

# DECIDES FOR THE O. R. & N.

## Maegly Junction Suit Goes Against the Portland & Seattle Road.

### FINDING OF JUDGE FRAZER

#### Injunction Kept in Force So Far, as It Applies to Interference With Harriman Forces by the Hill Forces.

The O. R. & N. Co. won the right-of-way suit for the ground at Maegly Junction, on the Peninsula, which has been pending in the State Circuit Court since December 22 last. Judge Frazer yesterday held that the O. R. & N. Co. had the

### O. R. & N. WINS IN COURT.

It appearing that it is the manifest intention of the O. R. & N. Co. to build its railroad along the adopted line of route, the Portland & Seattle Railway Company should not be permitted to make any deal of this property which would deprive the O. R. & N. Co. of the right to condemn, or otherwise acquire a right of way across the property and build its road upon the lines adopted. Nor should the Portland & Seattle Company be permitted either to undo the work which the O. R. & N. Co. has already done on the tract of land, or to build another railroad across the land which would interfere with the building of the O. R. & N. Co.'s road until the O. R. & N. Co. has had a reasonable opportunity to acquire such right of way, either by condemnation or purchase. Hence the injunction issued by this court in the case of the O. R. & N. Co. vs. Portland & Seattle Railway Company should be dissolved insofar as it restrains the Portland & Seattle Company from occupying and using the land for ordinary purposes, but should be continued in force insofar as it restrains the Portland & Seattle Company from undoing the work done by the O. R. & N. Co. or from building any other railroad which would interfere with the building of the road of the O. R. & N. Co. for such a time as would reasonably be sufficient to enable the O. R. & N. Co. to acquire a right of way.—Judge Frazer's Decision.

# COUNSEL ARE ANGRY

## B. S. Pague and John F. Watts Wrangle.

### COURT'S IDEA OF MODESTY

#### Judge Cameron Says That Any Woman Who Enters a Saloon is Lacking in That Quality, and Fines Defendant.

"What is your telephone number?" asked B. S. Pague, counsel for Arthur F. Brown, manager for the Oregon Detective Service Company, yesterday morning, when he began the cross-examination of Mrs. Mary Laughlin, the woman who caused the arrest of Operative John Gustafson, of the "shadow" office. "I object, Mr. Pague," shouted John F. Watts, private prosecutor, upon whose advice Mrs. Laughlin had Gustafson arrested. "If the court please," hotly replied Mr.

Cameron and Mr. Brand sat up and took notice. "We don't usually go quite so far in such cases," said Judge Cameron. "The latter usually suffices." "I demand that the chemist come into court and swear to this," said the attorney. "Therefore, the case was continued until this morning." They quarreled, fought and were arrested, but when they met face to face before Judge Cameron, Albert Warner and Walter M. Flourie, young men, decided to throw aside their bitterness, shook hands and vowed they would henceforth be good friends. In the circumstances, Judge Cameron acquitted both, warning them never again to commit a breach of the peace. James Smith, proprietor of the Doctor saloon, 289 Stark street, was found guilty of allowing disorderly women to enter his establishment, but as it was his first offense, and he promised to obey the law to the strict letter in future, Judge Cameron suspended sentence. Smith must also arrange certain features of his place to the satisfaction of Acting Detective Key, the arresting officer, who said that portions of the saloon were not in keeping with the regulations. Charles Sleigh, or Schlar, arrested by Headquarters Detective Kerrigan, and Vancouver, Wash., officers, on a charge of burglary, was arraigned on that count and at first said he wanted a preliminary hearing. Detective Day, who had nothing to do with the case at all, whispered to the prisoner, and then Sleigh said he would waive a hearing, and was held to the grand jury. In less than ten minutes Sleigh was re-

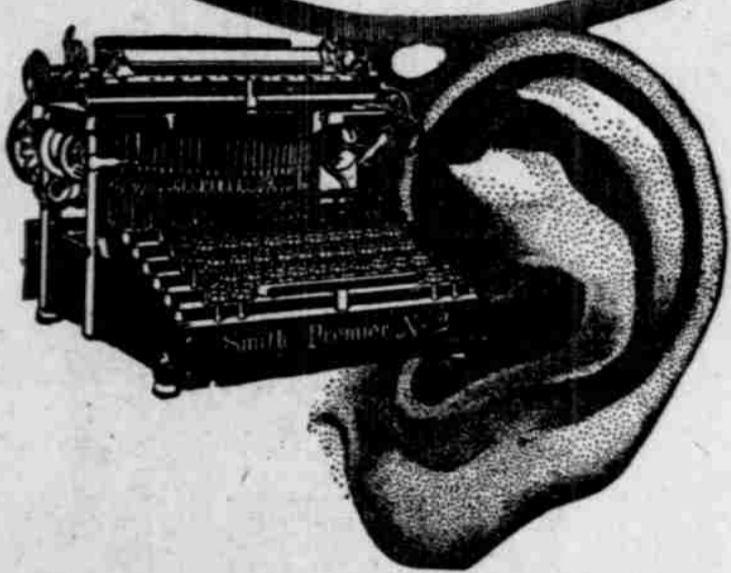
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VIEW SHOWING PROGRESS OF WORK ON THE LAZARUS BUILDING AT FOURTEENTH AND WASHINGTON.

