

AN ALLEN GOES FREE.

Judge Humes Declines to Issue a Warrant.

NON-SUIT IN THE SHAUBUT CASE.

Judge Hall Davis Prohibited—Diverse Sought by Discontented Couple—Winner's Appeal.

If the plans of prosecuting attorney Miller had not miscarried yesterday afternoon John Van Allen, the agent of the Fidelity and Casualty Insurance Company, of New York, who was brought back from California on the charge of contempt of court, would have been discharged from custody Wednesday by Justice Caldwell.

That the decision of Justice Caldwell did not meet with the approval of the officials in the prosecuting attorney's office was evident the day it was delivered.

Miller was strong in his opinion that the decision was contrary to law. There would be no dispute about Van Allen having taken the money, as he admitted it in his statement to the company.

Van Allen escape the law so easily was wormwood to the prosecution, so the criminal ends was inspected and under one section, under the different ways of criminal prosecution, it was discovered that the superior court had jurisdiction to issue warrants for arrests on proper information.

Immediately an information was prepared charging Van Allen with embezzlement, and prosecuting attorney Miller hastened to Judge Humes' court.

He prepared a blank order, ordering the clerk of the court to issue a warrant for Van Allen's arrest and handed it to Judge Humes to be signed.

The judge looked at the order for a moment and then remarked in a slightly surprised tone of voice that he did not think that was the proper way to proceed when there were justices of the peace before whom preliminary examinations could be held.

"In this case I will before one justice," he dismissed it," said the prosecuting attorney.

The judge replied in his concise way that if the decision of the first justice did not suit the prosecution he was at liberty to go to another justice.

Prosecuting attorney Miller was still anxious to bring Van Allen into court and meant that the decision would be based and that if Van Allen's counsel was satisfied as to the legality of the proceeding then the case could be appealed to the supreme court and the point settled for all time.

Judge Humes, however, had intimated plainly that he did not see any reason for such unusual proceedings and would not issue the warrant to be issued.

Prosecuting attorney Miller was in order to force the judge to issue the warrant would require mandamus proceedings in the supreme court, and in the meantime Van Allen might go to Europe.

When seen last night Mr. Miller said he was done with the Van Allen case. He felt, however, that Justice Caldwell was rendered a poor decision on the law in releasing Van Allen, but as for taking the case from one justice to another, that saved of persecution, and he would have nothing to do with it.

SHAUBUT IS NON-SUITED.

Judge Humes yesterday granted a non-suit in the case of R. F. Shaubut vs. Thomas & Co. to recover \$6,000 with interest, in connection with shares of the Seattle Terminal Railway and Elevator Company. This decision was obtained after the evidence of Mr. Shaubut, Charles Armstrong, Jacob Furth and Gen. Turner had been taken. Exceptions were noted and allowed. The case had for a basis the negotiations of Shaubut and Charles Armstrong by which a loan of \$10,000 was secured from H. Ellings, a broker in Virginia City, Mont. As security for this loan they deposited with the Puget Sound bank of this city ten bonds of the face value of \$1,000 each of the Seattle Terminal Railway and Elevator stock.

Some time after this transaction Thomas & Co. agreed to purchase all of the bonds of the Seattle Terminal Railway and Elevator Company at 70 cents on the dollar. Before the deal could be consummated it became necessary for Jacob Furth, the cashier of the Puget Sound National bank, to write Armstrong, who was in Virginia City, to get Banker Ellings' permission to sell the bonds. Ellings wired back to sell the bonds. Furth then turned the bonds over to Thomas & Co. at 70 cents on the dollar.

Shaubut claimed five of the ten bonds, and after Thomas & Co. obtained possession began proceedings to recover them, claiming that he had never given his consent to the sale of his portion of them, but on the contrary had refused to sell for 70 cents on the dollar, as he thought the bonds were worth more.

Judge Humes, in granting the non-suit, said that from the statements and pleadings in the case and from the evidence, it appeared that the property, the conversion of which was claimed, was commercial paper and negotiable; that it partook of the character of bank notes and bank checks, and that the purchaser in good faith for value obtains a good title, and therefore the motion for a non-suit was granted.

Judge Hall Davis' Will. The will of Judge Hall Davis, of Clallam county, who died recently in this city, was filed for probate yesterday. It is dated August 28, 1887, and witnessed by J. A. Steiner and W. L. Church, Jr. After naming Ellen Davis, his wife, as executrix and directing that she be not required to give bonds or procure an order from court to sell or dispose of any part of his estate, and providing for the payment of just debts, it is provided that Mrs. Davis shall have for her sole use one half of the residue of the estate, and the other half to be divided equally among the daughters, Almira Davis, wife of George Kelly, Emily C. Davis, wife of William Delanty, Jane Davis, wife of George C. Cooper, Ellen Davis, wife of Allen Weir, Louisa Grace Davis, wife of W. B. Seymour, and Eliza A. Davis, these being all of his children.

Ballard Council Now Not Settled. The Ballard city council now bobbed up in the superior court yesterday again when Thomas Winor as principal, and George Charles Winor as surety, filed an appeal from Judge Langley's decision sustaining the demurrer to Winor's petition for a writ of mandamus compelling the mayor and city council to reinstate him as councilman. He has also begun a suit to have his successor ousted.

