

PUPILS COMMENCE WORK IN SCHOOL GARDEN CONTEST

Woodlawn School Boys and Girls Start Digging, and Planting Will Begin This Week; Much Interest.

Work on the Woodlawn school garden, of which the 600 boys and girls have been thinking and talking, dreaming and studying for weeks past, became a reality last week when the children were given the freedom of the two and a half acre tract opposite the school house, and permitted to begin preparations for their individual gardens.

If beginnings count for anything this year's garden will be larger and more successful in every way than that which Woodlawn very proudly laid claim to last year. Pupils, parents and teachers are uniformly enthusiastic and the contest is starting off in splendid shape.

The mothers of the Woodlawn district gave a luncheon Friday for the teachers, covers being laid for the 39 teachers and principal and the table being laden with all the good things which Woodlawn mothers know so well how to make. Following the luncheon mothers and teachers made a trip to the gardens, where the children were at work, and it would indeed be difficult to speculate on which of the three groups, pupils, mothers or teachers, got the most enjoyment out of the beginnings of the contest.

More Gardens This Year.
That small part of the tract which was not used last year is being cleared, as there promises to be a number more gardens this year than there were before. The entire plot will be laid out, the greater portion being used for gardens, although there will be a grass border around the entire tract and in the center there will be a plot devoted to flowers, from the center of which there will float the American flag.

The regulation size of the individual plot will be 6x10 feet, although there will be some 6x10 foot plots for the smaller children, who last year found the large plots a little more than they could handle. In order to inculcate the outdoor spirit and teach some of the fundamentals of gardening, as well as to entertain the little tots, a sand garden is being planned for those who are too young to do other than dig holes with their little shovels and fill them up again. The sand garden has grown out of a demand created by the number of little ones who come with their mothers on their visits to the garden and now the little ones will be provided for with amusement while the mothers assist the older ones with their gardens.

Boys Raising Chickens.
Woodlawn also proposes to introduce another innovation in the way of a poultry demonstration in connection with the gardens and already the boys of the manual training department are busy building chicken coops. An incubator is to be provided for hatching the chicks and others will bring little chickens from home.

The first day in the garden have been fraught with considerable excitement, as in removing large rocks several snakes have been found. Like true little daughters of Eve most of the girls have been terribly frightened, although one very brave little miss picked a little baby snake up and carried it into the school house and wanted to keep it for a pet. The boys, who are very brave and chivalrous, try to comfort the girls by telling them that the snakes have a use, they will eat the insects that would otherwise play havoc with the garden.

MORE AND BETTER GARDENS AIM OF PUPILS FOR THIS YEAR



The boys and girls are already beginning to show the effects of their training in last year's gardens and at this stage of developments they are discussing straight rows, distances between hills.

Cultivating Ground Deep.
And speaking of hills, it is not thought that there will be any rows of miniature volcanoes this year as a result of a too literal understanding of directions to plant beans "in hills," as was the case last year. The children have gained a knowledge of soil that is quite surprising and already talking of cultivating "deep" at the outset in order to have better results and less work later on.

The following Portland firms have generously donated rakes, hoes, shovels and spades and other garden tools to the children for the cultivation of their gardens: Mitchell & Lewis, Royer Implement company, Rice & Phelan, Adolph Dekum, Crown Hardware company, Marshall-Wells, J. J. Kaderly, Franklin & Co., Pacific Hardware and Steel company, Honeyman Hardware company. In addition to this the parents have given four times as much money this year toward the gardens as they contributed last year.

Planting Begins This Week.
Planting will begin this week and one of the most interesting things concerning the contest thus far is the intelligence with which pupils are putting in requests for certain varieties of the different vegetables.

They have remembered just what kind of vegetables took the prizes last year and those are the only varieties they will consider. Next week a great quantity of White Elephant and Early Rose potatoes, Ox Heart and Drum Head cabbage, Bermuda onions, Telephone and Early Morning peas.

