention or cross-complaint. The Washington & Oregon Company opposed the intervention on the ground that the intervenor was too late in trying to establish its claim to the right of way. Judge Miller admitted the intervention and court adjourned till afternoon.

Which Has Prior Right?

Four hours of the afternoon were consumed in taking testimony to show the right of the respective parties to condemn. President Rice, Chief Engineer O'Neill and County Surveyor Webster testified for the Washington & Oregon Company. The two railroad officials told of the survey that had been made between Vancouver and Kalama and of the intention to go forward with the construction of a railroad on the route. This line followed exactly the old grade of the Portland & Puget Sound road. County Surveyor Webster testified that the old grade had apparently been abandoned by the Portland & Puget Sound Company before the Washington & Oregon Company surveyed the route. The president of the Columbia Valley Company, testified that he had had surveys in the field on his line ever since the company was organized, with the exception of 10 days, and that progress was made as fast as circumstances would permit. A part of the Columbia Valley survey, he said, was on the Portland & Puget Sound grade, and that progress was made as fast as circumstances would permit to obtain. As evidence that the Columbia Valley was not simply occupying the ground for the purpose of keeping others away, he cited the fact that where his survey would come in conflict with that of the Washington & Oregon, the Columbia Valley surveyors had located the line to one side. He said the company had spent \$5,000 in locating its line and buying state lands for right of way; that it had filed with the proper officers maps of definite location, and they had been approved; that authority had been obtained to cross Government land, and negotiations were in progress with the Department of the Interior for right of

NO DAMAGE BY FRESHET

JANUARY FLOOD BENEFITED THE WILLAMETTE RIVER.

Few Lumps Formed, but There Is Plenty of Water Near Them—Engineers Require Attention.

No comment was made at the meeting of the Port of Portland Commission yesterday on the changes which the Legislature proposes to make in the personnel of its members. President Wilcox and Commissioner Hughes pleasantly discussed the Senatorial situation at Salem while a quorum was coming in, and then the little business on the table was hurriedly disposed of. The session was over in 15 minutes. Soundings recently made by the Commission as far as Knappa's, 13 miles below Portland, showed that the big freshet in January caused little trouble. Indeed, the Willamette was benefited, as the mouth of the river was scoured out. Lumps formed in three or four places, but there is good water alongside of them, and navigation is not hindered.

LONG ROUTE TO NEHALEM BAY.

Line Suggested by a Citizen of Glencoe, Washington County. GLENCOE, Or., Feb. 12.—(To the Editor.)—I have noticed of late quite a bit of correspondence from people living along the proposed railroad to Nehalem. I cannot see any reason why a road over the Cornelius Pass from Linton, and on through the German settlement to Phillips and Glencoe and Mountain Dale, thence following east to Dairy Creek to the head of Pebble Creek; thence down the Pebble Creek to the Nehalem; thence down the Nehalem to Nehalem, and down to the Lower Nehalem Valley, and across by the coast to Garibaldi and Tillamook. This is the most direct and most practical of any of the proposed routes, as it passes through the best of country, and surpasses in dairy farming and grain raising. This route not only passes into the timber and coal regions of Washington and Clatsop Counties, but it passes through the best part of the farming land of the state.

FARMERS SEE THE COLLEGE.

O. R. & N. Carries Them Free to Inspect Pullman Institution. When the course of Farmers' Institutes was in progress in the Palouse country last winter, Industrial Agent Judson, of the O. R. & N. Co., offered to give the farmers a free excursion to Pullman, in order that they might inspect their agricultural college, and get in touch with its work, and perhaps get some new ideas to be put in practice by themselves on their farms. The first of these excursions started Tuesday morning, when 58 farmers were taken from Walla Walla, Dayton, Wainwright, Prescott and Tekoa, and carried to Pullman. They were given a thorough inspection of the college and returned home the next day. Yesterday 50 more farmers from Rockford, Garfield, Farmington, Latah and other points took advantage of the opportunity, and they will be returned home today.

RAILROAD CARS IN JANUARY.

