MR. BUTLER'S WILL.

The Deceased Pioneer's Substantial Legacies to Friends.

OTTO MYERS PLEADS GUILTY.

A Heavy Mortgage Claim Against the W. C. Hill Estate Allowed After a Strong Technical Fight.

The will of Hillory Butler, the deceased pioneer, was filed in the probate department of the superior court yesterday by Blaine & DeVries, attorneys for the gentlemen named as executors. From the will it will be seen that many of the younger friends of Mr. Butler have been substantially remembered.

There is one singular mistake in the will. In the legacy to Miss Emma Atkins she is spoken of as the daughter of testator's deceased friend, "Richard" Atkins. The late Mr. Atkins, who died many years ago, was a warm friend of Mr. Butler, and was one of the most popular and genial of pioneers. He was the one man elected to the office of sheriff on the Democratic ticket in this county within the last twenty-five years. But his name was not "Richard." It was "Henry A." He was familiarly and affectionately called "Dick" Atkins by his friends, for no particular reason that was ever made apparent, and it was as "Richard" he was inadvertently recalled by Mr. Butler, which occasioned the mistake. The full text of the will is as follows:

"This is the last will and testament of Hillory Butler, of the city of Seattle, King county, and state of Washington.

"First—I give and bequeath to Mrs. Ada Thorne, wife of Robert L. Thorne, of Renton, King county, Wash., the sum of $4,000.

"Second—I give and bequeath to Mrs. Alice Engle, wife of A. W. Engle, of Seattle, King county, Wash., the sum of $2,000.

"Third—I give and bequeath to Mrs. Mary Eliza Short, of Kent, King county, Wash., the sum of $3,000.

"Fourth—I give and bequeath to Mrs. Nancy Mildred Burke, wife of George W. Burke, of Kent, King county, Wash., $3,000.

"Fifth—I give and bequeath to Mrs. Ellen Burns, widow, sister of my wife, Catherine Butler, deceased, the sum of $2,000.

"Sixth—I give and bequeath to Miss Emma Atkins, daughter of my deceased friend, Richard Atkins, of Seattle, King county, Wash., the sum of $3,000.

"Seventh—It is my will that my executors set apart a sum of money, not exceeding $3,000, and expend the same in erecting a suitable monument to mark my grave and the grave of my deceased wife, in the Masonic cemetery at Seattle, King county, Wash., and the further sum of $500 to be held in trust by them to be used in keeping the cemetery lot in which said monument shall be erected in proper order and repair, and should the cemetery be removed to some other locality, to defray the necessary expenses of removing said monument and the remains of myself and wife.

"Eighth—I give and bequeath to my brother, Edward Butler, the sum of $1,500.

"Ninth—I give and bequeath to my sister, Lucinda Butler, the sum of $1,500.

"Tenth—I give and bequeath to my brother, Franklin Butler, the sum of $1,500.

"Eleventh—I give and bequeath to my sister, Katherine Butler, the sum of $1,500.

"Twelfth—I give and bequeath to my brother, William Butler, the sum of $1,500.

"Thirteenth—I give, devise and bequeath all the residue and remainder of my estate, of whatever kind and character, to the several persons hereinbefore named as beneficiaries in this will, share and share alike, and in the event that any of said legatees or beneficiaries shall be dead at the time of my death, then the share of such legatee or beneficiary shall pass to his or her legal issue, and if such legatee or beneficiary so dead as aforesaid at my death shall leave no legal issue then surviving, then the share of my estate which such legatee or beneficiary would have taken shall pass to the remaining legatees and beneficiaries, equally, then surviving, and to the legal issue of such as may then be dead, it being my desire and will that all of said legatees, or in the event of the death of any one or more of them, their legal issue, shall receive said residue and remainder of my estate, the said issue taking the share of deceased legatee, and if such deceased legatee shall leave no legal issue surviving him or her at the date of my death, then such share to pass equally to the surviving legatees or beneficiaries named in this will, or to their legal issue.

