

RAILROADS  
TRAILS AND TIES

Portage Road Makes for the  
Thoroughfare of the  
Open River.

OUTLET TO INLAND EMPIRE

What the Completion of the Road  
From The Dalles to Celilo Now  
Means to the State of  
Oregon.

"Nine miles of rails and ties and a stretch of more than 500 miles is open to river navigation. The wonder of it is that the people have been so long in realizing the necessity of that nine miles of track and its great value to the three states of the Pacific Northwest."

This remark, made by a member of the party which inspected the Celilo Portage Road last week, is true in every sense. The completion of the Cascade Locks left but one obstruction to uninterrupted navigation on the Columbia River—that occasioned by the Celilo Falls and the dalles. With this impassable waterway as an obstruction to the full development of the great basin drained by one of America's greatest rivers, the richness of the Northwest region, while realized, received but little more than passing attention for years. There were those, however, in later years, who refused to remain passive towards the development of this latent wealth, and today the opening up of the Northwest is assured.

Nine miles of track, laid and equipped by the state, and without noise, has insured the open river on the Columbia. Without its construction, or at least the promise of such, it is not improbable that the Government would have refused to expend \$4,000,000 in the establishment of a permanent free waterway around this obstruction by means of the Celilo Canal. It is entirely due to the efforts and the pledges of the State of Oregon that the Government will build the canal.

To the persistent efforts of the Open River Association is due the beginning of the Portage Road, and the fact that the road has been built in a manner creditable to the state is the outcome of vigilance and business methods of the State Portage Railway Commission.

Many intricate problems and situations have been met with and overcome in the construction of the road. Not the least of these difficulties was the securing of the right of way. With the O. R. & N. Railroad on one side and the Government canal right of way on the other, in many places not leaving sufficient space for the construction of the Portage Road, the task set before the commission was no easy one. With patient and persistent work, aided by the friends of the movement, here and there, the O. R. & N. tracks were set to one side, and that place secured, and now the Portage Road has equipped its way through from Big Eddy to Celilo, and, with its terminal inclines, will in but a few days drop its cars to the water's edge and transfer the cargo from one boat to the falls to another.

The road, built within its estimated cost, is a substantial one. Composed of trestle and solid foundation, it has a rock bottom practically throughout its entire length. Its equipment of one engine and 19 cars, eight flats, four boxes, six stock cars and one combination coach, the "Celilo," will enable it to take care of all traffic on the river.

Aside from the furnishing of immediate relief to the river commerce and interior country, the road will transfer aid in the construction of the Government canal. Since it parallels the right of way for the latter it will be able to place materials and supplies at any point on the canal. Now the Portage Road is practically completed, those interested in Oregon's development are turning towards railroad extension.

The necessity for this is well stated by Governor Chamberlain, State Treasurer Moore and J. N. Teal.

WHAT PORTAGE ROAD MEANS  
It Will Awaken Oregon to Necessity of Other Railways.

