

INDIRECT LOSS TO THE STATE

UNFORTUNATE EFFECT OF THE SUPREME COURT DECISION.

Large Part of the Harbor Area of the Ports Left to Desolation—Commercial Enterprise Checked and Large Revenue Unavailable.

The late harbor area decision in the Denny case is of special importance to Western Washington. The supposed (but not true) interest of Eastern and Western Washington upon what is the proper tide land policy of the state.

The effect of this Denny case is to declare that none of the harbor rim in front of any city or town can be used for any private commercial purpose. That is to say, if John Doe, an abutting owner, loses from the state the adjoining harbor rim to secure water access to and from his own land, factory, warehouse, cannery or mill, he obtains no exclusive right to use.

The decision is said to be based upon the plain language of the constitution. The act of 1897 purporting to accomplish the object of the constitution, is on this point exceedingly plain. But with all deference and respect to the opinion of the court, it may well admit of serious question whether the provisions of Article XV of the constitution are free from doubt as to their meaning, and could not in this particular have rightly and reasonably received a wider or more liberal interpretation.

From before the adoption of the constitution until the act of 1897, probably no one in the state ever anticipated the theory of state ownership and control would be pushed to such an extreme as to exclude from the water front or access to navigable water any and all private or commercial enterprises, always and everywhere carried on more advantageously at the water line, in the extreme as to exclude from the use of such water front or area of public commerce.

The great object and good of Article XV can be secured without this strict theory of state ownership and control. The private commercial use of the water front, whether the commercial use be public or private, is a matter of detail; it now affects the power or property interests or rights of navigation and commerce, and the harbor area. Monopoly cannot exist so long as ownership and control belong to the state. Under the exercise of this power of control through leases or otherwise, private commercial uses could and must at any time yield to the paramount use of public or common commerce.

As the law is now expounded, vast areas must be idle, because a trifle of the area would be taken to subserve all the wants of public commerce. From this idle area no revenue will be derived. If it should be leased from the state, in most instances it would be to prevent annoying and costly litigation in front of the abutting owner. But very few men owning or likely to own land adjoining the area are prepared or likely to go into the business of leasing to public commerce. That is largely a business by itself. Yet, in some connection with their business, subject to state control and the paramount right thereon, when necessary, of public commerce, would do so and pay the state rental.

What is to be done with this waste harbor reserve? It cannot be leased for private use and is not needed for public commerce. If used at all, it is to be taken the situation on Grays harbor, with which the writer is familiar. The areas there will accommodate the purely commercial uses of millions of people. Scarcely more than a fraction of the whole will be required for centuries. Much of the water surface embraced in the reserve is now and has been since territorial days, utilized by mills for storing logs in their booms. If these logs were not there nothing would be. Yet this valuable use, not being public, is trespass. At Comstock the reserves are laid on both sides of the river. Opposite the town there is not a single habitation or structure of any kind, but this invaluable reserve is there immovable. So far as man can now dwell, the river will cease to flow before the substantial part of this reserve will be required for public commercial purposes. Take the enterprising city of Aberdeen. If the mill plants and possessions that now overlap the rim are removed, what is to occupy this rim in their stead? In passing, it may be said that this act of 1897 purporting to lease for cash rental harbor areas, which in most instances are not wholly navigable water, is a disguised attempt to tax or interfere with

HOUSES

- \$2,000 Good nine-room house, desirably located; North Seattle.
\$2,250 Eight - room furnished house overlooking Lake Washington.
\$2,800 Seven-room house on Banner street, near Harrison; fine view.
\$3,250 Ten-room house, hard finished, on Light street, near Republican.
\$4,500 Beautiful home in Renton addition; a corner.
\$4,650 Very desirable residence on Terry avenue, near Jefferson.
\$5,000 A fine home in Renton addition.

Crawford & Conover 302 and 203 New York Block.

