

THE CITY IS RIGHT.

Judge Langley Sustains a Street Grade Tax.

BURGLAR WILLIAMS' PLEA.

Court and Attorney Argue on It—Sale of the Henry Bailey in Court—Ballard Water Works Case.

There is considerable more activity in the courts recently in prosecution of delinquent street grade assessments, and almost every motion day Corporation Counsel Scott or other attorneys for the city have cases on the calendar. Yesterday Judge Langley overruled a demurrer in one of the cases which will become a test case as to one material issue, and will undoubtedly be carried to the supreme court. In this case, as in very many others, the improvement was ordered while the charter of 1886 was in force, but not completed until after the adoption of the franchise charter in 1890. The difficulty is that former assessments were made upon valuation, but now are based upon front foot of abutting property. The city contends that the laws in force at the time the contract for the street grading was entered into became a part of the contract and that the assessment was properly made by the city council under the old system. The contractor property-owner, maintaining the old charter expired on the adoption of the new one, and that as the lien did not attach until the assessment was made it should have been made under the charter of 1890, which had then, according to the decision of the supreme court in the famous Wilson case, entirely superseded the old charter. The result will determine the legality of the assessment upon a number of streets, and the city has won the first victory. The demurrer was argued two weeks ago by Ben W. Pratt for the city and G. E. M. Jones for the defendant. Judge Langley directed them to submit briefs. Yesterday he ruled in favor of plaintiff. Yesterday seven suits were dismissed, present having been made or the actions otherwise adjusted out of court. They involved assessments on Olive, Rainier, Fair and Dexter streets.

THE SALE OF THE BAILEY.

Pacific Navigation Company Wants the Purchasers to Pay For Her.

In a complaint filed in the superior court yesterday the Pacific Navigation Company, of which James M. Ashton, of Tacoma, is president, told the story of how it happened to lose the well-known steamer Henry Bailey, which was recently sold at a United States marshal's sale. The company, which sues to recover judgment for \$4,500 from L. A. Le Bailleur, J. P. Traubner and W. H. Clough and their bondsmen, states that in May, 1894, the trio of defendants agreed to lease and later purchase the Henry Bailey for \$4,500. A contract was drawn up and signed by the parties interested. The defendants, according to its terms, were to take possession of the steamer and run her on the Sound and were to keep her free from all claims for wages, supplies, repairs, and in fact from liens of any character. The defendants paid the company \$400. The remaining payments were to be made as follows: Five hundred dollars August 31, \$500 November 10, and \$500 each month thereafter until the debt had been wiped out. The company in its complaint alleges that the defendants failed to live up to their agreement in that they permitted about \$2,000 worth of claims to accumulate against the steamer, which resulted in her being libeled and later sold under the directions of the Federal court in order to realize sufficient to pay the claims. The defendants, it is alleged, failed to make payment, and the balance of the money is now due, notwithstanding that repeated demands have been made on the same for it. The defendants at the time they entered into the agreement with the company gave the latter a bond, and the company asks that a judgment be rendered against the defendants and the sureties. The sureties are, according to the complaint, are H. C. Davis, William Gage, A. L. Le Bailleur, S. G. Parker and W. H. Carnahan.

THE BALLARD WATER WORKS.

More Evidence That West Coast Plant Is a Good Investment.

That the city council of Ballard proposes to make a strong fight against John Shields, who is endeavoring to prevent it from purchasing the water plant of the West Coast Improvement Company with money which he says the people voted for the purchase of a new plant, was demonstrated yesterday when it filed in the superior court a large number of affidavits tending to show that the proposed purchase will be of great advantage to the city. One of the affidavits is sworn by W. R. Ballard, who is at the head of the West Coast Improvement Company. He states that the contemplated purchase of the plant includes one mile of 4-inch pipe, 1,800 feet of 2-inch pipe and 2,000 feet of 1 1/2-inch pipe. It is first-class, he alleges, in every respect, and not second-class material as alleged by Shields. The 4-inch pipe cost the company \$3,996.23 and the balance of the pipe cost \$3,737.43, making the total cost \$7,733.66. The contemplated purchase also includes two lots and a reservoir, together with water to be conveyed by other pipe. The company, Mr. Ballard states, has spent in the neighborhood of \$1347 in cash in erecting its present plant, and the monthly receipts are in the neighborhood of \$18.

