

which renders any further improvements hardly conceivable. By the loss of three of these vessels in the civil war the Confederates had been brought to believe that defensive contact torpedoes, when to be fired by any other agent than electricity, may be as dangerous to friendly vessels as to those of the enemy.

Why do so many buy their Outfits of the Seattle-Alaska General Supply Co. in the Dexter Horton Bank Building on First Avenue South?

son between the chances of a combat of ironclads against American modern coast batteries it may be said with certainty that the latter will be the gainer.

DEMAND FOR INDEMNITY AND LIABILITY OF SPAIN.

T. B. Hardin Discusses Points of International Law Bearing on the Maine Incident.

It may be well to reflect on what might be the attitude of other European governments should we declare war against Spain without just cause—without a casus belli recognized by international law.

"If a single cable be injured or a single charge be wet the existence and nature of the injury are at once automatically reported to the station. Finally, every mine may be fired directly by the operator, independently of the agency of the buoy.

Like a Chained Watchdog. "But however great the improvements on former systems may be that have been applied to the modern system of defensive torpedoes, the stationary submarine mine is, like a chained watchdog, dangerous only to those who venture within its reach.

If the court of inquiry now in session at Havana should find the Maine disaster was due to the explosion of a submarine mine or of a torpedo, and it should then be established that it was the act of a civilian, soldier, or an officer of Spain, but that the constituted authorities in Cuba did not authorize it, were not cognizant of it, and could not by the exercise of proper diligence have prevented it, how for would Spain be liable to this government, and what claims, under the rules of international law, could we urge upon Spain?

Case of Schooner Exchange. In 1819 the schooner Exchange, then owned by two Americans living in Baltimore, while bound to a Spanish port was seized by the French.

"How long will such a system continue effective? Why, I can tell you of one instance illustrating the point. At the close of the civil war we attempted to raise the submarine mines planted in the harbor of Mobile. Some of the torpedoes were unable to raise. Two years later a lumber scow struck one of the buoys over a submerged mine. It exploded and the scow with its cargo was blown up. Remember that was two years after the war.

Obstruct the Channel With Boats. "For the obstruction of a channel like the one between Point Wilson and Admiralty head, on Puget sound, the rope obstruction is the only available one.

Offensive Torpedoes. "While stationary torpedoes are very effective in defense the offensive torpedoes are of more importance. The first is sought by the vessel to be destroyed; the second seeks the vessel. The modern spar torpedo, successfully used by Lieut. W. H. Cushing, United States navy, in his renowned attack on the Confederate ironclad Albemarle; also in 1876 by Lieut. Dressbassoff, of the Russian navy, for sinking a Turkish monitor on the Danube, simply is an improvement on Fulton's blockship torpedoes, which were carried in spars projecting from a vessel and exploded by coming into contact with the enemy's ship.

American Ordnance the Best. In discussing the possibility of war with Spain yesterday Col. Von Scheibler said:

"A long series of trials has proved the American coast gun to possess greater power of penetration than any gun in the service of European navies; and also that European armor offers less resistance to shot and shell than the American plate. Thus, in drawing a comparison

Where Governments Are Liable. A government would be liable for injuries inflicted by a mob upon the ambassador or citizen of a friendly government resident within its territory, when such injuries could have been prevented by prompt action or due diligence; but the same government would be liable to its own citizens under the same circumstances; and this because it is the duty of the government to suppress riot, put down a mob and preserve order, and pro-

tect life and property. It was upon this theory that Chile was held for the injuries inflicted upon the sailors of the Baltimore. In the settlement of a prior controversy with Chile certain rules were adopted by the court of arbitration to which the claims had been referred, and among them was the following:

"(C) Acts committed by soldiers or persons connected with the army without orders from their superiors in command do not compromise the government."

These rules being communicated to the American government, Mr. Bayard, on October 27, 1885, in a dispatch to the American minister, referred to this rule in the following language:

"As to the second rule, the position of this government is that while a government is responsible for the misconduct of its soldiers when in the field, or when acting either actually or constructively under its authority, even though such misconduct has been forbidden by it, it is not responsible for collateral misconduct of individual soldiers dictated by private malice."

In 1851 when the Cubans were (as now) fighting for their independence, and when certain alleged American "filibusters" had been captured by the Spanish authorities and summarily executed at Havana, a mob sacked the Spanish consulate at New Orleans. This government made reparation in damages for the injury, but Mr. Webster, then secretary of state, was careful to make it clear that it was done as a voluntary act and not as recognizing any liability therefor upon the United States; and in 1855 Mr. Fish in a dispatch to our minister to Brazil, referring to this case said:

"Mr. Webster, in a note to Mr. Calderon on the subject, stated that the reparation was voluntarily made, and not from any sense of obligation on the part of this government under the law of nations."

