

THE RAILROAD LIABILITY

Important Decision on Sale of Bills of Lading.

INNOCENT PURCHASER SAFE.

Northern Pacific Sued on an Old Judgment—McArdle Denies That He "Knocked Down."

Judge Hanford yesterday issued an order for Receivers Thomas R. Brown and H. Bryant, of the Seattle, Lake Shore & Eastern Railroad Company, represented by Carr & Preston, to pay the claim of Thomas McArdle, of Tacoma, for whom Hugh Farley appeared, for \$125.45, as part of the running expenses of the road and thereby decided an important point of law. The statement is that the company is responsible for a bill of lading issued by one of its station agents in anticipation of the actual shipping of the goods, which, however, were never shipped, and which bill of lading was sold to a third party in good faith for a valuable consideration by the shipper, the purchaser relying upon the statement in the bill that the goods had been received by the railroad company. Judge Hanford decided in favor of the innocent purchaser.

McArdle & McNelly brought suit against the receivers of the Lake Shore & Eastern Railroad Company, and the agent of that company at Bothell to Fleming & Ayer. Before the shingles were delivered to the mill and shingles were burned, the shingle was never delivered. The supreme court of the United States has held and still holds that a bill of lading, issued under such circumstances, does not bind the carriers, even in the hands of an innocent purchaser, on the ground that the agent's authority does not extend to the issuance of a bill of lading unless the goods are actually received. This is the rule also of a majority of the supreme courts of the different states. But Judge Hanford holds that a document negotiable in the same effect and in like manner as a bill of exchange, and that for the facility and convenience of commercial business it is better that it should be so.

TO PAY AN OLD JUDGMENT.

X. P. Railroad's Bondsmen Want to Recover From Receivers.

Chaney W. Griggs and Addison G. Foster were yesterday given permission by Judge Hanford to file a petition and compel an intervention in the case of the Farmers' Loan and Trust Company, against the Northern Pacific Railroad Company, and the parties to the suit are ordered to appear on December 1, and show cause why the petition of the intervenors should not be granted.

On October 1, 1887, David O'Brien recovered judgment against the Northern Pacific in the territorial district court at North Yakima for \$200 damages and \$211 costs, against the railroad. The case was appealed to the supreme court of the territory and then to the state supreme court, and the decision of the lower court affirmed. The case was then appealed to the United States supreme court on a writ of error, where the decision was again affirmed. Griggs and Foster executed the bond of the railroad company on the writ of error in the United States supreme court in the sum of \$100. The judgment secured by O'Brien has never been paid by the railroad company, although demand was made on the old receivers, Oakes, Payne and Rose, and upon Receiver Andrew J. Burleigh. The petitioners now want an order from the court on Receiver Burleigh to pay the judgment and also \$200 damages for the cost of the writ of error in the case of O'Brien has sued the sureties on the bond for the payment of the claim.

MISSON BACK FROM PORTLAND.

Man Who Sold Encumbered Logs In Jail For Fraud.

Sherrif Van de Venter returned from Portland yesterday, having in custody James Johnson, who was arrested in Portland on a charge of obtaining money under false pretenses from A. E. Vreedy, of Yakima, who claimed that Johnson had sold him a boom of logs for \$700, upon which had been a number of liens filed. Johnson was taken to the Portland jail, and a telegram sent from here, and stated that his name was Jacob Green, and that he was in Oregon for the purpose of purchasing a boat. Sherrif Van de Venter has stated that he has no intention to return to Seattle in a few days. He waived requisition and was lodged in the county jail yesterday morning at 10 o'clock.

No More Blank Checks for Taxes.

The decision of the superior court that the county treasurer is responsible for the non-payment of checks received by him in payment of taxes seems to be the cause of County Treasurer Maple's giving notice that hereafter blank checks will not be accepted. It has been a custom for people paying their taxes, in many cases, to leave checks with the amounts unfilled, relying on the treasurer's clerks to fill in the amounts when they are ascertained from the rolls. Few requests have been made for statements of delinquency, and it is expected that most of the taxpayers will wait until the last moment to ascertain the amount.

McArdle's Answer to Gleason.

Bill McArdle, who is charged by his partner, James Gleason, with robbing the register of the Pacific Hotel, has filed his answer to the complaint, but the management of the business was not exclusive, as set down in the complaint, but that William Gleason employed to keep the books and accounts of the firm, during the time he was employed as night bartender, and the complaint is filed for that reason. His interest in the business, he claims, was 75 per cent.

To Administer Mother and Son's Estate

Application was yesterday made to the superior court for letters of administration to the estates of Sallie E. Mason and George Mason, her son, both of whom were residents of Alexandria, Va., and who died within three days of each other at opposite sides of the continent. Mrs. Mason at Alexandria and her son at Portland. Both estates have been placed in the hands of J. C. Harris as administrator and asked for that portion of both estates to be paid.

