

# PLAN OF BATTLE REVEALED

## Petition For Injunction Against the Northern Pacific Terminal Company Discloses Grounds on Which Hill Will Fight

Papers were filed today in the United States circuit court of appeals asking for an injunction restraining the Northern Pacific Terminal company from proceeding with condemnation and purchase of the terminal lands now owned by the Portland & Seattle railroad in North Portland.

Judge Charles H. Carey, local counsel for the Hill lines, went to Ridgefield yesterday and obtained a temporary restraining order from Judge Gilbert, which will continue in force until the case in the state court is heard, unless the defendants appear in court Monday morning and show cause why the order shall not remain in force. The order is directed against the terminal company and its president, C. A. Dolph.

The contention of the Hill people is that they have held within their rights in the purchase of the terminal property in Portland and that the terminal company has exceeded the privileges accorded to it when first formed. The provisions of the company's charter state that no indebtedness can be incurred without the mutual consent of the stockholders of the company, which are the Northern Pacific, owning 46 per cent of the \$3,000,000 stock; O. R. & N., owning 48 per cent and the Southern Pacific, owning 20 per cent. Of course the Northern Pacific did not agree to the suit brought against the Portland and Seattle, nor will it consent to the purchase of the terminal property of the company by the Northern Pacific Terminal company. This, they claim, is the basis for the injunction.

Furthermore, when the terminal company was organized it was granted the privilege of issuing bonds to the amount of \$5,000,000 and no more. At present the terminal company has bonds outstanding to the amount of \$4,225,000. Three million dollars were issued for the purchase of terminal property, \$1,000,000 for the depot and the remaining bonds for the erection of car sheds and other necessary property. The Northern Pacific company claims that to purchase the terminal property of the Portland & Seattle it would be necessary to exceed the provisions allowed by the terminal company's charter. The price of the property the terminal company is seeking is placed at \$5,000,000. This statement on the part of Hill men reveals the fact that they paid \$1,500,000 for the property in dispute and have planned to spend \$3,500,000 to place it in shape for railroad purposes. The temporary injunction order will be issued. The mutual agreement clause is the one upon which the Hill people are de-

pending to win their fight against the terminal company. They own 40 per cent of the stock and by previous agreement claim that they are entitled to a vote in all proceedings. If this claim can be upheld in the courts it is expected that the attempted purchase or claim to the property for which the terminal company is suing will be dropped.

**Litigation Is Threatened.**  
Hill representatives claim that if the Northern Pacific Terminal company purchases the terminal property the bond issue litigation will follow, not alone on the part of the stockholders, which would be the Northern Pacific company, but by the bondholders, and would probably have the effect of creating an order of default in the terminal company's business by the courts. Such a state of affairs, they claim, would have the tendency to disrupt all terminal facilities in Portland and cause chaos in railroad work, especially in the matter of handling freight on the coast.

The Hill people claim that all offers they have made to the terminal company have been rejected. Offers of land for the extension of terminal services have been put by, and attempts to take up the front street tracks of the terminal company by the Northern Pacific have also been turned down. The Hill people say that it will be war to the knife from now on; that they are tired of temporizing with the Harriman people when they are so clearly within their rights.

**Final Fight Expected.**  
Railroad men say that the prettiest kind of a fight can be looked for between the two railroad interests, because it is believed that the Northern Pacific is tired of the blocking system started by the Harriman people two years ago when the matter of the North Bank road was broomed. At that time the Harriman people set up a claim that they were entitled to the line of the new road because of surveys they made there eight years ago. Since that time the strike between the two large companies has been a constant one. A blocking game has been played by both at all stages.

The injunction proceedings will be heard in Judge Gilbert's court Monday morning. Unless President Dolph and the terminal company can show cause why the temporary restraining order should not remain in force until after the trial of the condemnation proceedings instituted in the state court, a temporary injunction order will be issued.

nearby all of those in the city are more or less damaged, either by the earthquake or the fire.

Business is at a complete standstill. The banks are closed. The gas supply is unavailable and the electric lighting system is completely knocked out. The greatest panic prevails among the inhabitants. Many families are fleeing from the city. The weather is fair and the sea calm.

Communication with Santiago de Chile is interrupted and it is impossible to learn what has happened there. Many persons were killed and injured in Valparaiso.

The shocks continue but are milder. The shipping in the port was not injured. The streets which suffered most were Calles Blanco, Condell and Esmeralda, and those in the Delicias district, where the best residences are.