JUDGE AND ATTORNEY ARGUE.

Dispute as to Whether Williams Had Pleaded to Burglary Charge.

Charles Williams, the alleged burglar, who has been awaiting trial for his crime in the superior court and who was one of the men who escaped with Tom Blanche from the county jail, was before Judge Humes yesterday to plead to the information filed against him. It is alleged that the crime was committed on February 14. When the prisoner came forward Judge Humes asked him if he was guilty or not guilty. Before he had a chance to answer he counsel, Frank Sims, said that the plea in abatement which had been entered by the defendant had been sustained by the court, and for that reason he would refuse to plead further. Judge Humes said that the plea had not been sustained, and Mr. Sims insisted that the records showed to the contrary. "If the records of the court show that the plea was sustained, then they will be modified," said Judge Humes. Then the prisoner announced that his plea was not guilty. "We would like to have the records corrected," commenced Lawyer Sims. But before he could go further Judge Humes announced that there was nothing before the court, and the counsel and his client retired to the rear of the room. Williams' case will be set for trial next Saturday.

LET OFF WITH ANOTHER MONTH.

Francis' Mistake Wins Leniency From Prosecutor and Court.

Eliza B. Francis, the 16-year-old colored boy who was placed in the county jail one month ago to await trial on the charge of burglary, was before Judge Humes yesterday to plead to the information filed against him. It is alleged that the crime was committed on February 14. When the prisoner came forward Judge Humes asked him if he was guilty or not guilty. Before he had a chance to answer he counsel, Frank Sims, said that the plea in abatement which had been entered by the defendant had been sustained by the court, and for that reason he would refuse to plead further. Judge Humes said that the plea had not been sustained, and Mr. Sims insisted that the records showed to the contrary. "If the records of the court show that the plea was sustained, then they will be modified," said Judge Humes. Then the prisoner announced that his plea was not guilty. "We would like to have the records corrected," commenced Lawyer Sims. But before he could go further Judge Humes announced that there was nothing before the court, and the counsel and his client retired to the rear of the room. Williams' case will be set for trial next Saturday.

to that charge, and the charge would with the consent of the court be so reduced.

Francis' counsel stated that the crime of which he had pleaded guilty was the first that the prisoner had ever committed. The facts were that a Franklin man had owed the prisoner some money and had refused to pay him. As a result the boy concluded to go to his home and carry away some goods. By mistake, however, he stole some goods of small value belonging to one Jeff Willis. As the prisoner has already been in jail thirty days, Judge Humes let him off with an additional thirty.

The City's Answer to Durie's Suit.

In the suit of David E. Durie against the city of Seattle to recover \$700 which he paid as his portion of the alleged assessment of Mill street, now Yesler avenue, with the understanding that if suits which were pending at the time, involving the grading of the street, were decided against the city the money should be refunded, the defendant filed an answer yesterday setting up the defense that the city is now engaged in making a reassessment of the street, which will soon be completed. Under the reassessment certain money will be due the city from Mr. Durie and the city wants to retain that which he has already paid over until it is determined how much is to be charged against him. As soon as this is known the city says it will deduct the amount and turn the remainder over to the plaintiff.

Claims They Guaranteed the Warrant.

Clarissa May Kellogg sued Bonney & Stewart in the superior court yesterday to recover \$600, the amount of a warrant which she says the defendants assigned to her and which has not been paid. The warrant was issued by the town of Blaine, and was made payable out of the Bobbett trust fund. It was dated September 2, 1890, and the plaintiff states that it was indorsed by the defendants and given to her in February, 1893. The fact that they indorsed it, she says, was a guarantee of payment, and as she has not as yet received any money on it she desires that the defendants shall pay her its face value, together with interest dating from the date of issue.