Number Handled in Portland Was 1172 Greater Than a Year Ago. The number of loaded railway cars handled in Portland last month is 1170, or 1172 more than in January, 1900. The number handled here in the past three months is as follows:

November	1899-00	1900-01	Gain.
December	10,293	13,909	3,616
January	10,538	11,710	1,172

Railroad Yarn From Tacoma.

TACOMA, Feb. 14.—It is stated positively that President Mohler, of the O. R. & N. Co., acting for the Union Pacific, has bought the Northern Pacific interest in the old graded right of way between Portland and Tacoma, which was owned jointly with the Great Northern. The sale was made originally to L. Gerlinger, of the Portland, Vancouver & Yakima line, and by Gerlinger was transferred to Mohler.

Southern and Santa Fe Harmonious.

NEW YORK, Feb. 14.—The Mail and Express says that the Southern and Santa Fe are in a more harmonious relation than they have been for some time. "Since the arrival of President Hays, of the Southern Pacific, and President Ripley, of the Atchafalaya, in this city, important conferences have been held which have resulted in the establishment of a satisfactory traffic agreement between the two companies. This has reference both to the maintenance of rates and to the division of territory, with a view to preventing all chances of friction between the two companies."

Change of Great Northern Officials.

ST. PAUL, Minn., Feb. 14.—The appointment of C. E. Stone to be assistant general passenger agent of the Great Northern to succeed T. B. Lynch, resigned, is announced. Mr. Stone is at present assistant general passenger agent of the Northern Pacific, having come with that road when the St. Paul & Duluth was absorbed by it. He was general passenger agent of the St. Paul & Duluth for a number of years. The appointment was made by Vice-President Miller.

Pacific Traffic Agreement.

NEW YORK, Feb. 14.—The statement was made in Wall Street today, but confidentially confirmed, that a traffic agreement has been entered into by the Atchafalaya, Topeka & Santa Fe and Southern Pacific companies providing for the establishment and maintenance of rates, and an equal division of freight and passenger traffic. The agreement, it is declared, becomes operative at once.

Burlington Carries Many Tourists.

The Burlington road yesterday brought into Montana 19 cars containing 767 passengers bound for Washington and Oregon points. These come from various points in Burlington territory, as far East as Chicago.

Railroad Notes.

The O. R. & N. has consolidated its office in San Francisco with that of the Union Pacific. General Passenger Agent Craig, of the O. R. & N., is expected to arrive from St. Paul and assume the duties of his office about next Monday. A gang of surveyors is at work south of Harrington, Wash., on the line of the Great Northern. The purpose of the survey is to eliminate curves between Harrington and Mohler.

COULDN'T DRAW A STOVE.

How Homer Davenport Made His First Failure as an Artist.

Homer Davenport began his career as an artist on The Oregonian nearly 15 years ago. He now looks back with much amusement on his experiences of those days, and the story he tells of his first engagement is probably even more amusing to others than to himself. He was well known in the Silverton section as a boy who could draw uncommonly fine pictures, and his friends expected him to be one of the great artists of the world, so when he got word to come to Portland and go to work for The Oregonian, everybody in Silverton rejoiced. They got up quite a send-off, and gave the boy a good send-off.

PREPARING A SCEPTER FOR HIM.

"When I showed up for work," says Davenport, "I expected to draw horses and dogs and pheasants, but I was turned over to an advertising solicitor and told to go with him. He took me away up the street to sketch a stove. I must have expressed my disapproval, for I remember that the solicitor told me I ought to turn my talents in a more practical line; that birds and animals were all right, but that stoves and such things would make me rich and famous. "Now, when it comes to drawing objects accurately, to making mechanical drawings, I'm not in it for a minute. If my bread and butter depended on my making an accurate drawing of that chair I'd throw up the sponge and quit right now; I can't do it, that's all. Well, that stove had to be reproduced with so much fidelity that a little peculiarity in its damper, which constituted its only merit, would show in the picture. They brought the stove out into the street where the lawyer who had been so obstructed for an hour or two while I was working on it. I found it very difficult. I couldn't get the four feet of the stove to touch the floor at the same time. The thing appeared to be dancing a Highland fling. I brought the sketch to the office and worked it up and gave it to the solicitor to show his customer. The man looked at it critically a moment and then said: "If you'll print that in The Oregonian with the name of the stove and the state-meat would be created along the line of the route in event the box-delivery service were required by the contract? "Third—How much time should be allowed the carrier in which to make the trip over the route and way if the box-delivery service were required? "You are also requested to submit such other recommendations for the improvement of the supply of the offices now pro-

COUNTY JUDGE CAKE, FOR WHOM THE MULTNOMAH DELEGATION IS BUILDING A THRONE.

