

DESCHUTES SUIT IS TRANSFERRED

Twohy Bros.' Action Against Oregon Trunk Sent to Federal Court.

WILL BE FOUGHT OUT HERE

Injunction Proceedings Brought by Harriman Contractors at The Dalles Will Be Heard Before Judge Wolverton.

Responding to the request of Curry & Herr, attorneys for Porter Bros., Circuit Judge Bradburn yesterday transferred the Deschutes suit in this city to the United States District Court in this city the injunction suit filed in Wasco County several days ago by the Harriman forces against the Oregon Trunk. This proceeding was brought by Twohy Bros., Harriman contractors, for the purpose of restraining Porter Bros. from all operations for a distance of about seven miles in the Horseshoe Bend district, where the surveys of the rival roads conflict. The suit was transferred to the Federal Court, where it may be more expeditiously disposed of and at the same time better serve the convenience of the litigants and their attorneys.

This suit has no connection with the injunction proceeding filed in this city Monday by the Oregon Trunk against the Harriman interests. It relates to a disputed right of way for a distance of about seven and one-half miles in the first 40 miles of the proposed railroads up the Deschutes. The attempt of the Harriman officials to oust the Oregon Trunk from the disputed ground will be resisted vigorously by the Oregon Trunk. It insists that it has an equal right to the property involved. The matter of survey of both companies for the first section of 40 miles were approved on the same day by the Secretary of the Interior, and it is on this fact that the Porters will insist on an equal right to the possession of the premises.

Arguments Being Prepared.

Opposing counsel are preparing for argument in the injunction of the Oregon Trunk against the Deschutes Railroad Company. Harriman's extension into Central Oregon, which will be argued before United States Judge Wolverton tomorrow. This promise to be one of the most notable legal battles ever witnessed between two rival railroad interests. The situation is regarded to have passed a point where a compromise is possible and a fight to the finish is looked for. The argument on the motion to dismiss the injunction promises to be exhaustive and will probably take more than one day.

In the meantime, representatives of the rival companies report that they are continuing their activities in the Deschutes Canyon. Work has been abandoned only at the conflicting points covered in the two injunction suits and from which the rival companies are enjoined. While the suit of the Oregon Trunk against the Harriman road temporarily prohibits the Harriman forces from trespassing on the right of way of the Oregon Trunk for the southerly 40 miles of its survey, Twohy Bros. are still prohibited from carrying on their operations only for about 12 miles to the north of the canyon. This is due to the fact that it is only for a distance of about 12 miles that the two surveys conflict. With that exception the surveys do not conflict and there is nothing to prevent the Harriman forces from working on the remaining 40 miles so long as they do not trespass upon the Oregon Trunk survey.

No Cessation, Say Both Sides.

It is denied by the Harriman representatives that any cessation has resulted in their operations from the filing of the injunction suit, with the exception that they are not attempting to do any work where there is a conflict between the two surveys.

Porter Bros. are continuing their operations zealously, save for about seven miles in the Horseshoe Bend district from which they have been enjoined temporarily, said C. H. Carey, of counsel for the Oregon Trunk, yesterday. "For the present, the principal part of their work consists of building wagonroads down to the river over which supplies and equipment must be taken. Camp sites have been selected and established and accommodations provided for 5000 laborers and before the end of another week we expect to have fully that many men on the ground. At the rate Porter Bros. are increasing their construction crews, they will have fully 3000 men in their employ before the close of the present week."

OREGON TRUNK LINE PROTESTS

Wants Harriman Road on Opposite Side of Canyon.

OREGONIAN NEWS BUREAU, Washington, Aug. 11.—The General Land Office today received the protest of the Oregon Trunk Line against the approval of maps of section 4 of the Harriman railroad right of way along the Deschutes River.

It is alleged that in the 33 miles covered by this section railroads will not pass through any canyon, such as contemplated by the provisions of the act of March 3, 1875, and therefore there is not sufficient ground for granting the Harriman line the privilege of building on the Oregon Trunk right of way. It is suggested that Mr. Harriman be required to build this section of his line on the opposite side of the Deschutes River.