New Suits Filed.

The following new suits were filed in the superior court yesterday: Lilly, Bogardus & Co. vs. Neil Spithill—Promissory note, \$1,022.65. Clarissa May Kellogg vs. Bonney & Stewart—\$600; unpaid warrant indorsed by defendants. King-Morse Canning Company vs. Mahon & Froehner—\$182.65; goods delivered. Frederick Scholpp vs. W. T. Forrest et al.—To remove cloud from title.

Courts and Public Offices.

Marriage Licenses were yesterday issued to Charles Anderson and Betsy Louise Johnson, both of Seattle, and Emil Larson and Wilhelmine Kalpp, both of Black Diamond. Judge Osborn yesterday said to be stricken the following cases from the trial calendar: B. E. Bennett vs. Frank Shertzer; J. W. Smith et al. vs. Springfield Fire and Marine Insurance Company; Home Fire Insurance Company vs. James (Bothwell); Ralph S. Hopkins vs. E. A. Mackay et al.; S. T. Bird vs. Washington Dairy Company; A. H. Hill vs. T. A. Dwyer; C. P. Bennett vs. J. F. Shertzer; George F. Whitworth vs. F. C. Stevens; Gust Anderson vs. John Wagner et al.; Thomas B. Hardin vs. Williams. In the case of Charles Pearson vs. the city the statement of facts was settled and signed yesterday and it will be at once carried to the superior court. Pearson, who won in the superior court, objected to the appeal taken by the city on the ground that the amount involved was not sufficient to warrant it, but the court overruled the objection.

CASES SET FOR TRIAL.

Judge Osborn yesterday assigned causes for trial as follows: April 24—C. J. Springs vs. J. H. Woolery; Andrew Chibberg vs. Frank Lindquist. April 25—C. Van Horn vs. C. A. Wadsworth et al.; Annie Murghitroyde vs. A. L. Parker. April 26—Lorraine Bankins vs. George H. Thomas; Jay C. Allen vs. John L. Craib et al. April 29—M. Kellogg vs. A. L. Parker; Lindersmith & Edson vs. J. H. Woolery et al.

PROPERTY RIGHTS OF SPOUSES.

Judge Ballinger's New Work on the Ganancial System. How far the rights of a wife extend to the ownership of property acquired during married life, is a subject whose interest extends beyond the legal profession in the state of Washington. Our laws have gone, in some respects, beyond those of any modern community, and in practice beyond those of any other known system of jurisprudence. The announcement, therefore of a compilation of the authorities on the subject will be welcomed not alone by lawyers but by all persons interested either in the disposition of their own property or in the management of that of others. The task has been undertaken by Judge Richard A. Ballinger, of the superior court of the state of Washington, and the work is for delivery. Lawyers will read it with interest, and it will be subjected to a most critical examination, but it may be recommended to the general reader for the merit it possesses as a charming study of community interests. The author modestly calls it a treatise, and it undoubtedly deserves a description which shall distinguish it from a mere collection of legal maxims.

THE COMMUNITY OR GANANCIAL SYSTEM IS NOT NEW.

The community or ganancial system is not new, since, in various forms, it is found in the earliest systems of jurisprudence, but so vague and so spasmodic in its appearance that it cannot be accorded a standing in the written law until it made its appearance in ancient Spain in the Fuero Juzgo. There the doctrine is held that the husband and wife are to be considered equally with the husband in the production of gains, and a marital partnership was recognized in the acquisitions accruing during coverture. The obivary of that nation extended to its laws, whose influence was later made manifest wherever the Spanish arms found conquest. Through Mexico, Texas, California, and later by more possible means, the ganancial system reached Washington, its feeble efforts to enter into the common law states being sternly repelled. While it is gradually making its way, at each step it is met by traditional prejudices, and to the conflict between the civil law and the common law may be directly ascribed the clumsiness of efforts to give it symmetrical form. Whether the wife has a merely equitable interest or a vested legal interest in community property is the dividing question. The civil law sees directly toward declaration of equal rights, the common law jealously yields its waning power before the encroachment of statutory declarations of an absolute legal right.