If the bill now before the Oregon Legislature relative to the County Judge gets through without changes, County Judge Calk will have greater powers than any of his predecessors ever had. Under the proposed legislation he will be empowered to select the Road Supervisors, after removing those now in office. He will also be empowered to increase the number of road districts, and thus make more and more of the County Judges will be in his hands, as he will have the authority to appoint two persons, to serve with himself, as a Board of Election Commission. This commission will also make the official canvass of votes. Judge Calk will appoint the Public Administrator and the Board of County Commissioners will meet only at his call. These are the powers the Multnomah delegation are endeavoring to confer upon Judge Calk, which have so far come to light.

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Death of an Old Soldier.

James Paul, a veteran of the Civil War and a pensioner, died at his home, 403 East Twelfth street, near Grant, Wednesday, after a brief illness of the grip. He was 82 years and 9 months old. He first enlisted in Company E, Second Kansas Volunteers, May 4, 1861. He re-enlisted in Company F, Eleventh Regiment, Kansas Cavalry, February 12, 1862, and served till the summer of 1864. He resided in Portland for four years. A wife and seven children survive him, the oldest being a son 20 years old. The funeral will take place today, under the auspices of George Wright Post, G. A. R.

A WINTER ROUTE TO THE EAST.

The climate of Utah and Colorado is temperate the year round, and clear skies and sunlit days are as proverbial in Winter as in Summer. The mean annual temperature in Salt Lake City or Denver is about 50 degrees, and the average annual precipitation there can be little or no trouble from snow in the districts traversed by the Rio Grande Western Railway, and its immediate connections—the Colorado, Midland or Denver & Rio Grande Railroads. In fact Winter adds but new grandeur and charm to the travel scenes, and induces a desire of variety and beauty to the unsurpassed wonders of nature along the Great Salt Lake Route. Tickets to Aspin Point East may be obtained at 23 Washington street.

ANOTHER STEP FORWARD.

Another step forward in the crusade against gambling and kindred evils, was taken at a committee meeting of the Law-Enforcement League. A load of this week, when by-law and a constitution were adopted. It was decided that in addition to the president and vice-president of the league, an executive council of 12 will be elected to take such steps as are necessary to assist public officials in enforcing the law. A public meeting of the league, for which a number of special invitations will be sent to reform-workers, will be held at the Y. M. C. A. Hall, on Wednesday.

BUSINESS ITEMS.

If Baby is Cutting Teeth. Be sure and use that old and well-tried remedy, Mrs. Winslow's Soothing Syrup, for children teething. It soothes the child, softens the gums, kills all pains, and cures all diarrhoea.

THE BEST THAT CAN BE SAID ABOUT A MEDICINE.

It is said about Hood's Sarsaparilla, it cures.

FAVORS DISTANT FARMERS

POSTOFFICE DEPARTMENT WILL HAVE BOX DELIVERY.

It Will Be of Great Benefit to Oregonians Living on or Near Star Mail Routes.

The Postoffice Department is preparing new mail contracts on star routes, so as to include a provision whereby persons living along such routes may have their mail deposited in boxes to be erected by them for that purpose, except on routes where the requirement of such box-delivery service would be impracticable, of which due report should be made, giving explicitly the reasons why such service is considered impracticable.

