

CANNOT SELL WATER

Kansas Attorneys Submit This Proof in River Suit.

COLORADO IS ALARMED

Senator Teller Tells People They Are in Danger.

In the amended bill in the Arkansas river suit between Kansas and Colorado, filed in the United States supreme court, Kansas offers another argument why Colorado and the ditch companies should not be allowed to take the water. This is an entirely new move on the part of the Kansas attorneys, and it is harder than any other point so far brought out in the controversy.

The supreme court of the United States and the supreme courts of several states have handed down opinions in which it is declared that the water of rivers cannot be sold or bartered. The waters of a river are to be as free as the air and cannot be sold in one section to the detriment of another section.

The amended bill asks that Colorado and the ditch companies be enjoined from "constructing, owning or operating, either directly or indirectly, any canal or ditch whereby the usual and ordinary flow of the waters of said river, or any of its tributaries, shall be diverted from their natural courses and channels, and from constructing, owning, operating or using any reservoir for the storage of the usual and ordinary flow waters of the said river, or any of its tributaries, for purposes of irrigation, sale or merchandise."

The big ditch companies buy large tracts of land, construct ditches and then sell the land and a water right, which constitutes the selling or merchandising of the waters of rivers which the supreme court has declared against.

This case has been compared in a way with the state of Connecticut and Massachusetts. If the latter state should pass laws following all of the waters of the Connecticut river to be taken from that stream within the boundaries of Massachusetts it would destroy the great manufacturing industries of the lower state, and there is no court that would ever allow such a thing to be done. Colorado takes all of the normal flow of the Arkansas river within the confines of her own state which causes non-productiveness of much land in Kansas which otherwise would be productive if the waters were allowed to run, giving this land a sort of sub-irrigation.

The amended bill charges that Colorado and the ditch companies appropriate the waters of the Arkansas river to an amount equal to 4,200 cubic feet a second, and from the tributaries and affluents of this river amounts equal to 4,200 cubic feet a second, and it is further claimed that the average flow of the Arkansas river within the state of Colorado does not exceed 50 cubic feet per second and the tributaries an equal amount, thus showing that the ditch companies take the total average flow of the river and its tributaries and even a great amount of storm water.

This suit can no longer be regarded as a joke. Colorado and a great many people of Kansas have long thought the suit was a collection of some lawyers who wanted something to do; but Senator Henry M. Teller, the foremost lawyer in Colorado, in an interview published last Saturday in the Rocky Mountain News, says that Colorado can hardly hope to win the suit under the most favorable conditions. They have taken the matter as a joke so long and the Kansas attorneys have been working until Kansas has a case which can hardly be beaten.

In the issue of August 8 the News sounds the alarm over Colorado in the blackest of type extending in two lines across the entire front page. The headlines read: "Senator Teller Sounds Alarm Over Arkansas River Suit."

The News quotes Senator Teller as follows:

"Attorney General Miller may be able to handle this case single-handed," said Senator Teller, "but I doubt it. Even with the best assistance he could employ Colorado will have all she can do to protect herself in this case. The case as it stands now is against us. I have the greatest apprehensions about our being able to win the suit, even under the most favorable conditions. The trend of the United States supreme court and its decisions are all against us. All of us who were interested in the case were certain that the supreme court would maintain our dominion and throw the Kansas petition out of court, but much to our consternation the decision was overruled and we were ordered to answer. The supreme court in the case of New Mexico and the waters of the Rio Grande river, which case was analogous to this, gave an opinion or ruling which would seem to indicate very clearly that the court will be against Colorado in the present suit. It is plainly the intention of the government to assume control of irrigation throughout the country. We have always contended, and it has never before been disputed, that the states had control of their non-navigable streams, but it looks as if the government were going to assume control of them also, on the broad theory that anything that affects their tributaries affects also the navigable streams. This would take control of its waters out of the hands of the state entirely, and destroy our irrigation enterprise. In fact, Justice Brewer, when he was here a month or so ago, was quoted by the News as saying that the government would have to assume jurisdiction over the irrigation question in the west."

"What we would do if Kansas should win this suit, I don't know. Nothing can be done in congress to remedy the matter, for it is one of the contentions in Kansas' suit that congress has no power in the premises. Kansas having become possessed of the riparian rights under the old Northwest territory, I am told that if Kansas wins her suit she will call upon the United States army to enforce her rights under the decision, and then all irrigation would have to cease in Colorado. Such a calamity would be of equal consequences to this state. If Kansas is entitled to the waters of the eastern watershed, New Mexico would be entitled to those of the western and Utah and other neighboring states would all come into Colorado for this water, many of the largest streams having their rise in this state."

The new bill makes sixteen ditch and irrigation companies parties to the suit equally with the state of Colorado. This was done that the men or their agents who are taking the water may be enjoined.

49c

An odd number, but a good one to use in this instance. It refers to a fine line of STANDARD BOOKS, beautiful covers, gilt tops, good paper and large type. For the past year we have sold them at 75c per volume. To make room for our extremely large stock of Fall Books, which are already arriving, we cut the price to each..... 49c

Such well known authors as Balzac, Ruskin, Mitchell, Elliott, Spencer, Thackeray, Bulfinch, Dumas, Scott, Hugo, Hawthorne, Emerson, Cooper and many others are included in the lot. This sale lasts but one week and will give you a chance to fill up your shelves.

ANOTHER SALE

We are closing out our line of PHOTOGRAPHIC SUPPLIES. See them in our window and tell us if you have ever bought photo goods at such LOW PRICES.



