

EXCHANGE BET  
WAGES AT  
PEAKING

Counsel for Harriman Calls  
Oregon Trunk Line Fraud  
and in Return Harriman  
People Are Branded as  
Thieves and Liars.

- Today's hearing Deschutes Sub.
- Determination to oust Hill shown by Harriman arguments.
- Disbelief evidenced by Cotton of room for two railroads in canyon.
- Porter Bros. accused of never having done any actual construction work.
- Cotton intimates that road will be built if it is necessary to use violence.
- Advocates state regulation of railroad construction. Says construction work should never be secret.
- Judge Carey's Arguments.
- Oregon Trunk only one possessing maps approved by secretary of interior.
- Harriman interests only endeavoring to obstruct construction.
- No survey made by Deschutes Railway company till Oregon Trunk maps approved.
- Secretary of interior has full power and discretion to act finally in approving surveys and maps of same.

Dignified epithet hurled constituted the main diversion of counsel in this morning's session of the Deschutes canyon hearing before the federal court. W. W. Cotton, chief counsel for the Harriman interests, in continuing an argument commenced yesterday, pleasantly said that the Oregon Trunk Railroad company is a fraud and everything and everybody connected therewith of the same description.

Judge C. H. Carey, chief counsel for the Hill interests, when given opportunity by the court, as previously reported that the Oregon Trunk Railroad company incorporators are not liars and that the Deschutes Railroad company and all connected therewith were at enmity with the rudiments of truth.

Mr. Cotton, realising that formal blueprints and engineers' drawings give little idea of the country about to be traversed, presented pictures and photographs, some of them showing rival gangs at work, Oregon Trunk above and Harriman below. Other photographs showed the deep rocky canyon, the rushing, foam whitened stream below and, incidentally, the tremendous difficulties encountered in undertaking actual railroad construction.

For the time being, auditors could believe themselves taken into the heart of a contest, witnessing the vigilant watch kept by one construction enterprise on the other, while hastening determinedly to keep in the lead.

**Cotton Reads Affidavit.**

First of all, Mr. Cotton read an affidavit from S. E. Gordon, who related that in 1908, F. E. Gordon, in November of 1908, he organized a surveying party which ran its lines up Deschutes canyon, and later sold its rights to the Oregon Trunk survey as they made constitutes the base of the Oregon Trunk today. Running rapidly through technical details connected with this survey and the use made of it, Harriman's attorney bluntly added:

"Porter Bros. have never done a lick of actual construction in Deschutes canyon. Construction gangs have gathered about this place and the following Oregon Trunk survey and apparently only endeavoring to obstruct our honest efforts to build a railroad. These men, and their tools, are rolled rocks down on our men. As fast as we made grade they unmade it. They were without equipment and tools, and they were without wagons, consisting of picks, shovels, firearms and other weapons of warfare. If the Oregon Trunk survey should be run from any proper point there would be no contest, as it is so uncontestable, that they would be in the middle of the river, over the contested 12 miles of overlapping surveys. If their court deems it necessary, we will have our engineers pry out the right of way, beginning tonight, to prove this point."

Judge Carey interrupted to say that the Oregon Trunk railroad had the entire distance platted and would be glad to give the Harriman interests the benefit of the plat, as well as to bring the work before the court to show that everything had been in good faith and order.

**BAD DREAMS**

Caused by Coffee.

"I have been a coffee drinker, more or less, ever since I can remember, until a few months ago I became more and more nervous and irritable, and finally I could not sleep at night for I was hourly disturbed by dreams of all sorts and of species of distressing nightmare."

"Finally, after hearing the experience of numbers of friends who had quit coffee and were drinking Postum and learning of the great benefits they had derived, I concluded coffee must be the cause of my trouble, so I got some Postum and had it made strictly according to directions.

"I was astonished at the flavor and taste. It entirely took the place of coffee and to my very great surprise I began to sleep peacefully and sweetly. My nerves improved, and I wish I could thank every man, woman and child from the unwholesome drug—ordinary coffee."

"People really do not appreciate or realize what a powerful drug it is and what a terrible effect it has on the human system. If they did, hardly a pound of it would be sold. I would never think of going back to coffee again. I would almost as soon think of putting my hand in a fire after I had once been burned."

"A young lady friend of ours had stomach trouble for a long time, and could not get well as long as she used coffee. She finally quit coffee and began the use of Postum and is now perfectly well. Write for health."

Read "The Road to Wellville," in N.Y. "There's a Reason."

Ever read the above letter? A new one appears from time to time. They are genuine, true, and full of human interest.



