# TO RECOVER HER TAX

## Kate Evans Is Given Judgment Against the City.

### FOR TWELFTH STREET GRADE.

**Lewis Wants a Warranty Made Good—Receiver for Mortgaged Real Estate—Suit Over Sheriff's Certificate.**

In the superior court yesterday Kate Evans secured a judgment by default against the city for $161.28, an illegal assessment collected for the improvement of South Twelfth street. The tax was paid February 17, 1893, after the city had threatened to sell the property, but afterward the entire improvement was abandoned on the decision of the supreme court affirming a judgment against the city obtained by George Haisch.

The question as to the validity of the assessment is shortly to be brought before the supreme court in a new form. About $24,000 is involved.

**BETTER THAN AN ATTORNEY.**

**A Client Who Says He Is Without Fear and Without Reproach.**

An attorney who has just fought a case successfully through the courts yesterday received the following communication from the losing party:

"Dear Sir: I have ben informed from Reliable Parties that you have expresd yourself vary unfavoreble, regarding my caracter. I will tell you dis; that if you will give me a chance to compare carracters,—and all our duings for the last thirty years—and I can not Prove to be a beter man as you—I will leave the City in twenty-four oures."

Since the attorney has won the case, he has no desire to measure characters with the disgruntled client of his opponent.

**Accused of Selling Another's Property.**

Mary E. Donald, formerly Mary E. Boman, was sued in the superior court yesterday by John Lewis, who seeks to recover $2,375 for alleged breach of warranty in conveyances of real estate. November 28, 1893, Lewis says, Mrs. Donald deeded to him in fee simple lots 3 and 4, block 3, Rainier addition; that on February 8, 1894, she conveyed to A. Hodel lot 8, block 2, Rainier addition, and November 28, 1893, conveyed to Edward Vanderven lot 2, block 5, Rainier addition. All these deeds, it is said, contained covenants of warranty, while in fact the grantor had no power to convey an indefeasible title. Hodel and Vanderven have assigned their right of action to Lewis, who now claims damages in the full sum of $2,375.

**Questions the Sheriff's Certificate.**

An action to quiet title was brought by Lysander Lyons in the superior court yesterday against George Fowler, the property involved being tracts in sections 11 and 12, township 26 north, range 6 east. The land was homesteaded in 1890 to John W. McMahan, who conveyed it by quit claim deed to Lyons in 1893 for $1,500. In July, 1894, Jacob Brandt & Co. obtained judgment against McMahan in Snohomish county on account of goods sold and delivered, and execution was issued and the land sold to Fowler for $180.80. Lyons claims to have beeen the real owner, and that the sale is invalid. He asks that the certificate of sale be declared void and that Fowler be decreed to deliver a deed of conveyance of all right to the premises.

**Suit on $20,000 Mortgage.**

In the suit against Fred E. Sander yesterday John Davis was appointed receiver of lots 6 and 7, C. D. Boren's addition, located on Fourth and Columbia streets. The action is on a $20,000 loan made by the Pacific States Savings, Loan and Building Company, October 27, 1891, secured by bond and mortgage. Sander, it is said, has wholly failed to make his payments, and for two years past has allowed plaintiff to collect the rents, but fifteen days ago arbitrarily refused to allow the rents to be applied to the mortgage. The amount claimed to be due is $21,185.89. Henry K. Hall is joined in the suit, as claiming an interest in the premises.

**New Suits Filed.**

In the superior court yesterday actions were begun as follows:

Kate Evans vs. city—To recover assessment for grade tax, $161.28; default.

Moore, Hunt & Company vs. Z. T. Holden et al.—Promissory note and mortgage, $600.

John Lewis vs. Mary E. Donald—Breach of warranty, $2,375.

Lysander Lyons et ux. vs. George Fowler et ux.—To remove cloud from title.

Gordon Hardware Company vs. Cole & Murdock—Account stated, $259.26; default; judgment.

Pacific States Savings, Loan and Building Co. vs. Fred E. Sander et al.—Bond and mortgage, $21,185.89; receiver appointed.

G. A. Weed vs. E. J. Lassen et ux.—Ren, $24; unlawful retainer and waste, $100; suit of restitution of storeroom in Weed house.

Dora Salinger vs. Elizabeth H. Anderson et al.—Promissory note and mortgage, $350.

George A. Shepard vs. A. T. Van de Vanter—To recover property attached; complaint not filed.

