

PLAY ONLY TO KEEP OUT OTHERS

Judge Carey Gives Version of Harriman's Activity in Deschutes Canyon—Declares Attempt Is Being Made to Mislead Court.

Proceedings in Deschutes Suit.
Southern Extension railway declared creature of Harriman interests, organized solely to block other construction projects. Equipment, supplies, locomotives and cars on ground for 130 miles of Oregon Trunk railroad. Carey accuses Cotton of having presented affidavits for the purpose of misleading and deceiving the court.

Evidence produced to show Deschutes Railway company only constructing at points of conflict and actual construction not contemplated.

Carey follows Cotton's tactics by filing mass of contradictory affidavits too late to be rebutted in morning session.

Frequent passes between attorneys add interest to proceedings.

Charging fraud, deception of the court, ill faith in actual construction and the falsity of affidavits presented as evidence, Judge C. H. Carey sent the small arms of argument used in the federal court yesterday afternoon, to the rear, and loosed the big guns of the Hill cause against the Harriman interests.

A mass of affidavits filed too late in the morning to be rebutted caused Mr. Cotton for the Deschutes Railroad company to send his helpers scurrying for reinforcements. Before the noon hour arrived Mr. Cotton announced that he would be ready at the time of the next hearing to meet the allegations of Judge Carey as presented this morning.

No session of the Deschutes injunction hearing in process before the United States court has been so significant or productive of interest as was that of this morning.

Attempt to Block Canyon.
Judge Carey doubled the attentiveness with which his argument was being followed when he announced that he would be able to show that the Southern Extension Railroad company, a Washington corporation holding about 15 miles of right of way up Deschutes canyon, was not an independent organization, as appeared on its face, but was a creature of the Harriman

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interests, so located that it occupied one side of the Deschutes canyon, while the Deschutes Railroad company occupied the other, thus forestalling any effort on the part of other than Harriman interests to construct a railroad beginning at the mouth of Deschutes river.

Questions Mooted.
Mr. Cotton has emphasized his desire to conduct this hearing honestly and to do the work in Deschutes in the same way, but does it seem entirely honest for him to say that he only wants room to build for his people and that he will make no effort to keep others out of the canyon, when such a scheme has been resorted to as that Judge Carey exclaimed, and then continued:

Furthermore, Mr. Cotton has accused us of fraud, saying that the Oregon Trunk railroad is only attempting to block the honest efforts of the Deschutes Railroad company to build up the canyon, and has no intention of building for itself. Does this sound like it?

At this Judge Carey read an affidavit from Johnson P. Porter, head of Porter Brothers' construction work, in which Mr. Porter declared that already cars, locomotives, steel rails, camp equipment, men and every other item necessary to complete 130 miles of the track into central Oregon, had already been moved upon the ground.

Destruction of Work.
In this same affidavit Porter accused the Harriman interests of destroying the work done by the Oregon Trunk railroad. A large photograph of gangs at work for the rival companies in close proximity which had been submitted as evidence by Mr. Cotton was turned on the opposition, Mr. Porter declaring that the Oregon Trunk gang there shown had been working seven days before the Harriman men appeared on the scene, and that the latter had only come for the purpose of destroying the unbanked track and defeating the work done by the Oregon Trunk.

Simply Holding Pass.
Mr. Porter concluded his indictment by declaring that at no time since he had been connected with the Deschutes canyon, but that, on the other hand, every circumstance pointed to the belief that they were simply attempting to hold the canyon against all comers, every circumstance quoted conversations held with the foremen and engineers of Twoby Bros., working for the Deschutes Railroad company, in which they had said to him that they had not been given orders to actually build, but simply to occupy the strategic points in the canyon.

Supporting this broad assertion he added that he had been over the ground personally and had found none of the Harriman men at work on any of the canyon, but that he had found where there was no conflict. Affidavits from George W. Boschke, chief engineer for the Harriman line, John W. Twoby, contractor, S. M. Boschke, a resident of Deschutes, and others, which were read by Mr. Cotton, Mr. Porter characterized as false, and made with the intent to deceive.

In Support of Porter.
Johnson P. Porter's assertion that the survey had been made as accurately as possible and that work was being pushed by the Oregon Trunk as fast as possible was supported by an affidavit from T. C. Hanford, a civil engineer, employed by the Oregon Trunk to affirm the first survey. This, he said, he very easily did, as the entire right of way was easily followed, except in such places where the stakes and hubs seemed to have been recently removed, apparently by the Harriman agents.

