

HILL GETS DECISION

North Bank Line Wins Complete Victory.

JUDGE McCREDIE'S DECISION

Holds That the Columbia Valley or 'Harriman Railway Is Not Building In Good Faith.

Hill won over Harriman when Judge W. W. McCredie, of the Superior Court of Washington, decided that the Portland & Seattle Railway had the right to condemn across the property of the Columbia Valley Railroad along the north bank of the Columbia river, says the Oregonian. The decision is a sweeping one, and carries with it the settlement of an important question in the struggle between the two roads. Both have fought for the narrow strip along the river's edge whereon a railway can be built. Both have been at work building grades preparatory to laying rails. Both claimed certain points of conflict, the Columbia Valley by deed from the former owners, and the Portland & Seattle by virtue of condemnation suits across the property of the rival corporation. By a decision allowing the right, if sustained by the higher courts of Washington, apparently no barrier can be raised in the path of Hill that will prevent him from following the surveyors down the Washington shore of the river.

The decision announces that in case the Columbia Valley desires to build a railroad down the north bank, the court will extend the road full protection by allowing it to build a roadbed and track over the right of way parallel with the Portland & Seattle track surveyed, without compelling the Harriman road to recondemn, providing the Columbia Valley determines to build and does build within a reasonable time. If the opposing road to the Hill line fails to build, then the Portland & Seattle is to have the full right of way for its own purpose.

Judge McCredie bases his decision on the alleged lack of good faith of the Columbia Valley, which is the defendant in the suit. He sets forth that the Harriman road does not furnish a single witness to swear to its intention to build the road, while the powers behind the Columbia Valley are silent. It leaves it for the court from the evidence submitted to infer its good faith to build the proposed railroad. Its only witness, Secretary Randa, swore on that point that he did not know whether the Columbia Valley intended to build. His knowledge was confined to a resolution passed by the board of directors in April of this year, which directed construction of the road.

Judge McCredie goes on in his decision to say: "It appears that the Portland & Seattle has constructed large portions of its road across the public domain and along much of the route selected by the Columbia Valley under the act of 1875. It also appears that no estimates of the cost of the construction of the Columbia Valley have ever been submitted to the trustees and no contracts have been let for the proposed construction."

"From these facts and evidence on many minor points the court is unable to find that the Columbia Valley intends to use and will use the land sought to be appropriated for railroad purposes and is unable to find that said road now or ever will construct the proposed road."

"It appears that the contemplated use for which the land is sought to be appropriated by the plaintiff is a public use and the public interest requires the prosecution of such enterprise and the land is required and necessary for the purpose proposed by the petitioner."

In his opinion, Judge McCredie goes into the history of the making of the original survey by the Harriman interests and upon which the Columbia Valley road has been laid out. The court holds that such a line as surveyed by George W. Hunt in 1890 was such a one as mapped out by a line which makes cost of construction a primary rather than a secondary consideration, whereas today the railroad places cost in the background. Judge McCredie says that from the evidence produced, the line of the Columbia Valley is crooked and full of curves, many of which are of high degree of curvature. It would be impracticable, if not impossible, for a modern road to construct this line of railway.

The O. R. & N., which the court states is the guiding hand of the Columbia Valley, has spent hundreds of thousands of dollars in eliminating from its line on the south bank of the river curves of the same character as appear in the location of the Columbia Valley. The court holds that while the Harriman line holds title to a small portion of the right of way from Kennewick to Vancouver, and has expended therefor about \$10,000, the Portland & Seattle has acquired practically all of its rights of way and has paid for the same over \$500,000. Up to the first of May the court found that the Hill line had expended over \$3,000,000 for construction along its entire line, while the Harriman road is said to be working a small crew

only in those counties where the work will conflict with the Portland & Seattle.

Unless the Portland & Seattle work is annihilated, declared Judge McCredie, the Columbia Valley will never be able to connect up the grading it is now doing so as to be able to make continuous grade of its proposed surveys. This work, the court points out, was begun after the commencement of the suits for condemnation by the Hill road.

HUNT REFUTES CHARGE.

Produces Attorney's Letter to Show No Offense Was Committed.

Mayor Gilbert Hunt, of Walla Walla, makes reply to the "noxxers" that he, through the Gilbert Hunt company, has been furnishing supplies to the city in violation of law and his oath. Three years ago the same question was raised, when Mayor Hunt produced an opinion from J. L. Sharpstein, one clause reading: "The statutes referred to by the papers claiming illegality of these transactions has no application whatever to any city other than a city of third class, viz: A city having less than 10,000 inhabitants and incorporated under the general law of the state of Washington. The city of Walla Walla is incorporated and working under a separate charter and there is no provision in said charter or in any law of the state of Washington which prohibits any official in such a city from furnishing supplies or doing work for the city."

Demand For Fans.