"Fourteenth—I hereby nominate and appoint my friends, Rolland H. Denny and Arthur A. Denny, of Seattle, King county, Wash., the executors of this, my last will and testament, without bonds, it being my will that no bonds shall be required of them or either of them; and it is further my will and desire that immediately after the probate of this will, and after the same shall have been duly entered of record, my said executors shall at once become possessed of my said estate, with full power to execute this will and to administer upon my estate without the intervention of any court and without being required to account to any court for their acts and doings as such executors; and in the event of the death of either of said executors, it is my will that the survivor shall have all the powers as such executor as both would have if living and acting. I hereby empower my said executors, or the survivor of them, to sell and convey any and all real and personal property belonging to my estate at public or private sale, and without being required to apply to any court for authority so to do.

"Fifteenth—I hereby revoke all wills and testaments heretofore made by me, and declare this to be my last will.

"Witness my hand this 29th day of August, 1894. HILLORY BUTLER."

The witnesses to the will were Dexter Horton and E. F. Blaine.

CLAIM AGAINST HILL ESTATE.

The Schwabacher Co. Recovers a Judgment of Foreclosure of Mortgage.

The case of Schwabacher vs. Lewis, as administrator of the estate of W. C. Hill, was tried yesterday before Judge Langley, Carr & Preston representing the plaintiff, and Green & Turner the estate. The action was brought to foreclose a mortgage given by the late W. C Hill in his lifetime for $14,000 on the north half of lot 2, block 7, David S. Maynard's plat.

The defense was a technical one, based on the following facts: The claim in question had been presented to the former administratrix, before the principal note was due, and had been allowed by her, and also by the probate court, only for the amount of the accrued interest, some $1,400. The defense claimed that this allowance for the smaller sum was equivalent to a rejection of the claim for the larger amount, and that no appeal having been taken from the order of the court in that respect, and the time for appeal having expired the plaintiff was barred of a remedy against the estate.

It appeared that the administratrix had, however, notified the plaintiff that the claim had been allowed, and had carried it in her various reports as among the allowed claims against the estate. In view of this fact, Judge Langley held the estate estopped from denying that the claim had been allowed, and ordered a decree for plaintiff.

There was no dispute as to the right of the plaintiff to foreclose the mortgage, the defense only seeking to limit the recovery to the land described in the mortgage and to guard against a deficiency claim against the estate should the property not bring the amount of the claim.

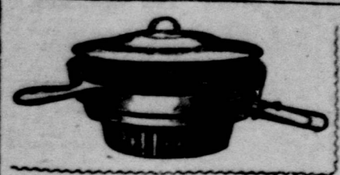
WHICH DO YOU PREFER

Health or Sickness?

Olympic Tea

Keeps One HEALTHY.

All Druggists. 25c.



PERFECTION CHARCOAL BROILER

Broils Steak to Perfection.

NO TROUBLE. NO SMOKE OR SMELL.

PRICE, $1.50 EACH.

Z. C. MILES CO., Yesler Way, between First and Western Avenues

T. F. DAVIDSON, Receiver.

STATE LAND COMMISSION.

Cases Along the Water Front, North of Yesler Way, Taken Up.

The state land commissioners, in their session yesterday, did not make as much progress in disposing of cases of tide land contests as in their previous sessions this week. Some of the cases yesterday were hotly contested, and much time was taken up in examination of witnesses. The following cases were disposed of:

Block 175, lots 1, 2, Northern Pacific Railroad Company, 1,646, Columbia & Puget Sound Railroad Company, 1,040, vs. Leary, 1,068. Submitted and taken under advisement.

Block 182, lot 4, Seattle, Lake Shore & Eastern Railway Company, 1,666-1,687, vs. Puget Mill Company, 1,412. Default of Seattle, Lake Shore & Eastern. Awarded to Puget Mill Company.

Block 183, lot 1, Union Trust Company, 1,331, Northern Pacific Railroad Company, 1,646, vs. Columbia & Puget Sound Railway Company, 1,040. Hearing continued indefinitely.