The Mortgage Was on the Parsonage.

The mortgage against the First Christian church held by John Gay, which was foreclosed a few days ago, was not on the church building and was not on the parsonage at Box and Harrison streets. The foreclosures really took place last summer, but has not been made effective, as the interest has been paid up.

New Suits Filed.

The following new suits were filed yesterday in the superior court: G. C. Zimpe vs. Alpha Stein and Paul Stein, Note, \$100. C. W. H. vs. W. H. C. vs. Note, \$100 and \$100 costs. Mrs. J. A. vs. Richard J. vs. Bank of British Columbia and A. T. Van de Venter, Note, \$100. R. vs. H. A. Smith et al., Note and mortgage, \$100. Emma vs. H. A. Smith et al., Note and mortgage, \$100. Samuel Baker vs. B. F. Day et al., Note and mortgage, \$100. J. B. vs. M. L. vs. Mary E. Hummel et al., Note and mortgage, \$80.

Confess and County Notes.

August Blomquist, a native of Sweden, was yesterday admitted to citizenship. Orders of sale were issued yesterday in the superior court as follows by Judge Kayler: The Smith-American Mortgage Company, Limited, vs. John G. Scott et al., Note and mortgage, \$80.

When you want good coal get Newcastle.

It is prompt and effectual.

A Perfect Wood Air-Tight Heater The VICCOR. MADE BY US.

Z. C. MILES CO., Vester Av., Bet. Front St. and Railroad Av. T. F. DAVIDSON, Receiver.

THE BROWNIES' DAY.

An Army of Children Boards the Big Flagship.

GREED OF THE BOAT OWNERS. It Prevents Many Children From Seeing the Ship, but the Fireboat Did Good Service.

Admiral Beardslee's flagship Philadelphia was transformed into a floating kindergarten yesterday afternoon for several hours on the occasion of the visit of the children of the public schools. The ship was thrown open to them, and every department was explained by the officers and crew with as much attention to detail as if each little tot was a full-grown man or woman. The firing pins were taken out of the rapid-firing cannon and Hotchkiss guns, and the visitors given a tour of the modern modern guns of war. Many times the guns were trained on some well-known building or landmark on shore, and such expressions as "Wouldn't you like to think that old house, Bill?" "Say, if those people on shore over there were Injuns couldn't we wipe 'em off the earth?"

Leut. Wilner and Cadet Johnston were the officers in command, and the easy manner in which they handled the irrepressible youth showed that they were used to petty annoyances.

A rough estimate of the number of children and grown people on board during the afternoon, made by Cadet Johnston, was 1,700. Of this number 1,200 were probably taken on the barge attached to the flagship, and the balance by the ship's boats and hired small boats.

A large number were unable to visit the ship, on account of the action of the proprietors of the tugboats, which have been carrying people to and from the wharf since her arrival. After the departure of the first two large loads these people entered a protest against the tugboats being used as a conveyer of passengers, and compelled a large load of children to disembark, thus spoiling their much longed-for visit. As soon as Cadet Cook was apprised of the action of the tugboat men he hunted up Mayor Phelps, and told him what had been done. The mayor was very much incensed at this action, and with the chief and Commander Barry hurriedly consulted with the tugboat owners, with the hope of effecting an arrangement whereby they could take out the many little ones who were anxiously waiting an opportunity to see the white battle ship.

The boat owners claimed they did not have time to prepare, so the children were chafed out of their visit.

The crowd began to gather as early as 12 o'clock, and by the time the first large load was ready to go the slip was black with children, uncles, aunts and teachers. A cord of police under command of Capt. Hogle was sent to watch for the safety of the children, and maintained order with little difficulty. On the sides of the barge were constructed guard lines, and the children were kept in line by the fireboat with large hawsers. As the fire boat started toward the cruiser the bottled-up enthusiasm of young America broke forth and the air resounded with joyous shouts of laughter and hilarity. When the barge had been made fast and the side ropes parted, a grand rush was made for the ship's ladder, but the officers had provided for just such a move, and an orderly allowed only one at a time to ascend. The first large load consisted of about 600 children and 150 adults, teachers and parents, and the number increased as the second load came, a large if not larger than the first, pandemonium reigned. First an excited lad would give one of the elevation wheels of the big guns a turn and then another would take a cannon and try his hand at turning that. Capt. Cotton had given out the order to allow the juvenile visitors every privilege, and according to the order the children were heard in explanation of how the guns were worked and how far they could go. A red hot iron was held in the hands of the children about guns than any one, said the Hotchkiss revolving cannon was used for shooting sea gulls when they were troublesome. This is one of many ridiculous remarks heard during the afternoon.