A little later there will be a general planting of the New York and Hansen Head lettuce, Simpson's loose leaf and Bon Ton lettuce, kidney wax beans, Burpee's Early stringless beans, Early Model beet, Chautauque and Ox Heart carrot, Early Market and Yellow Banana corn, Hollow Crown and Tender Heart parsnips, White Pearl and White Kicole radishes, Early Scarlet White Tipped radishes, Victoria spinach, Purple Top Globe and Trump leaf turnips and improved purple top Rutabagas.

Samuel Gompers Is Seriously Ill.
(United Press Leased Wire.)
Washington, April 12.—Suffering from a severe attack of ear trouble, Samuel Gompers, president of the American Federation of Labor, is confined to a hospital here today. It has not been decided whether an operation will be necessary.



Eager boys and girls of Woodlawn public school, who are out to win honors in school garden contest.

WHARF RIGHT IS BURDENED WITH DUTY TO PUBLIC

Riparian Owner's Occupancy Is Based Only on Permit From State and Is Subject to Easement.

By J. B. Ziegler.

The inevitable has at length happened, and a clash of authority has occurred between the dock commission, trying to improve the shores of the harbor with public docks, and the port commission, trying to give them away to the abutting owners.

There should not be, as gentlemen of the port commission have said, "any disagreement, as both bodies are working for the benefit of the port and for the same master, the public."

True! Let this last be fully understood and established. Let the service be real, and not a mere lip-service; then there will be no clash.

There will be no attempt to decrease the capacity of the harbor by fills to wharf line. There will be no attempt to convert publicly owned harbor area to private ownership at public expense.

The shores of navigable waters to ordinary highwater line have always been held accessory and appurtenant to navigation. No statute or judicial decision can change that. It is the basis of their legal inalienability. The title is in the sovereign state in trust for all the people.

That it may, in part, be devoted to private use without injury to the public use, has given rise to the construction of a "jus privatum," which may be conveyed to private title. But it is a discretion to be exercised, subject to the "jus publicum" or absolute public right over all, and never against the public. As Lord Chief Justice Hale put it, "The public right is paramount, and where the two conflict the public right must prevail."

Public Title to Shores Paramount.
It is strange that a situation should arise in Portland, where of all things the recognition of the public right is the thing most needed, that a policy so obvious as the paramount interest of the public in the harbor and its accessory improvements should require urging. It is axiomatic, as much so as the mathematical analogy, "the whole is greater than any part." The public is also the sovereign. In our country legally, as it is, in fact, in all countries. Its needs is the final arbiter of all questions. It also is constant, permanent and the source from which flow all the organic forces of our civilization. The individual is transitory, and a useful element only when acting in subjection to the sovereign public. All the great waste and worry of government comes from those individuals unwilling to submit to the public good, the public sovereignty, or its laws.

They represent a chaos of disorder, upon which civilization must constantly shed its strongest light and wield its tireless arm.

So it has come about that below ordinary high water line on waterways, no titles in fee are valid, and riparian possession is only by wharftight. Oregon courts have held (17 Ore. p. 510) that the wharftight does not even convey possession—that under a wharftight without actual occupancy—the holder of the wharftight has not the right to institute an ejectment proceeding against a trespasser.

There is no possibility that a private fee in the banks of a navigable water will ever become permanently exclu-

sive against the public. The worst that can happen is what is happening in Portland now, that during a temporary aberration, the public may lose valuable harbor area by fills on submerged lands covered by these wharf rights, thus changing the legal boundary between private and public property.

Wharf Right Not a Fee.
It has been said there is little difference in the value of this wharftight and fee-title. Let us see.

The navigable water and its bed belongs to all the people, title held by the sovereign state in trust for the use of navigation and commerce. Outside of public landing points, only the channel is of importance and the wharftight or jus privatum may absorb all the use of submerged shore lands as far as the need for passage of flood waters will permit. They are of no present importance to the public, yet for possible future use are not held entirely free from the public right. At terminal points like Portland Harbor, however, they assume an entirely different importance, and become as necessary to the public needs of "navigation and commerce" as is the channel itself, and are so held by the courts.