Interstate commerce, and is, therefore, to that extent, in conflict with the Federal constitution. And that the remedy of the abutting owner whose access to navigable water is cut off, lies in the protection afforded by this palladium of our larger rights and liberties. However this may be, on principle it is hard to perceive a difference in effect between a tax on the ship or impost on the cargo and the charge for use of the navigable water upon which the ship rides to receive or discharge cargo. The rental is not gauged by the wants of harbor improvement or the cost to the state of owning and controlling in the interest of commerce the harbor area, but is an arbitrary rental emanating from and regulated by the state board, and under the act of 1897 can be applied to general state purposes. In line, no doubt, with the policy of diverting to general state use the previous local tide land fund supposed to be applicable for harbor improvement until the last session of the legislature. In substance the state says: I will obtain the right to the water front, and will charge a commercial highway of certain width on the margin of the navigable water in every city and town in the state, and rent the whole of it at a profit, except municipal streets there through, in tracts to different applicants, abutting owners or others, and apply the revenue therefrom to general purposes and allow these tenants in turn to charge dues and tolls upon commerce for their reimbursement and pecuniary gain.

If the Denny decision remains final, the only relief, unless it be as above indicated through the Federal constitution, which at best would be partial or imperfect, is an amendment to our constitution. And whether an amendment recognizing provisional or subordinate private commercial use of harbor areas would pass with the large section of our state out of touch with this matter, and looking for relief entirely from the standpoint of revenue, is very doubtful.

AUSTIN E. GRIFFITHS. ALGER TO GRAVES. Secretary of War Answers the Canal Telegram Sent From Here.

Chairman E. O. Graves, of the Lake Washington canal committee of the Chamber of Commerce, yesterday received a telegram from War Alger in response to Mr. Graves' telegram sent on March 4 asking additional information regarding the rumored abandonment of the Smith cove route for the canal and the adoption of the Salmon bay plan, and inquiring when the board of government engineers would make an examination and report upon the advisability of changing the plans.

Secretary Alger's response is that the board, consisting of Capt. W. L. Flisk and Lieut. C. L. Potter, both now stationed at Portland, and Capt. Harry Taylor, now stationed at Seattle, had been appointed on March 2 and would proceed with the examination immediately. The other questions asked by Mr. Graves were not answered by the telegram.

Capt. Taylor was seen yesterday concerning the matter, and stated that he was "entirely at sea" so far, but expected the papers from the war department explaining the nature of the examination and the report the board would be expected to make, would be ready tomorrow, and that as soon as the senior member of the board, Capt. Flisk, was ready to proceed, the examination would begin. Capt. Taylor says that as Capt. Flisk's duties often take him away from Seattle, it is a considerable time, it might be several weeks, even, before the board could begin work.

Death of Mrs. M. R. Ingersoll. Mrs. Miranda Reed Ingersoll, mother of Judge Frank B. Ingersoll, died yesterday morning at the residence of her son of a complication of diseases. Mrs. Ingersoll was born at Vienna, Trumbull county, O., June 2, 1839, where she lived until she was married, when her parents, of sturdy New England stock, moved to Oberlin, O. Mrs. Ingersoll finished her education at the famous Congregational college at Oberlin, and there her future husband, Ansel Hassett Ingersoll, whom she married in October, 1859. Three children were born of this marriage—Edward Reed Ingersoll, contracting freight agent of the Great Northern, who recently moved to Seattle from Cincinnati; Judge Frank Ingersoll and Miss Elinor H. Ingersoll—all of whom are living. Mrs. Ingersoll's husband died at Martinsburg, W. Va., the end of last September, and she and her daughter came to Seattle in November to make their home with Judge Ingersoll. Funeral services will be held at the residence, 1024 Seventh avenue, today at 1:30 o'clock. Dr. Hutchinson, of the First Presbyterian church officiating. After the services the body will be shipped to the old family home at Oberlin, O., where it will be interred. Judge Ingersoll will accompany the remains to Ohio.

They Met on the Train. W. Burkmyer, who has just arrived in Seattle from Chicago and lives at the St. James hotel, claims that he was bunked out of \$185 on the Northern Pacific train near Spokane on Wednesday last by a man whom he met on the train, and whose name he does not know. It is the same old story of "no money, but a big check." The new-found friend informed Burkmyer that he had goods in Spokane which he wanted to ship to Seattle, and had no money to pay freight, but that he had a check for \$185. Burkmyer obligingly loaned all the money he could spare on the check, which was worth \$185. He reported the case to the police here upon hearing that the man who bunked him had been caught in Spokane.