The Chinese Riots. In the course of the correspondence between Mr. Bayard and the Chinese minister over the Chinese riots in Wyoming, Mr. Bayard used this language:

"And in this connection I venture to say that you labor under a misapprehension in citing as an exception the action of the United States in 1850 (1851) in respect of the violence committed upon the Spanish consulate at New Orleans by a mob of irresponsible persons unknown to the government, and with which no officer or agent of the United States was allied. Nothing can be clearer than the enunciation of the doctrine of government non-responsibility that occasion, while denouncing such outrages as disgraceful, and in criminal violation of law and order, it was emphatically denied that the United States created any obligation on the part of the United States, arising out of the good faith of nations toward each other."

History mentions very few instances of wrongs analogous to the Maine disaster; injuries to ambassadors and other diplomatic agents are of the rarest occurrence; so that the discussion of these questions by writers upon international law is very meager. Two ambassadors sent by the French monarch Francis the First, one destined for Constantinople and the other for Venice, passing through the territory of the Emperor Charles the Fifth, were murdered under circumstances which gave color to the idea that it was done by order of the governor of Milan, and of this case Vattel says:

"The Emperor Charles the Fifth, having taken no pains to discover the persons concerned in the murder, authorized a belief that he had himself ordered it, or at least that he tacitly approved of the act after its commission. And, as he did not give any suitable satisfaction for it, Francis had a very just cause for declaring war against him."

Mr. Evans, while secretary of state, made use of this language in a dispatch in 1878: "A government is liable internationally for damages done to alien residents by a mob which by due diligence it could have repressed."

Here is the pith of the matter. If, by due diligence the government could have prevented the outrage, then the government is in a certain sense a party to it, and is liable therefor. On this theory England was held for damages inflicted by the Confederate cruiser Alabama. The English government was informed time and again that the Alabama was being constructed in one of her ports, and was intended as a Confederate cruiser to be used in preying upon the commerce of the United States; and the English ministers professed to disbelieve these representations and to believe in the peaceable character of the ship under construction. The Geneva court, however, found that England could and should have prevented the cruiser from being completed and sent to sea; and that she was therefore liable to the United States.

Can We Demand Indemnity? The U. S. S. Water Witch was fired upon by the troops of Paraguay, in 1851, by order of the president of Paraguay. So that the Paraguayan government was clearly and primarily responsible. When the Chesapeake, in 1857, was attacked by the British ship Leopard, the latter vessel was a part of the squadron under the command of the British Admiral Berkeley and was sailing under the orders of that officer; and it was in advancing and attempting to enforce the claim of the British government to the right to search American vessels for "deserters" and to impress American seamen. The Prometeus was fired upon at Georgetown by the British cutter Express pursuant to the orders of the British vice consul, for an alleged refusal to comply with the port regulations. The prisoners at Harbinger were shot down by a squad of British soldiers under the command of the captain of the guard, and the British government did not bring the offenders to trial. The Virginia was captured on the high seas while flying the American flag, by a Spanish vessel, and her officers and crew subjected to summary trial and execution by the Spanish military authorities at Havana. All of these cases, therefore, may be said to fall within the language of Secretary Bayard quoted above, and to have been outrages perpetrated by the military or naval forces of a government while "acting either actually or constructively under its authority."

The same logic which would make Spain liable for the loss of the Maine, which she had not authorized the outrage and could not by due diligence have prevented it, may, in case it was the work of some enthusiastic individual, even though he be a soldier or an officer, would make the United States liable to Spain for

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all the damages inflicted by the various filibustering expeditions which have been fitted out in American ports and sailed thence to Cuba, notwithstanding this government has in good faith endeavored to prevent the same.

It will be seen, therefore, that the destruction of the Maine would not be a just casus belli, nor give us the right to demand an indemnity for her loss and the lives of her crew, unless it was authorized, or connived at, or with proper diligence might have been prevented by the Spanish authorities; or unless Spain should refuse to disavow it; or refuse to in good faith trace out and bring to trial the perpetrators of the outrage.

THOMAS B. HARDIN.

FOR THE DEAD SAILORS.

Mayor Humes Joins in the Movement to Erect a Monument.

Mayor T. J. Humes is in receipt of a communication from New York, inviting the co-operation of himself and citizens of Seattle in an effort, in which forty-six cities of the United States have joined, to raise funds with which to erect a monument to the memory of those who perished in the Maine disaster in Havana harbor. Mayor Humes has accepted the chairmanship of the local organization, which has Levi P. Morton as national chairman and George J. Gould as treasurer, and has appointed the following committee of well known Seattle men, with the request that they meet Tuesday, March 1, when the full scheme will be presented: Edward O. Graves, Edward Newberg, A. B. Stewart, George U. Piper, A. T. Ambrose, Erasmus Brainerd, Daniel W. Bass, Dr. E. Weldon Young, A. B. Graham, Irving T. Cline, Thomas Burke, J. S. Goldsmith, William H. Brinker, Richard Saxe-Jones, H. A. Chadwick. The time of the meeting is at 2 o'clock in the afternoon.

Will Enlist Alaskan Indians.