Courts and Public Offices. Licenses to wed were issued yesterday to Charles W. Evans, of Everett, and Amanda A. Norman, of Seattle; Louis N. Ketchum, of Wrangell, Alaska, and Mrs. Josephine S. Shelby, of Portland, Ore.

In the case of the MacDougal & Southwick Company vs. Bennett-Hull Furniture Company for the appointment of a receiver, an amended petition was filed yesterday stipulating that the defendant allowed default to be taken against it in favor of Stephen P. Hull, April 4, for \$1,000, and the Boston National Bank for

ELDER HAYS' CASE.

Contest in the Presbytery Regarding His Acquittal.

CALVARY CHURCH CONTROVERSY.

Minutes of the Session Corrected, but Pastor Sinclair Protests—Bible Society Meeting.

The closing day's session of the Presbytery of Puget sound was mainly consumed by a fight over which more or less feeling has been aroused, and which has not yet been concluded, as the case will be taken to the synod on appeal. The circumstances of the case are as follows:

Elder Hays was tried by the Session of Calvary church for slandering S. M. Allen, another member of the church by asserting that Allen was the publisher of an obscene newspaper, the Sunday Mercury, and also had an interest in a building used as a house of bad repute. Hays was unanimously convicted at the Session trial, Pastor Brevard D. Sinclair acting as moderator. Hays then appealed to the presbytery, which heard the appeal at a called meeting and unanimously reversed the finding of the session. It also ordered the session to reinstate Hays as an elder and to grant him letters of dismissal if he desired, and also to inscribe the findings of the presbytery upon the records of the session.

The charges were given notice of appeal to the synod, but during the ten days within which the appeal could be perfected Hays wrote a letter to the session on the advice of Presbyterians outside of Calvary church, which his friends claim was merely intended to soothe any hard feelings which might have arisen, and in a spirit of reconciliation withdrew the appeal at a called meeting and unanimously reversed the finding of the session. It also ordered the session to reinstate Hays as an elder and to grant him letters of dismissal if he desired, and also to inscribe the findings of the presbytery upon the records of the session.

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March winds and April showers sweep and scour the earth and clear the air of winter impurities, making it sweet and wholesome.

The same thing takes place in the body, the pores open and the blood that creeps in winter now rushes through the arteries in a fuller, stronger stream.

Now is the great season of purification, of new life, hope, and ambition. It is the best time to get well. Spring is hopeful, and the invalid gets well quicker when hopeful than when despondent.

Thousands of people throughout the country are this month taking Paine's celery compound--the great spring medicine that makes the people well.

"What March does not kill may be done for April," says an old adage. The nine weeks from February 1 to May 1 develop the hidden germs of disease inside the body and without. For health's sake back yards, cellars and the dark closets and corners must be cleaned out, and for health's sake every one needs to take a spring medicine like Paine's celery compound.

All the parts of the body are adjusted with the greatest nicety, and a derangement of one affects the whole. We can not stop this complicated mechanism for repairs, because we do not know the secret that would set it going again. The repairs must be made when it is in motion.

It is in sleep that the machine goes slowly, the heart beats less rapidly, the blood circulates less quickly, the nerves rest, the muscles relax, and each gains vigor in the only way it can--by sleep and rest. Paine's celery compound quiets and regulates the nerves by supplying the material for their repair, and the tired, exhausted man and woman, on the verge of breaking down, gets sleep and the means of recovery to health and strength.

All over the country Paine's celery compound is convincing overworked business men, anxious housekeepers, women behind counters and in offices, school teachers and all who use their brains excessively, that the unqualified praise from physicians and others, who are careful of what they say, is none too strong for this great remedy that is making so many well and strong.

Other artists of equally high standing his appearance as Virgilinus will not mark a new departure, but simply a return to characters which he was wont to portray with great success. Considering the part of Virgilinus in its totality, there is good reason to believe that Mr. O'Neill will give an ideal representation of the proud Roman father.

Mr. Editor--Sir: I have been under Dr. Darrin's electric treatment for liver and kidney complaint and various other troubles. I had become very despondent and was reduced to a skeleton. In nearly all respects I am cured. Refer to me at Freeport, Wash. L. P. SMITH.

Dr. Darrin cures permanently all diseases of the genito-urinary organs, in either sex, such as Loss of Manhood, Syphilis, Gleet, Gonorrhoea, Stricture, Spermatorrhoea, Seminal Weakness and Loss of Sexual Power in man or woman, and successfully treats all peculiar Female Troubles, Leucorrhoea, Displacements, etc. He makes a specialty of all diseases of Eye, Ear, Nose and Throat, Catarrh and Deafness, as well as Acute, Chronic and Nervous Diseases of whatever nature, if curable. No cases taken if not.

Dr. Darrin can be consulted free at Hotel Stevens, corner Front and Marion streets, Seattle, Wash. Office hours, 10 a. m. to 8 p. m. daily. Sundays, 11 a. m. to 2 p. m. Charges low and reasonable according to circumstances and ability to pay. Most cases can be treated at home after one visit to the doctor's office. Circulars and question blanks sent free. Inquiries answered.

THE MACDOUGALL & SOUTHWICK CO. 717-719-721-723 Front St.

AMUSEMENTS.

James O'Neill's "Monte Cristo."

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