

RIGHT OF PEOPLE TO ACCESS TO NAVIGABLE WATERS IS INHERENT

Writer Declares That Until Now This Has Been Accepted Fact.

Banks, Or., Jan. 2.—To the Editor of The Journal:—The public right of access to the banks of navigable waters for landing or terminal purposes is the issue in both the Oregon and California cases. It is a natural right first incorporated into law in Justinian's code in the very beginnings of our civilization. It has been carried down in Roman, English and American law without interruption until the present.

In practice, by custom, "prescriptive" rights have been allowed to upland owners, where the banks were not being used by the public, and it has always been held that such rights were subordinate to the public title and needs as those needs arose. Such is the origin of the phrase "subject to the paramount rights of commerce and navigation," defining the powers vested in the federal government. The right is protected as a condition of the admission of all the states, and to which the state constitution is subject in that other phrase, "All navigable waters shall be public highways and forever free." Note the unmodified "All"—not a part but all.

Highways Are Example.
The same economic necessity has forced free highways on land. Is it reasonable to suppose that an upland owner would be permitted under such policy to hold a riparian right in the foreshore part of the stream's bed as a bar to obstruct the connection of these public water and land highways?

We have acts of congress specifically intended to prevent that very thing. Judge Wolverton writing the decision of the Oregon supreme court in Montgomery vs. Shaver, says the public title to the shore up to ordinary highwater mark is so well established in this jurisdiction that it is only necessary to cite the decisions supporting it.

The present court quotes and accepts that opinion in Oregon vs. the Portland General Electric in 1912. Of course the state protects all improvements made by the upland owner under permission of the state, but that does not apply to the soil, which belongs to the people, and the state only holds the title as a trust.

Now comes the Oregonian, deploring the mistakes of the past, but insisting that the public has been legally ousted from the possession of the foreshore. The value of the right is many millions, but the Oregonian states that the right has been vested in the owners of the immediate uplands and irretrievably lost to the public, and that the public cannot use the state's sovereign title to incorporate this terminal part of the river's bed into its projected system of port improvements. Just so, must the common weal stand shivering, until the price is yielded up for these "sovereign public properties!"

Justice Thayer.
Justice Thayer, in the decision you quote in The Journal of December 27, defines more clearly the boundary line between the concurrent and respective rights of upland owner and the public, by holding that the upland owner's riparian right is a vested right superior even to that of the state for all purposes except navigation and its contingent and irretrievable loss to the public, and that the public cannot use the state's sovereign title to incorporate this terminal part of the river's bed into its projected system of port improvements. Just so, must the common weal stand shivering, until the price is yielded up for these "sovereign public properties!"

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Right Is Not Contingent.
The court's opinion was that this was not contingent upon any show of title of a private owner, but by permanent sovereign power of the state to impose upon the foreshore at all times the burden of use for commerce and navigation, wherever the technical title might be.

Mr. Penton also quoted in his argument in the public hearing of the dock bill before the legislative committee, the case of Johnson vs. Knott as denying the public ownership of the foreshore, while it unequivocally sustains it, in the most emphatic language possible.

There is no shadow of doubt that in absence of suitable improvement by the upland owner, that the soil of the foreshore is subject to public possession and improvement, and if the riparian claimant wishes to avoid that sad result he must get busy and supply landing facilities adequate to the public needs. The power of public regulation can force this upon him.

His title stops at the confines of the actual upland. His riparian right is an appurtenant right merely to be exercised in compliance with the purpose for which the channels of navigable rivers were reserved from private title. As Judge Thayer in another case calls it, it is an "incorporeal hereditament," the private possession of which is as the case of streets and highways, economic necessity obliterates occupancy of the abutting owner under his title in deference to the paramount demand of the public for freedom of movement. All the

channels of navigable waters were dedicated by law to this public purpose long ago, and upland claimants never had any property therein to be deprived of.

NOMINATING MEETINGS DROPPED BY SOCIALISTS

Chicago, Jan. 6.—The Socialist party is the first national political organization to abolish nominating conventions. National Secretary Walter Lanfear announced that the referendum to take the power of nominating candidates from delegates to the national convention and vest it in the voters, and carried 4 to 1. Hereafter the Socialist organizations will take a poll of their members for the selection of presidential candidates. The names will be sent to the national secretary. A complete list of those nominated will then be sent to all members for a referendum, and the candidates receiving the highest number of votes will be nominated.