A favorite pastime for many of the boys was climbing up the rigging and sliding down. These would at times be a crowd of ten or twelve waiting for a chance to climb the ladder. Others wanted to climb into the large ventilators, that stick up above deck like long chimneys. One of the boys from the bow reminded one strongly of the published pictures of Brownie land. The favorite amusement of the little girls was visiting the pretty painted guns, and officers and lieutenants who told his companions he knew more about guns than any one, said the Hotchkiss revolving cannon was used for shooting sea gulls when they were troublesome. This is one of many ridiculous remarks heard during the afternoon.

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Mayor Phelps, who arranged with Capt. Cotton for the visit, was very much put out by the action of the tugboat men. On Friday night he endeavored to hire a boat to haul the children to and from the ship, but such exorbitant prices were demanded that he had to resort to something else. Yesterday morning he consulted with J. B. Metcalfe and Fred Sander and went out to Simon's mill, where a barge was loaned to him by Mr. Simon. The three gentlemen went to work and cleared a large amount of sand off the barge, built side railings and had her towed to this city. Another short-sight service, which was not too much to ask, and it was finally decided to use the fireboat. When the protest was made and the boat stopped from making any more trips, the mayor, Chief Cook and Capt. Connor went to the front and tried to hire a tug, but all they got was sneers. Fully 2,000 disappointed children were crowded on the barge, and made to have another children's day before the ship leaves.

The ship will be open to visitors today from 10 a. m. until 4 p. m.

A CHRISTIAN ENDEAVOR RALLY.

Rousing Gathering of Seattle Societies at Fremont—The Banner Union.

The local union of the Y. P. S. E. held a well-attended rally at the Edgewater Congregational church Friday evening, the church being filled. Mr. William A. Pond read a paper on "The Christian Endeavor Movement," which was followed by a reading from the Scriptures and a prayer by Rev. E. R. Powell. The chairman, Miss Alice Munday, announced the next conference, which will be held at the same subject. Mr. Pond then sang "Pass It On" very effectively. Miss Dodge of the First Presbyterian C. E. society, spoke on the necessary character, and Rev. W. H. Temple gave a summary in which he congratulated the members on their zeal and suggested that each member, no matter whether a committeeman or not, should represent himself into a committee of one to represent all the branches of C. E. work. Mr. Temple also paid a tribute to the vim and enterprise of the Western Washington Endeavorers.

Representatives from Calvary Presbyterian, Plymouth Congregational, First Presbyterian, Second Presbyterian, St. Mark's Episcopal, University Congregational of Brooklyn, United Presbyterian, Plymouth Intermediate and Edgewater Congregational societies responded to roll call, and the Edgewater Congregational Y. P. S. C. E. having the largest percentage of members present, was awarded the local union banner.

The members and friends of the Y. P. S. C. E. were invited by Rev. W. H. G. Temple to Thanksgiving and praise service at 7:30 o'clock next Thursday morning in the vestry of Plymouth Congregational church. The meeting closed with the parting hymn and benediction.

A Year for Pugetlist Savage. William E. Savage yesterday received a sentence of one year in the county jail for assault and battery upon Thomas E. Busha. This is the longest sentence of the kind ever given by Judge Glasgow. Savage had been previously acquitted by a jury on a charge of robbery.

HALF THE BATTLE

Is won when you come here on your shopping campaign. Every advantage for seeing goods, for examining under the most favorable circumstances is here, and besides here you will find goods that will bear closest scrutiny as to quality, style and price. The preparations for the holiday season have been under way for many weeks past. We already show many lines of practical and useful articles which will make appropriate gifts. You will be wise in starting your holiday trading with this week.

Best Family Medicine

"I have taken Ayer's Pills for many years, and always derived the best results from their use. For stomach and liver troubles, and for the cure of headache,

Best Family Medicine

cannot be equalled. When my friends ask me what is the best remedy for disorders of the stomach, liver, or bowels, my invariable answer is Ayer's Pills."

Highest Awards at World's Fair.

Webster's International Dictionary, bound in sheep, marbled edges, indexed, latest edition, for only \$5.50. This is the greatest bargain ever offered in an up-to-date Dictionary.

Knocked Out Our Competitors In the First Round.

Hundreds of people took advantage of our Great Discount Sale, one of the greatest sales ever held on the Coast. On every dollar's worth of goods bought at our store you get a discount of 20 per cent. This sale will continue until further notice. We received orders from headquarters to allow no house to undersell us. We have obeyed orders. See our prices.

Remember, 20 Per Cent. On Every Dollar Less Than Marked.