Block 183, lot 4, Northern Pacific Railroad Company, 1,646, Puget Mill Company, 1,412, vs. Columbia & Puget Sound Railroad Company, 1,024. Defaults entered against the Northern Pacific Railroad Company and Columbia & Puget Sound Railway Company, and the Puget Mill Company awarded the tract.

Block 190, lot 1, Northern Pacific Railroad Company, 1,646, Pontius, 1,327, vs. Columbia & Puget Sound Railroad Company, 1,024. Default of Northern Pacific Railroad Company and Columbia & Puget Sound Railway Company and lot awarded to Albert M. Pontius.

Block 190, lots 2 and 3, Northern Pacific Railroad Company, 1,646, Noyes, 1,337, vs. Columbia & Puget Sound Railroad Company, 1,024. Northern Pacific Railroad Company and Columbia & Puget Sound Railway Company relinquish. Lots awarded John Noyes.

Block 190, lot 4, Northern Pacific Railroad Company, 1,646, Knipe, 1,247, Campbell, 1,188, vs. Columbia & Puget Sound Railroad Company, 1,024. Default of Northern Pacific Railroad Company and Columbia & Puget Sound Railway Company, and the applications of Robert Knipe and John Campbell were allowed.

Block 193, lots 1, 2 and 3, Seattle, Lake Shore & Eastern Railway Company, 1,677, vs. J. M. and A. H. Colman, 1,028. Default of the Seattle, Lake Shore & Eastern Railway Company entered and lots awarded to J. M. and Agnes H. Colman.

Block 193, lot 4, Seattle, Lake Shore & Eastern Railway Company, 1,677-1,683, vs. J. M. and A. H. Colman, 1,028. Default of the Seattle, Lake Shore & Eastern Railway Company entered and lots awarded to J. M. and Agnes H. Colman.

Block 195, lot 1, Seattle, Lake Shore & Eastern Railway Company, 1,679, Northern Pacific Railroad Company, 1,648, estate of H. L. Yesler, 1,291, Columbia & Puget Sound Railroad Company, 1,039, vs. Melhorn, 1,063. Argued and submitted.

Block 195, lot 2, Northern Pacific Railroad Company, 1,648, Columbia & Puget Sound Railroad Company, 1,039, estate of H. L. Yesler, 1,291, vs. Melhorn, 1,063. Argued and submitted.

The commissioners yesterday also took up the matter of the appraisement of the school land at Meadow point, the site of the proposed military post, and approved the appraisement as follows: Lot 1, section 16, township 25 north, range 5 east, $40 per acre; lot 2, $30 per acre.

Following is the docket for hearing today:

Today's Docket.

Block 195, lot 3, Northern Pacific Railroad Company, 1,648, estate of H. L. Yesler, 1,290, Columbia & Puget Sound Railroad Company, 1,039, vs. Gasch, 1,032.

Block 197, lot 1, Northern Pacific Railroad Company, 1,648, estate of H. L. Yesler, 1,289, vs. Columbia & Puget Sound Railroad Company, 1,039.

Block 197, lot 2, Northern Pacific Railroad Company, 1,648, estate of H. L. Yesler, 1,299, Denny et al., 1,264, vs. Columbia & Puget Sound Railroad Company, 1,039.

Block 197, lot 3, Northern Pacific Railroad Company, 1,648, Denny et al., 1,264, Terry, 1,067, vs. Columbia & Puget Sound Railroad Company, 1,039.

Block 197, lot 4, Dexter Horton & Co., 1,578, vs. Harrington & Smith estate, 1,434.

Block 198, lot 3, Colman, 1,619, vs. The Commercial Company, 1,099.

Block 198, lot 4, Colman, 1,619, Northern Pacific Railroad Company, 1,249, vs. The Commercial Company, 1,099.

Block 198, lot 5, Colman, 1,619, West Seattle Land and Improvement Company, 1,410, vs. Northern Pacific Railroad Company, 1,249.

Block 198, lots 6, 7, 8, 9, Colman, 1,619, vs. Northern Pacific Railroad Company, 1,249.