JUDGE C.H. CAREY, COUNSEL FOR OREGON TRUNK R.R.

ATTORNEY W.W. COTTON, COUNSEL FOR HARRIMAN INTERESTS

JOHNSON P. AND JOHN D. PORTER

corporated in another state and has no power, save as is pretended for it, to construct or do business anywhere, it makes me feel that our interests would be safer if we do our own plating."

Mr. Cotton rejoined.

He continued by saying that Harriman had made two surveys, one by Mohler some years previously, and had had them on file in their offices, available for immediate use, had it seemed desirable, but that the Harriman interests had referred to make new surveys after the articles of incorporation had been filed with the secretary of state of Oregon.

Mr. Cotton then made some unlooked for statements. First, he said that he believed the state should regulate the building of roads at least, and be added that the construction or plans of construction of any railroad should never be kept secret, and this for the purpose of insuring action by the corporation that should be entirely within the limitations imposed by the general land laws.

**Makes Reference to Violence.**

"The survey made by Gordon," said Mr. Cotton, "sited the Oregon Trunk purpose of obstruction very well. It crossed and encroached the river, conflicting with our survey wherever possible, and it was intended to be simply to obstruct our plans. Under the terms of the injunction secured against us, as previously reported, we possess on our own right of way. If we are not given relief, and as we are determined to build a railroad violence alone could end our differences."

"But we wish to avoid violence. It is easy for lawyers in this courtroom to order ignorant Danes, Austrians or Irishmen to kill each other up on the Deschutes. But I am thinking of the damage done to these ignorant persons. The injury or loss of a limb or an arm is greater, commercially speaking, in loss to them than such an injury would be to me. We do not wish to endanger their health, their lives, their limbs."

"If this court shall decide that the Oregon Trunk railroad be allowed the east side of the river where our survey is, we will not contain. We are willing to build on the side given to us by this court for that purpose. But if the Oregon Trunk is allowed one side they should not be allowed to cross over and interfere with our plans. Nor would they do so if they were honestly intending to build a railroad."

**Not Room for Two.**

Several times during his address Mr. Cotton intimated his lack of belief that there is room in the narrow canyon of the Deschutes for two railroads, the entire distance of the canyon. He indicated that the continued policy of the Harriman interests will be to oust the Hill interests by force, and that he would present itself. He concluded by saying:

"The face of the bill praying for an injunction is fair, but the face of the bill is untrue. When Mr. Williamson testified that he knew it was untrue. Until this matter is adjudicated an order from this court should restrain both parties in action, and I must make a motion to enforce it. 'If your honor please,' said Judge Carey, speaking deliberately at first, 'I will increase the amount of the bond to five hours. The fact that his protestations of good faith and honesty have only served to emphasize the truth of the allegations and retortations have not detracted from my enjoyment.'

**Straddled Main Question.**

"But Mr. Cotton has consistently evaded the main question in this issue, although he has chosen to introduce evidence and facts which have no relation to the case in hand. This is the question of the effect of the approval of the Oregon Trunk Railroad company's plans by the secretary of the interior before the survey of the Deschutes Railroad company was approved in the summer of 1908, and their survey was not made until that fact was known. Mr. Cotton's contentions of fraud. We will show that ours is the only railroad company owning an approved survey in Deschutes canyon, that no survey was made by the Deschutes Railroad company until our maps had been approved, and that the secretary of the interior has full power and discretion to act upon these maps."

**Origin of Survey.**

Judge Carey added that the two old surveys about which Mr. Cotton had been so vainglorious were originally made in the interest of the Oregon Trunk when W. E. Nelson, who conceived the scheme to penetrate central Oregon through Deschutes canyon, was in the project which has since been taken up by the two greatest railroad construction companies in the west.

"E. A. Ballinger, secretary of the interior, appears as an incorporator of the Oregon Trunk railroad. It is true that our survey was made before our articles of incorporation were filed, but it was made by W. E. Nelson and his associates who became the incorporators of the company. That survey was completed in the middle of January, 1908, and it is the best on record."

"The contention used by the opposing counsel is but a part of their very familiar practice. Harriman and his hirelings make a practice of attempting to shut out others from that which they do not intend to occupy themselves. We will not be so easily duped. There are no obstructionists in Deschutes canyon, but that the Oregon Trunk railroad did not put them there. We are not using the lying, thieving methods ascribed to us, but we will show who is."