The Harriman road will be given an opportunity to answer the protest of the Oregon Trunk before any action is taken by the department. Before determining whether or not the protest shall be heeded, the Land Office will make inquiry to determine whether or not there are narrow canyons in section 4 of the road, and its decision, it is said, will largely depend upon the nature of the country traversed by this 23 miles of right of way. No intimation is given as to when action can be expected.

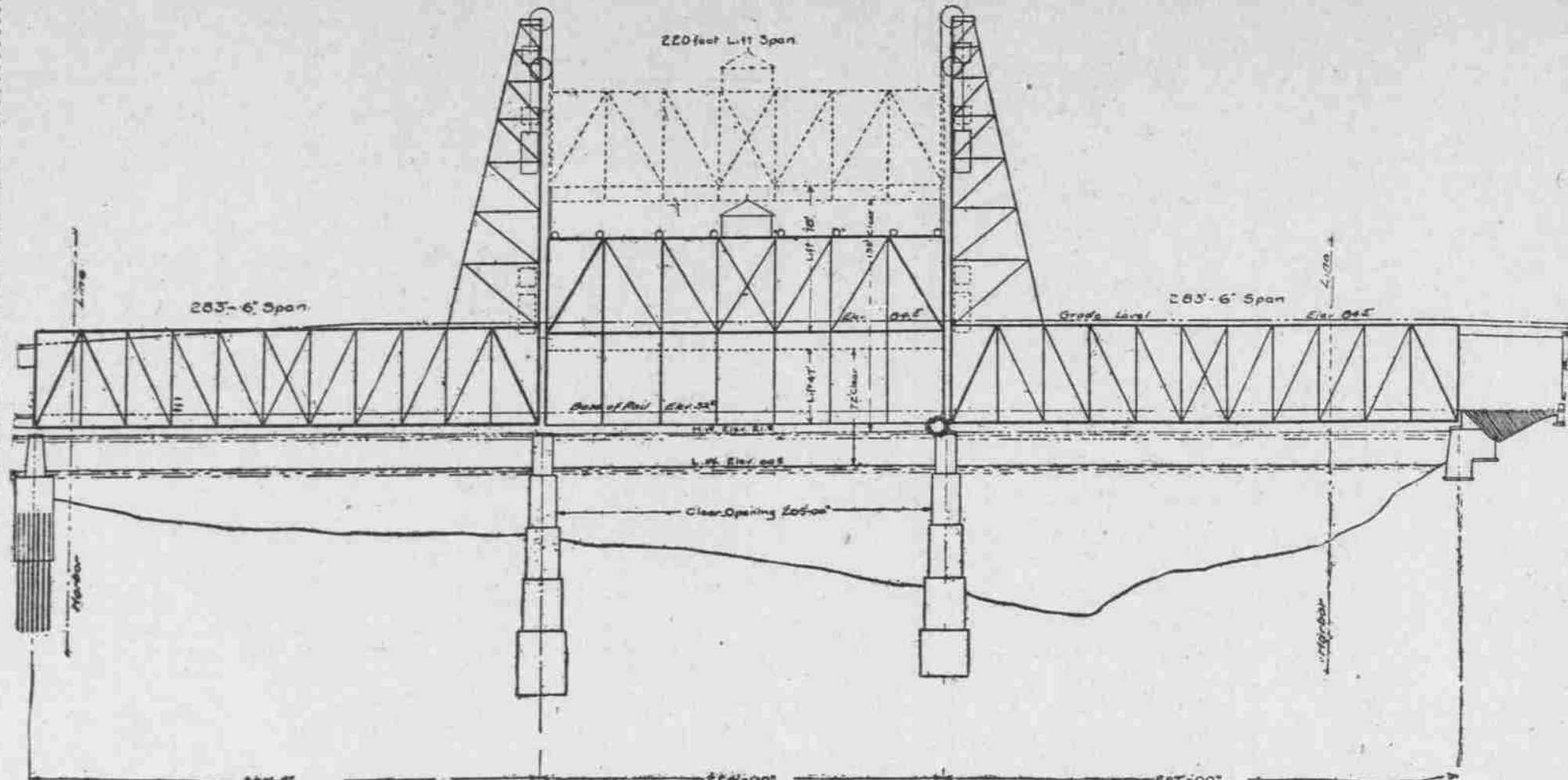
The Oregon Trunk has not yet made any showing with respect to maps of sections 3 and 5 of the Harriman right of way.