Block 198, lot 10, Seattle, Lake Shore & Eastern Railway Company, 1,681, Colman, 1,691, vs. Northern Pacific Railroad Company, 1,249.

Block 198, lot 12, Denny et al., 1,264, vs. Northern Pacific Railroad Company, 1,249-1,250.

Block 198, lot 13, Seattle, Lake Shore & Eastern Railway Company, 1,681, Denny et al., 1,264, Northern Pacific Railroad Company, 1,250, vs. Terry, 1,067.

Block 198, lot 14, Dexter Horton & Co., 1,578, vs. Estate of Harrington & Smith, 1,434.

Block 199, lots 3 and 4, McIntosh, 1,465, vs. Columbia & Puget Sound Railway Company, 1,017.

Block 199, lot 5, McIntosh, 1,415, vs. Columbia & Puget Sound Railway Company, 1,017.

Block 199, lot 9, McIntosh, 1,466, vs. Columbia & Puget Sound Railway Company, 1,017.

Block 200, lots 1, 2, 3, Washington Dredging and Improvement Company, 1,747, vs. Van Nuys, 1,316-1,046.

Block 200, lot 4, Washington Dredging and Improvement Company, 1,747, Dearborn, 1,111, vs. Van Nuys, 1,316-1,046.

Block 200, lot 6, Washington Dredging and Improvement Company, 1,747, vs. Dearborn, 1,520-1,111.

Block 200, lots 7 and 8, Washington Dredging and Improvement Company, 1,747, Duwamish Dairy Company, 1,396, vs. Dearborn, 1,520-1,111.

Block 200, lot 5, Washington Dredging and Improvement Company, 1,747, vs. Dearborn, 1,111.

SUING FOR SAW LOGS.

A Jury Finds They Were Seized and Sold for Another Man's Debt.

The case of Frank Stossel et al. vs. A. T. Van de Vanter, as sheriff, and Knapp, Burrell & Co., intervening defendants, was tried before Judge Osborn and a jury yesterday and resulted in a verdict for plaintiff for $1,490.49 and costs.

The facts, as developed in the trial, were that Stossel and his associates were engaged in logging, and had put in a large number of logs, which were boomed ready for driving. Knapp, Burrell & Co. had an unsatisfied judgment against James Duvall and caused the sheriff to levy on the logs, claiming that Duvall owned a four-fifths interest in them. The logs were sold and bought in by Knapp, Burrell & Co.

Stossel and his partners brought suit against the sheriff for conversion, with the result as stated.

Incompatibility of Temper.

Gertrude Anderson, the latest petitioner to be relieved from the galling bonds of matrimony, filed her complaint asking that relief in the superior court yesterday. According to that complaint, she was married to Columbus Anderson in Bay City, Mich., in 1880. The grounds of her complaint are that their tempers are incompatible, and further, that her husband has neglected to provide for her the necessaries of life and has met her complaints in that respect with rude, angry and profane language, winding up with deserting her entirely on June 12, 1895. Summons by publication was issued.

An Interpleader.

Granville D. Phillips brought a suit in the superior court yesterday against Anna W. S. Keater and Ella M. Morris and J. P. H. Morris. Plaintiff simply seeks to be relieved from a liability to pay double rent for his house. He says that he is the tenant of a house on lot 2, block 49, of W. N. Bell's addition, which he leased from Morris at the monthly rental of $22.50; that Anna Keater claims the property and notifies him to pay the rent to her. He pays all the rent due into court and asks that defendants settle their claims thereto and leave him out.

Henry Drum Sued.

Yesterday a suit was filed in the superior court against Henry Drum, the well-known Tacoma capitalist and politician, by Mrs. Susan M. Fifield. The action is brought to foreclose a mortgage for $8,025, together with interest, etc., on lands in this county, described as the northwest quarter and north half of southwest quarter, and the northwest quarter of the southeast quarter of section 34, twonship 20 north, range 6 east. The land in question is located on White river, the postoffice of Boise, on the main line of the Northern Pacific.

Scullin Place to Be Sold.