**Courts and Public Offices.**

Lehman Bros. yesterday were given permission by Judge Langley to sue the Cosh-Murray Co., now in the hands of a receiver.

W. E. Bailey, the piano tuner, sentenced to serve six months in the county jail for indecent exposure, was yesterday released on a pardon. He had served three and one-half months.

The statement of facts in the damage case of Charles Burns, a teamster, vs. Ed L. Terry et al., was filed in the superior court yesterday. Plaintiff was non-suited, and has appealed.

The United States court was not in session yesterday, Judge Hanford holding court in Tacoma. He returned hame last evening, however, and will resume his place on the bench in this city today.

Articles of incorporation were filed with the county auditor yesterday for the Ives Land Company. Capital stock, $40,000; principal place of business, Seattle; incorporators, A. H. Gamel, W. G. Tanner, J. G. McFee, E. F. Sweeney and H. C. Henry.

Marriage licenses were issued yesterday for George Bosley and Carrie Renchie, both of Bothell; R. F. Johnson and Olga Veglund, both of Sidney; George Auckland and Amy E. V. Kennedy, both of Seattle; John G. Hopkins, of Seattle, and Louella E. Ames, of Kansas City.

Orders confirming sale were signed in the superior court yesterday in the following cases: Lancaster Savings Bank vs. Peter Grubb, 160 acres in section 24, township 22 north, range 5 east, $2,251; Ora F. Jerald vs. Joshua Lieurance et al., 159.50 acres in section 24, township 22 north, range 5 east, $1,294.98.

A plat of Stafford Hill addition to Seattle was filed in the auditor's office yesterday by Amos and Annie M. Brown, C. D. and Cassen D. Knight and Charles D. Knight, as administrators. The new addition comprises twenty lots in the tract adjoining Monroe & Whittle's, Eastlake and Oakland additions.

**The Paving of Pike Street.**

In order to expedite the paving of Pike street, Receiver O. D. Colvin, of the Front street cable road, has arranged with James Sourr & Co., who have the contract from the city, to pave the one-foot strip on each side of the track between Front and Second streets. He will afterwards apply to the Federal court for permission to make a contract for this work, and probably for the paving of the whole width of the track. Secretary Meacham, of the board of public works, has notified both the Front street and Consolidated companies to raise their tracks on Pike street to the established grade.

We take pleasure in recommending Chamberlain's Cough Remedy, because it is praised by all who try it. J. W. Cox & Son, druggists, Mansfield, Ore.

**BALLARD COUNCIL BUSINESS.**

**Bauer Let Off With a Fine—Crossings to Remain Open.**

Councilmen Startup, Chandler and Morris were absent from the session of the city council Tuesday night. David McVay having returned from the East appeared in the council room and took his seat.

A communication from Newman Kline, superintendent of the Seattle, Lake Shore & Eastern railroad, informed the council that he had given orders to have the crossing of Second avenue over Shilshole kept open.

The contract for the improvement of Times street was awarded to Hadfield & Roberts.

The city attorney was granted a week's further time to report concerning the harbor rim reserve.

Fred Bauer, owner of the office occupied by Dr. J. Parker, appeared before the city council to explain why he allowed his building to be moved without first obtaining a permit. Mr. Bauer said he told Dr. Parker and G. A. Nodine to get a permit before moving the building. The doctor left the matter to Nodine, who neglected to do so. The council then imposed a fine of $5 upon Mr. Bauer, agreeing to allow the building to remain if Mr. Bower would pay that amount to the city treasurer without a trial.

The bond of the Martin Pipe and Foundry Company was accepted.

The first installment of $132 on the contract for boring the wells was paid to the Northwestern Artesian Well Company.

**REDUCES GLEASON'S LABORS.**

**Effect of Income Tax Decision—About $20,000 Saved to Seattle.**

The decision of the United States supreme court annulling the income tax law, will not cause any reduction in the force in the office of Deputy Collector Gleason, of the internal revenue bureau, in this city, but it will materially reduce his labors. Speaking of the subject yesterday, Mr. Gleason said:

"The Seattle office would have collected some $20,000 had the law not been declared invalid. The office here collected, about 2,000 reports, which were forwarded to the Portland office, and only about 100 of those who sent in statements would have paid income tax. The remainder made returns because they were required by law to do so. One corporation would have paid $2,000 income tax and four others would have paid $1,000 each. An order will probably be made soon directing that statements as to income that were made in accordance with the provisions of the income tax law be sent back to those who made them."