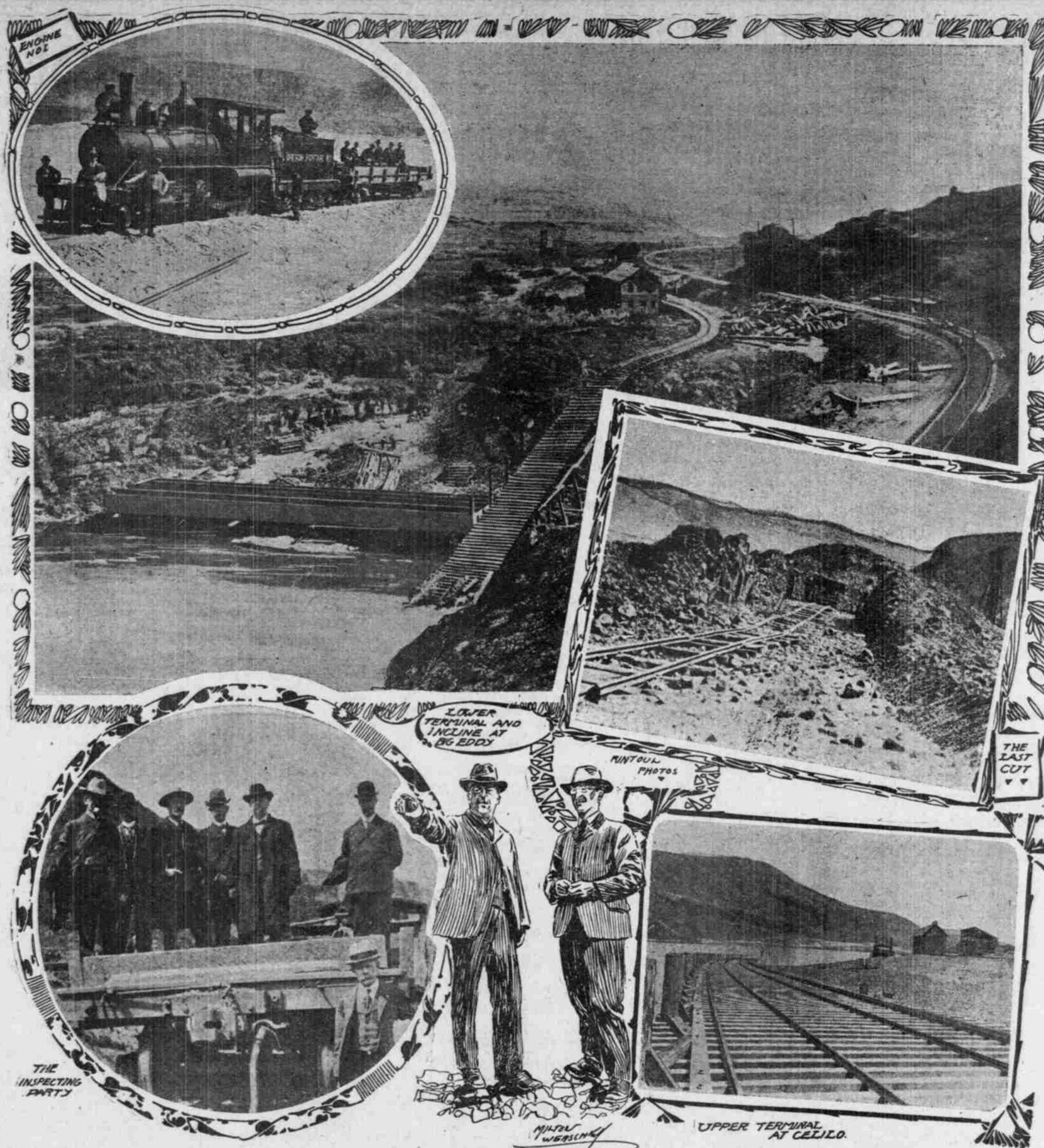
By George E. Chamberlain, Governor.  
The Portage Railway will not only open, but secure the right of way of a vast area of country in Oregon, Washington and Idaho. Hundreds of thousands of acres drained by the Columbia and Snake Rivers will be opened up to quadruple, in value, and besides, the immense crops of grain, hay and fruit produced in those regions will return to the producer a price enhanced by the difference between the present cost of transportation and that insured by the opening up of the Columbia River. Nor is this all. The vast wool-crop and the great quantities of rich section will find a better and more remunerative market, and production in all of these lines, as well as in all kinds of mining, will be greatly stimulated by reason of a decreased transportation charge to the open market.

A glance at any railroad map of Oregon and Washington and a trip up the Columbia River over and along the established Portage Railway, forcibly suggests two things to the lay mind: First, why has this great waterway been so long neglected by the people of the states most interested in the development of its commercial possibilities? It seems to me that the opportunity for developing the rich interior country by the simple process of removing or overcoming obstruction to navigation should not have been so long overlooked. It may be that the reason for this neglect has been occasioned by the fact that this region, or at least the developed section of our neighborhood, is naturally so rich that the people have been content to rest with the blessings which a bountiful Providence has bestowed upon them. They seemingly in the past have not cared to reach out and make their homes states of greater possibilities. The time is now at hand, however, when these great Northwestern states will not be satisfied with present conditions, but will earnestly for greater and better things.

