

COLUMBIA VALLEY ROAD FORCED BY COURT TO ABANDON TASK

Tunnel Through Cape Horn in Opposition to Hill Road Must Be Stopped, Says the Circuit Court of Washington.

After devoting many weeks of hard work, perilous to lives of the men engaged, thousands of dollars, and about 2,000 pounds of powder, in an effort to drive a tunnel through Cape Horn in opposition to the Hill road, the forces of the Columbia Valley road have been forced by an order of the circuit court of Washington to abandon the task. The workers of the Harriman road have been withdrawn, leaving a hole 26x18 feet in diameter and extending about 100 feet into the mountain.

While the Columbia Valley has quit work at Cape Horn, it has by no means abandoned work at other points along the north bank. Five grading camps are still working full blast, and the officials of the company express a determination to go on and complete the road at any cost, and fight through the supreme courts an appeal from the decision of Judge McCredie at Vancouver, by which they have been driven from their grades at Cape Horn and also at Wallula Gap, a point of equal strategic importance further up the Columbia river. They say the decisions of the Vancouver court will not be upheld by the higher courts, and they propose to fight it out. In the appeal prepared and filed by their attorneys it is alleged that the rights of the appellants have not been properly protected by the lower court, where a bond of only \$5,000 was required from the Hill companies in granting an injunction in their favor.

The Harriman company alleges that the bond should have been \$500,000, for under existing conditions the Hill companies can, before a final decision is secured from the supreme court, proceed to construct their line, destroy the grades, tunnels and property of the Columbia Valley, and appropriate its rights of way, and the only recovery the Harriman company can secure is the \$5,000 named in the bond, while the loss and damage to said company may be 20 times that amount.

Based on Technical Error.
It is alleged that the victory of the Hill companies in the lower court was based on a technical error in a deed from the government to the Columbia Valley company granting it rights of way at Cape Horn. The deed described

the ground and was accompanied by a plat that was not mentioned in the deed. The description erred in locating one of the corners, and the court, instead of accepting other corner monuments, decided that the Columbia Valley company's ground lay 800 feet further up the mountain side. This put the Columbia Valley road out of business at that point.

The same injunction was made by Judge McCredie to apply on government land at Wallula Gap, and there the Hill lines were given rights of way around the side mountain where the Columbia Valley surveyed and graded its line several months ago. Wallula Gap is the western gateway of the inland empire, and is the point where the Columbia river makes its first break through the mountains on its course to the sea. It is extremely difficult to build a railroad around the steep mountain side, which is composed of loose stones and earth that constantly slide to the bottom of the gorge. Construction of a single line of road involves the moving of a vast amount of earth and makes it impossible for another road to be built within several hundred feet either above or below such grade.

Scope of Charges.
It is charged by the Columbia Valley people that the Hill companies have so planned and constructed their tunnel and railroad at Cape Horn that it will for all future time be impossible for another railroad to build through to the sea on the north bank, unless the canyon law is enforced. In approaching the tunnel from the east the Portland & Seattle road is built close to the perpendicular bluff, and on entering the tunnel the line makes a curve of about 2 degrees toward the river and approaches the sheer face of the cliff close enough to prevent another tunnel from being driven through between the river and the Hill tunnel. It is alleged that the tunnel should have been driven straight through and that its deflection was planned as a barrier to competition.

TRIAL OF DWYER BEGINS TODAY

Testimony in Second of Idaho Land Fraud Cases Is Taken Before Federal Court.

SIX SEPARATE COUNTS OF PERJURY CHARGED

Secret Service Men Who Infested Moscow During Trial of Robnett Have Disappeared, as Their Methods Caused Much Indignation.

(Special Dispatch to The Journal.)
Moscow, Ida., Nov. 22.—The taking of testimony in the case of William Dwyer, charged on six counts with subornation of perjury, began in the federal court here this morning.

The time of the morning session was largely taken up by the district attorney in getting before the jury the filing and proof papers in the case of William F. Lewis, who is alleged to have been suborned by Dwyer. Counsel for defense objected to the last three counts of the indictment, contending that the second offense they are intended to cover, if committed at all, was committed at the time the filing was made, and is covered by the first count. The court overruled this objection. J. B. West, former register of the land office at Lewiston, identified the papers and they went into the record.