**NO NEW FRANCHISE YET.**

**Second Street Company May First Have to Pave Pike Street.**

The joint committee of the city council on street railways yesterday afternoon spent some time in consideration of the amended franchise of the Consolidated Street Railway Company, but, although no action in this direction was taken, it was the general sense of the committee that the council should postpone action on the granting of the new franchise until the company had complied with the terms of the present one by paving the part of Pike street occupied by its tracks. An adjournment was taken until 3 p. m. next Wednesday.

A committee from the Western Central Labor Union and the Street Railway Employes' Association informed the committee that it would draft some provisions which it would ask to have inserted in the franchise, and would present them at a future meeting. The principal proviso asked for is that a minimum rate of wages of not less than 20 cents per hour be fixed.

**Last Touches on South Sewer Canal.**

The temporary outfall of the South sewer tunnel on the tide flats was completed yesterday, and the last workmen will complete the removal of the last apparatus and material in a week. The outfall will only extend to the shore line and will not be extended to deep water until the question as to the vacation of the old tide land plat has been settled. No harm will result, as nothing but pure water is flowing through the tunnel at present. As soon as the plans are completed, the Bush street, Willow street and Walla Walla sewers and their branches will be connected and discharge through the tunnel into the bay.

**Disaster Ended Eddie's Flight.**

Eddie Keller, the bright 14-year-old son of the school director at Redmond, ran away for the second time last Sunday, but his flight was interrupted by a serious accident. He started at noon, taking his revolver and his small savings, but about two miles from home he stumbled and fell, and in doing so caused the revolver to discharge, the ball passing through the muscle of one arm. He started home, but had not gone far, when he fell, exhausted from loss of blood. He was found almost unconscious by James McCullom, who sent word to his parents and to Issaquah for a doctor. Next day he was taken home by Mr. Lepine. He is the boy who ran away two months ago and was captured in this city.

**Seattleites at Stanford Junior.**

The calendar of the Leland Stanford Junior university for the year 1894-95 contains in the list of students the following from Seattle: Roy Page Ballard, Rufus Buck, Nathaniel Allen Carle, Kenneth Mackintosh, Gertrude Mackintosh, Charlotte Phillips, Jessie M. Reeves, Minnie H. Reeves, William H. Reeves, jr., Edward L. Reichenbach, Ben E. Snipes, jr. Of these Messrs. Buck, Mackintosh, Reeves and Miss Minnie Reeves graduate this year.

**An Electric Motor Burned Out.**

One of the electric motors at the Skookum box factory, corner of Railroad avenue and Stewart street, burned out yesterday afternoon at 4:15 o'clock, entailing a loss of fully $500, but before the apparatus reached the scene the trouble was all over. There was $5,000 insurance upon the factory and stock, but none on the motors.

**Excursion to Victoria.**

Queen's birthday celebration. Take the Rosalie from Arlington dock at 11:30 p. m. Fare for round trip, $2.50 on the 22d and $1.50 on the 23d; tickets good to return until the 28th. Will make a special trip from Victoria on Sunday, May 26th.
D. B. JACKSON, Manager.
Telephone 710.

**Fast Train on Great Northern Railway.**

Effective Sunday, May 5th, the eastbound overland express will leave Seattle at 6:30 p. m., and west-bound train will arrive at Seattle at 2:15 p. m. You can take supper in Seattle and breakfast in Spokane following morning.

**Removal.**

Dr. J. N. Prather, dentist, now occupies the front rooms of the first office floor of the Kline & Rosenberg block, Front street, foot of Cherry, having removed from the Seattle block.

**Do You Know Its Cause?**

Indigestion: Do you know when you have it? Do you know its cause and cure? Ask your druggist for Ripans Tabules. One gives relief.

Remember that passengers going to Victoria on steamer City of Kingston May 23 and 24 can return any time up to May 28, and may remain on the steamer until it returns from Tacoma at 10 a. m. without extra charge. This will avoid getting up at Seattle should the boat pass here very early. Fare for round trip only $1.50.

For sale—Two fine ship's chronometers, cheap. Empire Jewelry Co., 116 Yesler avenue.

Hotel Allbee, South Bend, Wash., favorite resort of summer tourists. A splendid modern hotel.


