

MRS. PHINNEY WINS. Verdict for Almost the Full Amount of Insurance.

THE POLICY NOT FORFEITED. Hunt's New Bond Rejected and He Is in Custody—Cedar Mountain Mine Again in Litigation.

Mrs. Guy C. Phinney secured a verdict of \$75,000 in her case against the Mutual Life Insurance Company of New York for \$100,000, which she claimed was due her on a policy carried by Mr. Phinney. The jury was out for four hours, and once during that time returned for instructions on a few points. The case was hard fought from beginning to end, and was a very important one to the company, as it will probably result in the inauguration of a number of similar actions. The plaintiff based her case on a New York statute and fought it out on that point. The defense maintained that the company had a right to cancel the policy upon the death of the insured, and introduced testimony in support of that contention. The closing arguments by Mr. Phinney, the defense, and Mr. Burleigh, for the plaintiff, were masterly efforts, and showed much study and preparation. The case will now be carried to the United States court of appeals.

Mr. Gilman resumed his argument at the beginning of the morning session, and spoke for about fifteen minutes. He said the evidence showed clearly that Mr. Phinney had not paid his second or third premiums, although he did make a tender of some notes and money. He said the idea of a man like Guy Phinney letting a friend have his policy to use for any other purpose, if he knew the policy was good, was preposterous. He knew the policy was void and worth nothing to him. Mr. Burleigh then addressed the jury, and made an eloquent and forcible presentation of the plaintiff's case. He claimed that the failure or neglect of the defendant company to comply with the statute of the state of New York in not having given the statutory notice to Mr. Phinney of the date when the premium would be due was fatal to the case, as a waiver in the policy could not override the law. The policy had never been forfeited, and could not have been forfeited except upon legal notice having been given, whether Mr. Phinney had paid three premiums or only one. There were numerous authorities in support of this contention. He ridiculed the advertisement appeal of counsel for the defense, who had stated that it was not the company that would suffer if the plaintiff's case should prevail, but the policy holders. What a pitiful case this was, a company with a surplus of \$5,000,000, which it had wrongfully employed in the case of Mr. Phinney, offering itself as a fitting subject for sympathy. Look how it had treated Mr. Phinney. When it found that his health was failing, the officers wrote to their agents to decline to accept the renewal premiums, and they tried to get the premiums already paid were swept into their coffers and went to swell the surplus at the expense of the widow and children. He then addressed the testimony of Stinson and the deposition of the officers of the company, and asked the jury to fully consider the matter and bring in a verdict for the widow.

Judge Hanford in his verdict told the jury that the company not having complied with the New York statute, under which it was chartered, was liable on the ground that it had been surrendered or was regarded by Mr. Phinney as having lapsed. If the jury believed that the policy had been voluntarily abandoned by Phinney with a full knowledge of his rights, it should find for defendant, but if it did not find that the policy had been abandoned it should find for the plaintiff.

The jury retired at 12 o'clock and returned at 3 p. m. for instructions on law points. It again retired to its room, and at 4 o'clock returned with the verdict already named.

HUNT'S NEW BOND REJECTED. Hill in Marshall's Charge and Seeking for More Bondsman.

Ex-Chief A. B. Hunt is still in charge of a United States deputy marshal. He tried to file a bond for \$2,000 yesterday, but Judge Hanford would not accept the sureties, and the matter will go over until Monday, when another attempt will be made to secure suitable sureties for the hearing to be held yesterday afternoon, when Mrs. Van Wyckoff, J. Latham, J. A. Farr and R. S. Miller offered to go on the bond, the first named for \$1,000 and the rest for the remaining \$1,000. United States District Attorney Brinker said he did not think the bond a good one, but Judge Hanford overruled him and ordered the examination to proceed. Mrs. Van Wyckoff showed that she was worth at least \$7,000 in real estate, and was accepted. The three men, all members of the fire department, testified in each other's favor in Moorland, Lake Washington. Judge Hanford would not accept the property as security, and said outside of Mrs. Wyckoff the surety was not good.

DID NOT OWN THE PROPERTY. Pacific Bank Makes Charges Against Cedar River Coal Company.

The Pacific Bank of San Francisco has brought an action against the Cedar River Coal Company, which owned the Cedar Mountain mine, to obtain a partial satisfaction of judgment rendered against the defendant April 12, 1892, and for a decree declaring unpaid \$55,000. The plaintiff claims that a certain portion of the property sold under execution upon a judgment for \$84,127.35 did not belong to the company which represented to the bank that it was the owner and allowed it to be sold to partially satisfy the judgment, that the valuation of the property which the company did own was only \$30,000. Plaintiff sues for the \$25,000 and interest from July 1, 1892. The property consists of the lands, buildings, hoisting works, cars, etc.