BOYCE, HEATON, GOURLEY.

These Three Will Be Tried for Alleged Co-Crookedness.

LEVI SMITH, TOO, IF CAUGHT.

Road Scandals Brought to Light a Year Ago Create Renewed Interest by Action of the Grand Jury in Indicting Those Who, It is Claimed, Are Responsible for Them—Smith to Be Searched For.

Ex-County Commissioner W. H. Heaton and ex-Road Supervisor Robert Gourley, charged by the grand jury with obtaining money under false pretenses, are out on bail, having filed the necessary bonds yesterday afternoon in Judge Benson's court. County Commissioner James M. Boyce, on whom a warrant was served Friday afternoon, also gave bonds in the sum of \$1,000. He still continues to fill the position of county commissioner from the Third district.

The action of the grand jury in indicting Levi Smith, Heaton and Boyce, as was first told in the Post-Intelligencer, has again thrown public attention in the direction of the road scandals which were brought to light a year ago. Some peculiar methods were adopted by the officials at the courthouse in carrying into effect the action of the grand jury. Warrants were issued for the arrest of Smith, Heaton, Gourley and Boyce. On three of these warrants were served, and one of the men, Heaton, was lodged in jail. The sheriff's office observed the greatest secrecy in this matter, but the story was obtained and published in the Post-Intelligencer of yesterday morning.

Mr. Gourley was formerly supervisor of road district No. 21. He heard of the fact that the grand jury was investigating the road fund frauds, and learned Friday that it was probable that an indictment would be brought in against him. Gourley's offense is alleged to be similar to that of Boyce, Kinney and the other supervisors involved in the Heaton transactions. When Mr. Gourley learned that he was likely to be arrested he came to Seattle, arriving here yesterday morning from his home at Cedar mountain. He at once proceeded to the office of his attorney, John Kelleher, in the Burke building. After consultation with his legal adviser, Mr. Gourley telephoned to the sheriff's office that he was in the city and the warrant was read to him. It charges him with being guilty of obtaining money under false pretenses.

Mr. Gourley and his attorney at once proceeded to the courtroom of Judge Benson, where bonds were offered and approved in the sum of \$1,000. Gourley's surety is J. M. Colman. He was thereafter released from custody and returned to his home. Heaton's friends were active in getting bail for him yesterday morning. They succeeded in obtaining the requisite signatures to a bond in the sum of \$1,000 in each of the two cases. In one of which he is charged with forgery. The second charge is obtaining money under false pretenses. The sureties in each case are Charles A. Pease and W. L. Turner.

The grand jury has not yet completed its labors. Its members separated and returned to their homes yesterday afternoon, tired and worn from their long sessions and glad to "slough" the work over Sunday. Their final report is yet to be made. No final action has been taken on the matter relating to gambling that was brought to the attention of the court by Judge Richard Winsor. In the meantime the search for Levi G. Smith proceeds; that is, the sheriff's office is making some sort of an effort to ascertain something concerning his whereabouts. Nothing definite is known as to Smith's intentions when he left here.

KLONDIKERS, ATTENTION! Is Your Life Insured? I write life and accident insurance. Be sure you have your policy in a strong company. For particulars call or write to Edward Newberg, room 308 New York building.

A SNAP. A shipment of 50,000 feet of suitable building material for Alaska has been bought cheap for cash by applying to H. P. McGuire, Star-Boyd block, 78 First avenue. Complete specifications of cargo at this office.

Boulman & Waters, dealers in all well supplies New York, have assigned, with liabilities at \$30,000.

DR. WURTH'S OPINION OF THE NEW DISCOVERY IN MEDICINE.

A Remarkable Successful Remedy for Dyspepsia, Indigestion and Stomach Troubles. Dr. W. Wurth, in commenting on recent discoveries in medicine, said: There is none which is certain to be so valuable and far reaching in benefit as Stuart's Dyspepsia Tablets. The new stomach remedy, I say that, because, because people little realize how important a sound stomach and vigorous digestion is to every man, woman and child.