WASHINGTON, Feb. 26.—The war department has telegraphed Gen. Merriam at Vancouver barracks, authorizing him to enlist one hundred Alaskan Indians for service as scouts to the government relief expedition. Merriam telegraphed to the department that Col. Anderson, with four companies of the Fourteenth Infantry, sailed yesterday from Seattle for Dyea to maintain law and order at that and neighboring points in Alaska.

Sins That Are Not Sins.

Brooklyn Eagle. Church criticism by lay journals is a matter of some delicacy and much usefulness, inasmuch as the lay view is the outside view, and the church is composed of people who agree to its rules and doctrines. What the church members are content to endure is no concern of those outside of the church. Even martyrdom is a high pleasure to some people. Yet the layman is privileged to speak his mind to other laymen on events that interest the community at large, and there is a high pleasure in doing so. It is disrupting a Sunday school in this borough, one of the classes resigning in a body. This incident was a church party. The young women composing the class assembled at their teacher's residence and played cards. No allegation is made that they gambled. They merely played cards as they might have played checkers, or tag, or the piano. For this they were so severely censured that they took offense and have withdrawn from the school. The warrant for the course appears to have come from the warning of one of the bishops of the church a few days ago, that its members must refrain from drinking soda water, chewing gum and playing cards. Theater going is, of course, understood as one of the eight deadly sins and bicycle riding is not much better.

So long as churchmen are content to be bound by such beliefs and prohibitions there is no occasion for sympathy. Estimable people have been known to get on through life without learning how to play whist, and people every whit as estimable have been known to play cards with unwise industry, yet never to swear, or drink, or wear dead birds on their hats, or steal, or do any other objectionable thing. As to soda water, excess of it is doubtless as bad for the human stomach as excess of tea, but the correction of its abuse falls rather in the physician's province than in that of the church. The public chewing of gum is also a disagreeable and unwholesome practice and in its excess an unwholesome one, yet manners are the business of the dancing master and the author of books on etiquette more than of the bishop. Cards and billiards are in themselves as harmless as toys. There is no compulsion on card players to strive for each other's money. If they induce to late hours and excited nerves the same charge will be against revival meetings. As to theaters, that ground has been too often canvassed to need going over again. The enemies of the playhouse are those who never see

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Note—We have recently added to our other lines a complete stock of Men's Furnishing Goods, Alaska Clothing and Furnishing Goods and Boys' Waists, which will be sold at our customary low prices.

We Call Especial Attention to the Following Special and Remarkable Values This Week.

In Dress Goods.

Fancy Brocade Black Silk Grenadine, pretty patterns, pure silk 50c a yard. Fancy All-Wool Cheviots, entirely new effects, all colors. 50c a yard.

Cloak Department.

Ladies' Wrappers, dark and light Percales, fitted waist linings, braid trimmings, this season's styles 95c Each. Black Brocade Silk Skirts, rich patterns, entirely new, worth \$2.50 \$1.75 Each.

In Silks.

Black Beau de Soie, pure silk, heavy, lustrous quality, worth \$1.50 \$1.00 a yard. Pure Silk Velvet, all silk, all colors, worth \$2.50 \$2.00 a yard. See our Plain and Changeable Taffeta Silks, extra quality, all shades 75c a yard.

Shirt Waists.

This season's Shirt Waists came in unusually pretty styles, Cheviot effects, and can be worn Russian Blouse fashion, detached collars. Special Ladies' Waists, Cheviot effects, entirely new styles (the Banner Brand) 50c Each.

Muslin Underwear.

Ladies' Fine Lawn Night Gowns, Empire style, lace trimmed \$1.00 Each. Ladies' Muslin Umbrella Skirts, with embroidery ruffle 75c Each.

Wash Dress Goods.

Lace Stripe Fancy Organdies, large variety, all colors, worth 10c 5c a yard.

Domestic Department.

6-inch All Linen Cream Damask, new floral patterns 35c a Yard. Lace Curtains, with ruffle borders, entirely new, regular price \$3.50 and \$4.50 \$1.50 a Pair. Curtain Swais, in spots and art figures, 36 inches wide, worth 20c, 19 different figures 12c a Yard. Lace Curtains, five different patterns, 34 yards long, very pretty, worth \$1.25 75c a Pair. 12-4 White Crochet Spreads, fine quality, handsome patterns, Marcellis styles \$1.00 Each. All Linen White Table Napkins, pure linen, extra values \$1.25 a Dozen.

Hosiery Department.

Ladies' Fast Black Cotton Hose, Hermsdorf dye, polka dots, stripes and fancy patterns 25c a Pair. Ladies' Fast Black Cotton Hose, Hermsdorf dye, Riche-lieu rib. 25c a Pair.

Men's Furnishings—Special.

Unlaundered White Shirts, reinforced back and front; linen bosoms 40c Each. Golf Shirts; detachable cuffs; latest styles 65c Each. Extra Heavy Fast Black Sateen Shirts; splendid values 75c Each. Men's Fancy Tecks and Bows in large variety 15c Each.

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