# Garden Hose.

## A NEW STOCK JUST IN.

Z. C. MILES CO., T. F. DAVIDSON, Receiver, NOS. 116 TO 124 WEST YESLER AV.


# EVIDENCE OF AN ALIBI

## Many Witnesses Say Wilcox Was in Tacoma Labor Day.

### CUDIHEE'S INTERVIEW WITH HIM

**He Says Wilcox Threw Suspicion on King—Case for the State Closed and Defense Has Innings.**

The evidence upon which the state expects to send William A. Wilcox to the gallows was all in at 3 o'clock yesterday afternoon, and Wilcox had a chance to smile, for several witnesses went on the stand and swore positively that on the night of September 3, 1893, when Charlotte Fetting was murdered, they saw him in Tacoma and conversed with him. The third day of the trial was not filled with so many sensational incidents as was the second day. Wilcox sat between his counsel, and directly behind him was his sister. He smiled a dozen or more times during the day, posted his counsel on questions to ask certain witnesses, and once, when Mr. Abelson, an amusing witness was testifying, Wilcox was convulsed with laughter.

The most important and damaging testimony given against the prisoner in the closing hours of the prosecution came from Detective Edward Cudihee, who had charge of the case, and who says that after the first trial he had a conversation with Wilcox in which the latter confessed that he was in Ballard between September 5 and September 8, 1893, and that he had purchased the much talked of chloroform for James King, afterwards murdered, so that he could come to Seattle and "do a job." Whether or not the Fetting murder was the job referred to Wilcox, according to the testimony of Cudihee, did not say, but the prisoner in the same confession told the detective that he believed King had something to do with that murder. He hinted that a former partner of King's was the possible slayer of old Mrs. Fetting.

Samuel A. Andrews went on the stand at 9:30 a. m. and identified the pawn ticket found on Wilcox at the time of his arrest as one he had given the prisoner at the time the latter pawned with him the suit of clothes identified as those from which Sallinger had removed bloodstains.

**Wilcox Said King Was Guilty.**

Edward Cudihee was the second witness called by the state at the morning session. He told of his connection with the case from the time he visited the Fetting cabin on the night of the murder until the beginning of the second trial. Cudihee said that some time after the first trial he went to see Wilcox in the county jail.

"Wilcox," continued Cudihee, "said to me: 'I consider you a friend of mine and I want to talk to you.' I replied: 'Well, I don't think you have ever had reason to think otherwise of me.' Then Wilcox continued: 'I have been convicted of this crime and I am innocent. It's too bad that I have to throw away my life for something I haven't done.' I then said to Wilcox: 'You know what the evidence was, Wilcox. I am sorry, very sorry, and anything I can do for you I will do.' Wilcox then said: 'Somebody else committed that crime; it wasn't me.' I answered Wilcox: 'If you have any pointers, give them to me and I will work as hard for you as I would for anybody else.' Wilcox spoke up and said: 'King had something to do with it. He's a crook. He told me he lived back in Minnesota and that he had a partner and they did lots of crooked work.'"

Cudihee said he told Wilcox that the state had a witness who saw him get off the Seattle train at Tacoma between September 5 and September 8, 1893, and Wilcox admitted that he had been to Ballard looking for work.

"You should have told that at the first trial," Cudihee said, and the prisoner, according to Cudihee's testimony, replied: "Well, I was a d——d fool."

Wilcox, Cudihee said, could not tell the name of the partner King had referred to; nor could he give him any clue whereby the detective could get trace of him. "As I was leaving the jail," testified Cudihee, "Wilcox said to me: 'I have told Mr. Woolery the same as I told you. Unless he loans me money to perfect my appeal I will probably have to go the penitentiary. I want you to go to Prosecuting Attorney Miller and ask him to sign a petition for my pardon.'"

Cudihee said he answered that Miller believed him (Wilcox) to be guilty, but he would speak to Miller nevertheless.

Cross-examined by Mr. Winstock, Cudihee denied that he had told Wilcox to have his appeal dismissed and that he would get Judge Humes, the prosecuting attorney and other court officials to sign a petition for his pardon, but admitted that he had asked Wilcox if he had not treated him fair when on the witness stand at the first trial. The witness had not said to Wilcox: "I didn't do you any harm on the stand, did I?"

"Isn't it a fact that you tried to get Wilcox to implicate somebody else, so that you could secure a conviction?" asked Mr. Winstock.

"Most certainly not," answered Cudihee.