RECEIVER FOR WILLIAMS & GREAT. Thornton L. Williams of the firm of Williams & Great, dealers in flouring and sawmill machinery, with houses in Portland and Spokane, has petitioned the United States circuit court to appoint a receiver for the firm. He places the assets, including merchandise, open accounts, bills receivable and cash on hand, at \$237,315, and the liabilities, including accounts and bills payable, at \$85,564. He sets up that the good will of the business is valuable, and states that if it can be wound up by applying all of the assets as fast as they can be converted into money to paying the obligations, the creditors can be paid in full.

TWO GREAT EVENTS. The commencement of South canal and the great clearance sale of shoes at Devine's, 88 Front street.

"Pot Cigarettes" Have always been the favorite among the better class of smokers.

Try Waterloo's Clear Hyman Hall Co. Cigarettes, 21 Sullivan building, Seattle agents.

Who like a mild, pleasant smoke, should try the Old Dominion.

All lines cut in price at the clearance shoe sale, Devine's, 88 Front street.

Clam bake today, Madison Park. Clam bake today, Madison Park.

Pot cigarettes are the best.

Chamberlain's Colic, Cholera and Diarrhoea Remedy. This is the best medicine in the world for bowel complaints. It acts quickly and can always be depended upon. When reduced with water it is pleasant to take. 25 and 50 cent bottles. For sale by all druggists.

THE COLE DAMAGE CASE AGAIN. The case of E. C. Millon, administrator of the estate of E. C. Cole, the Seattle & Northern fireman killed in the Lyman train wreck, against the Oregon Improvement Company, for \$40 damages for the heirs, was dismissed by Judge Hanford yesterday on motion of counsel for plaintiff. An amended complaint will be filed.

THE YESLER AUCTION. Another Great Day for Real Estate Bargains.

THE SALE IS NOW COMPLETED. All but a Very Few Lots Snapped Up by Eager Buyers—Valuable Wharf Property Sold.

The sale of the Yesler property at the courthouse was concluded yesterday for the time being, and many lots went at prices considerably less than the appraised value. There is some doubt whether all these sales will be confirmed by the court. The crowd was fully as large as that of the first day, and the sales went off rapidly. Jacob Furtch, J. D. Lowman, W. H. White and E. Carr conducted the sale as usual, and many large property owners were present. The largest price paid for a lot was by R. Sartori, \$11,500, for the Stratford lot, on the north side of Yester avenue, near Railroad avenue. Sartori also bid in the McCullough & Campbell lot, on Yester avenue, near Railroad avenue, for \$4,500. The balance of the lots ranged from \$25 to \$1,000. The next sale will be held in Pioneer place, for which the date has not yet been fixed.

Following is the list of lots sold yesterday, exclusive of those bought by Sartori, all being in Yester's Third addition:

Table with columns: Description, Price, Purchaser. Includes lots 1 through 29.

COURTS AND PUBLIC OFFICES. Marriage licenses were issued yesterday for Albert Mark and Eva McCahey, both of Seattle, and Joseph Jensen and Kirstine Pedersen, both of Ross.

Judgments were signed yesterday in the cases of West Coast Manufacturing Company vs. A. S. Paul, and J. P. Sinclair, \$300 against garnishee.

Default was entered yesterday in the cases of A. M. Kilder vs. D. T. Denny, Seattle National Bank vs. D. T. Denny, and John Howie vs. James F. Eshelman.

Order continuing sale was filed yesterday in the case of C. W. Richte vs. James McNamara et ux, south half lot 5, and north half of lot 16, block 16, Burke's Second addition, \$25,000.

Charles Watson, receiver of the Cosh-Murray company, having sold out the stock of the superior court yesterday for an allowance of \$25 per month for office rent to wind up the affairs of the company.

THE DRUGGIST WHIPPED HIM. He Subdues an Unruly Customer Who Annoys a Lady.

A. B. Russell, a middle-aged man with black hair and a crop of very thin hair, was given a severe reminder by Judge Glasgow yesterday afternoon that it is proper to always give the right name when brought into his court.

Russell was arrested yesterday morning about 4 o'clock at the corner of Front and Pike street for fighting, and on being taken to the court he gave his name as J. Bruce. The case was called in the municipal court yesterday afternoon and Russell answered to the name of J. Bruce. He admitted that he had given a false name because he was ashamed of being arrested. The confession had no weight with the judge, who fined him \$5 and then ordered the arresting officer, Mefford, to tell his story. The officer said he was walking along Pike street when he heard cries from the corner of Front and Pike. He rushed to the scene as fast as possible, and as he drew nearer he heard a man yelling: "Don't hit him; he's down!"

Both Mr. Russell and Mr. Craig were arrested for fighting.

Craig told the judge that he was preparing a prescription for a lady, when Russell came in, under the influence of liquor, and commenced talking to the lady. Then he drummed on the counter in a loud and noisy manner, and requested him to leave the store, and he finally did go out on the sidewalk. After the woman got the prescription she asked Mr. Craig to accompany her home, as she was afraid of Mr. Russell. Craig did as he was requested, and on returning to the store was met by Russell, who gave him a severe blow in the face before he knew what had happened. Then they closed in, and in the struggle Russell fell to the ground underneath.