TO THE STATE OF WASHINGTON MUST BE ACCORDED THE HONOR OF GOING TO THE EXTREME IN JUDICIAL RECOGNITION OF THE RIGHT.

absolute, but the present condition has not been reached without tergiversation and some false notes. The practical wisdom which finds in Judge Ballinger's work, as he will, a skillful elucidation of a fairly symmetrical and logical system, cannot fail to recognize that the road to the present status is marked by monumental errors which, in the light of our later admissions, form a record of incidental injustices. It has been manifestly difficult for courts trained for centuries to regard the wife's property interests as merged into those of the husband to abandon well-settled conclusions, and venture into the maze of untimely foreign customs, tangled with the statutory growth of cosmopolitan systems. Our code exhibits yet remnants of laws with which attorneys wrestle, trusting more to ingenuity of argument than to

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agency of logic. A work, therefore, such as Judge Ballinger has presented, comes as a boon, whose value is heightened by the courage and perspicacity with which he has caught up ravelings and wrought them into at least a semblance of design. There will, probably, be no recession in our system, and it has merits which, when it is more firmly knit, will become an authority for advancing thought throughout the United States. Mechanically the work is a credit to the state. Not only is it written by a judge of the state, but it is printed by a Seattle house (Lowman & Hainford) on paper made at Everett, and it is published by the Bancroft-Whitney Company whose principal branch is in Seattle.

Another local law work, in its way, has been completed by Herbert B. Hundley, of the Seattle bar, as a labor of love. He has been at pains to trace the origin of most of the existing statutes of the state, and to give citations. To these he has added annotations of all cases decided in the state supreme court and Federal courts bearing upon the state code. It is a model of industrious research.

YOU HAVE THREE DAYS MORE.

The Final Close of the Piano Sale Is Postponed Until Wednesday.

Then it will positively close. Out of nearly one hundred shipped here three weeks ago, thirteen pianos and four organs remain unsold. Among them are several of the finest and most costly styles of Chickering and Kimball pianos. It would cost enormously to box and ship them away, and I am instructed to offer them at prices that will insure the sale of every instrument before Wednesday night. If you desire to provide your home with a fine piano, at a net saving of \$200 cash, come to 710 Second street tomorrow morning and select the instrument you want. You owe it to your children to give them a musical education, and what you will save by purchasing now will fairly educate the whole family in music. D. S. JOHNSON, Manufacturer's Agent, 710 Second St.

The Remainder

Of the A. H. Smith stock at the creditors' sale, 907 Front street, must positively be closed out at last week. Prices have been reduced lower than the manufacturer's cost. Serge dress goods, all shades, 30c yard. New effects in dress goods, worth 50c yard, for 18c. Amoskag apron gingham, 50c yard. Best quality table cloth, 15c yard. Infants' shoes, 25c. Children's school shoes, 7c, 8c and 9c. Boys' lace shoes, 6c. Ladies' fine kid shoes, patent tip, for \$1.50. Ladies' tan oxford ties, 75c. Men's fine shoes for \$1.75, worth \$2.50. Men's tennis flannel overshirts, 25c. Ladies' fast black hose, 3c. Dry goods, clothing, hats, furnishing goods, crockery, ammunitions, etc., at special reduced prices. Open evenings until 9 o'clock.

Missing.

Mr. John G. Philney has been missing since February 13, and has been reported as last seen in company with another man in a black skiff boat, off Skagit head on the evening of the 19th, said to be going to Port Gamble. Any person knowing of a boat being picked up, or of another man being missing, will confer a favor by communicating with F. J. Burns, room 14 Boston block.

A remarkable value. Ladies' tailor-made suits in covert cloth, half satin lined, full plaited skirt, \$10. J. S. Graham, 716 Second street.