**No Bluff Will Entertain.**

"Our railroad will be built and no bluff or bluster will prevail. Before I close I will show that the Deschutes Railroad company's survey is impracticable, that they have unsafe curves, and that their survey is full of cuts and 12 foot fills. Their only object has been to occupy strategic points to drive out competitors, and this is the reason for their grasping railroads."

which has in places 16 degree curves, while our maximum is 6 degrees."

Judge Carey said these things and others preliminary to his main argument, which was set for hearing at the beginning of the 3 o'clock session.

**HARRIMAN DOES NOT WANT HILL LINE IN STATE**

Harriman does not want Hill in central Oregon. Neither do the Harriman interests like to face the probability that Hill will extend a central Oregon line as far as San Francisco. W. W. Cotton, chief counsel for the Harriman line, announced with finality that Porter Bros. operations in Deschutes canyon would be ignored by the Harriman interests.

In his appearance before federal court yesterday in the Deschutes canyon injunction proceedings between the Oregon Trunk railroad and the Deschutes Railroad company, Mr. Cotton presented a plan of argument which showed conclusively that, while Porter Bros. might or might not be interested in the policy of the Harriman interests will be to oust Hill from Deschutes or be ousted by him.

Mr. Cotton's presentation of the case was clear and incisive. Careful preparation enabled him to cover completely every phase of the case in a few minutes. Before he had concluded he intimated broadly that the secretary of state had been in error in approving the Oregon Trunk maps and that he would devolve upon presiding Judge Bean to correct the secretary of state's error.

**Cotton Makes Four Points.**

Mr. Cotton's contention was based on these premises:

First—That the Oregon Trunk railroad was incorporated under the laws of Nevada, without right to build or operate in its home state, hence without any such right in Oregon. Established by the state which gave it birth before it was born."

Second—That the Oregon Trunk never made any survey, having picked up an ancient survey to which they attached the oath of a man procured for the purpose, that the survey had been made during the required time, or between April 12 and May 8, 1906.

Third—That in approving the maps covering Oregon Trunk surveys, the secretary of state either was pulled over his eyes or was a party to a deliberate deception.

Fourth—That the survey in itself is inaccurate, made so erroneously, that it does not coincide in any essential with government surveys of the same districts.

**Maps Placed for Oregon Trunk.**

Mr. Cotton added that the proper course of procedure for the Oregon Trunk, and which appears on the face of the maps, was to have followed the articles of incorporation, April 1, 1906; second, full plans filed with secretary of state, May 20, 1906; third, filing accepted maps, August 1, 1906; fourth, maps approved June 21, 1906.

In contradiction Mr. Cotton asserted that the Deschutes Railroad company had filed articles of incorporation February 2, 1906; had filed full plans with the secretary of the interior, February 16, and secured the necessary approval, March 1.

These constitute the points that Harriman's chief counsel called upon Judge Bean to decide. He asked that while a decision pending both companies be prevented from working in the upper 80 miles of the Deschutes canyon, out of which the Harriman interests are now shut by the Oregon Trunk's temporary injunction.

**Beats Are Tied.**

"It is unfair," said that lawyer, "that our hands should be tied, when we will be able to show that we alone have the rights to proceed, and that the Oregon Trunk railroad should be allowed to continue work. Such is in violation of the force of injunction proceedings."

To this Judge Carey hotly responded that as the Oregon Trunk had been working on the upper 80 miles from which the Deschutes railroad gangs had been shut out by injunction, just so the Deschutes railroad company was continuing its work on the lower 40 miles from which the Oregon Trunk had been shut out by injunction. "If we are unfair, so are you," Judge Carey concluded, and Mr. Cotton did not press the issue.

**One Remarkable Situation.**

The temporary restraining order procured against the Harriman interests by the Oregon Trunk also affects the Deschutes and U'Ren farms which the Harriman interests claim to own. Mr. Cotton humorously declared that at one time when the Mrs. Mary E. Smith farm was in the hands of the U'Ren agent of purchase, he was restrained from going on his own property.

"Finally," said the Harriman at-

torney, "the Oregon Trunk railroad is going ahead under the shadow of an injunction to carry out its designs. Because this is not right, because the corporation was conceived in iniquity and born of fraud, and I not wishing to have it understood that I propose to take up the work indefinitely, when it is a matter of such great public interest, wish to have all work by both companies suspended until this issue has been finally disposed of, and I would ask your honor to indicate at the morning session what line of proof it will be acceptable to have introduced that, keeping unnecessary items silent, we may settle this case as quickly as possible, and get back to work."

**PINCHOT GETS PRAISE FOR WORK**

(Continued from Page One.)