The Scullin place on Lake Washington, consisting of bath houses, dancing hall, toboggan slide, swimming rafts, etc., is likely to pass out of the hands of the present proprietors very shortly. Yesterday in the superior court judgment was rendered by Judge Osborn foreclosing a chattel mortgage for $682.91, held by John J. McGilvra on the premises, and ordering the property sold to satisfy that judgment.

Myers Pleads Guilty.

Otto Myers, one of the two young men accused of the burglary committed on the store of the Puget Sound News Company on November 27 last, when a quantity of cigars and other goods were taken, was to have had his trial in Judge Humes' court yesterday. At the last moment, however, he changed his mind and entered a plea of guilty. His alleged accomplice, Mulligan, is to be tried tomorrow.

New Suits Filed.

The following new suits were filed yesterday in the superior court:

Gertrude Anderson vs. Columbus S. Anderson—Divorce.

T. A. Hennelly vs. S. B. Skinner—Note $130 and foreclosure of mortgage on lot 4, block 8, Queen Anne second addition.

Granville D. Phillips vs. Anna W. S. Keater, Ella M. Morris and J. H. P. Morris—Interpleader.

In the matter of the insolvency of George Sintz—Petition in insolvency.

Mrs. Susan M. Fifield vs. Henry Drum et ux. et al.—Note for $8,025 and mortgage on nw¼ and n½ of sw¼ and nw¼ of se¼ of section 34, township 20 north, range 6 east.

William J. Wageman vs. F. A. Wing and Hugh C. Thomas—Note for $100.

Sarah Gorman vs. Eugene Lathrop and Sarah M. Lathrop—Note for $170 and foreclosure of chattel mortgage on household goods.

Court Notes.

Satisfaction of the judgment of the city vs. Parkes was filed in the superior court yesterday.

In the case of J. L. Kahaley vs. E. O. Graves the defendant yesterday filed a motion for a new trial.

A motion for a new trial was filed yesterday in the superior court by the defendant in the case of J. G. Hurd vs. the National Bank of Commerce.

In the case of Peter Work vs. P. L. Shannon and T. M. Ryan, an affidavit in garnishment was filed in the superior court directed against James Weir and John Patterson.

In the case of Waldo Spaulding vs. O. N. Nelson et al., the defendants, Andrew and Mary Chilberg, have filed an answer disclaiming any interest in the property in controversy.

In the case of O. H. Lester vs. R. E. Cameron et al., tried January 27, before Judge Langley, the findings and decree in favor of defendant, Robert B. Johnston, were yesterday signed by Judge Langley.

In the case of the Solicitors' Loan and Investment Company vs. Charles E. Carleton, an order was made by Judge Langley yesterday substituting T. De Witt Cuyler and Effingham B. Morris, assignees, for the plaintiff.

J. T. Bow, who was appointed justice of the peace for Ozillia precinct, November 19 last, yesterday filed with the clerk of the court his official bond in the sum of $500, with M. McDougall and R. J. Cameron as sureties.

Judge Hanford admitted to citizenship yesterday the following persons: Julius Duchison, a native of Germany; Archibald McBeth, Canada; Fred W. Hoyt, New Brunswick; W. A. Wedeen, Sweden; Abel Bergeson, Sweden.

The case of the state vs. James Long, for petty larceny, set for hearing before Judge Humes yesterday afternoon, was continued on application of the prosecution, which filed an affidavit showing the absence of a material witness.

Marriage licenses were issued to the following: Christian M. Landeck and Wilhelmina B. Schede, both of Seattle; Wilhelm T. Hempel and Marie F. Willensen, both of Seattle; Thomas Knutson and Julia Iverberg, both of Tacoma.

The jury in the case of Peter Neilson vs. L. M. Keith was impaneled in Judge Osborn's court just prior to adjournment yesterday, and the case will be tried today. The case is an action for a balance on the purchase price of property.

In the case of the Seattle Savings bank vs. Lauren Ingalls, Harry White and James A. Moore, a writ of garnishment was issued yesterday, directed to the Seattle Savings bank, on petition of John Wiley, the assignee of the judgment.