The opening of the Columbia to commerce is but history repeating itself. It is a well-known fact that an open waterway is the greatest regulator of freights and fares, and the greatest aid to commercial and industrial development in the world, and that in every country the people who can boast of unobstructed navigation to the ocean-carrying trade are assured of an always rapid increase in population and growth in industrial and productive enterprise.

The opening up of the Upper Columbia River cannot fail to be of inestimable value to the Northwestern states but will also prove a benefit to every man, woman and child, since it will develop the riches of the country.

The second suggestion is: Look at the condition of Oregon as disclosed by the railway development of this state and enter the state at the northeast corner.



SCENES ON THE STATE PORTAGE RAILWAY

ENGINE NO. 1.—This engine, now undergoing its inspection, and expected to be used on the portage railway, is of the mogul type and is guaranteed to haul 25 tons on a 1-1/3 per cent grade. It is being used at present in the construction of the road, and has as its engineer, P. H. Manion, who represents the builders.

LOWER TERMINAL AND INCLINE AT BIG EDDY.—At the lower terminus of the portage road the incline to the water level is such that cargoes will have to be transferred from boats to the railroad by means of small cars hoisted and lowered by a donkey engine. The barge shown to the left of the incline is the wharfbarge, now under construction, which will be used for the storage of freight from boats which arrive during the absence of cars. It will be the purpose to transfer cargoes from the boats direct to the cars, but in the absence of the latter the wharfbarges will be utilized. This wharfbarge in its present position marks the exact entrance to the proposed Government canal.

THE LAST CUT.—With but a distance of about 50 feet to cut through, the grading for the portage road will be completed.

THE INSPECTING PARTY.—The State Portage Railway Commission, representatives of the Open River Association and engineers in charge of construction on their recent inspection tour.

UPPER TERMINAL AT CELILO.—This terminus enters the Columbia immediately above Celilo Falls. The grade at this end is such that the cars will be run alongside of the boats. To the right is shown the upper wharfbarge, the engine roundhouse and coal shed.

ner, runs across it from east to west, strikes the Columbia at Umatilla and parallels the river to Portland. Another road enters the state at the southwest corner, and running north, parallels the Willamette River, and forms a junction with the other road at Portland; and these roads, practically and to all intents and purposes are under one management. The question that naturally arises is, what has or is being done by this or these great corporations for the benefit and development of the rest of the state? Absolutely nothing. Knowing full well that the mountain could not go to Mahomet and that therefore Mahomet had to go to the mountain, the magnificent territory of the central and southeastern portion of the state is being neglected. No apparent effort is being made to tap the rich resources of these sections, with the result that the people are compelled to freight their produce to market by means of the primitive methods in vogue prior to the era of railroad construction.

In the past 25 years the O. R. & N. Co. has built only two short branch lines, aggregating about 70 miles, one running out to Heppner and the other to Elgin. The few other lines tapping the main line of the O. R. & N. in Eastern Oregon have been built by private and independent enterprise and capital, excepting, however, the Condon branch, now nearing completion.

Very naturally, the people of the Inland Empire are beginning to clamor for relief from present conditions, and in all probability if the railroad companies most vitally interested do not heed the plainly given signs and the necessity for such relief, the people themselves will inaugurate the movement which will relieve them from an oppressive situation. The companies which have interested themselves in the development of the transportation facilities of Washington are constantly pushing out into the new sections with an extension of their branches in every direction, and their example is worthy of emulation by the companies which control a monopoly of transportation as well as territory in Oregon.

But look at the western portion of the state. The Southern Pacific has not extended a single branch line to the rich territory awaiting development along the western slopes of the Coast mountains. The western portions of Coos, Curry, Douglas, Lane, Tillamook and Clatsop Counties, although rich in timber, minerals and other products, are practically undeveloped because of the lack of transportation facilities, and if the great systems now operating in Oregon would but extend their lines into those sections, it would result in greatly enhancing the wealth of the state as well as increasing the revenues of the companies.