The Roosevelt policy was his own and that he would continue to support it. Now we were all amazed when Ballinger was appointed secretary, for we all knew that his notions were absolutely opposed to Mr. Pinchot's and that he believed that a corporation man, who believed that each state should have the disposal of national resources.

**Honest and Not Egoistic.**

"The State Foresters and I believe, the Society for the Promotion of Scientific Agriculture, are almost a unit in backing up Pinchot. He is the ablest and most honest man in the government, and yet not bigoted. Any attack on him comes from a mistaken notion of the nature of his position. He is the disposal of national resources."

**Tracy Chosen President.**

A conference of professors and other officials of western agricultural colleges will close the sessions of the Society for the Promotion of Scientific Agriculture, which opened yesterday evening President T. F. Hunt delivered his annual address on the subject, "Coordination in the Promotion of Agriculture." Gifford Pinchot, who was to have been present, wired his regrets and his paper on "The Relation of the United States to Forestry" was read by Professor L. H. Knapp of the local station.

Among new men chosen to the office of secretary of the Society for the Promotion of Scientific Agriculture, were Gifford Pinchot, who was to have been present, wired his regrets and his paper on "The Relation of the United States to Forestry" was read by Professor L. H. Knapp of the local station.

**REGULAR TICKETS**

(Continued from Page One.)

Democratic choice, won the Democratic nomination for mayor, barely defeating Supervisor Ralph McLeran, the independent Democrat.

P. H. McCarthy, president of the state and city building trades councils, won the Union Labor nomination for mayor over Francis J. Sullivan, W. McDevitt, the Socialist candidate, was unopposed. The unprecedented amount of writing in on the ballots on account of the Hener-Fickert race made the counting of the ballots extremely slow. The returns were far from complete at noon today.

P. H. McCarthy was nominated for mayor by the Union Labor party and there will be a three cornered fight in the fall.

**STEAMER BREAKWATER**

Leaves Marshfield Sunday

In order to accommodate delegates to the Oregon-Idaho conference, the sailing of the steamer Breakwater from Marshfield has been changed from Saturday to Sunday.

LARGE POWER PLANT FOR OSWEGO

Oregon Iron & Steel Company Is Preparing to Furnish Light and Power From the Tualatin Lake Dam.

A big power plant, capable of furnishing light and power for factories, private enterprises and the towns surrounding Oswego, is being projected by the Oregon Iron & Steel company at Oswego.

It is intended to install the plant at the lower end of Tualatin lake, just above Oswego, where the iron and steel company now has a large dam. How large the plant will be or what its horsepower capacity has not yet been determined by the company, the plans yet being in a formative stage. Within a month, however, the details of the work will have been decided upon and the installation begun.

"It is yet too soon to say how large the plant will be," said Alexander S. Pataly, secretary of the company, this morning. "We have a storage possibility there in the Tualatin lake, however, which makes a large amount of power available whenever it is needed."

"The company simply desires to be ready for the great development which is certain to come to the vicinity of Oswego. There are excellent sites for factories there and it is very probable that new institutions will be placed there under contemplation. Trend of factory development is in that direction. There is talk of a cement manufactory being built there besides other projects now under contemplation."

"Aside from this there is certain to be a great development in the valley about Oswego, providing a market for the power and light which would be manufactured by our plant. It is to meet this demand that we are preparing to install our power plant."

"The Oregon Iron & Steel company already has several properties at Oswego, besides the foundry being the water works. The new plant will furnish light and power for these properties as well as for commercial use."

"The construction of the Southern Pacific bridge across the river at Oswego will give that town transportation facilities which it has lacked for many years, and will make it available as a factory location. Already property in the place and that vicinity is taking on an active tone which has not been noted for many years, and the prospects of great improvement in the near future are very bright. The new power plant is being prepared so that it will be on the ground floor, ready to furnish power and light for prospective investors. It thus aid in the upbuilding of the district."

**Twenty Women Will Teach.**

(Special Dispatch to The Journal.)

The Dalles, Or., Aug. 15.—Twenty ladies were granted certificates to teach school in Wasco county at the August

STATE OFFICIALS HAVE COPY OF WATER CODE

Copies of the irrigation or water code passed by the last legislature may be secured, if any single copies remain, of the secretary of state, the state printer or the state engineer at Salem.

It is said that the water power controlled by this road is the most valuable one in Oregon, and is situated by only one other power in the northwest—a southern Washington stream. The value of the power is said to have made the road considered seriously by Hill for use in connection with his Oregon Trunk line as a means of entering Portland from the Deschutes line. It is estimated that the machinery and equipment for the development of the power plant would represent several million dollars, to say nothing of the cost of building the road itself—which, however, would be comparatively insignificant.