Indigestion is the starting point of consumption, heart disease, Bright's disease, diabetes, nervous prostration, liver troubles; why is this so? Simply because every nerve, muscle and tissue in our bodies is created and nourished from the food we eat. If that food is, by reason of a weak stomach, compelled to lie for hours, a sour, fermented mass of half-digested food, it poisons the blood and nervous system, creates gas which distends the stomach and bowels, causing pressure on the heart, lungs and other organs and seriously impeding their action.

He says further, the point to direct attention is not the nerve, ear, heart, nor lungs, nor kidneys, but the stomach, the first cause of all the mischief. The remedy to use for indigestion and weak stomachs is not some cathartic, but a remedy which will digest the food, increase the flow of gastric juice, absorb the gases, and Stuart's Dyspepsia Tablets will accomplish exactly this result in any case of stomach trouble, because these tablets are composed of the digestive acids, gastric pepsin, Golden Seal and Bismuth, pleasant to taste, and not being a patent medicine, can be used by any one with perfect safety. I believe Stuart's Dyspepsia Tablets will cure any form of indigestion and stomach trouble except cancer of stomach. Full size packages of Stuart's Dyspepsia Tablets are sold by druggists at 50 cents. A book on stomach diseases, together with thousands of testimonials, will be sent by addressing Stuart Co., Marshall, Mich.

The MacDougall & Southwick Co.

PRUDENT BUYERS SELECT EARLY.

There is no guesswork about the styles shown here. They are absolutely correct. Therefore it is wise to select your Spring outfit early. Our counters are filled with new goods—the very choicest productions of the season. Make your choice now, before the cream of the new goods are selected. With every day the showing of Spring goods grows greater and more varied, and your buying opportunities are now perfect to the smallest details.

A World of Dress Goods.

From Fashion's great centers they come, bearing the stamp of the artist both in design and weave; nearly all at popular prices—many exclusive patterns. It is greatly to your advantage to make your selection at once.

Here are a few of the extraordinary values we are offering:

- 42-inch all-wool two toned Cheviot, a variety of colorings, comprising browns, greens, blues, grays and tans, 60c a yard.
46-inch all-wool Scotch Cheviot, mostly in small checks, 75c a yard.
54-inch French Covert Cloth, twenty different colorings, perfect finish, \$1 a yard.
54-inch English Kersey Cloth, for tailor made suits, only the late Parisian shades, \$1.50 a yard.

Silk Department.

Every woman knows the value of a silk. So do we, and when we tell you that never before have we offered such silk values, you may be sure we have something worthy to show you. Every kind and sort of silk. Without doubt the most complete assortment in the city at prices unknown to Seattle.

New Goods in Center Aisle.

The Fancy Goods, Trimmings, Veilings, Lace, Embroideries and Notions Stocks are crowded with new things. These departments will show this season the largest selections of new goods that we have ever carried.

New Veilings.

In Tuxedo meshes, with and without dots, black or colors, black on white, white on black, etc. Plain Chiffon Veilings, dotted Chiffon Veilings, Marine Veilings, Brussels Net Veilings, Black Veils with borders, Wash Veils with borders.

New Laces.

Chiffons, Liberty Silks and Mousseline de Soie, Real Valenciennes Lace, Real Duchesse Lace, Real Brussels Point Lace, Point Lierre Laces, Chantilly Laces in black or white, in new and exclusive designs, Oriental Laces in white or cream, hand-made Torchon Laces, machine Torchon, Applique Laces, net Top Laces, Valenciennes Laces, Val Beadings, Linnen Beadings, Platte Valenciennes Laces, Ecucial Laces, Venise Laces and Insertions, etc., etc.

New Chiffons, new striped Liberty Silk, new cut out Mousseline de Soie in black or white, new Drapery Nets, new La Tosca Nets, new Point d'Esprit Net, new All-Over's in black or ecru, new Spangle Nets in black or black and steel, etc.

New Dress Trimmings, Braids, Etc.