When a port municipality is weak, as was this one in 1882, the wharftight may be extended to the riparian owner by statute for the purpose of supplying the public need for docks, subject to regulation of charges, etc., as this one was, in the public behalf. It is an indeterminate license, and, as has been adjudged, has nothing to do with title, not with the exclusion against the state, but only vests a right of occupancy when availed of against other individuals. If not availed of, and no wharf is erected, it is an unused privilege, and amounts to nothing.

For Wharves—Not Speculation.
The claim that it grants a vested right for no use, or for other use than wharves is baseless and entirely incompatible with the trust title for navigation and commerce.

Despite some adverse decisions, this is the doctrine established in the main by the courts, and the only one that can be permanent, and the sooner a port city recognizes it the better.

Proof, if necessary, is furnished in the fact the riparian owners occupy the lands for other purposes under wharf right, and have neglected the public need for dockage, until the public has shown its need by subjecting itself to millions of bonds and appointing a commission to construct a system of docks.

By the dock act the public asserts its right to possession of the shores of the harbor to ordinary high water line, and nothing stands in its way, except the formal conveyance of possession by the state. The riparian owner under his wharf right has enjoyed the use of the land, and when he fails to fulfill its full purpose for public commerce, not only is it the state's right, but its duty, to revoke the license and proceed to make a better disposition of the property.

The improvements which the occupant has installed under the permit of the state is another question, and does not enter into the present controversy.

Public Burden, Not Private Gain.
The only way under which the state would be justified in leaving the property in the riparian possession would be to compel him to construct docks meeting the requirements of the public commerce under specifications and regulations provided by the state, or to construct them and assess the cost to the riparian owner. If he hangs onto his right as exclusive against the state, although burdened with the public use for navigation and commerce, that would be the logical thing to do, and that is what is done in the case of a street, where the abutting owner has title to the middle of the street.

But because of the enormous expense of dock construction, and because the harbor improvements could not be systematized under diverse private ownership, the thing is impracticable.

Because private owners cannot fulfill this complete use and because the submerged lands on the harbor are burdened with this use, as need develops, their wharf right is not "nearly equal to

fee title," and cannot be, without the repudiation of the public trust. They, like the rest of the beds of rivers, are more useful for public than private purposes; hence the law follows the suggestion of nature and devotes them to that use.

Values Under Wharf Right, Jobbery.
The only way in which a wharf right can become equivalent to a fee title, is that the riparian owners, through the ministrations of misguided public officers and judges, may prohibit the public from use and improvement until it is willing under dire necessity to disgorge the full fee value. We have object lessons that they may even exceed that.

Subject to the legal burden of actual public commerce, the submerged lands are worth but little to a private owner, while to the public they are worth a great deal. Mr. Mears of the port commission is quoted as saying he "didn't know the land they are filling for the Eastern & Western Lumber company is submerged land." While our public maps and records encourage a misconception like that, it is yet inexcusable, as submerged land means land covered with water; and that being filled, like that of the O-W. R. & N. Co. alongside, is covered with water, in great part, not only at high stages, but at all stages of the river.

SPRECKELS DEMURRER IS SUSTAINED BY COURT

San Francisco, April 12.—The second victory in 30 days for John D. and Adolph Spreckels over Rudolph and Claus A. Spreckels in the long-drawn-out fight over the estate of the late Claus Spreckels, the sugar magnate, was recorded in the superior court here today, when Superior Judge Seawell sustained the demurrer entered by John D. and Adolph H. to the complaint for an accounting of gifts to the latter by their father.

LAND OFFICE REGISTRARS WILL BE NAMED SOON

(Washington Bureau of The Journal.)
Washington, April 12.—The statement that the secretary of the interior would select as registrars of land offices none but lawyers caused considerable trepidation among congressmen and candidates, but it is said now that this was not final and that Secretary Lane is preparing to confirm the nominees of the Oregon senators for the land offices in Oregon. It is probable that the president will get to these names some time next week, but nothing is certain, as there are so many appointments to be made.

