

# LEGAL BATTLE DRINK CRAZED; WEARING CLOSE

### Harriman Ownership of the Southern Extension Stands Admitted—Cotton Would Have Disinterested Engineers Check Survey.

- Deschutes One Hearing End.
- Cotton admits Harriman ownership of Southern Extension railway.
- Says purpose of organization was merely to hold right of way.
- Offers to give up west bank Deschutes river if guaranteed permanent possession of east bank or Southern Extension right of way.
- Declares preliminary litigation will grow into extended lawsuit.
- Attacks Oregon Trunk affidavit truth and the motives for producing them.
- Declares no part of Oregon Trunk survey is accurate and that this fact is known to engineers who swore to its accuracy.

When James B. Kerr, in concluding his argument for the Oregon Trunk railroad in federal court this morning, reiterated Judge Carey's charge that the Southern Extension railroad, holding rights of way on 15 miles of the lower east bank of the Deschutes river, is a Harriman creature, W. W. Cotton, Harriman's chief counsel, sprang to his feet and frankly admitted the correctness of the charge.

"And," he continued, "if the court will rule that we remain undisturbed in the possession of the east side for the purpose of railroad construction, we will be willing to waive all rights to the west bank, and in this one respect give the Oregon Trunk what it wants."

But when asked by Mr. Kerr to be more definite and formal in his proposition, Mr. Cotton qualified by saying that the formal proposition would be given equal data with the final adjustment of the Deschutes litigation.

Mr. Kerr insisted that the allegations of the Harriman cross bill must be disregarded, that it did not pray for any affirmative relief and was therefore not to be considered as pertinent before the court. He then gave his attention to the allegation of Mr. Cotton that the Oregon Trunk is a Nevada corporation, without rights in this state, and cited authorities to show that although incorporated under the laws of Nevada, the Oregon Trunk Railroad company was intended for the construction of a railroad in Oregon, and was accordingly vested with the right to proceed with construction as had originally been planned, and now being carried out.

### Attack Affidavits

Mr. Cotton spent more than an hour this morning in an attack upon the affidavits of the Oregon Trunk interests as presented before the court yesterday. He declared that the affidavits from Johnson P. Porter, from the engineer, R. C. Hannaford, and from the heavy stable man at The Dalles had been procured for the simple purpose of establishing the Oregon Trunk contention that their work had been carried on according to law, and that each affidavit was measured so that it would convey no more and no less of evidence than was desirable to put before the court at this time.

He concluded the argument of the morning by saying that no matter how the Oregon Trunk affidavits might read that F. S. Gordon's field notes are absolutely rotten, and there never has been any accurate survey made up the Deschutes river for the benefit of the Oregon Trunk.

"In fact," he added, "the survey is so bad that we are unable to go to work on the places where there is no conflict, because we are unable to tell where the points of conflict are and where they are not."

Mr. Cotton also suggested during the morning that the Deschutes litigation cannot possibly be concluded without long and expensive litigation. He proposed that to shorten the long hearing the court should appoint two competent

## James Harvey of Beaver Creek Threatens Cummings; Shoots Self.

(Special Dispatch to The Journal.)

Oregon City, Aug. 20.—Becoming crazed by excessive drinking, James Harvey threatened the Cummings family of Beaver Creek with a revolver last night and then shot himself, the bullet causing his death a few hours later. Harvey, who is a Scotchman, had been a resident of Beaver Creek since last January, and was employed at the Shannon sawmill till 10 days ago, when it was leased by J. B. Cummings. Since that time he has been in the employ of Cummings. Of late he had been drinking heavily.

Yesterday evening after supper he became violent and, flourishing a revolver, threatened to kill all the inmates of the Cummings household, who were staying in as soon as he had the chance, Cummings slipped out to telephone to Sheriff Beattie in this city and notifying his absence, Harvey rushed out into the yard and, turning the muzzle toward himself, pulled the trigger. The shooting occurred at about 8:30 p. m., and he died at 3:35 this morning.

Harvey was about 35 years of age, and a native of Scotland, where he had a sister living. He also has a brother residing in the state of Washington. Coroner Holman, accompanied by attorney Gilbert E. Lodge, left this morning for the scene of the suicide.

## DECLARES HARRIMAN HAS NO GROUND ON WHICH TO INTERFERE

"We'll live by the knife—we'll die by the knife," observed W. W. Cotton yesterday, explaining the program that will be followed by the Harriman interests in the event that his plea for a double injunction covering contested points between the Oregon Trunk and the Deschutes Railroad company in Deschutes canyon, is not granted.

The expression came as a retort to the assertion of the Hill attorneys, Carey & Kerr, that until the secretary of the interior recognized the Harriman maps as the basis of the right of way, the right to the injunction suit had no right to come into court as a complainant.