### THROUGHOUT CHILE.

#### Disaster Extended All Up and Down South Pacific Coast.

New York, Aug. 18.—A special to the Sun from Buenos Ayres says: According to information received here a large number of buildings have been destroyed in Valparaiso and the loss of life is said to have been large. The disturbance was general throughout Chile and felt at some points in Argentine Republic.

News of the disaster is extremely meager owing to the fact that telegraphic communication is cut off, shocks having thrown down the telegraph lines. From the few details obtainable here, it appears that there were five shocks, the disturbance passing south along the Pacific coast and crossing the Andes. The shocks were very severe, according to the registration of the seismograph instruments here and at Santa Rosa and Andes City. The property loss is enormous. Many houses were thrown down, including the government houses.

During the night the volcano of Tupungato on the Chile-Argentine border, was heard roaring and the people fled to the churches to pray for safety. At San Juan de los Rios high winds accompanied the shocks. The shock at Andes City was very severe. The towns of Rosario, Aranas, Rio Ja, San Luis and Tucuman were seriously affected by the shock.

### ANXIOUS ABOUT FAMILY.

#### Captain Beckwith of Valparaiso Is Now in Victoria Harbor.

Victoria, B. C., Aug. 18.—Captain Beckwith of the Chilean ship Curson is now here. He came direct from Valparaiso. He is very anxious about his wife and daughter, who are now living there, but can get no word. He is of the opinion that the disaster was a Prisco worse felt on the waterfront, where there is reclaimed land. There are four streets parallel with the water front so reclaimed. These extend for two miles, and are business streets.

The English population of about 5,000 is domiciled largely on the bluff back of this.

On July 20, the day the Curson left, an earthquake was felt. It was so severe that Captain Beckwith could not put on his clothes, being in the act of dressing at the time.

Captain Young of the Aristomene also knows Valparaiso well and recalls the tidal wave following the earthquake in 1844, which carried an American man of war inland three miles. In 1877 another tidal wave washed it to within half a mile of the water again.

### TIDAL WAVE AT HAWAII.

Honolulu, Aug. 18.—Wireless reports from the islands of Hawaii, Maui and Hilo, report a tidal wave, the general height of which was five feet. In the enclosed bay of Malaea its height was estimated to be 12 feet, where it carried away a wharf and its superstructure. The phenomenon was manifested by an unprecedentedly heavy surf.

The tidal wave is attributed to the earthquake at Valparaiso. Thirty-five years ago an earthquake in South America produced similar effects here.

### LOOKED LIKE 'FRISCO.

Portland Man Says Two Destroyed Cities Resembled Each Other.  
Fritz Englehardt, to whom The Journal is indebted for its magnificent picture of Valparaiso, is employed in the drapery department of Tull & Gibbs. Mr. Englehardt stopped at the South American metropolis five years ago, while on a trip from San Francisco to Hamburg. To his eyes Valparaiso looked to be very nearly as large as San Francisco, though the buildings were built lower in anticipation of earthquakes. The buildings are of stone and plaster.

**Falls From Scaffolding.**  
Baker City, Or., Aug. 18.—Harry Bennett was severely injured yesterday morning while at work on the Rand building by falling from a scaffolding about 14 feet high and striking one of a piece of timber on his back. He was picked up unconscious and taken to his home and a physician was called. This afternoon he is resting as easy as could be expected.

**In Self-Defense.**  
Major Hamm, editor and manager of the Constitutionalist, Eminence, Ky., when he was fiercely attacked, four years ago, by pills, bought a box of Bucklen's Arnica Salve, of which he says: "It cured me in ten days and no trouble since." Quickest healer of Burns, Sores, Cuts and Wounds. 25c at Skidmore Drug Co.



The Burned Half Block, From the Corner of Fourth and Burnside. The Blackened Side of the Quimby Hotel Shows in the Background.

### HORSES DIE IN AGONY

(Continued from Page One.)

did Gadsby and a man named Bumford, an employee of the yeast company. The Quimby hotel and several horses were killed.

**Valuable Dogs Burned.**  
One of four dogs burned, a fox terrier belonging to Charles E. Lytle, was tied to the leg of a table. The cries of the poor animal could be heard for many minutes after the fire had surrounded it and several efforts were made to rescue it, but without avail.

The total damage done is variously estimated at from \$40,000 to \$50,000. All the buildings were wooden, many of them being pre-story wooden shanties. The whole block is owned by the Wilson estate, the buildings being insured at nearly, if not all, of their full value.

