

**ERA OF RAILROAD BUILDING.**

(Continued from page 1.)

is well known to Mr. Harriman and to Mr. Hill, for there has been no secret made of it in the St. Paul camp. It is the purpose of that management to occupy as rapidly as possible every foot of territory which gives any promise of ever becoming a valuable feeder for its coast extension.

The "nerve" of the St. Paul in pushing with incredible rapidity the construction of the coast extension in the face of a falling market, the number of surveying corps which that company has put into the field for branch lines has awakened the activities of the Harriman and of the Hill camps. This fact makes it certain that the Northwest is to see such an era of railroad construction as it has never before experienced. It will no longer be possible for the Harriman and the Hill lines to enter into agreements making any territory sacred ground. They have now got to hustle, for the St. Paul has expended \$100,000,000 to get to the coast and it is going to justify that expenditure with every pound of traffic which it is possible to develop.

This is why Edward H. Harriman is so anxious to carry to completion his railroad building projects in the state of Oregon and the people of that state need not fear the result. Harriman needs no urging from the people of Oregon, for he realizes that the time has come when he must protect his fish preserves.

**New Shasta Route Plans.**

It may not be generally known that Mr. Harriman has already decided to continue the construction of his new "Shasta Route" on north and northwest of Klamath Falls to Natron, on the present line. This will require the construction of more than 200 miles of railroad at a cost of not less than \$8,000,000. This much is admitted by Mr. Kruttschnitt. The road is now completed to Klamath Falls, opening up that basin to settlement now that the Government has practically completed its irrigation projects there. The east and west line will extend between Natron and Ontario unless there should be an unexpected change in the plans. It can be stated positively an announcement regarding it may soon be expected from official sources.

It needs only a glance at the map of Oregon to see what these railroad building projects would do for the state. That they are "on the fire" and will be announced at the earliest moment that business conditions will warrant can be stated with positiveness. The officials of the Harriman lines here admit as much, but insist that to declare this officially would be premature and might affect some of the plans which are now being carried out.

The line up the Deschutes to Bend is named in the dispatch as one of the new lines to be built by Harriman. It will probably begin at The Dalles, on the O. R. & N., and follow the river pretty nearly to the mountain range. The road will then deflect eastward to avoid the higher altitudes and will join the new main line of the "Shasta route" at some convenient point north of Klamath Falls.

**Hill Will Build Up Deschutes.**

Speaking of the new lines Hill is building, the Oregonian said:

"Mr. Hill differs from Mr. Harriman in one radical feature of policy. He is above all things a developer of new country by the construction of new lines. Mr. Harriman takes an old, broken-down line, such as the Union Pacific was when he secured control, and builds it up by extensive improvements, so that it can carry a maximum of traffic at a minimum cost per ton. But he builds new lines reluctantly and slowly, apparently hoping that a combination with his rival will make the new line unnecessary.

In accordance with his policy it is to be presumed that in reaching out to San Francisco Mr. Hill will be apt to build up the Deschutes to tap the irrigated country of Crook and Klamath counties. Here he would find a considerable developed traffic already awaiting him, and this traffic would grow rapidly as his road advanced southward.

**MUST NOT OBSTRUCT RIVER.**

**Farmers Cannot Stop Running of Boats on the Upper Deschutes.**

There has been more or less dispute in Bend whether or not the Deschutes river is a navigable stream south of Bend and above Benham Falls. Many maintain that it is; others that it is not. Last summer the question was brought to an issue when Wm. Stephens of Bend bought a gasoline launch, intending to run it on the river a stretch of 30 or 35 miles above the falls. Ranchers through whose land the river flows objected to the boat being put on the river, and some of them stretched wires across the stream.

In order to settle the mooted question, Mr. Stephens wrote to Governor Chamberlain, who referred the matter to Attorney General Crawford for an opinion. In reply the attorney-general addressed a letter to the governor, and in it he said:

"Relative to yours of the 28th ultimo, referring a letter of Mr. Wm. Stephens as to navigation of Deschutes river, permit me to say that the navigability of the stream is to a great extent a question of fact. However, in taking the situation to be as represented in Mr. Stephens' letter, I am of the opinion that the river would be considered a navigable stream between the points mentioned.

"As to navigability being a question of fact, I would respectfully refer you to Shaw vs. Oregon Iron Works, 10 Oregon 371, which holds that 'where a stream is naturally of a sufficient size to float mill logs, and it may be small boats over some portions of it, the public have a right to its free use for that purpose. Nor is it essential that such capacity continue through the year. It is sufficient if its periods of high-water or navigable capacity continue a sufficient length of time to make it useful as a highway.'

"Also in the case of Haines vs. Welch, 14 Oregon page 319, the court holds that if a fresh water stream is capable of serving an important public use as a channel of commerce, it should be considered public. Whether it is so, depends upon its capacity, extent and importance.