"It is a presumption, pure and simple, for the attorney for the defense to come into this court of the United States and argue, being a stranger and an interloper, without the shadow of a right to the section under dispute that we should be enjoined from working on our own property," argued the Oregon Trunk attorneys.

To which Mr. Cotton responded with the assertion first quoted, adding, "we will withdraw our shadow of right in the injunction restraining the Oregon Trunk from proceeding further with work along the contested 15 miles." Mr. Cotton, however, did not put the withdrawal formally before the court.

In one of the recent arguments heard before the federal court, Attorney J. B. Kerr for the Oregon Trunk Railroad company confined himself principally to the law applying to the case at issue.

"I want to make clear our position," said Mr. Cotton, "we come into the field, make our survey, procure our rights, then, two months later, the defendant attempts to oust us from our rightly held property. To do so they contend the legality of our survey. As a matter of fact the survey is the smallest item to be considered. Surveys can be run in any direction and to any number. Test or experiment lines may branch from the main line. In cases where there is competition, as in the present instance, it is not always wise to let the competitor or the public know what our exact plans are."

"But it is the location which counts. And that location we have made in accordance with all the laws. Counsel for the defendant argues the fraudulence of our survey and reads in support the affidavit of S. E. Gordon, which the claim is made that F. S. Gordon completed the survey which we now hold in 1905. This is true, but counsel neglects to explain that for the benefit of the Oregon Trunk railroad, F. S. Gordon resurveyed the stretch of 50 miles under dispute, completing his work within the dates prescribed by law.

"Counsel for the defense declares that we have deceived the secretary of the interior in securing the approval of our maps. But the secretary of the interior approved our maps with full knowledge of what he was doing. The law on the subject reads that what the government has done only the government can annul. No disposition has been shown on the part of the secretary of the interior to withdraw his approval of our maps of location."

In support of the points made, Mr. Kerr cited a number of pertinent decisions growing out of cases of a similar nature.

The S. P. will give Corvallis a deserved \$20,000 depot.

# OFF PRESIDENT IN AN AUTO TO DEATH

### Chauffeur at Seattle Takes Sharp Curve Over Bay at 40 Miles an Hour—Four Women and Driver Dead—Two Bodies Recovered.

(United Press Leased Wire.)

Seattle, Wash., Aug. 20.—Five persons were dead as the result of an automobile accident which occurred late last night when a big Winton touring car crashed over the railway bridge at "Deadman's Curve," near Fourth avenue south and Andover street, and plunged into the bay, killing the occupants to death in the water. The dead:

MRS. H. M. GROTHE, 35 years of age, Vancouver, B. C.

MRS. J. COLVIN, 26 years of age, Vancouver, B. C.

MISS AGNES COWAN, 21 years of age, sister of Mrs. Colvin, Vancouver, B. C.

MISS MAGGIE PAUL, 27 years of age, Vancouver, B. C.

IRA PARRY of Seattle, Wash.

The bodies of Parry and Mrs. Grothe and Miss Cowan were recovered, floating about 1 o'clock this morning, some distance from the scene of the wreck. Efforts are now in progress to recover the bodies of Miss Paul and Mrs. Colvin.

The automobile was being driven by Ira Parry, former proprietor of a cafe in Seattle, from whom the machine had been rented early in the evening to take the party, which, in addition to those who met their death, consisted of Miss Mary Paul and Miss Maggie Hestring, on a trip into the country. The women were all members of a delegation from Vancouver who were here attending the Y. W. C. A. convention being sponsored by Mrs. T. Cox of Vancouver, who is at the Arlington hotel. She was not with the party last night.

## Spending on Curved Streets.

The accident occurred at a dangerous curve in a trestle which passes over a portion of the bay. According to the two young women who escaped death in the terrible plunge, the machine was running at about 40 miles an hour when the curve was reached. For some reason, some unknown reason, lost control of the car and it crashed through the railing and tumbled into the water, which at that point is eight or ten feet deep. The accident occurred with such suddenness that no opportunity was afforded to make any effort at escape.

## Boatman Rescues Two.

Roy Vanvander, a boatman, who lives near the scene of the tragedy, heard the screams of the drowning victims and hurried to the rescue in a rowboat. He found Miss Hestring and Miss Paul clinging to the automobile, which was wholly submerged and pulled them into his boat. After taking the two women ashore, Vanvander notified the police and the police automobile and a company of firemen were dispatched to the scene. Firemen lowered ladders and crawling out on the boom of logs on the flats, began the search for the victims of the automobile party. With pickpockets attempts to reach the three bodies were made from the boats, 200 yards from the scene. Search for the remaining two bodies is being continued this morning.

## Story of a Survivor.

Miss Hestring, although almost prostrated from grief and shock, told of the accident this morning.