Special Sale

44-inch Boucle, \$1.75. 44-inch Niggerhead, \$1.50. 44-inch Pinhead Checks, \$1.25. 44-inch Broadhead Mohairs, \$1.00. 44-inch Mummy Slippers, \$1.00. 44-inch Changeable Boucle, 90c. 44-inch Silk and Wool Checks, 80c. 44-inch Heather Sottling, 75c. 44-inch Felt Jacket, fur-trimmed, in black and gray, \$1.75 and \$2.00. 44-inch Warm Felt and Plush Slippers, three styles, \$1.50. Ladies' Felt Slippers, with leather trimming, 75c. Ladies' Dongola Kid Opera Slippers, 65c. Misses' and Children's Felt Slippers, 50c, 60c, \$1.00 and \$1.25. Men's Velvet Embroidered Everette Slippers, 75c. Men's Imitation Tan Seal Slippers, \$1.00. Boys' and Youths' Slippers, 90c, \$1.00 and \$1.25.

Black Goods.

45-inch Silk and Wool Crepon, \$2.00. 45-inch Silk-finished Figured Mohair, \$1.75. 45-inch Striped Crepon, \$1.50. 45-inch Striped Mohair, \$1.00. 45-inch Wool Broadcase, 85c. 45-inch Figured Mohairs, 75c.

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HALF THE BATTLE

Is won when you come here on your shopping campaign. Every advantage for seeing goods, for examining under the most favorable circumstances is here, and besides here you will find goods that will bear closest scrutiny as to quality, style and price. The preparations for the holiday season have been under way for many weeks past. We already show many lines of practical and useful articles which will make appropriate gifts. You will be wise in starting your holiday trading with this week.

Big Book Bargains.

We are the leaders in low prices in books, not only in books that the copyright has expired, but on the latest books of the day. We will sell you Ian MacLaren's new books, Bonnie Briar Bush and The Days of Auld Lang Syne, for \$1.00 each.

The Manxman, by Hall Caine, for \$1.25. Ben Hur, by Lew Wallace, for \$1.00, and all other books by the best authors at 10 to 25 per cent. less than they have ever been sold for before.

We have a line of clothbound books, "Little Classics," regular price 50c, we will sell you for 30c. The following subjects:

- Victar of Wakefield. Twice-Told Tales. Scarlet Letter. House of Seven Gables. Sartor Resartur. Sanson and Delilah. Rab and His Friends. Pleasures of Life. Morning in Florence. Crown of Wild Olives. Edith of the East. Lady of the Lake. Heroes and Hero Worship. Greatest Thing in the World. A Case of Identity. Reveries of a Bachelor. Dream Life. Book of Golden Deeds. Hired Baby. October. Sign of Four. Man in Black. My Lily's Money. Lady Grace. Corona. Ships That Pass in the Night. Beyond the City. A Case of Identity. A Study in Scarlet. Charlotte Temple. Dojo. A Yellow Aster. All the above are 50c each.

Books, clothbound, clear type, 15c, 19c each. Do you want to buy a Dictionary? We will sell you Webster's Original Dictionary, 1,443 pages, with 1,500 illustrations, strongly bound in cloth, for only 90c.

Webster's International Dictionary, bound in sheep, marbled edges, indexed, latest edition, for only \$5.50. This is the greatest bargain ever offered in an up-to-date Dictionary.

We have Sir Walter Scott's works. We have Charles Dickens' works. We have Washington Irving's works. We have Ruskin's works. We have Cooper's works. We have E. P. Rieu's works. We have Charles Kingsley's works. And many others.

Ask to see the Crown Series of Classics, bound in brocade, red, blue, or gold, with gilded edges. Put up in a neat box, only 90c. Also bound in cloth, beautifully stamped in silver on back, clear type, in neat box, only 45c each.

Leather Goods.

Ladies' Purse, 25c, 35c, 45c to \$1.25 each. Ladies' Combination Card Cases and Pocketbooks, all leather, 50c, 75c, 85c, 95c, \$1, \$1.25, \$1.50, \$1.75, \$2, \$2.50, \$3, \$3.50, \$3.75 to \$5.50 each.

Jackets and Capes.

The cloak department record has been broken. The top notch of sales has been passed this season. The greatest values yet known in Seattle are presented here. Exclusive styles, moderate prices and serviceable goods are the trade winning features.

Plush Capes.

We have just received a new line of plush capes, very wide sweep, silk-lined collar and edge, trimmed with Thibet fur, \$13.50.

Same style, handsomely embroidered, \$15.50.

Handsome plush capes, wide sweep, collar edge and bottom of cape trimmed with handsome Thibet fur, \$13.

Fur Capes.

Webster's International Dictionary, bound in sheep, marbled edges, indexed, latest edition, for only \$5.50. This is the greatest bargain ever offered in an up-to-date Dictionary.

We have Sir Walter Scott's works. We have Charles Dickens' works. We have Washington Irving's works. We have Ruskin's works. We have Cooper's works. We have E. P. Rieu's works. We have Charles Kingsley's works. And many others.

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