Burglars Steal Clothing.
Several articles of clothing in the display windows of the Max Michel clothing store at Fourth and Washington streets, were stolen early on Saturday morning by burglars, who "jimmied" the show windows.

DEPARTMENT IS ASKED TO MAKE SURVEY OF SOIL NEAR YAMHILL

Congressman Hawley Receives Letter From Agricultural Department.

(Washington Bureau of The Journal.)
Washington, Jan. 6.—Having succeeded in getting the department of agriculture to make a soil survey of the Medford area, Congressman Hawley is urging that a similar survey be made of the Yamhill region, where the walnut industry has gained a good foothold. A survey of this district was promised by Milton L. Whitney as chief of the soil survey, but Whitney's successor has not yet consented to recommend the survey. Congressman Hawley has just received a letter from the department signed by Assistant

Secretary Galloway, which explains the situation as follows:

Now Selections Are Made.
"The selection of the areas is governed to some extent by the cooperative relationships which the department is able to effect with state institutions. In many states, special appropriations are made for cooperative soil surveys, and wherever possible the department cooperates with those states. Surveys are also undertaken at the request of the several branches of the department and the state experiment stations in localities where it is proposed to undertake other lines of agricultural activity which require as their basis a soil survey, or when fundamental soil information is needed as to the character of undeveloped lands."

Cooperation Is Necessary.
"A soil survey is primarily an inquiry into the fundamental agricultural possibilities of a region in so far as that is determined by the character of the soil. This information is of great value as a basis for agricultural investigations and endeavor, such as the planning of new systems of rotation or the introduction of new crops, and also as a source of accurate information concerning the character of undeveloped tracts of land."

closest cooperation possible between the soil survey and other organizations which are carrying on agricultural investigations.

SUNDAY LID DOWN ON NOME SALOONS

Nome, Alaska, Jan. 5.—For the first time in the history of the town Nome saloons were closed on Sunday last. It was the first time since their opening that many of the saloons found the locks turned in their doors. In some instances doors had to be fitted with locks and keys.

Stage Beauty Found Dead.
New York, Jan. 6.—Lillian Sinott, a stage beauty, who had been dependent over her fiancé's recent death, was found dead today in her room here with a throat cut and wrist arteries slashed.

DESTITUTE IN BALKAN STATES DYING FROM COLD AND STARVATION

Relief Plans for Sufferers Are Started by Charitable Organizations in Austria.

Vienna, Jan. 6.—Preliminary steps were taken by charitable organizations in various parts of Austria today for a campaign looking toward the relief of destitution in the Balkan states.

Albania has been in such a condition of turmoil for a long time that the recent war can hardly be said to be solely responsible for the existing state of affairs.

COMPANY TO SHARE PROFIT WITH HELP
Detroit, Mich., Jan. 6.—A profit sharing scheme by which \$10,000,000 will be distributed annually among its employees was announced here today by the Ford Motor company, which also announced that the work day would be reduced one hour without any decrease in pay.

Many were the complaints of prospective jurors yesterday morning when they appeared before Circuit Judge Morrow, for many of them had been on other jury panels during the past year. When the weeding-out process had been completed, \$5 remained for duty, with approximately 20 to return for service later in the month.

Prospective Jurors Complain.
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Every Day Rendering the Largest Measure of Public Service to Shoppers

The New Spring BLOUSES
Of Crepe de Chine
Are now displayed in bright colors such as
Emerald Green
Rich Yellow
Copenhagen
Deep Cream
Royal
—Come and see them.
—Third Floor

Semi-Annual Clearance of New COATS
That Sell Regularly From \$25 to \$35
Clearance \$19.45

—This is virtually an unlimited assortment of the very smartest models brought out this season. Coats suitable for street wear and semidress wear—of finest boucle, chevrons, guvetynes, diagonal and Bedford cord.

—In such colors as black, navy blues, browns, taupe and fancy shades as well as two-toned effects.

—They are 45 and 48 inches in length, showing the very latest and correct cutaway and side button effects—also a variety of the new yoke styles with large loose kimono sleeves, a style now shown in the early Spring models.

—The trimmings are of velvet, plush or fur—some of the garments are lined throughout with satin, and others with just the yoke and sleeve linings.

—You certainly could not go amiss in purchasing one of these coats for early Spring wear, in fact they would do service during the Summer for traveling, automobiling or morning wear.

—Again we wish to call your attention to the fact that every garment represents the newest styles of the late Fall and Winter.