TO PROSECUTE CAPTAIN

(Continued from Page One.)

Mill company, stock in which is held by wealthy lumbermen. The steamer Jeanie has been libeled by the owners of the steamer Dix for \$25,000.

DAMAGE TO COUNTY FORTY THOUSAND DOLLARS

Repairing of Roads and Bridges About Tacoma Will Prove Immense Task.

(Special Dispatch to The Journal.)
Tacoma, Wash., Nov. 22.—After a thorough inspection County Commissioner Mettler estimates that it will cost \$40,000 to restore bridges and roads of the county to the condition they were in before the floods. This does not include the loss in the Stuck river valley, where the diversion of the White river has caused endless havoc.

So serious is this problem that the county commissioners have set it apart and it will be considered separately from other county business. Chairman Winchester and Mr. Mettler will this week go to the Muckleshoot reservation in King county and come down the channel of the White to the Stuck and follow the Stuck to the point of convergence with the Puyallup. At Buckley, Pierce and King counties must join in the building of a new bridge over the White river.

LIGHTS CANDLE TO LOOK INTO GASOLINE

Baker City Residence Destroyed by Flames and Girl Has Narrow Escape.

(Special Dispatch to The Journal.)
Baker, Ore., Nov. 22.—Dropping and breaking a quart bottle of gasoline last night, Gertrude Pelter, a domestic at the home of Carl Dilshelmer, lighted a candle to inspect the catastrophe. As a result, the Dilshelmer home is in ruins and the girl barely escaped with her life.

The explosion which followed the lighting of the candle, enveloped the girl and the kitchen in flames. The door of the kitchen was locked, as the girl was alone in the house. In her fright, she could not get the key to turn, and was badly burned before she climbed out of the window.

The new residence was completely destroyed. The loss is \$10,000. Some furniture was saved by the neighbors, but priceless heirlooms were destroyed.

November so far has been like one of the Oregon months we read about.

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NERVOUS LOVER LEAVES HIS LICENSE WITH BUTCHER

Found—One marriage license authorizing the marriage of Emil De Harde and Miss Eva Fitzgerald Foss. Owner can have same by providing treats for the young men employees at the office of Mace's market, on Fourth street, near Morrison, and identifying himself to Deputy County Clerk C. D. Christensen.

WOMEN IN SCRAMBLE

(Continued from Page One.)
was in command, and Pilot Kane Olmex was at the wheel. She was pulling out from the Blanchard dock at this place and had just gotten under good headway when suddenly the lookout on the hurricane deck discerned the green and red lights of the Lurline managed to the man at the wheel, but it was too late, and the next moment the bow of the Cascade was plowing its way through the planking of the Lurline. Alarm was sounded with all possible haste, and those occupying berths were told to get out in their night-clothes. There were men, women and children, but the officers of the Lurline managed to maintain as good order as could be expected, in view of the fact that the steamer went down almost immediately. Captain Lawkins is certain that no lives were lost in the wreck, as he accounts for all who were on board to his knowledge.

CRUSADE AGAINST YOUNG SMOKERS

Police to Stop Practice of Dealers Selling Cigarettes to Minors.

A vigorous crusade against the sale of cigarettes to minors and the enforcement of the ordinance prohibiting the smoking of the noxious weeds by boys has been started by the police. Three lads—A. Barton, Joe Henderson and Michael Neylon—were before Judge Cameron this morning on the charge of smoking. Barton was fined \$10 and the other two were found guilty, but sentence was suspended on their promise to refrain from the use of tobacco.

DYNAMITING LOG JAM ON STUCK RIVER



During the Flood This Log Jam Diverted the Course of the Stuck River Into a New Channel, Thus Accomplishing What Years of Legislation Has Vainly Sought to Legally Accomplish. In Its New Channel There Is No Danger From Future Floods.

HUSBAND MISSING SINCE MONDAY

Mrs. J. C. Brown Fears He Has Engaged in Drinking Bout With Friends.

ASKS THE POLICE TO LOCATE HIM

Young Employee of Portland Flouring Mills Is Also Missing and Relatives Want Him Because His Mother Is Critically Ill.