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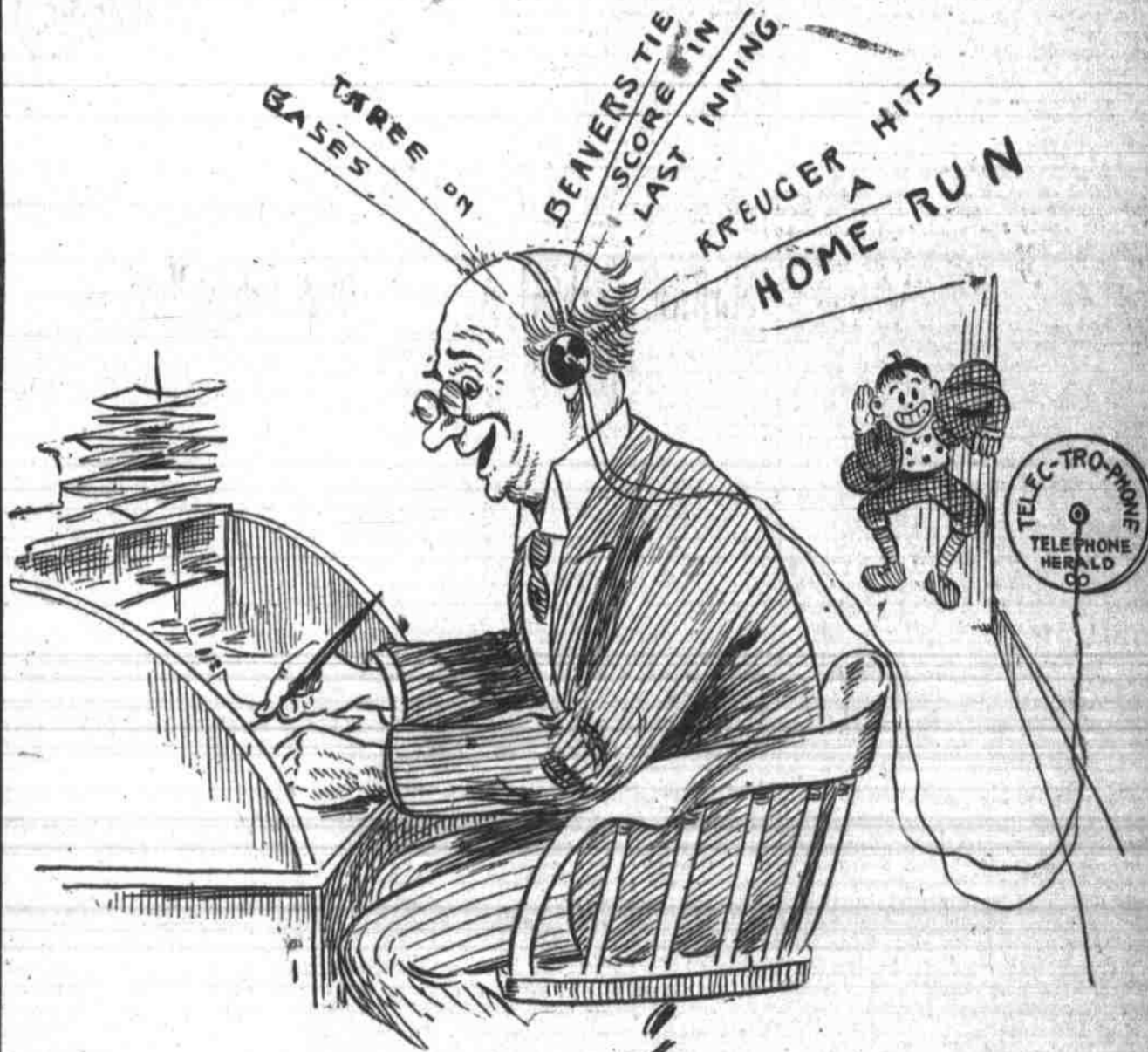
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