right to acquire the crossing, which comprises a strip of ground 100x300 feet by condemnation or purchase, and that the Hill forces must not interfere with the Harriman people in establishing a grade unsatisfactory to the latter, or interfering with any work already done by the O. R. & N. Co. The Portland & Seattle Company purchased a right of way from A. H. Maegly, receiving a deed on December 22. The O. R. & N. Co.'s line runs in an opposite direction, and crosses the line of the Portland & Seattle Company. The O. R. & N. Co. had previously mapped out its right of way and established its surveys and grades.

road company, and hence the purchase by the Portland & Seattle Company does not in any way deprive the O. R. & N. of its right to acquire a right of way across said tract, it is not entitled to enter this possession of the same, but that the Portland & Seattle Company, as the owner of said land, is entitled to the full and complete possession of the same until the O. R. & N. shall have acquired each right of way.

Pague, "I don't want that man, Watts, to speak to me at all." "Tut-tut, no wrangling," warned Municipal Judge Cameron. "You must not quarrel here." "I don't call Brother Pague a man," snapped Mr. Watts. "He is very sarcastic this morning, but I might call him a dog; it's all in the same category." "Don't argue between yourselves," again warned Judge Cameron. "There is no need for this talk; it must cease." Judge Cameron sustained the objection of Mr. Watts, but it was not long until there were more "fireworks."

turned by Detective Kerrigan, and was arraigned on a charge of larceny in a dwelling. He asked for counsel, and said he would determine later as to whether he would demand a preliminary hearing. In addition to articles at first found in Sleigh's possession, he is now said to have robbed the residence of Rev. Clarence True Wilson. F. A. Crary, charged with larceny, was held to the grand jury. A woman who is said to have operated with him fled to California.

### Cause of Litigation.

The O. R. & N. Co. also sued Mr. Maegly and the College Endowment Association, of which he is the principal owner, on December 22, the day before the Portland & Seattle Company obtained the deed, to condemn the disputed crossing and other adjacent ground. One considerable source of controversy concerns the grade. The Portland & Seattle Company wants a high grade to connect to high points, and the O. R. & N. Co. wants a grade on the level, or the opposing company to make its grade of sufficient elevation to permit the O. R. & N. Co. to run underneath and not have to maintain a crossing. In truth and in fact, the O. R. & N. Co. would like to prevent the Portland & Seattle Company from crossing the Peninsula at all, and require it to cross the street bridge and use the tracks of the O. R. & N. Co. on the Peninsula from Albina to Columbia Slough. The case will probably be appealed to the Supreme Court. Judge Frazer held that, while the O. R. & N. Co. has not yet acquired right of way over the disputed territory, and that the Portland & Seattle Company was the owner of the land, the O. R. & N. Co. could secure possession by legal proceedings.

### Admits Robbing Telephone Boxes.

George Billings, a youth of 18, pleaded guilty in the State Circuit Court yesterday to a charge of robbing telephone boxes. Billings stated that he had never committed any crimes before and pleaded for leniency. Judge Frazer was not inclined to impose a penitentiary sentence and after a conference with Deputy District Attorney Bert Haney agreed to continue the matter and confer with the Prisoners' Aid Society. The court may decide to sentence Billings to a year on the reformatory, or may conclude to release him upon parole. An investigation into his past history will be made.

### JUDGE CAMERON ON MODESTY.

"Any woman who enters a saloon, it seems to me, is immodest," said Municipal Judge Cameron yesterday morning, when deciding the case of the city against John Conrad, proprietor of the Pullman saloon, 126 Fifth street, charged with permitting immodest women in his place. "It strikes me that when a woman enters a saloon she leaves her modesty behind, and therefore I will find the defendant guilty and fine her \$25." In his conclusion regarding modesty, Judge Cameron was upheld by Deputy City Attorney Fitzgerald. Neither Judge Cameron nor Mr. Fitzgerald was to be regarded as applying their views on this question to reputable establishments where dining-rooms are maintained. Attorney J. M. Long, for the defense, argued strongly against the court's decision. A feature of the case was that Acting Detective Kay, now under arrest, gave the convicting evidence.