Mrs. Brown, residing at the Iowa house, Union avenue and East Oak street, has reported to the police that her husband, J. C. Brown, has been missing since last Monday. He had been in ill health for a week and on the day in question announced his intention of coming to the west side to consult a physician and secure medicine. It is Mrs. Brown's belief that he may be engaged in a drinking bout with some convivial companions and her theory is strengthened by the fact that Brown was seen in a saloon at Sixth and Davis streets last night.

Fred J. Head, a young employee of the Portland flouring mills, who disappeared about two months ago, is being eagerly sought by his relatives, owing to the critical illness of his mother in Jefferson, Iowa. Head is a nephew of Kiddle brothers, the well-known La Grande millers, who were in Portland during the week seeking a cure to the present whereabouts of their missing relative.

J. Nash, a 16-year-old lad employed at Roberts Bros' department store and residing at 261 Sixth street, has been reported missing to the police. The boy failed to return home at the conclusion of his day's labor and at an early hour this morning the services of the authorities were enlisted in the search.

FOR OPEN RIVER

(Continued from Page One.)
consideration in the legislature, because, in his opinion, the opening of the Willamette is a vital question to the farmers of the valley and to all of western Oregon. It will, he thinks, win the hearty western Oregon support, while eastern Oregon will have no cause or reasonable ground upon which to oppose it. The governor is hopeful therefore that the opening of the river will come from the Willamette valley producer, and that an era of lower freight rates is near.

OUTLINES HIS PLAN

At his office in Salem yesterday, the governor outlined his plan and discussed the question in all its bearings upon the future development of the Willamette valley.

"The locks at Oregon City should be the property either of the United States or of Oregon," he said. "It is wrong that the farmer and producer of the upper valley, as well as the merchant below the falls, be compelled to pay tribute to the state of the chief waterways of the state. The river should be open to all navigation, wherever a boat can go."

The lockage charges of 50 cents a ton on all freight is a tariff operative not only on the river, but to all practical purposes upon the Southern Pacific as well. Open the river by free locks at Oregon City, abolish the 50-cent tribute, and the freight rates on the rail lines will fall at least 10 per cent. If the valley as the river is navigable to boats."

EXPECTS NO DIFFICULTY

"Do you think there would be any difficulty in securing ownership of the locks?" the governor was asked. "Oh, in case the present owners were not reasonable in their demands, would there be difficulty in securing title to the locks or to the water for their operation?"

"No," was the reply. "I do not. If the electric company would not take a reasonable price for the property, it should be condemned and bought either by the government or the state at a just appraisement. I do not know what the owners ask for the property or its value, but the latter could easily be determined and the justice of the price asked be determined by the estimate."

The company asked \$1,200,000 for the property in 1898, when the government was investigating with an idea of purchase. The owners would perhaps ask \$2,500,000 for it now," it was suggested.

LOOKS INTO THE FUTURE

"Looking into the future," the governor responded, "the locks would be cheap at that price. It would not take many years for a saving that large to be made by the residents of the valley through the lower rates on transportation resultant from government or state ownership of the locks. Of course I do not mean to say that such a figure should be paid for the locks, but that

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THE Emporium

Williams Avenue and Knott St.

MAYOR'S BROTHER

(Continued from Page One.)
the Belvedere extortion by Building Inspector P. Fitzsimon. Under oath Fitzsimon testified that he was aware of the fact that the Belvedere dive was being constructed in violation of the fire ordinance.

On five different occasions he visited the place and ordered James Schwartz, the manager, to stop. Finally he was called upon by Herbert Schmitz, who was then a member of the board of public works, and was definitely ordered to stop interfering with the work on the Belvedere. The testimony of Fitzsimon and the testimony of leader Schwartz, who at one time secretly held stock in the Belvedere, to the effect that he paid Attorney Lynch of Abe Ruef's office \$250 to secure a permit to violate the building ordinance, were sensations of the session of the grand jury.

MYRTLE CERF'S CONFESSION

Myrtle Cerf's confession that 25 per cent of the stock that she held was in reality the property of Abraham Ruef was corroborated by James Schwartz, who suddenly recovered his memory after reading about the arrests of Du-

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