"The general provisions of such box-delivery service will be as follows: "Any person living on or near the route who desires his mail deposited in a box by the carrier on said route may provide and erect a suitable box on the roadside, located in such manner as to be reached as conveniently as practicable by the carrier, and such person shall file with the Postmaster at the postoffice to which his mail is addressed (which shall be one of the two postoffices on the route on either side of and next to the box) a request in writing for the delivery of his mail to the carrier on the route for deposit into said mailbox, at the risk of the addressee. "It shall be the duty of the Postmaster at every postoffice, upon a written order from any person living on or near the star route, to deliver to the proper mail carrier for that route any mail matter, except registered mail, with instructions as to the proper mailbox into which said mail matter shall be deposited; but no mail matter so delivered to a carrier for deposit shall be carried past another postoffice on the route before being deposited in a mailbox. "The Postmaster at each intermediate postoffice, upon receiving from the way pouch on any trip the packages of mail addressed to his office, will immediately sort out before the carrier proceeds on his trip) the mail intended to be deposited into boxes along the line between his office and the next office at which the carrier will arrive, and shall deliver the same to the carrier to be deposited into such boxes on the same trip. "The carrier will be required to receive from any Postmaster on the route any mail matter that may be entrusted to him outside of the usual mailbox, and shall carry such mail matter to and deposit it into the proper boxes placed on the line of the route for this purpose; such service by the carrier to be without charge to the addressee. "The mailcarriers must be of good moral character, able to read and write the English language, and be of sufficient intelligence to properly handle and deposit the mail for boxes along the routes. "The law provides that every carrier of the mail shall receive any mail matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next postoffice at which he arrives, but that no fee shall be allowed him therefor. "The contract price covers all the service required of the carrier that is indicated in the advertisement. "In order that the department may act intelligently in preparing this advertisement, you are requested to answer as specifically as possible the following inquiries relative to existing routes: No. from to "First—How many people reside along the line of the route who would probably be served by it? "Second—How many boxes do you estimate would be erected along the line of the route in event the box-delivery service were required by the contract? "Third—How much time should be allowed the carrier in which to make the trip over the route and way if the box-delivery service were required? "You are also requested to submit such other recommendations for the improvement of the supply of the offices now pro-

BARBER SHOPS.....

Will Be Closed Sunday

WE CAN'T SHAVE YOU BUT HAVE SHAVED THE PRICE ON OUR

RAZORS, STROPS SOAPS AND MUGS

In fact everything that cuts at cut prices, at

Laue-Davis Drug Co., 3d and Yamhill

RELIABLE DRUGGISTS

vided for by this route as you may desire to make. Any such recommendation for a change from the present service should be set forth fully and explicitly the change desired and the reasons therefor. "It is particularly desired to know whether the frequency of trips on the existing route could be reduced, and whether the route could be in whole or in part, dispensed with without detriment to the service; and also whether the existing schedule is the best, from a postal standpoint, that can be arranged. If changed from existing days or hours of arrivals and departures is desirable, you will submit such schedule as will best serve the public interest. If in your opinion, the present service is inadequate for the needs of the offices supplied by the route, state what additional facilities are needed; and if a change in the present mode of supply of any office is desirable, state fully by what means such office should in future be supplied. "It is very important that you give this matter your immediate and careful consideration, and submit only such recommendations as represent your judgment of the necessities of the service. "A failure to comply with these instructions will be considered a serious dereliction of duty on your part and will be treated accordingly. "W. S. SHALLENBERGER, "Second Assistant Postmaster-General."

EASTERN MULTNOMAH.

Unusual Activity Among the Farmers in Spring Work.

GRESHAM, Feb. 14.—During the past few weeks of bright weather there has been an unusual acreage turned over for this season of the year. Farmers have been industrious and nearly every orchard and berry field has been put in excellent shape for its expected crop. Several hundred acres of new land will be cultivated this year, and the extent of new farming land is steadily growing. "The year which" which was put in potatoes the first year. More clover is being sowed this spring than before, which has been made necessary by the increase of cows, whose numbers have been doubled during the past two seasons. They require more feed and the ensilage system has solved the problem of how to preserve it fresh. At least a dozen new silos will be put up in time for the clover and green corn crops, which means more milk and more butter and cheese. The factory at Fairview will begin its milk route east of the Sandy March 1, taking milk from about 30 new patrons who have just begun to be interested in selling milk, while the Gresham factory has arranged to be supplied with milk from 100 more cows. It is necessary to enlarge the latter factory, which will be done next month.