BREVETTES.

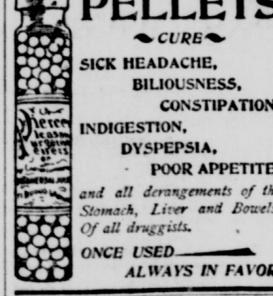
A front street brick store room adjoining Diller hotel for rent at \$15. Bothwell, 28 Boston block.

The meeting of the Friendly Visitors of the Bureau of Associated Charities, which was to be held on Monday, April 8, has been postponed till the first Monday in May, the regular day of meeting.

There was a meeting of the auditing committee yesterday morning in the office of the city comptroller. The pay rolls for March were passed on and the salaries approved and referred to the council for approval.

J. W. Van Brocklin, superintendent of bridges, buildings and wharves, stated in his report for March, which shows that the total number of building permits issued was fifty. This is a marked increase from the month of February, when only twenty-one were issued.

Dr. PIERCE'S PLEASANT PELLETS



CURE SICK HEADACHE, BILIOUSNESS, CONSTIPATION, INDIGESTION, DYSPEPSIA, POOR APPETITE, and all derangements of the Stomach, Liver and Bowels. Of all druggists.

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YOUNG SPIRITS.

A vigorous body and robust strength follow low good health. But all fall when the vital powers are weakened. Nervous debility and loss of manly power result from bad habits, contracted by the young through ignorance of their ruinous consequences. Low spirits, melancholia, impaired memory, marked morose or irritable temper, fear of impending calamity and a thousand and one derangements of body and mind, result from such pernicious practices. All these are permanently cured by improved methods of treatment without the patient leaving home. A medical treatise written in plain but classical language, treating of the nature, symptoms and curability of such diseases, sent securely sealed in a plain envelope, on receipt of this notice, with ten cents in stamps, for postage. Address, WORLD'S DISPENSARY MEDICAL ASSOCIATION, Buffalo, N.Y.

The MacDougall & Southwick Co. Every Woman Is Interested In this great and elegant Spring Stock. It includes the latest and choicest styles in fabrics and wearing apparel, and affords an unrivalled opportunity to secure excellent goods at a minimum cost.

Special Bargains This Week. This Week Superb Stock of Choicest Millinery At Very Low Prices. Special attention is invited to the high standard of this stock and to the extremely reasonable prices placed upon all goods in it. Orders for Easter hats should be placed without delay. Great Special Sale Of Clothing. \$7.75. 200 Men's All Wool Spring Suits, Single-Breasted Sacks and Three-Button Cutaways, made in best style, in Clay Worsteds, Cheviots and Vicuna, at \$7.75 per suit. Worth double this price. \$2.50, \$3.00, \$4.00. Entire sample line of an Eastern manufacturer of Children's Two-Piece Suits, ages 4 to 14 years, All Wool Cheviots, Cassimeres and Worsteds, at \$2.50, \$3 and \$4; worth at least 40 per cent. more than these prices. Monday. Special Bargains In Hats. Men's Spring hats in all the latest styles and shades, in Derbys and Fedoras, special at \$1.50, \$1.95, \$2.50. Boys' and Children's School Hats and Caps, special at 25c, 39c and 50c. Men's, Boys' and Girls' Yacht Caps special at 25c, 50c, 75c, \$1. Children's Dresses. In Gingham and Percale in Newest Styles, for ages 1 to 3 years, great values at 59 cents, 79c, 85c, \$1, \$1.35, \$1.50, \$1.85, \$2, \$2.50. New Shoes. Special attention is called to the new line of Ladies' Oxfords, embracing every new style of toe and last, in the latest tan shades. Art Needle Work. In the Art Department we show a new line of Art Needle Work which all lovers of fine work should see. It is without exception the handsomest lot ever shown in this city. We fill mail orders carefully and promptly and guarantee satisfaction. Samples of Dress Goods free.

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