

DEATH OF G. M. BOMAN.

One of Seattle's Leading Citizens Passes Away.

HE WAS A BRAVE SOLDIER.

He Abandoned Home and Friends in the South to Fight for the North and Liberty.

George M. Boman, of the real estate firm of Boman & Rochester, died last evening after an illness of several weeks. His sickness at first was not considered serious, but he continued to sink and it soon became evident to his physician that he was suffering from a complication of diseases, and that recovery was impossible.

Mr. Boman was one of the best known and most prominent citizens of Seattle. He was a native of Tennessee, having been born at Hamilton's Ferry, near Chattanooga, May 22, 1844. When the late rebellion broke out most of his relatives and friends were devoted to the cause of the South and joined the Confederate army.

He enlisted in the Fourth Tennessee Infantry in February, 1862. He was a brave soldier, and engaged in many of the great battles with conspicuous courage. He fought until the end of the war, and was honorably discharged in June, 1865.

Mr. Boman came to Washington in 1875 without friends or money, and settled in Seattle. He began his career here by driving a grocery wagon. By frugality and industry he advanced both his fortune and condition in life. He was a man of great energy and was engaged in property. He bought his home at Fremont twelve years ago from C. P. Stone, and has since erected on the site of his first home an elegant modern residence costing upwards of \$10,000.

He had accumulated, during his residence in the city, a large fortune, and leaves an estate valued at \$100,000. He is survived by a widow but no children. He was the senior partner of the real estate firm of Boman & Rochester, composed of himself and Mr. Percy W. Rochester. He was associated with Judge Junius Rochester, F. G. Sanders and J. M. Thompson, in the construction of the Yesler avenue and Jackson street cable road.

Mr. Boman was a member of Eureka Lodge, F. and M. S. Stevens Post, G. A. R., and the Washington Security Union. He was an ardent Free-thinker, all his life, and openly professed his belief, but he was never offensive in the expression of his opinions. He was a man of great disposition, and very charitable, and he will be greatly missed from this community by many, both rich and poor.

The funeral will take place from his home, at Fremont, at 2 o'clock Sunday afternoon. WIGHAM'S REPLY. He Claims that the Charge of Forgery is Revenged.

A strange story is told by William Wigham, a former employe of the ex-citizens engineer, Stixrud, who is now in the county jail charged with forgery. Wigham was one of Stixrud's accountants, and it was through his information that the ex-citizens engineer's official action was called in question. He was arrested a few days ago on a warrant sworn out by E. G. Macomber, also a former employe of the ex-citizens engineer, charging him with forgery.

Wigham was made out of the month, and October 13, the day they were given to the men. I was standing in the Washington Savings bank office, leaning against a desk and talking to a friend, when Macomber came over to me from the bank teller, and said: "They don't know who I am; will you identify me?"

to wash down upon the roadbed of the Northern Pacific. Along the full length of the hill for a distance of about three blocks, 100 miniature rivulets are pouring down upon the tracks. A number of Foches have been dug to permit the water to run into the bay, but little damage has so far been caused. Several telegraph poles have been washed away and restored to their position again by the section men. Considerable earth from the hill has caved away and precipitated itself upon the railroad, but it was removed as fast as it came down. The banks are considered to be in a dangerous condition, but the railroad authorities will act promptly to prevent any serious damages.

CLOSING OF SCHOOLS.

Interesting Christmas Exercises by the Pupils. The schools of the city closed yesterday for the holiday recess. In all of them there were exercises appropriate to the occasion, which were attended by the parents of the pupils and other friends of the schools.

Central School. In the central school exercises were not held in every room, but two or three rooms would club together for the festivities. A number of the rooms were tastefully trimmed with evergreens and ivy. The following teachers arranged the programs, which consisted of music, singing, recitations and dialogues: Miss Mary E. Robeson, Mrs. Helen L. Pearce, Miss Lelia J. Chisholm, Miss May Willard, Miss Adelaide L. Pollock, Miss Helen G. De Vo, Miss Hattie A. Kellam, Miss Lillian Burrows, Miss Sade B. Young, Miss Kate F. Cheasty, Miss Fille J. Piper, Miss Jennie C. Lombard, Mrs. Ada E. Core, Miss Josephine Rupert, Miss Christiana Hyatt, Miss Grace Hughes, Miss Carrie B. Lake, Miss Allie H. Carter, Miss Lizzie E. Brown.