Taking these affidavits as conclusive, Judge Carey flatly charged the opposition with having falsely presented the case to the court from the beginning for the purpose of misleading and deceiving Judge Carey.

Judge Carey completed his argument before the noon recess was taken. He is being followed this afternoon by J. B. Kerr, junior member of the firm of Carey & Kerr.

JUDGE CAREY SAYS TRUNK LINE SURVEY IS PRIVATE PROPERTY

Judge C. H. Carey, pleading for the Oregon Trunk railroad in the federal court yesterday afternoon, declared that the Deschutes Railroad company or the Harriman interests had any right in the canyon, or to come into court with their affidavits.

He contended that Mr. Cotton's argument that the approval of the secretary of the Interior had been secured for the maps of the route by fraudulent means was apropos—that the vital point in the controversy was the approval of those same maps, and that this official action was final, and being final, the Harriman right of way at points of conflict was permanently established. The Oregon Trunk will never be recognized.

"Ours is a private property right to the route and the use of the same is permanently annulled. No one can dispossess us, this approval having been secured, while we carry out the terms of our agreement, by actually constructing a railroad."

The Oregon Trunk attorney placed his contention that the Harriman interests have no right to come into court on the same basis. "For," said he, "their maps have never been approved, consequently they are not recognized over the territory which they would traverse. Until they have been given proprietary rights they are not justified in coming before this court as complainants."

Supporting his arguments, Judge Carey gave the court the benefit of quotations from a great number of authorities and made a whirlwind finish by producing affidavits from S. Gordon and George Alexander, in which the main allegations of the affidavits from these same parties were proved and said by Mr. Cotton, were materially contradicted.

S. Gordon had sworn that a party organized by his father, F. S. Gordon, had made the first survey of the Deschutes right of way, which was afterward purchased by the Oregon Trunk. Gordon's affidavit as read by Judge Carey, admitted that a number of the incorporators of the Oregon Trunk railroad were concerned in the making of the first survey. Judge Carey concluded the three hour argument of the day by saying that the time of the survey did not matter; that it had been thoroughly and honestly done, and as correct as the nature of the conditions met with would allow.

TOUCHET VALLEY TO HOLD BIG FAIR

Dayton, Wash., Aug. 19.—Directors of the Touchet Valley Agricultural Fair association, business men and prominent farmers of Cowlitz county, at one of the most enthusiastic meetings ever held in Dayton yesterday, laid plans for the second annual agricultural fair and race meet, to be held at Dayton in October. The date has not been set. Over \$1000 was subscribed without solicitation, and when the committee commences work it is expected additional will be raised. Public observances of every kind have been held off this year so that the committee's efforts of the community might be concentrated on the fair and race meet.

The county fair grounds were improved last fall at a cost of \$4000, and an additional expenditure of \$3000 will be made this year on the grandstand, track, bandstand, stables and pavilion and booths.

Waltburg and Starbuck are anxious to cooperate and have written asking for special days. Bands from both cities will be in attendance, and the directors have decided to engage the Fourteenth Cavalry band of Walla Walla, one of the highest class musical organizations in the state. The Dayton military band will also be on the grounds. Committees will be organized next week to secure special outside musical attractions, and entries for the race meet, which will attract horses from all over Oregon and Washington.

The officers of the association are R. D. Sayre, president; William Robinson, vice president; William Weatherford, secretary; J. W. Jesse, treasurer.

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20c Dr. Cooper's Tooth Brushes.....13¢
65c Hard Rubber Combs.....50¢
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25c Gentleman's Horn Combs.....15¢
25c Nail Brushes.....19¢
20c Imported Tooth Brushes.....11¢
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50c Nail Brushes, large assortment.....25¢
75c Hair Brushes, 9-row, solid back.....41¢
\$1.00 Hair Brushes, 10-row, solid back.....79¢
\$1.50 Hair Brushes, 12-row, solid back.....\$1.31
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25c Colgate's Shaving Stick.....20¢
\$1 Pure Olive Castile, bar.....69¢
Buttermilk Soap, 3 cakes.....25¢
Oatmeal and Glycerine Soap, cake 5¢
25c Pure Castile Soap.....20¢
25c Cuticura Soap.....20¢
Colgate's Coleo Soap.....20¢
10c Hand Sapolio.....7¢
15c Scat.....10¢
Spanish Castile Soap, cake.....20¢
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15c 4711 Soap, cake, only.....11¢

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