### ERA OF RAILROAD BUILDING. MUST NOT OBSTRUCT RIVER.

#### (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 onshing with incredible rapidity consion in the face of a falling narket, 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 railread construction as it has never longer be sacred ground. They have now ot to hustle, for the St. Paul hus he said: 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 de-

This is why Edward H. Harriman is so anxious to carry to completion his railroad building proects 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 rich preserves.

### New Shasta Route Plans.

It may not be generally known that Mr. Harriman has already deided 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 coustruction of more than 200 miles of ailroad at a cost of not less than 58,000,000. This much is admit-ted by Mr. Kruttschnitt. The Oregon in 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 t may soon be expected from official nources.

It needs only a glance at the ap of Oregon to see what these railroad building projects would do that right, and before the riparian owner for the state. That they are "on conditions will warrant can be stated with positiveness. The officials hich are now being carried out.

Farmers Cannot Stop Running of Boats on the Upper Deschutes. There has been more or less dis-

mite in Bend whether or not the Deschutes river i is a navigable stream south of Bend and above Senham 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 the construction of the coast ex [Lumen, 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 hoat being put on the river, be a highway and Sec. 2103 of the Code and some of them stretched wires

across the stream. In order to settle the mooted question, Mr Stephens wrote to before texperienced It will no Governor Chamberlain, who repossible for the Harriman ferred the matter to Attorney Genand the Hill lines to enter into eral Crawford for an opinion. In agreements making any territory reply the attorney-general addressed a letter to the governor, and in it

> "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 ques-

tion of fact. However, in taking the situation to be as represented in Mr. Stephen's 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. Owlego Iron Works, to Oregon 371, which holds that 'where a stream is

tinne through the year. It is sufficient if its periods of high-water or unsigable 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 con-sidered public. Whether it is so, depends upon its capacity, extent and imbeen adequately advertised. Until "Also, the case of Haines vs. Hall, 17

a floatable stream is concurrant, with that of the riparian owner, and each is with referred to.

"The theory of these decisions is that of the Harriman lines here admit is much, but insist that to declare his officially would be premature ind might affect some of the plans his dear of the plans

The line up the Deschutes to Bend is named in the dispatch as "You ask what remedy, if any. Mr. Stephens has to prevent the stretching of a wire across the stream at a navigable she of the new lines to be built by point, thus obstructing the navigation of the stream. I would suggest that he



provides that if any person shall injure or obstruct any high-way such person, or obstruct any high-way such person, upon conviction thereof, shall be pun-ished 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 moth offenses.

"Inasmuch as the attorney general seems to hold that the Deschutes river at seems to note that the Deschates 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 per-son 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 some portions of it, the public have a right to its free use for that purpose. Nor is it essential that such capacity con-

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 E. A. SATHER. of stock and fixtures-until it has

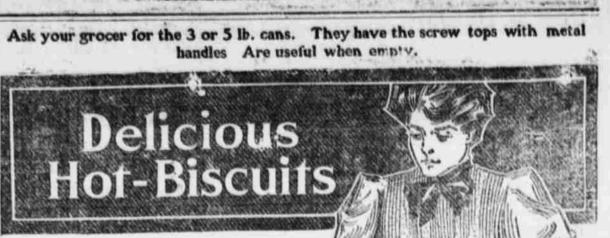
then it has exerted no influence as Oregon 165, seems to support the same doctrine, and in the case of Nutter vs. Gallagher, 19 Oregon 375, the court holds: 'A stream or water-course, in simply been a place where certain Scoggin, near Tumalo, Or., Mr. simply been a place where certain Scoggin, near Tumalo, Or., Mr.

holds: 'A stream or water-course, in order to be navigable, must be of suffi-cient extent and capacity to enable the community at large to utilize it in the navigation of boats and other water craft 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 Nor-ton vs. Elwert, 29 Oregon 359, and in Hunter vs. Grand Ronde Lumber Com-pany, 39 Oregon 448, the court held 'The right of the public to float largs on a floatable stream is concurrant, with comes a store, in the militant sense Mitchell of Bend performing the

be rejuvenated in a month until it finds a place in the procession-but ONLY through advertising. If, for the state. That they are 'on the fight and inflicted by the logger, he must the darliest moment that business show negligence, and citing fit support for mendable to close up entirely of their option 34 and 17 Oregon, above commendable to close up entirely than to try to sell it to somebody

> else. Foley Orino Laxative cures chronic Constigation and stimulates the liver. Orino regulates the bowels so they will act naturally and you do not have to take purgatives continuously.- C. W. MERELL, Druggist.

> > Ditch Land for Sale,



On every home table there may be served every day a plate of pure, healthful, delicious hot-biscuits by following the "CLEVELAND" Cook. There is no economy in saving a few cents by using Alum Baking Powders. The cheap alum baking powders work sure injury to the health. Enjoy the purest of home cooking by using

# CLEVELAND'S SUPERIOR **BAKING POWDER**

Made from a Superior grade of Pure Cream of Tartar.

SOLD AND GUARANTEED BY

Bend, Oregon

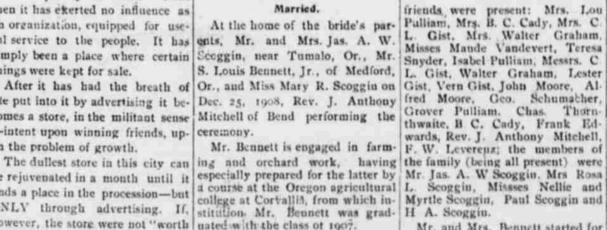
### Married.

S. Louis Bennett, Jr., of Medford, ceremony.

college at Corvallia, from which institution. Mr. Bennett was grad- H A. Scoggin.

Mra Bennett is also an alumnus class of 1908.

On Dec. 26 Mr. and Mrs. Scog-



Mr. and Mrs. Bennett started for their future home at Medford on of this institution, having obtained the 28th inst. They will be at the honor of salutatorian of the home to their friends after January 25, 1000.

giu held a reception in honor of the newly married couple. A musical and literary program was rendered, after which a few light refresh-ments were served. The following

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OFFIC	R IN	BAN	e nert.	DING,
	DEN)	D, O8	incos	¢

S. C. CALDWELL

C BENCON

U. C. COE, M. D. Physician and Surgeon OFFICE OVER BANK HII Hinbt Celepbone Connection DAT TRLEPHONE NO. 21 NOSIRO. BRND,

### THE First National Bank of Prineville. Hatablished 1883

Capital, Surplus and Undivided Profits, \$100,000.00 A. E. PETERSON, Antclope. Ore.,

he higher altitudes and will join party restrained from obstructing the "he new main line of the "Shasta loute" at some convenient point north of Klamath Fails.

### Hill Will Build Up Deschutes.

is building, the Oregonian said:

provements, so that it can carry a maximum of traffic at a minimum cost per ton. But he builds new lines reluctantly and slowly, aparently 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 te apt to build up the Deschutes to up 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 sonthward.

the big ber altitudes and will join

Attorney General.'

In order to obtain further infor-Speaking of the new lines Hill mation as to how to proceed to open the river, Mr. Stephens wrote to District Attorney Wilson and "Mr. Hill differs from Mr. Har- enclosed the letter from Attorneyriman in one radical feature of General Crawford. The district policy. He is above all things a attorney replied, in part, as follows: developer of new country by the construction of new lines. Mr. Harriman takes an old, broken-Cown line, such as the Union Pacific was when he secured control, if beg to state that under the opinion of the attorney general the Deschutes river in the localities you mentioned seems to

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.

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