South School. At the south school regular Christmas exercises were held. All the rooms were decorated with ivy and greens. The rooms of Miss Nevins and Miss Stowell—that is, of the two lowest grades—combined and gave a programme consisting of motion songs and recitations. There was a Christmas tree prettily decorated with candles. On the tree hung small lace stockings for each pupil filled with candy, nuts and popcorn.

Many visitors were present at all of the rooms. Miss Beman's room and Miss Foster's, making up the third-year grades, also united in an entertainment of recitations, dialogues and music. In these rooms the children were treated to oranges and candy done up in Japanese napkins.

There were joint exercises in the rooms of Miss M. L. Heggard and Miss E. E. Heggard. Mrs. McCulloch's room gave a separate entertainment. The rooms of the two highest grades, Miss Hyde's and Miss White's, gave a well-prepared entertainment, which was enjoyed by many visitors. The programme was as follows: Song—"Trump, Trump"..... School Recitation—"Little Bessie"..... School Recitation—"Den Arnold's Christmas Eve"..... School Recitation—"Two Little Stockings"..... School Recitation—"Santa Gots, Lizzie Orth"..... School Recitation—"Christmas Tree"..... Carrie Fease Recitation—"Christmas and the Liberal Man"..... Fred Wood Recitation—"Christmas and the Miser"..... Willie Blanton Recitation—"Basic's Christmas Party"..... Blanche Pratt Recitation—"The New Church Organ"..... May Pratt Instrumental solo..... Allie Alvar Recitation—"The Engineer's Story"..... Gertrude Reiser Recitation—"If I Were You"..... Pearl Taylor Recitation—"Adele Burgett and Zula Taylor"..... Dialogue—"Mark Twain and Interviewer"..... George Fitcher and Gerald Frink Recitation—"The Boy"..... Willie Allen Vocal duet..... "A Drink from the Well"..... Recitation—"Little Gottleb"..... Adelle Burke Recitation—"The Marriage of Santa Claus"..... Gertrude Butler Recitation—"Father Time's Reception"..... Eugene Ould Solo..... Annie Lavigne, Miss Cora Finch Recitation—"Taken on Trial"..... Blanche Newberger Recitation—"Angie and Willie's Prayers"..... Bess Whitton Song—"Merry Christmas"..... School No girls were distributed to the children except in the lower grades.

The Denny school exercises of the same general character were held. The second prize of \$50 offered by the Press for collecting Christmas coupons was won by the school and placed in its library fund. All the pupils assisted in making the collection, but the success of the effort was largely due to the zeal of Charles Albert and his mates of the eighth grade. Yesterday, in token of their appreciation of the work they had done, they presented a re-bound volume of Shakespeare's complete works.

PERILOUS VOYAGE OF LONG AGO. Richard Edouard's Memento of His First Trip to the Coast. The schooner Iva, which cleared Sandy Hook in November of '82 for the long voyage around Cape Horn to San Francisco, carried as cabin boy Richard Edouard, a French lad. He had been shanghaied for his first voyage, which was to prove a memorable one. The trip to the coast was a remarkable feat, the length of time occupied, the Iva being becalmed several days. Off Fayal, one of the group, where the schooner stopped for supplies, which gave chase. The pursuit lasted for two days. On the second night came a squall, which proved the Iva's salvation, by driving it the rebelpship was lost sight of. The schooner continued on her course, rounding the Horn while her English captain was celebrating the queen's birthday, May 24. Six weeks later she dropped anchor inside the Golden Gate, having been at sea seven months and ten days, probably the longest time ever required for a voyage from New York to San Francisco.