Cudihee was on the witness stand when court adjourned at noon, and at the afternoon session testified that when he arrested Wilcox he told him to try and think of some man, woman or child whom he had seen or been with on the day or the night of September 4, 1893, and after thinking for a few minutes the witness answered that he could not think of anybody.

**Winding Up the Prosecution.**

Chief of Police D. O. Smith, of Tacoma, and Frank W. Dick, of Tacoma, were recalled. Smith corroborated Cudihee's testimony as to facts occurring after Wilcox's arrest and Dick was examined as to what clothing Wilcox took with him when he started for the Great Northern snowsheds, about September 8, 1893. Dick was shown a light slouch hat by Mr. Wilshire and said it was similar to one taken by Wilcox with him to the snowsheds.

Under cross-examination the witness said he thought that the hat which Wilcox took with him was a newer one than the one shown him by the state's counsel.

Drug Clerk Milton Stewart was recalled and said it was the practice of the druggists of Tacoma and Seattle to register and label all poisonous drugs as such.

When Stewart left the stand Prosecuting Attorney Hastie and Deputy Prosecuting Attorney Wilshire put their heads together and Judge Humes exclaimed: "Call your next witness; we're losing too much time in this case."

Mr. Wilshire answered: "We are considering whether or not we shall rest." Then he added: "We have one more witness, Mr. James H. Woolery, who will be here at 2:45 o'clock."

"Has the defense any objection to waiting?" asked Judge Humes.

"We most certainly have," said Mr. Winstock, and the court said: "Go ahead and present your case to the jury."

"We would like to make a motion," said Mr. Winstock, "to have this prisoner discharged, because of the failure of the state to connect the prisoner with the crime."

"Motion denied," said Judge Humes.

"We'd like to be heard," answered Mr. Winstock.

**The Case For the Defense.**

"Court doesn't desire to hear you," remarked Judge Humes, and Mr. Ingersoll made the defense's opening statement in a clear and concise manner. It was the intention of the defense, he said, to fully and satisfactorily explain away the evidence which the state depended upon to convict Wilcox. The chloroform story would be explained away and it would be proven that Wilcox was in Tacoma on Labor day, 1893, and not in Seattle, as claimed by Mrs. Didio and Mr. Noble. It would be shown where he had eaten his dinner, his supper, where he had spent the evening and where he had slept that night. As to the suit of clothes from which Tailor Sallinger claimed to have cleaned blood stains some time after Labor day, it would be shown that the suit was many miles away from Tacoma at the time. The defense would account for the money displayed by Wilcox by showing that part of it he earned honestly and that the remainder was won at the gambling table.

The defense called L. H. Beal, a Tacoma druggist, as the first witness and showed by him that he had bottles in his store in September, 1893, similar to one found in the Fetting cabin.

W. R. Wallace, a Tacoma bottle dealer, said that in September, 1893, he had about two barrels of bottles the same style as the one found in the cabin. Such bottles were very common in the state at that time and Mr. Wallace said he had sold them during September and October, 1893, to a half dozen or more drug stores in Tacoma and to the Hill Syrup Company of Seattle.

Samuel Cahn, a Seattle bottle dealer, testified that he had a great many bottles similar to the chloroform bottle.

**His Old Employer Defends Him.**

O. C. Fennelson of Tacoma, who at one time employed Wilcox as a foreman in his box factory, and says he is ready to give him another job "as soon as the jury declares him not guilty," was the next witness. Wilcox, he said, worked for him back East. Mr. Winstock tried to bring out testimony from him to the effect that two persons residing in Tacoma, who first gave testimony against Wilcox, owned a box factory which burned down under suspicious circumstances, and that Wilcox had important evidence against them in his possession. Judge Humes would not permit such testimony, and after asking a number of questions, all of which were objected to and the objections sustained by the court, Mr. Winstock excused the witness, not before, however, he had brought out the fact that Wilcox had made some winnings at gambling.

Dr. Emery, of Tacoma, testified that in 1892 he had treated Wilcox for a private disease. Wilcox owed him a bill; also the drug store where the chloroform was purchased for the prisoner by Messena, the barber.

W. T. Munroe, ex-day jailer at the county jail, said that he knew Julius Sallinger, the Tacoma tailor, who was called by the state Tuesday to identify Wilcox as the man who had brought him the bloody suit of clothes to be cleaned. At the first trial, Munroe said, Sallinger had been unable to identify him as the jailer who admitted him to the jail to see Wilcox.