### BURIAL OF JONES' BONES

#### Naval Hero Will Be Interred at Annapolis With Ceremony.

ANNAPOLIS, Md., Feb. 27.—Secretary of the Navy Bonaparte, General Horace Porter, Governor Warfield of Maryland and Admiral Sands were in conference yesterday relative to the interment of the remains of Admiral John Paul Jones April 24, the anniversary of his victory over the British frigate Drake. The body of the great sea-fighter will on that date be removed from the temporary vault, in which it was placed upon its return to this country, to the handsome memorial hall in the new midshipmen's quarters, and not, as had been expected, to the crypt of the new chapel, as that will not be ready in time for the ceremony. While all the details have not been arranged, the ceremonies of April 24, which will be held in the armory of the naval academy, will be presided over by Secretary of the Navy Bonaparte, and addresses will be made by President Roosevelt, General Porter, Governor Warfield and the French Ambassador, M. Jusserand. It was decided to make the display a purely naval affair, except the various patriotic societies throughout the country will be invited to attend and participate.

### What Judge Frazer Says.

In discussing the case, Judge Frazer said in part: "It is the opinion of this court that the Portland & Seattle Company is the owner of the 300-foot strip of land purchased by it from the College Endowment Association, and was such owner within the meaning of the statute relating to condemnation of property for rights of way, before the condemnation proceedings of the O. R. & N. against the College Endowment Association was begun, and that since the Portland & Seattle Company was not a party to such condemnation proceedings, it is not affected by the judgment rendered therein. And the O. R. & N., not having acquired any right either by purchase or condemnation to enter upon or construct its railroad across this 300-foot strip of land should not be permitted further to enter upon, occupy or work on the construction of its road thereon until it has either by purchase or condemnation, secured a right of way across said land; and that, hence, the temporary injunction heretofore issued in the case of the Portland & Seattle Company vs. the O. R. & N. should be continued in force until such time as the O. R. & N. shall have acquired by purchase or condemnation a right of way across such land, and unless the O. R. & N. shall have used diligent efforts to acquire and shall have acquired such right of way within a reasonable time hereafter, such injunction should be made perpetual. But the court is further of the opinion that the O. R. & N. has by reason of prior location and adoption of its line of road, acquired a right to proceed with the acquisition of a right of way along such a line of road, and that the same cannot be defeated by the subsequent purchase of property across such a line of road by another rail-

### Grocers' Candidate Becomes Citizen.

D. C. Burns, the grocers' candidate for member of the Legislature, was admitted to citizenship by Judge Frazer yesterday. Mr. Stearns, one of the witnesses, testified to an acquaintance of over 20 years with Mr. Burns, and Judge Frazer, in pronouncing the order admitting Mr. Burns to citizenship, took occasion to remark that Mr. Burns ought to feel ashamed that he had not taken out his citizenship papers before.

### Van DeLashmatt on Statement.

PORTLAND, Feb. 27.—(To the Editor.)—There seems to be much misunderstanding among the people, and even with the press, as to the nomination of United States Senator under the primary law. The one most desired upon, is what the Republican legislative candidate would do if elected, but to use the Democratic nominees if there should be only one should chance to get a plurality of the votes of several Republican nominees. Section 30 of the primary law explicitly disposes of this doubt by providing that the Republican nominee for United States Senator, who shall receive the highest vote in April, shall receive his certificate as the nominee of his party just the same as its Governor, Secretary of state and members of Congress. Hence his name alone can appear upon the ballots in June as the nominee of that party. Looking at it from a Republican standpoint, there is only a bare possibility that the Republican nominee in June would fail to get a plurality vote over all in the state, and this could only occur as the result of some sudden public sentiment emanating from citizens, sitting causes not publicly known in April. This fear is so remote that it is not worthy of serious consideration so far as the coming election is concerned. As to future elections, we will do well to cross these primary bridges as we approach them. No doubt defects will develop as the result of practical application, calling for future amendments and Statement One may not be one of them. But the Republican who balks at it now is entirely too precious and conceivably shows that his opposition to Statement One is only a blind to conceal his real opposition to the primary law itself—which he has not the maturity openly to avow. Ask one of these

### Says Husband Is Spiritualist.

In answer to the suit of her husband, R. B. Smith, for a divorce, Roetta Smith alleges that he is a spiritualist and has insisted that she should consult the spirits, which worked upon her nerves so that she could no longer endure the torments of the situation, and she was obliged to leave him for that reason. The litigation was started at Tillamook in 1899. Mrs. Smith accuses her husband of infidelity and names Mrs. Bowers as corespondent.

### Bridge Delay Criticized.

PORTLAND, Feb. 27.—(To the Editor.)—Is it not about time that the press and citizens of Portland should raise their voices in condemnation of the way the Port of Portland Commission is treating the proposed bridge of the Portland & Seattle Railroad Company across the Willamette River? First it is a junket across the continent to examine bridges there. If any engineer knows his business he has the plans of all important bridges available at home, without traveling thousands of miles to see a completed structure.

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