Grist Mill Improbable.

From one of the committee appointed to raise the bonus of \$500 for a grist mill at Fairview, it is learned that the plan will probably fall through for lack of enthusiasm among those who should be the most interested. It has been figured out by some of them that a 20-horsepower mill, with a capacity of 75 barrels per day, will cost \$10,000, and the cost of the opinion that the required bonus is too large. One man offered to contribute \$1000 if the money were paid back in time, and others are inclined to be of the opinion that the mill company should take all the risk. This the company refuses to do, as it has offers at several other points and will probably accept one of them. It is almost certain that Fairview will not get the mill. Buildings Going Up. Smith's new addition to Gresham has been planned and is being sold in accordance with the plan.

PERSONAL MENTION.

Colonel Robert Pollock, of 233 Twelfth street, has so far recovered from his recent illness that he was able to go to his farm near Cornelius this week. NEW YORK, Feb. 14.—Northwestern people registered at New York hotels today as follows: From Portland—S. Rosenfeld, at the Hoffman. From Spokane—F. S. Merrill, at the Continental. From Seattle—J. E. Garak and wife, at the Hoffman; J. Redelshamer, at the Herald Square; G. B. McCulloch and wife, at the Victoria. WASHINGTON, Feb. 14.—General Charles F. Beebe expects to leave for Portland tonight. Russellville Lyceum. The Russellville Lyceum has resumed meetings in the Blue hall on the Base Line road. At the last meeting a literary programme was rendered, after which there was a spelling contest. The interesting feature of the program is the paper read at the meetings called "The Strychnine." It is edited by Miss Wyoming Lang and is made red hot. The "fighting editor" usually has his hands full for several days after each meeting, owing to personal references made in "The Strychnine." He has nothing to do but scrap. J. C. Gill was elected doorkeeper and bonneteer. He has to stand at the door and prevent all from entering who cannot give assurances they will behave themselves. Those who do not keep order, he throws through the door and tumbles down the stairs without any ceremony. Order is what is wanted and what the members will have.

Ordination at Baptist Church.

The ordination service of J. Howard Everett will take place tonight at 7:30, at the Second Baptist Church. Rev. Ray Palmer will preach the ordination service, and the Rev. E. M. Bliss will deliver the charge at the ceremony. The Rev. Lapham will give the ordination prayer, and J. Howard Everett will pronounce the benediction. A cordial invitation is extended to the general public.

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COLUMBIA

From the beginning the Columbia has been the best known, the widest known, and the most largely used of any single product of the American cycle industry.

That the Chainless Bicycle has come to stay is an assured fact to those who have had an opportunity to study the mechanism and test its ease of operation. The Columbia Chainless is the pioneer, and the Columbia factory in which they are built, is the most complete plant for chainless construction in the world.

It is written—once a Hartford rider always a Hartford rider—unless you become a Columbia rider. Our 1901 Hartford Bicycles surpass any of our previous efforts. They are without the shadow of a doubt the most desirable bicycle ever offered for \$35.



WE WANT good, live agents in every city and town in Oregon and Washington. If Columbia or Spalding are not properly represented in your town, write us.

In designing our 1901 Spaldings we were guided first, by our intention to perpetuate every distinctive Spalding feature, every characteristic point of excellence which in the past had made bicycles bearing the Spalding nameplate the mount of a great many discriminating riders.

We have paid the closest attention to every suggestion for improvement made by our mechanical engineers and test riders.

We are well satisfied with the results and do not think the most fastidious rider can detect anything that is unpleasant.

Wheels sold on easy payments. Second-hand bicycles taken in trade for new ones. Sundries at wholesale or retail. Wait for our sundry catalogue, and we will make you money.

American Bicycle Co.
Portland Branch
Columbia Sales Dept.
132-134 Sixth Street

Our Vedette bicycles are built of seamless tubing, are highly finished, and stand out prominently as the finest bicycle ever offered at \$25.

HARTFORD

SPALDING

HARTFORD

VEDETTE