**Evidence of an Alibi.**

Walter Reese, of Tacoma, was the first witness examined in support of the alibi set up by the defense that Wilcox spent Labor day, 1893, in Tacoma. "I saw Wilcox after 10 o'clock a. m. in the Hunters' Home saloon on that day," said the witness.

On September 8, 1893, the witness said he saw Wilcox in the Hunters' Home saloon. Wilcox remarked that he had made a big winning at roulette, and asked all up to have a drink. Later in the evening Wilcox was gambling in the Paragon.

The witness said it was true that Charles King, son of James King, had in January, 1894, and in the presence of the witness and others, made the statement that he was going over to Seattle "to help hang that —— — — ——." The following day King came to Seattle to testify at the Wilcox trial.

William Gibson, of Tacoma, testified to seeing Wilcox in the Hunters' Home September 8, 1893. Wilcox had money, and stated that he had won it at gambling. The witness knew that Wilcox had gambled. Dennis Foley, a Tacoma saloon keeper, gave testimony to the effect that in September, 1893, Wilcox had given him $300—$200 in gold and $100 in bills—to keep for him.

**The Winnings at Gambling.**

George E. Lawrence said that in September, 1893, gambling was going on in Tacoma. Games were conducted in the rear of the Green Leaf saloon. Wilcox often played there. His game was roulette. Lawrence was an employe of the place. He remembered that Wilcox had made several winnings. About September 6, 1893, he made a winning of $40.

Frank Martin testified that he saw Wilcox gambling in the rear of the Paragon saloon, at 1015 Pacific avenue, in September, 1893. Wilcox won about $75 or $100. It was so long ago the witness said he could not give the exact amount, nor could he say whether the money was won at one or two "sittings."

Harry Irving, of Tacoma, who was in the Hunters' Home saloon before the first trial of Wilcox, swore that he heard Charles King say that he was going over to Seattle "to help hang that —— — — ——."

George Cave, who was day jailer for a time, testified to having purchased medicine for Wilcox, and stated that Mrs. Didio had often called at the jail to see the prisoner.

W. C. Judson, of Tacoma, saw Wilcox on the evening of September 8, 1893; drank with him; remembered that Wilcox had deposited $300 with Mr. Foley, and that he had gambled.

J. H. Latshaw, of Tacoma, who formerly owned a box factory with Wilcox as foreman, testified to having paid Wilcox $62 in August, 1893. He also bought a railroad ticket from Wilcox and paid him $23 for it in several payments, the last one being made in October, 1893.

Barney Levy, of Tacoma, who was one of the proprietors of a cigar store and gambling place in September, 1893, gave testimony as to Wilcox being in his place on Labor day or the day before. The witness remembered it because Wilcox had been in a game and won $70 or $80. In answer to a further question the witness said that to the best of his recollection it was on the afternoon of Labor day.

**A Most Determined Witness.**

S. Abelson said that he was in Levy's cigar store on Labor day, 1893, and saw Wilcox there in the evening. Wilcox came out and asked him for a cigar. The witness was positive it was Labor day; there could be no question about it. Abelson, who is a pawnbroker, said he knew it was Labor day that he saw Wilcox "because it was."

"Well, how do you know it was?" insisted Mr. Hastie.

"Well, because it was," answered the witness. Efforts to have the witness say why he knew it was Labor day proved fruitless.

Levy said that he was in charge of the cigar store on the day mentioned. Wilcox came out from the gambling room between 5 and 6 o'clock in the evening and said he "had just skinned 'em." After getting a cigar Wilcox left.

Levy made a very amusing witness, talked rapidly, and emphasized what he had to say with his hands. Wilcox shook with laughter, and at times the jury, attorneys and others in the court room were convulsed.

John Osterberg, of Tacoma, swore positively that while a waiter in Chilberg's restaurant, he waited on Wilcox on the night of Labor day, 1893. Wilcox entered the restaurant in the evening, gave him a half dollar and said: "Johnny, I want something good to eat. I have done pretty good for Labor day." The Witness said under cross-examination that he had heard of Wilcox but had not known him. Last week he came to Seattle at Mr. Winstock's request, saw and identified Wilcox as the man who had entered the restaurant. He stopped with Mr. Winstock and the latter paid his fare over and back.