Richard Edouard is now a resident of Seattle, having abandoned the sea, but of his many voyages none are more arduous than the one he made around the Horn. He still retains his love for all things nautical, and has recently occupied his leisure hours in building a miniature fore-and-aft schooner, modelled after the Iva. The little vessel is perfect in all particulars. Every sail and sheet is there ready for use. Forward are the capstan and the mainmast and the pump; and the slightest detail the schooner is perfectly fitted out. Mr. Edouard has consented to put his masterpiece on exhibition in one of Hyams, Pauson & Co.'s show windows. The scene there is a most realistic one. A large tank has been set up in the background and with all sail set the little craft swings gracefully in the water. In the background is represented the land rising up with towering mountains, and the beacon light of a miniature lighthouse sends its gleam across the waters. The vessel and its surroundings take up the entire window—no goods are exposed—but underneath and beneath every inch of the inside is the most perfect line of clothing, and the whole scene is a masterpiece of art in this city. Hyams, Pauson & Co. are known as leaders throughout the land, and their Seattle store on Front street is in keeping with their worldwide reputation. Look at the other window.

Senator Forrest Chosen Again. Secretary J. W. Dodge, of the Chamber of Commerce, has received word that the Board of Trade has concurred with the Chamber of Commerce and the county commissioners in selecting Senator W. H. Forrest as vice president of the Washington World's Fair Association from King county.

To Prepare Legislation. The legislative committee of the Chamber of Commerce will meet this evening.

A CALIFORNIA MINER. He Talks on Two Subjects of Speculation, Mines and Politics. Mr. J. Rydellinger, of San Francisco, is at the Grand Hotel. Mr. Rydellinger came to California in 1859, and has been in the mines there ever since. He is now owner of the Gold Run mine, in Siskiyou county, of that state. He has come to Washington to look over the mines up here and do some prospecting. "We've downed Boss Buckley in San Francisco," said he last evening, but the Democrats helped the Republicans. They declared they would rather be beaten than have him sell the party nominations.

SLIDING INTO THE BAY. The Hill Above South Fourteenth Street Being Washed Away. The hillside near the end of South Fourteenth street is slipping down on to the tracks of the Northern Pacific road, and yesterday a large gang of section hands were kept at work all day repairing damages and taking precautions to prevent a disastrous slide. The bank at this point is about sixty feet higher than the railroad tracks, and the heavy rains have caused a vast quantity of water to pour over its side from the streets above and cause it

HARBOR LINE CASE.

Hearing Continued Yesterday Will End Today.

RIPARIAN RIGHTS ARE DENIED.

Able Arguments Are Used on Both Sides—State Ownership of Tide Lands Discussed.

The hearing of arguments on the application of H. L. Yesler for a writ of prohibition against the harbor line commission was resumed in Judge Lichtenberg's court yesterday, and occupied the entire day and night, the hearing held for that purpose. The hearing will close today.

Judge Burke began the argument in behalf of Yesler. He said: "It was my intention to argue this case fully and at some length, but in view of the able arguments of Mr. Shepard and Colonel Haines I shall not do so. It seems to me that they have covered the case pretty fully, with the exception of one point, upon which they did not dwell as fully as I deem proper. That point is the injury that will result to the petitioner by the proposed lining of this map of the harbor line commissioners. We contend that great and serious injury will be done us, and a cloud will be cast upon the title to our property. No one will care to purchase a piece of property with a lawsuit attached to it, and can anyone assert that litigation will not follow the lining of this map, or can anyone borrow a single dollar on property with this cloud upon it? It is ruinous, simply ruinous, and we contend that the state ought not and cannot place its citizens in such an embarrassing position. This cloud should not be allowed to settle down upon our property. The law has furnished us a means of relief in the courts of equity, and if these courts can step in between private individuals they can much more readily intervene between the state and an individual, because the power of the state is greater than that of any individual.