—Third Floor



FRENCH LECTURE FRIDAY—"LES GRANDS IMITÉS," SELMRE.
Given by Dr. V. B. DeLory, Ph.D., in the Phonograph Hall, Basement. Free to All.

Sipman Wolfe & Co
"Merchandise of Merit Only"

1500 Styles in Nightgowns at 59c to \$63.50 In the January White Sale

—If a woman wishes to expend only a dollar for a nightgown she will have the largest selection, for at that price alone there are more than 100 styles of the best nightgowns, we think, that have ever been made in America to sell at the price.

—At \$1.95 there are hand-embroidered French nightgowns as well as charming ones from this land.

—Dainty pink and light blue nightgowns of sheer batiste are delights at \$1.25. Indeed they look like negligees. However, we have provided a generous variety at each of the many prices up to \$63.50.

—The V-neck nightgowns that are very low cut, both back and front, are delightful. But the daintiness of the gowns is what will appeal to you most of all—those made in America have the tiny pin tucks, flat felled seams and all the touches that make French hand-made lingerie so pretty.

The Below Prices on Lingerie Represent the Greatest Economies

	American.	Extra Sizes	French.
Nightgowns	\$.59 to \$17.50	\$.85 to \$3.75	\$1.95 to \$63.50
Combinations	\$.59 to \$9.50	\$1.49 to \$2.50	\$2.15 to \$45.00
Chemises	\$.55 to \$3.50	\$.29 to \$2.25	\$1.25 to \$14.50
Drawers	\$.22 to \$4.00		\$.95 to \$12.50
Corset Covers	\$.22 to \$3.50		\$1.15 to \$10.00
Short Petticoats	\$.29 to \$2.25	\$.85 to \$1.25	
Long Petticoats	\$.85 to \$9.75	\$1.25 to \$5.25	\$2.25 to \$42.50
Princess Slips	\$1.35 to \$10.75		\$3.75 to \$45.00

—Fourth Floor

The First Display of the New Spring Pellard Suits
Will be made in our Garment Salon Wednesday

—To define the new styles that we are now presenting would be a difficult task, as Fashion has been so generous with her ideas for Spring, and they have been so variously interpreted in these Pellard suits as to make them distinctive as well as distinguished.

—Women who appreciate exclusive clothes will surely be interested in this display, for many of the suits are individual models—and when there are two or three of a style there is only one of a color.

Of Silk and Wool—\$37.50 to \$85.00
—Third Floor

New Wash Fabrics
—25c Ratynette 19c
—A new fabric in the Panama weave. An excellent substitute for linen. Specially suited for early Spring wear. Solid colors, 27 inches wide. Shown in delft, black, pink, white, tan, navy, light blue and lavender.

35c Silk Finish Foulard 25c
—Looks like the pure silk, feels like the pure silk, wears better than silk and washes well. Dark grounds with choice, neat patterns in browns, black, navy and cadet.

25c Silk Mixed Shantung 17c
—A beautiful lustrous silk and cotton fabric in the shantung weave. Non-crushable. Light blue, navy, black, lavender, pink, golden brown, green, rose, tan, Copenhagen, jasper and delft.
—Basement

Exclusive Portland Agents Pictorial Review Patterns.
The February Patterns and Magazines Are Now on Sale.

Sale \$1 to \$1.50 Brassieres Clearance 69c
—One thousand of these brassieres, which we procured at a special discount for this occasion. Although many are in the style that cross in the back, there is a large number in the hook-and-eye-down-the-front style.

—They are made of the best quality cambric with the necks cut in V-shape, square or round. Trimmed in numerous styles, some having wide open embroideries and embroidery edge, others with Cluny laces and insertions—many with Valenciennes lace and medallions.

—Brassieres that are fashioned for the stout-figures, as well as for the medium and slender figures. In all sizes, 32 to 50.
—Fourth Floor

The Spring Season Has Already Opened In Our Millinery Salons
—A display that is of the greatest importance and interest to those women planning a trip South and desire a smart new hat for Southern wear.

—Hats that foretell the correct style trend for the coming season.

—Small shapes of soft milan straws and fancy tagal facings, having soft crowns of moire, panne velvets, taffeta silks and heavy faillies, showing various clever and original modes in trimming with the use of feathers, velvets and ribbons, as well as clusters of small, brightly colored flowers.