The people of Coos, Curry and Tillamook Counties are compelled to look to San Francisco markets and to the uncertain coastwise steamers for the carrying on of a rapidly growing trade. Again looking at the railroad map of Washington, it will be seen that a number of branch lines have been extended to deep water by the companies operating there, with the result that cities are growing at every harbor, and our own state is being outdistanced in the race for population and wealth. A new spirit is abroad among the people, however, and the signs of the times indicate that the people are growing restive under present oppressive conditions. Something ought to be done in all probability will be done in the very near future to bring about a realer means of reaching the undeveloped but wealthy portions of the State of Oregon. How can the Portland jobbers expect to maintain and expand their trade unless the interior of this state and the Coast counties, all of which would be tributary to Portland under proper conditions, are made easily accessible to this market? The people of Portland are but waking up to this fact, and when these sections are reached they will be surprised at the rapidly with which Portland and the development of this state and city. Our natural advantages and productiveness is known on every hand, but without transportation facilities no great results can flow therefrom.

The opening up and use of our natural water highways will regulate tariff and will inevitably draw the trade along the line of least resistance to the sea. But the interior and coast regions must be furnished with transportation facilities or their wealth is but a huge mine buried in the ground. If the people of this city would but take the time to consider what an extension of railroad facilities would mean to them in increased trade, population and wealth, it would not be for long that it could be said that four-fifths of our state is still in its natural, unimproved condition, served for freight by the six-horse team and for passengers by the primitive backboard.

RELIEF TO BIG TRAFFIC.  
Reduced Freight Rates to and from Interior Will Follow.

By Charles K. Moore, State Treasurer.  
With the opening of the portage road will come a great relief in the way of a reduced freight rate and better transportation facilities to a large number of producers in Sherman, Gilliam, Morrow and Umatilla Counties in Oregon, as well as a large district in Washington and Idaho, and will result in a greater development of these sections, but what Oregon mostly needs now is the extension of railroad lines similar to the Great Southern, Columbia Southern and Corvallis & Eastern, into the central and southeastern portions of the state. Such extensions are necessary for the development and opening up of that vast section and the full utilization of its lumbering and agricultural possibilities. Irrigation is now making that country (the largest area in the United States without a railroad) ready for development, but this can never be fully accomplished without transportation facilities. It is to be hoped that the railroad companies which ought to furnish this transportation will very shortly realize their duty and cease to neglect it.

TRANSPORTATION THE NEED  
It Is the One Great Essential to Oregon's Prosperity.

By J. N. Teal, of Open River Association.  
Transportation is the one great essential for the development of this state and city. Our natural advantages and productiveness is known on every hand, but without transportation facilities no great results can flow therefrom.

It is to be hoped that the railroad companies which ought to furnish this transportation will very shortly realize their duty and cease to neglect it.

After the greater part of a year had passed and the property had been paid for, Gay Lombard discovered that the price asked by the former owners of the property had been \$20,000 instead of \$22,500, and that the first payment had been \$5000 instead of \$6000. He also discovered that Ben Lombard had made the first payment with his check of \$2500 and had taxed him the half of \$22,500 for his half interest. He thereupon brought suit to recover \$1250, or the half of the first payment which he should not have paid.

Ben Lombard Pays  
Satisfies Judgment of Uncle Whom He Defrauded.

FIGURED IN OTHER SUITS  
Gained Notoriety in Action Brought by a Minor Son of George A. La Dow, Who Recovered Against Him.

swore that he had not taken his uncle into the original deal but simply sold him a half-interest in the property at a figure set by himself. This was contradicted by the correspondence and agreements offered in evidence and the court found for the plaintiff, stating in its findings substantially to the effect that the defendant had deceived his relative and had used the fact of his relation and the trust thus engendered to defraud him. In his decision Judge Sears said: "The testimony of the defendant seems to the court to be vague, indefinite, evasive and I may say mendacious."

After being assured that the deal was a good one by his nephew, Gay Lombard wrote his check for \$2500 as his half of the first payment, and entered into an agreement by which he was to pay the half of \$22,500 and have a half-interest in the property.

BEN LOMBARD PAYS

Satisfies Judgment of Uncle Whom He Defrauded.

FIGURED IN OTHER SUITS

Gained Notoriety in Action Brought by a Minor Son of George A. La Dow, Who Recovered Against Him.