At the evening session the defense called James N. Gilmer, superintendent of the Bureau of Associated Charities, to prove that Charlotte Fetting had called on the bureau for aid, but Judge Humes sustained objections to all questions regarding the matter. The defense also wanted to prove the language spoken by Mrs. Fetting, but Judge Humes would not permit it.

Frank Schmidt, of Tacoma, who was proprietor of the Hunters' Home saloon in 1893, gave testimony as to the money Wilcox had in September, 1893, and of his winning at the gambling table. P. E. Fisher and Chester L. Forsman gave brief testimony favorable to the defense, and then Charles Doll was called to the stand. He testified that he and his wife were with Mrs. Didio between 11 and 12 o'clock on the morning of Labor day, 1893.

The witness did not see Wilcox during that time, and Mrs. Didio never mentioned the fact that she had seen him.

Mrs. Foster, who was employed by Julius Sallinger when the detectives came to find out what he knew about Wilcox's clothing, was questioned about a conversation which Sallinger had with them and of another which occurred after he got back from the first trial. She was not allowed to detail the conversations.

Abelson was recalled to impeach the state's witness, Sallinger. He testified that Sallinger had told him that he was forced by Detective Smith, of Tacoma, to swear that the suit of clothes in his possession had been brought to him by Wilcox. Sallinger, the witness said, had also told him that a gambler known as "Brocky, the Kid," had in September, 1893, brought a suit of clothes to him, containing blood stains, to be cleaned.

John H. Sears, of Snohomish, testified that Wilcox was in Snohomish about September 13, 1893; that he gambled, won and lost, and that he purchased a number of presents for his friends.

**Backing Up the Alibi.**

Miss Mamie Barry, whose mother keeps the Boston lodging house in Tacoma, where Wilcox had a room in September, 1893, testified that she thought she saw him on the avenue on Labor day. There was a young lady stopping at the house, and Wilcox came to the witness and asked an introduction to her. The witness thought that it was on the evening of Labor day that they had some beer at the Boston house, and Wilcox was there. The morning following Labor day Wilcox's room had the appearance of having been occupied during the night.

Lee Marton said that he was night clerk at the Boston house when Wilcox boarded there. He remembered seeing Wilcox at the house Saturday, September 2, 1893. The witness knew Wilcox had some private disease and that he had a number of bottles in his room. One of the bottles had a skull and crossbones label on it. The witness had handled the bottle, and knew that it contained chloroform.

William Syrad and J. Solsburry gave testimony for the defense. Court adjourned at 9:30 o'clock, owing to the absence of several of the defendant's witnesses. Wilcox will go on the stand this morning, and the case will likely go to the jury this evening.

Buckingham's Dye for the Whiskers can be applied when at home, and is uniformly successful in coloring a brown or black. Hence its great popularity.

Heavy rain, hail and wind storms pased over Southwest Texas Tuesday afternoon and night, flooding the streets and raising the river about one foot. Specials from El Paso, Pecos, Waring and Comfort, on the Aransas Pass railway, report great damage. Fruit trees were blown down and cotton crushed into the ground.


**$25 For a Name**

We want a suitable name for a strictly pure cream tartar baking powder. We will pay $10 for the best name, and $15 for the best design for a label, provided same are acceptable and are submitted by June 1st.

Address, by mail only,

Lock Box 7. WEBB & CO., Inc., Wholesale Grocers, Seattle, Wash.

**Frauds**

Exist in many forms, but there is no fraud that is more contemptible than the one of substitution. Of all the substitution frauds there is none which perpetuates a greater outrage upon the consumer than the substitution of

**Imitations**

for Cottolene, which is the only reliable, wholesome and healthful shortening upon the market. Don't be induced to purchase

**Counterfeits**

of Cottolene, or you will be lamentably disappointed in the results. Cottolene as a shortening is endorsed by physicians and cooking experts. Be sure that your cook uses Cottolene.

Sold in three and five pound pails.

Made only by The N. K. Fairbank Company, ST. LOUIS and Chicago, New York, Boston.

PURE AS DRIVEN SNOW! COLD AS ARCTIC ICE!

Duwamish Dairy Co.

**Ice Cream**

MADE FROM PURE CREAM ONLY

Telephone 146.

**The Most Miserable Man.**

"The most miserable man is the one who is all the time anxious about his health."

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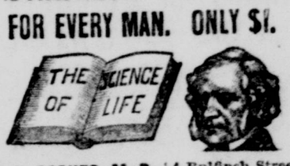


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