Injunction Hearing Postponed.

THE DALLES, Or., Aug. 11.—(Special.)—The hearing of the proceedings for an injunction filed in the Circuit Court here Monday by attorneys of the Deschutes Railroad Company against the Oregon Trunk Line, Porter Bros., et al, which was to come up before Judge W. L. Bradshaw at 2 o'clock this afternoon, was postponed until September 1 by agreement of opposing counsel.

If you are not satisfied after using according to directions two-thirds of a bottle of Chamberlain's Stomach and Liver Tablets, you can have your money back. The tablets cleanse and invigorate the stomach, improve the digestion, regulate the bowels. Give them a trial and get well.

STEEL BRIDGE THAT WILL BE ERECTED BY THE O. R. & N. ACROSS THE WILLAMETTE AT PORTLAND, AT COST OF \$1,300,000.



VIADUCT WILL BE ALMOST TWICE AS WIDE AS PRESENT RAILROAD STRUCTURE, AND LIFT SPAN CAN BE RAISED TO HEIGHT OF 135 FEET.

The accompanying illustration gives an idea of the new steel bridge which the Oregon Railroad & Navigation Company proposes to construct across the Willamette River from Gilsan to Oregon streets in this city. It will be a double-decker structure 1700 feet long, including the approaches. It will be provided with a lift draw which, when raised, will present an opening 295 feet for passing steamboats. The lift span is located in the center of the bridge and the lower deck can be raised independently of the upper. The lower, or railroad section, can be raised to a height of 72 feet above low water, which is sufficient to enable all river craft to pass beneath the obstruction without disturbing the upper deck, which will be level by streetcars, vehicles and pedestrians. By elevating both decks, vessels to a height of 135 feet can pass beneath the structure. The bridge will be 32 feet wide, or nearly double the width of the old steel bridge which it will replace. The cost of the structure will be about \$1,300,000. Work of construction will begin as soon as the plans have been approved by the Port of Portland and the War Department, to which they have been submitted.

MANY WILL ATTEND

National Undertakers to Meet Soon in Portland.

PLANS ARE NOW COMPLETE

Oregon and Washington Funeral Directors Will Join in Entertaining Delegates From Other States.

During the latter part of September and the first part of October Portland will be the scene of the greatest gathering of funeral directors ever held in this country. It will be the occasion of the annual convention of the National Funeral Directors' Association, in conjunction with which the annual convention of the Oregon State Funeral Directors' Association and that of the Washington State Funeral Directors' Association will be held.

Final arrangements were completed yesterday for the gatherings and programmes for the conventions and the entertainment of the delegates were outlined. September 28, 29 and 30, and October 1 and 2 are the dates which have been set for the three conventions. Two state conventions will be held in joint session on September 28, in the Knights of Pythias hall, while the four remaining days will be given over to the National body, the meetings of which will occur in the Masonic Temple.

It will be the first time the National convention has been held on the Pacific Coast since 1892. The result of efforts made by the members of the Oregon State Funeral Directors' Association, chief among whom are E. E. Johnson, president; Arthur J. Finley, secretary; and N. A. Haller, of Pendleton, Or., and S. N. Wilkins, of Corvallis, Or., both former officers of the association.

The delegates to the National convention will represent every state and, inasmuch as many of the members have never been West, it has been arranged for the delegates' families to accompany them. It is estimated that nearly a thousand people will attend. The delegates will meet in Chicago, where, according to a letter received yesterday from National Secretary Kilpatrick, of Elmwood, Ill., they will board a number of special trains for this city.