The end of the suit brought in Judge Sears' Court some time ago by Gay Lombard to recover \$1250 of which he had been defrauded by his nephew, B. M. Lombard, in a real estate deal, came suddenly yesterday when the defendant, grown tired of his efforts to thwart the decision of the court, came to the front and settled the contention by paying the judgment with costs and interest amounting in all to \$1625.

This action ends a case that has been occupying the attention of the court for some time, and in which the defendant was a man in some ways well known to a great many people in the city. In March, 1904, Gay Lombard, the uncle, who was at that time a merchant at Tekoa, Wash., while visiting for a short time in Portland, was asked by Ben Lombard to enter into a real estate speculation with him in purchasing half a block of property known as the story place, on Davis street, between Seventh and Park streets, and opposite the Customs building. Ben Lombard, the Portland man, represented to his Tekoa relative that the property could be purchased for \$22,500, of which sum \$5000 was to be paid down, while the remainder could be paid to suit.

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Discovers the Trick.  
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In the defense set up Ben Lombard

swore that he had not taken his uncle into the original deal but simply sold him a half-interest in the property at a figure set by himself. This was contradicted by the correspondence and agreements offered in evidence and the court found for the plaintiff, stating in its findings substantially to the effect that the defendant had deceived his relative and had used the fact of his relation and the trust thus engendered to defraud him. In his decision Judge Sears said: "The testimony of the defendant seems to the court to be vague, indefinite, evasive and I may say mendacious."

The defense filed motion of appeal while the plaintiff filed a counter-motion to satisfy the judgment notwithstanding the appeal. Then, in order to collect, garnishment proceedings were begun.

The defendant Lombard was once in China, and a short time after the end of the China-Japanese War returned to Portland with a large collection of very rare and priceless porcelain ware, some of which is supposed to have been relics from Chinese temples, though the manner of collection has never been explained.

This collection was divided and part placed in the Arlington Club while the rest was left with the Portland Art Association. Both of these institutions were garnished. Being a member of the club, it was supposed that the defendant held stock in the Arlington Building Association, and this was garnished as well. It had unlimited credit with the bank of Ladd & Tilton, as evidence of which he learned that he owed Lombard \$2500, due in future installments, and this obligation was held a surety for the payment of the judgment of the court.

By this time practically all the property belonging to Lombard was tied up, and, as it was mortgaged and otherwise encumbered, Lombard gave up the fight, and yesterday settled the difficulty by paying the total claim against him of \$1625.

Owens Saloon Near Fair.  
Lombard also owns one of the saloons located closest to the entrance of the Exposition grounds, and his property there was attached. A tenant, L. E. Johnson, was also garnished, and from him it was learned that he owed Lombard \$2500, due in future installments, and this obligation was held a surety for the payment of the judgment of the court.

Articles of incorporation of the Great Siberian Railway Company were filed in the County Clerk's office yesterday by Alger M. Wheeler, C. A. Ben and J. McIntosh. The objects are to maintain and operate places of amusement, entertainment and refreshment and to secure concessions from the Lewis and Clark Exposition Corporation. The capital stock is \$20,000.

Incorporation articles of "McEwen Koskey Inc." were filed yesterday, capital stock \$2000. The incorporators are Herbert B. McEwen, Ida M. McEwen and John M. Koskey. The objects are to deal in fruits, grains, etc.

Articles of incorporation of "Buffum & Pendleton Inc." were filed in the County Clerk's office yesterday by F. G. Buffum, F. N. Pendleton and G. H. Gammons. The objects are to buy and sell, clothing and goods, furnishing goods; capital stock, \$20,000.

Woodlawn and Prohibition.  
A petition for a prohibition election for Woodlawn precinct to be held on Monday, June 6, was filed in the County Clerk's office yesterday, containing the names of 58 residents of the precinct. June 6 is the date of the coming city election and the Woodlawn people are taking advantage of the opportunity to endeavor to have the precinct declared dry. County Clerk Field stated that he has not yet learned if the date of the coming city election and the Woodlawn people are taking advantage of the opportunity to endeavor to have the precinct declared dry. County Clerk Field stated that he has not yet learned if the date of the coming city election can be held when a local option election is in progress, and will look the matter up.