New Soutache Braids, new Braids in fancy weaves, new Mohair Braids, etc. New Jet Edges, Jet Gimps, Jet Insertions, Jet Bands. New Silk Edges, Silk Insertions, Silk Gimps, Mohair Edges, Mohair Gimps, Mohair Bands. New Spangle Edges, Spangle Bands, Spangle Gimps, Applique Bands, Applique Gimps. New Jet Gimps on Mousseline de Soie, new Silk Gimps on Mousseline de Soie. New Jet Yokes, new Braid Yokes, Spangled Yokes. New Blouse Fronts, in Jet Braids, Braids on Mousseline de Soie, Jet on Mousseline de Soie, Jet on Brussels Net, etc. Colored Silk Gimps in many new and exclusive designs, etc.

Lamp Specials:

Buttercup Night Lamps, 10c each. Sewing Lamp with decorated fount and shade to match, in variety of patterns, at 8c. Handsome Decorated Banquet Lamps with globes to match, \$1.75.

Special Bargains for Monday

FOR MONDAY ONLY—100 doz. thin blown Tumblers, 30c per doz.

WRITING PAPER. In Toilet Articles Department, Writing Paper with Envelopes to match, only 10c per box. This is a sample line and many of the boxes are worth 25c box.

THREAD. 200-yard spools Machine Thread, in black or white, 1c a spool Monday only.

BOYS' SHOES. Commencing tomorrow and running one week, we will sell our Boys' Best Calf Lace Shoes, \$2.50 value, at \$1.87. These are new arrivals and combine the latest styles with the best qualities.

SPECIAL SALE OF LADIES' FLANNELETTE WRAPPERS.

We will place on sale Monday morning 25 dozen of Ladies' Flannelette Wrappers, made of the best quality of flannelette, neatly trimmed with narrow rows of ribbon or braid, regular prices \$1.49, \$1.65, \$1.75, \$1.88 and \$2.00; sale price 98c.

LADIES' NEW SPRING SUITS AT SPECIAL PRICES.

In order to open the Spring Suit season with an emphatic, telling demonstration of our price superiority, we will place on sale tomorrow, Monday, a limited number of the cleverest and handsomest Tailor-Made Gowns, introduced for Spring, at prices that cannot fail to leave a lasting impression on the public mind.

First—One assortment of Ladies' Stylish Spring Suits in tan covert cloth and tan and green mixtures, fly front jackets, handsomely stitched, lined throughout with good quality of satin; Skirts bound with velvet and lined with good percaline—costumes that anywhere else would surely cost you \$15.00 or more; here tomorrow, special, at \$9.98.

Second—Ladies' beautiful two-toned Covert Suits, in a complete array of newest and most fashionably correct shades for Spring of '98. These suits have jackets lined with best quality of black or changeable taffeta silk, skirts lined with finest percaline and velvet bound; the jackets are made in the newest fly-front style, and it is safe to say that nothing like them can be found in any store for less than \$20.00; our price, Monday, \$15.00.

Third—Beautiful Spring Suits of the finest cheviot cloth, in a grand array of new shades, all the correct and proper styles introduced by the world's foremost suit artists for Spring of '98; the jackets and skirts are elaborately braided-trimmed, and the jackets made tight back, blouse front. Prices—\$16.50, \$20.00, \$22.50, \$25.00, \$30.00, \$35.00.

Men's Hats and Caps.

SPECIAL REDUCTION—Men's All-Wool Scotch Golf Caps, lined with silk, \$1.00 and 75c qualities, reduced to 50c quality now 5c.

We are sole agents in this city for the renowned "Imperial" Derby Hat; just received the new spring shapes in black and brown; better material and workmanship cannot be had at any price; as good as the best \$5 Hat made. Money cheerfully refunded if Hat does not give satisfaction.

New shapes and colors in Stetson's and Imperial Soft Hats; Children's Sailors, Boys' Jockey, Golf and Yachting Caps.

Lamp Specials:

Buttercup Night Lamps, 10c each. Sewing Lamp with decorated fount and shade to match, in variety of patterns, at 8c.

Drapery Department.

Our line of Matting, Oilcloth and Linoleum is complete. We have the choicest stock in the city.

We have an extra quality Tapestry Portiere, with heavy valance fringe, top and bottom, in 12 different colors, at \$7.50 pair.

We also have a full stock of Corduroy, from 5c to \$1.65 a yard, in plain and fancy patterns.

Boys' Clothing.