We always give you the correct script in Engraved Calling Cards and Wedding Invitations.

The Only Automobiles

That started on the run to Genda Springs Thursday morning and came back again without repair or adjustment of any kind were

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If you are planning to get the children ready for school we can help you. Monday we offer many articles suitable for school children.

Ginghams In small checks; a good assortment of check styles. 5c Monday.....

Madras Shirting Double Fold Madras Shirtings; colors fast; new fall styles. You pay 15c for them most places. They are here at..... 10c

Flannelettes New styles in Flannelettes, just right for fall school dresses and waists. Monday..... 10c

Fine Ginghams Imported Ginghams; colors absolutely fast. Monday..... 12 1/2c

Barbers' Towels Monday we offer one case Bleached Fringed Towels, especially suitable for Barbers. Per dozen, Monday..... 50c

School Shoes We have just received a large line of Children's School Shoes, made of the best wearing leather we can get; solid soles; solid leather counters and insoles. Styles are new.

School Shoes for Girls Made of solid leather; warranted not to rip; box calf; sizes 8 to 12. Monday..... \$1.19

Boys' School Shoes Made of satin calf; double soles; fair stitch; warranted not to rip; sizes 8 to 12. Monday..... 98c

Boys' Box Calf Shoes Boys' heavy sole, solid leather, new style lasts; fair stitch; the kind you pay \$2.00 for; sizes 9 to 13. Monday..... \$1.39

Boys' High Grade Shoes Boys' heavy box calf; the styles in these are equal to any \$2.50 Shoe. We guarantee the wear, that's all any one could ask; sizes 2 1/2 to 5 1/2. Monday..... \$1.69

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A distinction that will add greatly to a grand and interesting scene in our first exposure of all new fall creations, which occurs soon, is now being won by our five New York representatives through deals of a very important nature. Watch for announcement.

Fashion Show of Fall Suits

That we have had the real correct styles from the very first is best shown by the positive manner with which ladies speak of Innes's as Wichita's leading style shop.

THE ENORMOUS INCREASE IN BUSINESS IS ANOTHER INDICATION.

Our special showing tomorrow contain many pieces of Friday's arrival, giving you a later and larger array of styles than you could even ask for right at this time.

SEE the Corset Suits, English Dress Suits, and Frock Suits, made of popular fall fabrics like homespuns, mannish cloths and fancy Scotch mixtures. In style and variety of ideas they stand above comparison at prices up to..... \$60.00

50 Dozen Convent H'd'k'f's

TOMORROW—MONDAY These many good Handkerchief offers from this popular department stand unapproached, and especially this one—just another of the same that have had no equal in Wichita. Convent Hand Embroidered Handkerchiefs, every thread linen, hemstitched and initial. They sell day in and day out at 25c. We bought these as we did the others, at a quick acceptance. Tomorrow..... 15c South Window, Main.

Tissues for Less Than One-Third Regular

TOMORROW, MONDAY,

THE CHOICEST of summery fabrics today go at less than one-third regular. Just twelve patterns, but there is advantage in this limited number. You can see from the display now on that value like French Silk and Cotton Washable Tissues for so low a price is seldom found. It being rather late we have arranged to effect an immediate clearance by reducing their early season price, which was 50 cents, to, tomorrow..... 15c South Window, Main.

15c Corded Madras Now 7 1-2c

WHILE THEY LAST,

SOME TIME AGO we offered a similar lot of these goods at special sale. The demand at this sale we couldn't satisfy, "not enough." Now we have enough and to make the attraction even better to those who were not supplied we have prepared a "while they last" sale. Beginning tomorrow, regular Corded Madras, in small, neat figures, dots and stripes..... 7 1/2c North Window, Annex.

BUCKLE SETS, the latest wide makes for bolts, oxidized and gun metal finish.

Popular priced Neckwear can be had here in abundance. Many new patterns.

We would like you to see our large Cape Collars—stole ends.

Another line of those handy little Turkish Belt Pouches in Oriental colors—just in.

Grand Parasol Clearance

This city's largest show window, in our newest annex is now filled with Pretty Parasols, all ticketed with former and reduced prices, showing the exact saving to be had by purchasing now. You may select from the entire stock at ONE-THIRD OFF regular, including a full line of carriage goods; from \$16.50 to..... 83c

WE had displayed in center case last week several late Belt Novelties. Did you see them? Others added since are alone worth your while to look at. The patent and red leather, the Indian beaded and new wash Belts and a very pretty number in the new girlie, heavily tasseled effects. —Center Glass Counter.—

A Short Continuance

Every price in the men's department affected; all articles of high class furnishings at big savings. For the past few days we've been pleasing the hundreds who came here with prices like these:

PRICES LIKE THESE:

Fine All White Corded Flats and Pleated Neckties with \$2.00, attached or detached cuffs. For limited time..... 80c

One Case Topsy Hats, the same has found ready selling here at 15c straight. For limited time, pair..... 11c

Regular 10-cent Cambric Handkerchiefs with neat woven borders. For a limited time..... 7c

Large Assortment 50-cent Colored Neckties, plain and pleated fronts, attached or detached cuffs..... 35c

Choice Madras Shirts in dressy patterns of stripes, dots and figures, worth \$2.00, attached or detached cuffs. For limited time..... 80c

All 50-cent Belts, new leathers in black, tan and grey, all sizes. For limited time..... 39c

Handsome line of Fancy Lace Striped Hose in black; worth 25 cents. All sizes. For limited time..... 20c

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