The different places either totally or nearly entirely destroyed are: A restaurant, A. E. Owens, proprietor; two employment offices; barber shop, H. M. Harndin; bicycle shop, J. H. Richardson; hat renovator; cleaning shop; veterinary office, Dr. C. E. Brown; Fishbeck's carpenter shop; Hart's livery barn; U. S. Bakery; cigar store, D. B. Shoen.

### LAND FRAUD DEFENDANT

(Continued from Page One.)

with a big chair all to himself. Mrs. Zachary sat with her husband and their 4-year-old boy near one of the courtroom windows. Beside and in front of them were a group of women, several of them old neighbors of the Zacharys and the Barnards. The wife and children of Barnard stayed at home, but he was accompanied by many friends from the Fossil country. He had turned against his fellow-conspirators and they cared not what became of him.

### CHILD STRAPPED TO TREE WHIPPED BY MANIAC

San Bernardino, Cal., Aug. 18.—Oliver Peters, the 13-year-old daughter of J. M. Peters, a painter, was found lashed to a tree in the back yard of her parents' home in the suburbs of Colton today, having been captured by a man supposed to be insane, who after trying and gagging her with a leather strap, took another strap and whipped her severely.

### SAN DIEGO BECOMES HOME OF PIRATE VESSEL

San Diego, Cal., Aug. 18.—San Diego is shortly to become the home port of one of the most famous ships that has sailed the waters of the Pacific in recent years. There is hardly a reader of fiction that is not more or less acquainted with the story of the schooner Carmencita and her former commander, Captain Alexander McLean.

### McLean's Famous Schooner, the Carmencita, Turned Into Respectable Craft.

During the course of her existence she has been known by the customs authorities to have sailed under three names. How many names she has sailed under without the knowledge of the government officials is not known. George C. Desmarquer, a San Diegoan, is the new owner of the schooner, which is now known as the Acapulco and is to be used in the guano business. He is the owner of a Mexican concession to take guano from all islands on the west coast.

### STENSLAND'S BANK IS FULL OF FORGERIES

Springfield, Ill., Aug. 18.—Examiner Jones reports on the Milwaukee Avenue bank show at least \$1,000,000 was lost and that there is unquestionably forged paper amounting to nearly half, and that one quarter is doubtful.

### DECLARES VERDICT JUST.

Judge Hunt declared the verdict was a just one, spoke of the zealous way in which the rights of the defendant had been protected by his counsel, and said that if any error had been committed by the court the defendant would get the full benefit of it on appeal.

A few more words and then came the sentence: "It is the judgment of this court that you be confined in prison on McNeil's island for two years and that you pay a fine of \$2,000."

Barnard winced. One and only one of his sympathizers shed tears. That was little Miss Hendricks. Barnard had been good to her, so she cried and refused to be comforted.

### LAND FRAUD DEFENDANT

When Judge Hunt announced that the time had arrived for imposing sentence on the convicted defendants summoned to appear before him, Special Assistant Attorney-General Francis J. Heney asked that sentence against Hendricks and Zachary be postponed until after the trial of the legal fencing case in which both are defendants. This request was made in the belief that fairness demanded that they be given an opportunity to testify in their own behalf, if they so desired. If they were sentenced prior to the hearing of the fencing case they would be barred from testifying, the penalty for perjury carrying with it prohibition from giving evidence in any court of the United States. Judge Hunt granted the order requested and the wrinking case gathered on the forehead of Hendricks began to disappear.

### WATSON GETS OFF EASY.

Watson was next. Prosecutor Heney explained that it had been the policy of the government to prosecute entry-men before the legal fencing case had not been given the opportunity to go before the grand jury, like other entry-men, because he could not be found at the time his case was under consideration. Last Thursday he had been asked if he desired to tell the truth, he had consented, had made a statement to Irvin Rittenhouse, secretary to counsel for the government, and had gone upon the stand and told of his connection with the fraud.

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### NAVAL MASTERS MOUNTED.

St. Petersburg, Aug. 18.—Eighteen mutineers at Ravel were executed this morning.

## Saturday Specials

5:30 P. M. to 9:00 P. M.  
Positively None Sold Before This Time

33c



Regular Value 65c

33c



Regular Value 25c

### 6-Quart Berlin Kettle

Royal Enamel Ware

### No. 3 Steel Fry Pan

## POWERS

THE STORE THAT SAVES YOU MONEY

DIGNIFIED CREDIT FOR ALL FIRST AND FAVORITE

## Rest the Stomach

Nothing will cure indigestion that doesn't digest the food, itself, and give the stomach a perfect rest.