Cruelty Charge in Divorce Suit.  
Because Michael Fitzgerald gets drunk and abuses and beats her, as she alleges, Mary M. Fitzgerald yesterday began suit against him in the State Circuit Court for a divorce. They were married at Vancouver, Wash., in 1886, and have two children, a boy and a girl, whose custody the mother desires to retain. She alleges that Fitzgerald has struck her frequently, and once threw her over a stove.

Scientific Cure for Fits.  
Science has at last discovered a cure for a disease which has always been regarded as incurable—epilepsy or fits. Elmer Koskey, its discoverer, a well-known Washington investigator, terms it, for sale in this city by our Progressive Druggists, Woodard, Clarke & Co., and in every case where it has been tried has demonstrated its wonderful power to strengthen the nerves, feed the nerve centers with new force and strengthen and conquer epilepsy.

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It some worthless alleged town lots located near Portland, at the time stating that the defendant was in knowledge of the fraud when he entered into the deal. Upon appeal before Judge Morrow, Gilbert and Ross of the Court of Appeals, the decision of Judge Bellinger was affirmed.

FROM EQUITY TO THE LAW

Hoffman Brothers File Action in a New Form.

J. G. Hoffman and George Hoffman, contractors, who recently filed a sensational suit against J. R. Bowles, George F. Heusser and the Pacific Construction Company to recover for work done on the Front-street bridge, yesterday filed an action at law in which he names only Heusser and Bowles as defendants. He demands judgment against them for \$2500. In the first suit Hoffman Bros. charged the construction company with conspiracy in obtaining the Front-street bridge contract, and related how a plot was formed to give the lowest bid presented by the Pacific Construction Company of Everett, Wash., to be withdrawn. Hoffman Bros. had a sub-contract for cement and concrete work, and they alleged that they were assured when they accepted that the City Engineer would measure the work so liberally that they would realize a large profit. But this did not happen. The work was measured according to recognized rules. Hoffman Bros. sued to recover about \$2000, which they said they lost.

Judge Frazer struck out all of the sensational portions of the complaint as immaterial and irrelevant to the issues presented. The court found that it made no difference, so far as Hoffman's claim was concerned, whether the defendants obtained the original contract.

Failing to make the first case in equity stick, Hoffman Bros. in the present case have resorted to the law side of the court. In their complaint Hoffman Bros. demand \$1700 for excavating done, \$1700 for cement work, \$400 for false work, \$600 for fills and \$10 for dressing a foundation. Brodie & Merges and Dan R. Murphy appear as attorneys for the plaintiffs.

NO FINANCIAL LOSS PROVED

Court Decides in Case of Rival Acrobatic Performance.

The Schenk Family, which appeared at the Grand Theater, did not suffer any financial loss because of the appearance of the "Schenk Family" at the Star Theater. Following the allegations in the complaint in the suit of John Schenk against S. Morton Cohn and the Consolidated Amusement Company, Judge Frazer rendered this decision yesterday. The demurrer to the complaint was sustained, which puts an end to the case, unless an entirely new state of facts can be discovered to incorporate in an amended complaint, which is doubtful.

The complaint filed sets forth that Cohn and the Consolidated Amusement Company, for the purpose of injuring the business and reputation of John Schenk and his family of acrobats, played the rival "Schenkies," thus causing the plaintiff to sustain damage.

Court Defines Newspaper.

The Daily Official Abstract, a paper devoted to the publication of court record items, real estate news, mortgage records and building news, is a legal newspaper, according to the terms of the Portland city charter, but is not a newspaper such as legal notices can be published in according to the provisions of the Oregon statutes. The charter states that the city printing or other legal notices of the city may be published in a newspaper. The state law provides that legal notices shall be published in a newspaper of "general" circulation.

A decision to this effect was rendered yesterday by Judge Frazer and was concurred in by Judges George and Sears. Judge Cleland dissented.

Some time ago J. C. Stuart, publisher of the Abstract, who was the lowest bidder for the city printing, brought a suit to have the question decided, because the city authorities were unwilling to consider the Abstract a newspaper.

File Incorporation Papers.

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