Russell admitted that he had been drinking, but said he was not drunk, and that he entered the store simply to purchase some salts. He drummed on the counter to attract Mr. Craig's attention, and all he said to the woman was that it was late to be out. He certainly had no intention of assaulting her. He said that there was really no fighting, and that if anything Mr. Craig was the aggressor. Mr. Craig's story being verified by witnesses, the judge fined Russell \$5 for fighting, dismissed the case against Craig and recommended Russell about giving a false name.

INCREASING BLINDNESS. People cannot afford to trifle with their eyes, and should only receive expert attention. Realizing this, all persons with defective sight will find it to their interest to call on Prof. H. Clay Everette, the optical specialist, at 720 Front street, Seattle, the only thoroughly scientific and experienced optician on this coast. Having years of experience in the manufacture of glasses and through instructions in the use of the finest opticians in the East, with a practical experience since fitting over ten thousand persons with glasses, he has successfully fitted over and over again persons in Seattle and the Pacific Northwest, and has an enviable reputation as a competent optician and is well-known as such throughout Montana, Oregon, Washington and British Columbia.

His wonderful success is a guarantee sufficient to satisfy the most exacting. Permanently located at 720 Front street, Seattle, where he is prepared with superior facilities and competent workmen to manufacture the most complicated glasses equal to any opticians East.

SHOE SALE. Just arrived, a new invoice of fine shoes for men's wear in calf, gloves, calf, horsehide and kangaroo. In the very latest styles, ranging in price from \$2.50 to \$4. The fine range in quality, and the shoes are really a beauty, and the price is only \$3.60. Mention this paper when you call. R. Abernethy's, 45 Pike street.

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The MacDougall & Southwick Co. Values named today show that we are actively engaged in keeping our store attractive. Do not judge the quality of the goods by the prices quoted. There is but one way to get a correct idea of the completeness of our stock and the dollar saving economies we offer you, and that is by inspecting the goods.

10% NET. The Kind of Property to Buy.

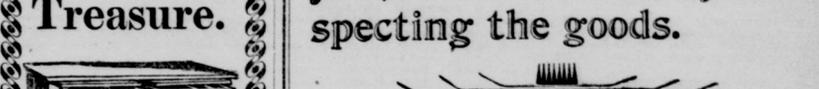
This is the Woodhouse property, on Madison street. It includes a store rented to a groceryman, a store rented by a druggist, and another small store, together with seven living rooms occupied by the groceryman, apartments occupied by the druggist, two barns and a smoke-house. Deducing insurance, taxes and all charges, it pays over 10 per cent on \$5,000, the price, and the rents are very low. In good times it will net 15 per cent. The location is admirable, and the property directly in the line of progress.

Observations taken at all stations at 5 p. m., 73rd meridian time G. M. Pacific time). GEORGE N. SALISBURY, Observer in Charge.

Crawford & Conover. Second Floor Collins Building.

Kitchen Treasure. \$2.75.

Spruce top, 28x42 inches; the most useful kitchen article made. Table, bread board, drawers and flour bins combined. These Kitchen Treasures can be shipped "knocked down" or made up. Particularly appropriate if your room in the kitchen or pantry is limited.



Prices of our cut steel belt and dress buckles are cut in two.

Cut Steel Buckles. \$9.88.

Prices of our cut steel belt and dress buckles are cut in two.

Shoes. \$4 SHOES FOR \$1.

Ladies Fine Kid Oxfords, hand turned shoes, pointed and square toes, reduced from \$4 to \$1.

Toilet Articles. \$1.00.

Buttermilk Soap 50 per box, White Rose Soap 60 per box, Pearl Scented Soap 60 per box, Listerine 60 per bottle, Colgate's Toilet Water 60 per bottle, Eau de Cologne 75 per bottle, Dr. Lyon's Tooth Powder 50 per bottle.

Carpets. \$2.29.

We have decided to clean out our entire carpet stock, and have reduced prices so as to insure a speedy clearing out. You can save from one-third to one-half by buying now.

Ladies' Shopping Bags. \$3.50.

A full line of celebrated Carhartt Union-made garments, the best goods in the market for workmen, seams guaranteed not to rip nor buttons to pull off.

Overalls, Coats, Jumpsuits.

Ladies' Shopping Bags.

A full complete line of ladies' shopping bags, newest things out, prices from \$2.50 to \$10.

Empire Jewelry Company, Inc.

Mail orders receive prompt and careful attention. Samples and catalogue free.

To the Public.

Having just enlarged our manufacturing department, we are now prepared to receive orders for anything in the line of jewelry manufacturing and diamond setting. For excellent work and low prices we can not be excelled. Fine watch repairing a specialty.

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21 Second St., Occidental Block.

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