You can't reasonably expect that any weak stomach will regain its strength and get well when it is compelled to do the full work that a sound stomach should do.

You wouldn't expect a sick horse to get well when it is compelled to do a full day's work every day of the week.

Your stomach must have rest. But it isn't necessary to starve yourself in order to rest your stomach.

Kodol Dyspepsia Cure is a perfect digestant. It will digest all of the food you eat regardless of the condition of your stomach.

## Kodol Dyspepsia Cure

For Indigestion, Dyspepsia, Sour Stomach, Flatulence, Headache, Water Brash, Belching of Gas, Nausea, Gastritis, Heartburn and all troubles arising from indigestion and non-assimilation of the food.

I had dyspepsia in its worst form; was reduced in weight to 118 pounds. After using two and one-half bottles of Kodol, I was completely cured and restored to my usual weight of 145 pounds.

J. LUTHER JOHNSON,  
Att'y At Law, Cleburne, Tex.

**KODOL DIGESTS WHAT YOU EAT**

MAKES THE STOMACH SWEET.

Sold by Skidmore Drug Co. and Woodard, Clarke & Co.

## RIVER EXCURSION TO ASTORIA

SUNDAY, AUG. 19

BY THE

# Steamer TELEGRAPH

THE FASTEST BOAT YOU EVER SAW—SPLENDIDLY EQUIPPED—A CHARMING FURNISHED CRAFT.

Leaves Alder Street Dock, Portland, 10:30 a. m.  
Arrive at Astoria at 1:30 p. m.  
Leave Astoria for home at 3:30 p. m.  
Arrive in Portland at 7:30 p. m.

Meals Served a la Carte. Carry Your Lunch if You Wish.

A delightful Sunday trip—a charming ride on the greatest river of western America—the best steamboat on the Pacific coast—Polite attention to everyone.

See the City by the Sea at Little Cost

Round Trip \$1.00

### FIRE SWEEPS VALPARAISO

(Continued from Page One.)

Valparaiso, however, and through all the inland districts there is not a wire up. No word has yet been received from Santiago, La Serena or Concepcion. We cannot tell what the extent of the earthquake is, nor at what time we will be able to restore communication with the interior.

**Similar to Frisco.**  
A London dispatch states that private cable messages indicate that the Chilean nitrate grounds escaped damage. They had been reported greatly harmed. The towns of Copiapo and Antofagasta are unharmed.

The Central & South American Telegraph company this afternoon reports that the situation in Valparaiso is similar to that in San Francisco during the disaster. The city is still burning. The manager reports all places of business closed and that many people have left the city.

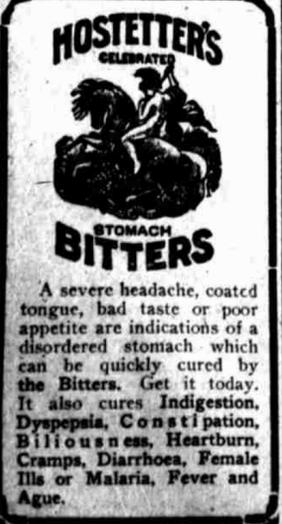
### DEATH IN QUAKE.

Without slightest warning, hundreds are killed in buildings.

New York, Aug. 18.—A special to the Herald from Valparaiso, Chile, says: Without the slightest tremor of warning an earthquake visited this city at 8 o'clock Thursday night, bringing instant death to hundreds of persons and leaving many hundreds more imprisoned in the ruins, many of whom were burned to death before aid reached them.

### PREDICTED IT.

Great at Portland Hotel Foretold Earthquake in Valparaiso.  
James Winslow Ames, who was a guest at the Portland hotel several weeks ago, predicted that his home city, Valparaiso, Chile, would probably be the next city after San Francisco to suffer from an earthquake.



**HOSTETTER'S**  
CELEBRATED  
**STOMACH BITTERS**

A severe headache, coated tongue, bad taste or poor appetite are indications of a disordered stomach which can be quickly cured by the Bitters. Get it today. It also cures Indigestion, Dyspepsia, Constipation, Biliousness, Heartburn, Cramps, Diarrhoea, Female Ills or Malaria, Fever and Ague.