"We were going at a good rate of speed when we struck something and in an instant found ourselves in the water," she said, between sobs. "I can't just tell what happened last night. It was all a jumble. We tumbled in the water and were taken out. I can't quite collect myself now; it's too awful to think about."

Ira Parry, the chauffeur, who met his death, was married and lived with his wife and her mother on Warren avenue. He was formerly part owner of a cafe on First avenue, but recently acquired some automobile property and had cars on the renting stands. He was considered a good driver by chauffeurs.

## All of the Vancouver Victims of the Accident are Members of Highly Respectable Families and were Prominent in Society Circles Here.

Garbed in black and wearing a black veil, Mrs. Collins was brought from Crystal Springs sanitarium this morning in an automobile, accompanied by Sheriff Stevens, Matron Cameron of the county jail and her daughter, Mrs. Gertrude Garber. To and from the courtroom, where she was arraigned for the murder of her husband, Dr. Roy Miles Collins, she had to be supported by the strong arms of the sheriff, her daughter and the matron, convulsive movements shaking her frame every few steps.

Every consideration was shown for the defendant by the court and officials. She was not required to stand while the indictment was read, but the district attorney requested that the black veil concealing her features be moved back from her face. As this was done she clung close to Mrs. Cameron and to her sister, in turn, moaning softly as the solemn charge was read.

Reading and asked if Kate M. Collins was her true name, she did not answer. Several times the question was repeated. Finally she gave a slow nod and the attorney, Russell E. Sewall, answered for her. As the reading proceeded to the lower court, Judge Gates asked she started from her chair and rose almost to her feet with the exclamation, "He won't let me stand at once, he nestled her head on the shoulder of her daughter, scarcely moving while reminders of the indictment was read.

## DR. BROUGHNER MAY SUCCEED BURDETTE

Los Angeles, Aug. 20.—Dr. Broughner of Portland was mentioned as the choice of the trustees of the Temple Baptist church to succeed Rev. Robert J. Burdette, whose resignation was accepted. It was hoped that after an unlimited vacation Rev. Burdette would be able to return to his pastorate, but a letter from him was read, which induced the trustees to accept the resignation and to search for a successor.

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## "NOT TRUE!" CRIES WOMAN

Mrs. Kate Collins Brought Into Court to Hear Indictment.

"It's not true," gasped Mrs. Kate M. Collins, in a half articulate groan, as she heard the accusing words of the grand jury of "murder in the first degree," read to her in the circuit court this morning by District Attorney Cameron.

Garbed in black and wearing a black veil, Mrs. Collins was brought from Crystal Springs sanitarium this morning in an automobile, accompanied by Sheriff Stevens, Matron Cameron of the county jail and her daughter, Mrs. Gertrude Garber. To and from the courtroom, where she was arraigned for the murder of her husband, Dr. Roy Miles Collins, she had to be supported by the strong arms of the sheriff, her daughter and the matron, convulsive movements shaking her frame every few steps.

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## RYAN AN ARCHBISHOP QUARTER OF CENTURY

Philadelphia, Aug. 20.—Many congratulations were received today at the residence of the Most Rev. Patrick J. Ryan to remind him that the day marked the twenty-fifth anniversary of his entrance upon his duties as archbishop of Philadelphia. An elaborate celebration of the event had been proposed, but at the special request of the archbishop the plan was abandoned and the only observance was a low mass of thanksgiving, which was celebrated this morning in the Cathedral of St. Peter and St. Paul.

## Fishing on Santiam.

(Special Dispatch to The Journal.)

Shelburn, Or., Aug. 20.—Many hunters and fishermen from all over the state are passing through this place for the

## WOMAN MAY HAVE KILLED HER BABE

(United Press Leased Wire.)

Bellingham, Wash., Aug. 20.—Mrs. Thomas J. Quinn is in jail today where she is held without bail pending the clearing up of the mystery of what has been done with her 16-month-old baby, which she asserts was strangled to death by its grandmother in Oakesdale, Wash., two weeks ago. Mrs. Quinn returned last Monday from a visit, she says, at the home of her mother in Oakesdale near Spokane. She told her husband and the police that her mother had suddenly become insane, had overpowered her and bonneted her hand and foot, and then had strangled the baby before her eyes. Her parents had been sent to a sanitarium at Colfax, she says.

## Auto Accident at Frisco.

(United Press Leased Wire.)

San Francisco, Aug. 20.—While speeding along the Ocean boulevard early today an automobile containing William Bean, the owner of the machine, F. Dicks of New York city, Mrs. E. J. Yates and Miss Stella Shay, both of San Francisco, struck a rock in the roadway and turned completely over. The occupants were hurled from the machine in time to escape being crushed under the weight of the heavy automobile. With the exception of Mrs. Yates, who sustained a fractured arm, the members of the party suffered but a few slight bruises.

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