The extreme hot weather has made a demand for electric fans. The Preston-Parton Milling Co. has placed an order for a number of ceiling fans and when they arrive it is thought the supply will be sufficient for the season.

Foley's Honey and Tar for children, safe, sure. No opiates.

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Shaving, Haircutting, Shampooing, Massage for Face and Scalp.

HOT BATHS.

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are as common in India as are stomach and liver disorders with us. For the latter however, there is a sure remedy: Electric Bitters; the great restorative medicine, of which S.A. Brown, of Bennettsville, S. C., says: "They restored my wife to perfect health, after years of suffering with dyspepsia and chronically torpid liver." Electric Bitters cure chills and fever, malaria, biliousness, lame back, kidney troubles and bladder disorders. Sold on guarantee by Wm. McBride, druggist. Price 50c.

Leave your orders for Mountain strawberries gooseberries and currants with Ely and Scott.

Death From Lockjaw.

never follows an injury dressed with Bucklen's Arnica Salve. Its antiseptic and healing properties prevent blood poisoning. Chas. Oswald, merchant, of Rensselaersville, N. Y., writes: "It cured Seth Burch, of this place, of the ugliest sore on his neck I ever saw." Cures cuts, wounds, burns and sores. 25c at Wm. McBride's, druggist.

A new line of Leghorn and sailor hats has arrived at Mrs. Miller's.

For Sale.

The O. C. Beck place near the school house is offered for sale. Good house, two and one-half lots for sale cheap. A span of good work horses will be taken in trade. O. C. Beck, Athena.

A Lively Taster

with that old enemy of the race, constipation, often ends in appendicitis. To avoid all serious trouble, with stomach, liver and bowels, take Dr. King's New Life Pills. They perfectly regulate these organs, without pain or discomfort. 25c at McBride's.

Keep the little one healthy and happy. Their tender, sensitive bodies require gentle, healing remedies. Hollister's Rocky Mountain Tea will keep them healthy and strong. 35c Tea or Tablets. Pioneer drug store. Dr.

Notice.

Sealed bids are invited by the County Court of Umatilla County Oregon, to be filed with the County Clerk of said county on or before the 6th day of July 1906, at 10 o'clock a. m. for two bridges to be constructed across Wild Horse creek near Athena, Oregon. One is to be constructed at a point known as the Harve Caton crossing, the other to be constructed at a point known as the Frank Mansfield crossing. Said bridges to be constructed according to plans and specifications furnished by the County Clerk upon application. The County Court reserves the right to reject any and all bids.

Dated this 20th day of June, 1906.
Frank Saling, County Clerk.

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was bred by Senator Gregg of Seneca, Kansas, and was foaled April 9, 1900; sired by Carmichael, 7915; dam, Kansas Bell, 8725. Color solid black with star in forehead; weight 1750; has good action and fine speed for a draft horse, and has exceptionally good disposition.

TERMS: \$20.00 insurance, payable when mare is known to be in foal. In case of sale or removal of mare fees become due at once.

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Women's 20c black Hose, at per pair 15c	Men's best \$12.50 Suits, extra well made, tailor finish, all sizes; black, navy's or mixtures, at per suit \$10.00	Women's \$3.00 vici kid, patent tips, extension or turn soles, at per pair \$2.50
Women's \$1.50 black sateen Underskirts at each \$1.00	Men's best \$15 and \$16.50 Suits, handsome tailor made suits, hand finished, positively the best bargain ever offered, at per suit \$12.50	Children's \$1.65 School Shoes, sizes 10 to 2, in box calf or kid, per pair \$1.25
Women's \$1.25 white Shirt Waists, at each 95c	Men's 75c Underwear, at 50c Medium or light weight; extra well made.	Extra good \$2.25 Misses' Shoes, in vici kid, sizes 11 1/2 to 2, per pair \$1.75
Women's \$5. Dress Skirts at each \$3.75	Men's \$1.25 dress Shirts at each \$1.00	Misses' Oxfords at \$1.50, \$1.75, \$2.00
Women's \$4.50 Wash Suits, Linen, at \$2.25	New patents in soft or stiff bosoms.	Ladies' Oxfords at \$2.50, \$3.00, \$3.50
Women's 50c Muslin Drawers, at each 35c	The biggest and best stock of Men's and Boys' clothing, Hats and Furnishings here at a saving.	Men's best \$3.25 Shoes in all shapes and widths, at \$2.50
Women's 75c Girdle Corsets, at each 50c		Men's \$2.50 work Shoes, the best wearing shoes made, and in any width, at \$1.75
12 1/2 white Embroidery, 4 to 8 inches wide, at yard 8c		Men's Oxfords at \$3.00, \$4.00, \$4.50
12 1/2 figured Lawns for waists or dresses, handsome patterns, yard 10c		Boys' Oxfords at \$2.00, \$2.50, \$3.00
20c white Indian Linens at per yard 15c		
50c white mercerized Silk Waists, at yard 35c		
Send for samples.		

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