The route taken will be via the Chicago, Milwaukee & St. Paul, the Canadian Pacific and the Northern Pacific, allowing a three days' stopover in Seattle to enable a visit to the Exposition. The return trip will be made via California through the Grand Canyon of the Colorado. In addition to the three conventions the funeral directors of Idaho, who have not yet organized, and many from California will attend the meetings. Numerous features of entertainment have been planned, among which is a daylight ride up the Columbia River.

Elaborate preparations have been made for the national meeting, which will be welcomed to Portland by an address by Mayor Simon. There will also be an address by President Wetherbee, of the Commercial Club. A banquet at the Commercial Club, a salmon dinner at Collins Hot Springs and several other sight-seeing trips in and around Portland will be provided by the local members of the association, who will be helped in entertainment expense by the members from Washington.

The complete programme for the National body is as follows:

September 28—Call to order. President Farley, Battle Creek, Mich.; invocation, Rev. T. W. Brown, Portland; appointment of committees on credentials; music, Rose City Quartet; address of welcome, Mayor Simon; A. E. Beckler, New York City; music, Rose City Quartet; roll call of state associations; report of executive committee; address of welcome, Edmund Day, and Miss Hanson, well known in Portland, having appeared here several times at the head of her company.

Sensational Cycling.

The three Boehrs will head the new programme at the Grand Canyon week. The riders upside down on a revolving apparatus, keeping in this position by sheer strength and speed. This is a cycling novelty which has never before been seen on the Pacific Coast.

Libertati's Band at the Oaks.

Libertati and his famous band of musical artists have been secured by the Oaks management for two concerts to be given next Sunday at 2:30 P. M. and in the evening at 8:15. The name of Libertati is one to conjure by, for he is in the foremost rank of the world's greatest cornet soloists—in fact, takes first place.

Dramatic Season Opening.

The regular dramatic stock season opens at the Lyric Sunday matinee, when the popular Alton Stock Company will present as the opening bill "Doris," the drama with a moral greater than a sermon. Priscilla Knowles will be seen in the role. Season seat sale opens on Thursday at 10 o'clock.

TO PASS ON PLANS

Port of Portland Will Consider O. R. & N. Bridge Today.

APPROVAL IS LOOKED FOR

Franchise, Which Provides for Renting of Upper Deck to City or County, Also Will Be Passed Upon.

Amusements

What the Press Agents Say.

"Polly of the Circus" at Bungalow Tonight.

Beginning tonight at 8:15 o'clock and continuing tomorrow and Sunday night, with a special matinee Saturday, the attraction at the Bungalow Theater, Twelfth and Union streets, will be Frederic Thompson's magnificent production of Margaret Mayo's beautiful play, "Polly of the Circus," the land theatergoers are promised a delightful treat in this interesting drama. Seats are now selling for engagement.

Souvenir Matinee Saturday.

Saturday matinee, arriving at Collins Hot Springs at 12:30 P. M. Leave Springs at 2 P. M., arriving at Portland at 4:30 P. M.

October 1—Reports of committees on organization, legislation, constitution and bylaws, transportation of dead bodies into Canada, rules of transportation of dead bodies into Mexico, education, and a special committee from New York City; report of representatives to the meeting of the American Association of General Baggage Agents, L. M. Penwell, Topsis, Kan.; report of representative to the Conference of Provincial Boards of Health, William J. Phillips, Albany, N. Y.

Afternoon session—Reading of the written reports of delegates from the several state associations; address, George W. Lunt, San Francisco; address, Rev. Benjamin Young, Portland; miscellaneous business.

October 2—Reports of special committees; report of committee on finance; report of treasurer, Charles A. Miller, Cincinnati, O.; election of officers; selection of next place of meeting; inauguration of officers; adjournment.

HE WAS EXTRA WELCOME

Church Is Growing Rapidly.

Rev. W. F. Reager, Pastor of the First Christian Church, Park and Columbia Streets, Reports that His Church is Filled to Overflowing Every Sunday.

And you will be too, if you take her a box of Pearce's ideal nut puffs. Try it tonight. Royal Bakery, corner Washington and Park.