"Also, the case of Haines vs. Hall, 17 Oregon 105, seems to support the same doctrine, and in the case of Nutter vs. Gallagher, 19 Oregon 375, the court holds: 'A stream or water-course, in order to be navigable, must be of sufficient extent and capacity to enable the community at large to utilize it in the navigation of boats and other watercraft thereon for the transportation of products and merchandise, or for the purpose of floating logs and timber from forest to market.' See also case of Norton vs. Elwert, 29 Oregon 589, and in Hunter vs. Grand Ronde Lumber Company, 39 Oregon 448, the court held: 'The right of the public to float logs on a floatable stream is concurrent with that of the riparian owner, and each is entitled to a reasonable enjoyment of that right, and before the riparian owner can recover damages for injury to his land inflicted by the logger, he must show negligence,' and citing in support of their opinion 34 and 17 Oregon, above referred to.

"The theory of these decisions is that such streams are public highways, and the public have a right to navigate them, and each case must, of course, depend to a great extent upon the fact of the navigability and other surrounding circumstances.

"You ask what remedy, if any, Mr. Stephens has to prevent the stretching of a wire across the stream at a navigable point, thus obstructing the navigation of the stream. I would suggest that he has the same remedy that any person has for obstructing a highway, and can have the party arrested for obstructing a highway, or if he wishes to bring a civil suit, a suit in equity to enjoin him from obstructing the highway might lie, but I am of the opinion he would have to go into the lower court and have the party restrained from obstructing the highway. However, he can refer that matter to the district attorney for examination. Very respectfully yours, A. M. CRAWFORD, Attorney General."

In order to obtain further information as to how to proceed to open the river, Mr. Stephens wrote to District Attorney Wilson and enclosed the letter from Attorney General Crawford. The district attorney replied, in part, as follows:

"I am in receipt of your letter of October 29th enclosing copies of letters from Governor Chamberlain and Attorney General Crawford. In reply thereto I beg to state that under the opinion of the attorney general the Deschutes river in the localities you mentioned seems to

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be a highway and Sec. 2105 of the Code provides that if any person shall injure or obstruct any highway such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than six months or by a fine of not less than \$25 nor more than \$500 and the justice court shall have jurisdiction of such offenses.

"Inasmuch as the attorney general seems to hold that the Deschutes river at the place you mention is a navigable stream, any person who obstructs such navigation would be punishable under this section just quoted and a criminal action could be brought against any person so obstructing it."

**A Store That is Not Worth Advertising**

A writer with a gift for phrasing once wrote: "If your store is not worth advertising, advertise it for sale." His phrase runs trippingly, but his logic halts.

To sell a store that is "not worth advertising" would be to defraud the buyer—so that the advice is ethically unsound.

Of course there are not many stores that are not worth advertising—in this city, perhaps, none at all. The fact is that no store ever gets to be worth very much—beyond the mere open market value of stock and fixtures—until it has been adequately advertised. Until then it has exerted no influence as an organization, equipped for useful service to the people. It has simply been a place where certain things were kept for sale. After it has had the breath of life put into it by advertising it becomes a store, in the militant sense—intent upon winning friends, upon the problem of growth.

The dullest store in this city can be rejuvenated in a month until it finds a place in the procession—but ONLY through advertising. If, however, the store were not "worth advertising," it would be more commendable to close up entirely than to try to sell it to somebody else.

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**Married.**

At the home of the bride's parents, Mr. and Mrs. Jas. A. W. Scoggin, near Tumalo, Or., Mr. S. Louis Bennett, Jr., of Medford, Or., and Miss Mary R. Scoggin on Dec. 25, 1908. Rev. J. Anthony Mitchell of Bend performing the ceremony.

Mr. Bennett is engaged in farming and orchard work, having especially prepared for the latter by a course at the Oregon agricultural college at Corvallis, from which institution Mr. Bennett was graduated with the class of 1907.

Mrs. Bennett is also an alumnus of this institution, having obtained the honor of salutatorian of the class of 1908.

On Dec. 26 Mr. and Mrs. Scoggin held a reception in honor of the newly married couple. A musical and literary program was rendered, after which a few light refreshments were served. The following

friends were present: Mrs. Lou Pulliam, Mrs. B. C. Cady, Mrs. C. L. Gist, Mrs. Walter Graham, Misses Maude Vandeventer, Teresa Snyder, Isabel Pulliam, Messrs. C. L. Gist, Walter Graham, Lester Gist, Vern Gist, John Moore, Alfred Moore, Geo. Schumacher, Grover Pulliam, Chas. Thorntwaite, B. C. Cady, Frank Edwards, Rev. J. Anthony Mitchell, F. W. Levereuz; the members of the family (being all present) were Mr. Jas. A. W. Scoggin, Mrs. Rosa L. Scoggin, Misses Nellie and Myrtle Scoggin, Paul Scoggin and H. A. Scoggin.

Mr. and Mrs. Bennett started for their future home at Medford on the 28th inst. They will be at home to their friends after January 25, 1909.

Hoarse coughs and stuffy colds that may develop into pneumonia over night are quickly cured by Foley's Honey and Tar, as it soothes inflamed membranes, heals the lungs, and expels the cold from the system.—C. W. MERRILL, Druggist.

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**A WORD THAT HAS WON ITS RIGHT TO LIVE.**  
**"CINCH"**  
is a word used to describe that sort of certainty which is not so well described by any other word.  
EXAMPLE—It's a Cinch that nine-tenths of the store-bargains in this city will be secured by the shoppers who watch the ads.