"I maintain that from the formation of the constitution down to the passage of the harbor line commission act that a monstrous outrage has been attempted to be perpetrated upon those whom this state should protect. Those who came to this country at a period when it was a howling wilderness, the home of the savage and lair of the wild beast; those who held their lives in their hands while attempting to carve out a home for themselves, and future marts of trade for their descendants; those who have made this great state what it is; the men who settled on the shores of Elliott bay and endured the perils and hardships incident to the life of pioneers in their efforts to lay the foundation of this city of today. I say it is a shame and disgrace to consummate this outrageous spoliation of these old settlers whose very acts have been legalized by a past legislature, but who now must see the results of long years of privation going from them because, forsooth, a board of harbor line commissioners doggedly assert that the harbor line of Seattle must be located at certain points. For shame, I say, upon methods that elevate the demands of the state to a standard so high that the rights of the individuals who compose that state are entirely lost sight of.

"Never let it be overlooked for one moment that such an act will be a shock to the credit and prosperity of the state that it will take the next decade to overcome, not only because it irreparably injures the credit of the commonwealth, but because it is a recognized maxim of economic science, that whatever injures the individual has an equally deplorable effect upon the entire community. Not only are all of the authorities on the side of the petitioner, but justice, reason and logic are also on that side, and this court should sustain the writ of prohibition which is sought in public.

Attorney-General Jones then began the argument in favor of the state and the harbor line commission, and said: "I cannot but be gratified by the nature of the arguments, the logical outcome of which was to declare the constitution unconstitutional, and was prepared to hear and accept of the result. The legislature were invalid, but I must content myself to let the sanction to this declaration. I should be gratified, and die soon, if this court, a creature of the constitution, was a higher power than its creator—the constitution itself. I was prepared for the petitioners' fight for time in order to bring the matter before the public, but was not prepared to hear them frankly acknowledge this to be the case.

The petitioner has set up certain facts in the complaint, and the word comes concerning riparian rights. On riparian rights almost the whole argument of counsel has been based, and I feel to see how they can have it that the title to the common law all shores along navigable waters belonged to the crown, and since the organization of this Union belonged to the states. This title properly belongs to the states by virtue of their inherent sovereignty. The decisions all go to show that the United States has no power to sell the shores and navigable waters of a piece of the sea. The legal title of certain property in the United States, but the United States cannot sell it. Private proprietors own the shores, and the individual owner has no interest whatsoever beyond that line. In Connecticut it was even held that sea weeds deposited between high tide and low water were the property of the finder and not the owner of the land adjacent.

"At common law the state is the absolute owner and proprietor of the shores along the coast and navigable waters. It holds this property in trust for the public, but from listening to the counsel on the other side we would have been led to believe that it was held in trust for H. L. Yesler et al.

"If the riparian owner has the right to this property he will continue to have the right to the title to such rights. He can only acquire such right by purchase from the state. The state can sell to whomsoever it pleases. Those who have purchased the title to the shore lands will have the preference in purchasing, but the state can sell to anybody.

"I deny that any part of this act is in conflict with the constitution of the United States, as has been asserted by the other side; there is no conflict whatever. The act is in conformity with the constitution of the United States, and is framed under the constitution of the state.

and he went to the very foundation of the petitioner's claim and attacked the riparian rights upon which alone the writ of prohibition is based. He read from numerous authorities in support of his argument, which was generally regarded as very clear and forcible.

At the night session ex-Governor Semple, one of the harbor line commissioners, spoke briefly in defense of the commissioners, and denied the charges of star chamber sessions and secret work, but claimed that the commission had transacted its business and performed their duty openly and in accordance with the law. He contended that the government exercises its rights over the waters, and that it may delegate the rights to the state as has been done in this case.

William T. Scott argued that no application had been made to the harbor line commission to review any injuries which may have been done. He denied that the commissioners had exceeded their jurisdiction or gone beyond their powers, but claimed that the constitution of the state makes their right season held for that purpose. The hearing will close today.

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"The position of the other side is wholly untenable, so far as pertains to the rights of riparian owners. For riparian owners have no rights whatever except what the constitution and the legislature give them. If such rights as they possess have been imposed upon them they must seek relief in the legislature and not in the courts. They have no standing whatever in court."

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