—You are at liberty to view this early showing at your pleasure with no thought of making a selection.—Second Floor



Free Demonstration by Miss S. S. Schaefer of Fleisher Yarn
—Experts of the Fleisher Yarn Co. are constantly evolving new uses for their splendid yarns. With yarns so admirably adapted to various needs they have produced designs and ideas that women appreciate.

—In tapestry crochet you will find the best designs for Indian Blankets, Canoe Rugs, Table Covers and Pillow Tops.

—Fleisher Yarns come in all the rich colors that are desirable for any of these.

—This Free Demonstration and these Classes are conducted for your especial benefit and Miss Schaefer will teach you anything you wish to know about knitting and crocheting.
—Second Floor

VICTOR AND COLUMBIA TALKING MACHINES \$1.00 DOWN—\$1.00 WEEK

We Are Out Today With Our Shoe Announcement
Women's, Misses', Children's, Men's Fall and Winter Shoes At Clearance Prices

—**WHY** is an announcement? There is just a hint of the whimsical in the query. But think it over a moment. **Why IS** an announcement? **WHAT** an announcement is, is always clear enough and there is nothing mysterious about it. It is the **WHY** though, that counts. Why, implies a reason. So **WHAT** is the reason for this announcement.

—Different stores offer different reasons. Some of them are plausible, others doubtful. With this store the **WHY** and the **WHAT** are both emphatic. The "why" stands for a definite store policy—the immediate disposal of new, desirable, seasonable merchandise.

—The **WHAT** stands for economy, definite and positive. It also stands for satisfaction, and shoe service.

—Thus it is that this shoe sale stands for more than mere publicity.

Wednesday This Sale Starts
Women's, Men's, Misses' and Children's Shoes Every Winter Shoe Reduced Every Pair of Slippers Reduced Many at Factory Cost and Less

—Bear in mind that these shoes represent styles in greatest vogue. **EVERY PAIR** new this season.

Women's \$5.00, \$5.50 and \$6.00 Boots Special \$4.45
—Of black suede, gray suede, brown suede, black velvets, black satins, tan calf, patent calf and dull calf. In button and lace styles.

Women's \$4.00 Boots, Special \$3.35
—Exceedingly good looking boots of patent calf, dull calf, black velvets and tan calf.

Women's \$3.50 Boots, Special \$2.95
—Here is a very fine assortment of women's button and lace boots in patent calf, dull calf and tan calf.

Shoes to \$4.00 Special \$1.95
—Five hundred pairs in this lot consisting of odds and ends in patent leathers, dull calf and kid shoes in button and lace styles that sell up to \$4.00 each.

Misses' and Children's Shoes
—**OF PATENT Calf** and dull calf, button styles, wide toe models with welt soles and tip of same material.

\$2.00 Shoes, sizes 6 to 8, special \$1.65
\$2.50 Shoes, sizes 8½ to 11, special \$1.95
\$3.00 Shoes, sizes 11½ to 2, special \$2.45

—**CHILDREN'S** gun metal calf button shoes with medium high toes, plump soles.

Sizes 2½ to 6, special \$1.95
Sizes 8½ to 11, sp'l. \$1.60—Sizes 11½ to 2, sp'l. \$1.80
—Misses' kid button shoes with patent tips.
Sizes 11½ to 2, sp'l. \$1.50—Sizes 2½ to 6, sp'l. \$1.95

—**INFANTS'** fancy top shoes, with patent leather vamp, champ and brown tops, red tops and also dull kid tops; hand-turned soles, well finished in every particular.
\$1.50 Shoes, 2 to 5, sp'l. \$1.10—\$1.75 Shoes, 6 to 8, \$1.35

—**CHILDREN'S \$1.10 felt Romeos, fur trimmed, special 85c.**

Clearance of Boys' Shoes
—**BOYS' KANGAROO** calf blucher shoes and gunmetal calf button shoes, heavily lined throughout, having strong soles and reinforced seams.
Sizes 2½ to 6, sp'l. \$1.95—Sizes 13½ to 2, sp'l. \$1.65
Sizes 9 to 13, special \$1.45

—**BOYS' LOGGERS** of kangaroo calf, heavy double soles, nailed and sewed. Made over full round toe last with tip of same.
Sizes 1 to 6, special, \$2.75—Sizes 10 to 13, special, \$1.95

—**BOYS' tan grain loggers** with buckles at top and wide toe last, low heels, heavy soles, nailed and sewed.
Sizes 10 to 13, special \$2.45
—Basement