SIULETZ RIVER LINE MAY BE BUILT

Company Incorporates for Purpose of Extending Railroad from Newport.

Salem, Aug. 15.—For the purpose of building a standard gauge railroad from Newport through Cape-Ponweather and the town of Otter Rock to a point on the Siletz river, the Newport, Otter Rock & Siletz Railway company has been incorporated. Articles of incorporation were filed in the office of the secretary of state this morning.

The new road is capitalized for \$100,000. The incorporators are E. M. Bradford, D. L. Kent and R. F. Baker. The corporation is endowed with power to acquire real estate and equipment and to do all things necessary to build the road from Newport to the Siletz river.

BOULEVARDS FOR WALLA WALLA

Walla Walla, Wash., Aug. 15.—It has been decided to build boulevards on both sides of Mill creek, which cuts the town almost equally in two. This will add much to the appearance of the city which, it is intended, will soon be known throughout the northwest as the "city beautiful."

Walla Walla day at the A-T-P. excursion is to be made a big event. It is estimated that 400 people will come over from here in a special train.

Announcement BARGAINS EVERY DAY

In order to make those who visit our store familiar with the location of the several NEW DEPARTMENTS IN OUR MODERN EQUIPPED STORE

we are offering exceptional values in ladies' muslin underwear, French hosiery and silk hosiery, corsets, silks, dress goods, neckwear, corsets, wash goods, linens and curtains. We are closing out ladies' and children's wash suits. McAllen & McDonnell, popular-price dry goods store, corner Third and Morrison.

A Real Bargain Sale of Russian Hand-Hammered Brass

Included are Umbrella Stands, Jardinieres, Table Call-Bells, Fern Dishes, Brass Baskets, etc. It's seldom that goods of this character are offered at the prices noted below, but we propose to stimulate rapid buying by practically disregarding profits during these last few sultry August days. Come in and look these goods over. You'll be surprised at the genuine bargains offered and at the reasonableness of our Special Sale Prices.

**Note These Reductions**

76c 8-inch Fern Dishes, 3 brass feet... 55¢  
\$2.00 Brass Baskets..... \$1.50  
\$4.00 Brass Baskets..... \$2.75  
\$8.00 Brass Baskets..... \$4.00  
\$1.60 5-inch Hand-Hammered Fern Dishes, 3 claw feet..... 95¢  
\$2.00 6-inch Hand-Hammered Fern Dishes, 3 claw feet..... \$1.30  
80c Solid Brass Table Call-Bells..... 55¢  
\$3.60 8 1/2-inch Hand-Hammered Fern Dishes, 3 claw feet..... \$2.25  
\$13.60 Hand-Hammered Umbrella Stands, 2 solid brass lion heads, ring handles \$9.00  
\$12.00 Solid Brass Umbrella Stands, 24 in. high..... \$8.00  
Large Jardinieres at ONE FOURTH OFF

\$1.50 Skins for Burning at Only 89c

Sale of Skins to Burn, in brown, tan, green and red, all nicely finished and ready for burning. You can also use these skins for covers in their natural colors. About 600 skins in all.

\$4 Pillow Tops, All Hand-Burned, Only \$2

About 18 Hand-Burned Pillow Tops, regular \$4.00..... \$2.00

Regular Price Drug Sundries

- "WOODLARK" Sea Salt, for salt baths; exhilarating and invigorating—10¢, 25¢ and 40¢ packages.
- "WOODLARK" Shoofly, for mosquitoes, gnats, flies, etc.—25¢, 50¢ and 75¢ packages.
- "WOODLARK" Bedbug Banisher, an absolute destroyer of this disagreeable pest—35¢ and 60¢ a bottle.
- "WOODLARK" California Insect Powder, for fleas, flies, moths, millers and other insects—15¢, 25¢ and 49¢ per box.
- "WOODLARK" Squirrel Poison, the best squirrel and gopher killer—30¢ can, four for \$1.00.
- STRAWINE, makes old hats look like new—25¢.

**Purodor Kills Body Odor**

A liquid deodorant, entirely harmless and sure in its effect; easily applied with the hand, sponge or atomizer; superior to all powder deodorants. Bottle..... 25¢

**Micro**

Destroys the Dandruff Germ

And stops falling hair. An excellent preparation for regular use. A large bottle for ONE DOLLAR

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Established 1884 Both Phones

**WOODLARK, CLARKE & Co.**

WE INVITE YOUR ORDERS FOR PICTURE FRAMING