We've proved in years gone by that a Boy's School Suit can be tough and strong and still be stylish and shapely. We'll prove it over again this spring. You should know our \$2.50, \$4.00, \$5.00 and \$6.00 School Suits.

There is a great deal, too, that could be said this morning about some of the last arrivals in Boys' Spring Suits, Covert Top Coats and Knee Pants, but mention of them will be deferred until later in the week. Come and see them meanwhile.

Bird Cages:

If you are looking for a nice Bird Cage see our line, at \$1.45.

New Embroideries:

Swiss Embroideries, Nainsook Embroideries, Cambric Embroideries, Nainsook, Swiss and Cambric Insertions, All-Over's, Beadings and Flouncings in all widths and prices. We are offering exceptionally good values this week at 5c, 8c, 10c, 12 1/2c and 15c a yard.

Art Department.

In order to get room for increasing business in this department we have had to move it onto the second floor. New Stamped Linnen Doilies, Center Pieces, Tea Cloths, Scarfs, Trays, etc. New Stamped Cushion Covers, with backs to match, in endless variety.

Ladies' Underwear.

In order to close out balance of stock of Ladies' and Children's Stuttgarter Underwear we will continue to sell them at last year's prices.

Corsets.

We wish to call particular attention to our Corset department. We have added a number of the very latest styles to our large stock, and are now prepared to fit any figure. The Redfern Corsets we carry in all the different lengths—short, medium, long and extra long at \$2.50, \$3.00, \$3.50, \$4.00 and \$7.00. The Royal Worcester we carry long, short, medium, extra long and girde lengths, at \$1.00, \$1.25, \$1.50, \$1.75, \$2.00, \$2.25, \$2.50, \$3.00, \$3.50, \$4.00, \$4.50 to \$7.50. Langdon & Bachelor's Thompson Glove-Fitting from \$1.25, \$1.75 to \$2.50. P. D. French Corsets at \$3.25, \$3.50, \$4.00, 6.25 and \$7.50. Warner Bros.' Coraline Corsets at \$1.00, \$1.25, \$1.50, \$2.00, \$2.50 and \$4.00.

New Capes and Jackets.

We are showing a very handsome line of Ladies' Capes, made of silks and chiffons, in all the newest novelties, at \$10.00, \$12.50 and \$15.00. We have also received a limited number of very noble Spring Jackets, and are receiving new shipments daily.

Blankets and Bedding.

Qualities and prices are the strong features of this stock. They appeal forcibly to close buyers. Large size Bed Comforts, dark and medium covering, at 75c, \$1.00 and \$1.25. Extra fine Bed Comforts, white cotton filling, new designs, \$2.00, \$2.50 and \$3.00 each. White Crochet Bed Spreads, full size, Marseilles patterns, good quality, \$1.00 and \$1.25 each. Large size fine white wool Blankets, \$2.50, \$4.50 and \$5.00 per pair. Colored wool Blankets, extra weight, \$2.50, \$3.00, \$4.00 and \$5.00 per pair. Full size feather Pillows, fine grade, \$4.00 and \$5.00 per pair.

New Linens.

New lines at new and attractive prices. Better Linnen values were never known in Seattle.

100 dozen Huck Towels, fringed, 14-cm, at 12 1/2c each. 75 dozen Huck Towels, sizes 22x6, special job at 11.98 per dozen. Extra large full bleached Turkish Towels, at 25c. Our stock of Table Damasks will be found very strong, in cream and full bleached, special values, at 50c, 65c, 75c and 85c a yard.

Special Sale Taffeta Ribbons.

New spring shades in Moria, Taffeta Ribbon. For the next ten days special values at special prices. Width No. 5.....50c per yard Width No. 7.....5 1-3c per yard Width No. 9.....10c per yard Width No. 12.....12 1/2c per yard Width No. 16.....15c per yard Width No. 22.....20c per yard Width No. 45.....25c per yard Width No. 60.....30c per yard

The Best Outfits Are The Cheapest.

We sell the best outfits, and sell them as cheap as the best can be sold.

Lough, Augustine & Co. 83 and 117 First Avenue.

SEATTLE AGENTS BUTTERICK PATTERNS.