Rev. W. F. Reager, pastor of the First Christian Church, Park and Columbia streets, reports that his church is filled to overflowing every Sunday, that great progress is being made in the various church activities, and that continued growth is expected. Large congregations during the midsummer months are regarded as a rather remarkable condition, as many of the church members are away on their summer vacations. The Sunday school and Christian Endeavor departments of the church are reported as especially prosperous. The Christian Woman's Board of Missions and the Sisterhood of the Disciples of Christ are also doing active work.

MAN GETS ANOTHER'S CASH

Stevenson Veterinary Under Arrest Charged With Forgery.

STEVENSON, Wash., Aug. 11.—(Special.)—Last July Tom McClain, a veterinary of this place, received through the mail a letter addressed to J. A. McClain, enclosed was a check drawn by the Northern Pacific for \$11.98. This Tom McClain proceeded to cash, and then left town.

Sheriff Knox has been on his trail, and today located his man at The Dalles, where he placed him under arrest. The man's life has been saved, and now Dr. King's New Discovery is the talk of the town for curing C. V. Pepper of deadly lung hemorrhages. "I could not work nor get about," he writes, "and the doctors did me no good, but after using Dr. King's New Discovery three weeks I feel like a new man, and can do good work again." For weak, sore or diseased lungs, Coughs and Colds, Hemorrhages, Hay Fever, LaGrippe, Asthma or any Bronchial affection it stands unrivaled. Price 50c and \$1.00. Bottle free. Sold and guaranteed by all druggists.

LAND OPENING, AUGUST 15, 1909

3000-acre tract placed on the market. Thirty-eight miles from Portland. One and one-half miles from railroad station and boat landing on Columbia River. Tracts of 20 acres and up. Excellent fruit and vegetable land. Prices \$20 to \$40 per acre. Easy terms.

Phone Main 6659.

COLUMBIA COUNTY INVESTMENT COMPANY

1018 Board of Trade, Portland, Oregon.



Iced Postum

(Served with cracked ice, lemon and sugar to taste)

A delicious, cooling, hot weather brazer that is fast becoming the popular American Summer drink.

Contains no stimulant, but is rich in the true rebuilding food elements which "relieve fatigue" in the natural way.

See how the old "go" and "feel good" comes back when you quit tea and coffee and use Postum.

"There's a Reason"

THE EQUIPMENT OF MR. LOWNSDALE'S BIG ORCHARD IS VALUABLE

Without an adequate warehouse, packing-house, spraying and cultivating equipment, a large orchard would be worthless.

To provide all these articles involves the expenditure of a large sum of money.

Mr. Lownsdale has perfected his equipment, and by his consent, the LOWNSDALE ORCHARD COMPANY receives the free use of these things.

All for the benefit of the bondholders. This equipment represents a considerable portion of the total valuation of the property, \$294,750.

The purchase of only one bond makes you a part owner of this magnificent industry. The more bonds you buy the greater part of the orchard you own, and the more net profit that accrues to you.

One bond may be had for \$100, and as many more in multiples of \$100 as you feel justified in carrying.

Terms of payment, either cash in full or upon easy monthly payments.

Literature describing orchard and bond issue sent free.

THE JACOBS-STINE COMPANY

Fiscal Agents,
146 Fifth Street,
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HAND SAPOLIO

Is especially valuable during the Summer season, when outdoor occupations and sports are most in order.

GRASS STAINS, MUD STAINS AND CALLOUS SPOTS

yield to it, and it is particularly agreeable when used in the bath after violent exercise.

ALL GROCERS AND DRUGGISTS.



FOR WOMEN ONLY

Dr. Sanderson's Compound Sarsaparilla and Cotton Root Pills, and best and reliable remedy for FEMALE TROUBLES. Cure the most obstinate cases of Catarrh, Leucorrhoea, and all other ailments of the female system. Price 25c per box, or 3 for \$1; mailed in plain wrapper. Address: T. J. BIRCH, 215 Alamy Bldg., Woodard, Clarke & Co., 4th and Wash.