A. O. Benjamin, assignee of George Sintz, an insolvent, yesterday filed an inventory of the estate in the clerk's office of the superior court, showing the value of the real property to be $350, and personal property $321. The real estate is in sections 21, 22, 27 and 28, township 37, range 4 east.

Articles of incorporation were filed in the auditor's office yesterday of the Columbian Fine Gold Savings Company. The incorporators and first trustees are Frank Barnard and John D. Atkinson; the objects, mining and the construction and operation of mining machinery; the capital stock is $1,500; the duration fifty years, and the principal place of business Seattle.

Confirmations: Boston National bank vs. William B. Clark et ux.; Guarantee Loan and Trust Company vs. Winfield S. Stetson; A. M. Brookes vs. the Puget Sound Creosote Works et al.; Mrs. J. A. McDonald vs. Demorest Desnoyer et al.; Olaf Johnson vs. Lyman H. Rogers; Washington National Building Loan and Investment Association vs. James Cooper et al.; Herman Chapin vs. W. Pfieffer et al.; Washington National Building Loan and Investment Association vs. Virginia Bussell; same vs. Martin O. Peterson; same vs. David J. Pierce et al.; same vs. Cornelius Gallagher et al.; Ethel Calvert vs. Fred L. Stinson et al.; National Building Loan and Investment Association vs. Levi Shappee; Cecil E. Evans vs. Fred L. Stinson.

City Hall Notes.

The force in the city comptroller's office is busy preparing the yearly report.

Two permits were issued by the board of public works yesterday for repairs to property, one to W. Cude and the other to A. DeVoe, the former for $150 and the latter for $30.

A. G. McBride petitioned the board of public works yesterday for permission to build a bulkhead in front of his property on the northeast corner of Galer street and First avenue west. This is done in view of the grading to be done on Galer street.

The board of health filed a request with City Clerk Stewart yesterday for the council to allow a sufficient sum in the estimates of the health department to provide for a chemical analysis of the water from a well in the Occidental building, the water of which the board believes is unfit to drink, and dangerous to health. The request will be submitted to the city council at its next meeting.

THREE MEN BROKEN.

A Big Shake Up in the Police Department.

BALDUS, DEXTER AND MILLIKEN.

Serving Two Masters—Rogers Is Not a Catholic or an A. P. A., but Wants Good Officers.

There was a general shake-up in the police department last night. It took just sixteen minutes for the commissioners to swing the ax three times, and each time the head of an A. P. A. policeman fell in the basket. The victims were A. W. Dexter, of Fremont; Willis Milliken, of 620 Jackson street, and Charles J. Baldus, who lives on Jacobs avenue, near Galer street. The annual election of officers and the appointment of patrolmen was taken up and resulted in the re-election for one year of the force as it stood, minus the three decapitated, and the following additional: Regular, W. P. Thompson; specials, L. V. Perington, W. P. Chipman and H. C. Adams.

While the only reason ascribed in Chief Rogers' letter of recommendation that Dexter, Baldus and Milliken be dropped was the betterment of the force, those who read the Post-Intelligencer yesterday morning cannot fail to see the link between the chief's lecture to the force and what actually took place last night. When Rogers returned from Mexico recently he found that the department was in a peculiar condition. He did not like it. Rogers is not a Catholic or an A. P. A. It did not take him long to find out what was going on. It is almost needless to say that his idea of what a policeman should do did not agree with what came to his ears. Then, when the Merrill case came up other things happened which were hinted at in the Post-Intelligencer yesterday morning. One thing that gave Rogers annoyance was the continued rumor connecting, by innuendo, his name with an alleged conspiracy to "job" Merrill, who was generally known as a strong A. P. A. In justice to Rogers it should be said that when Robert Miller reported his suspicions of what was going on Rogers was in California. At the time of the arrest Rogers was in the city, but not at the police station, and he did not know anything about it until morning. The action of Special Officer Pearce, Baldus and Dexter in connection with this case hastened the lecture from Chief Rogers.

While the chief will not talk about the matter, it is certain that he had Miller, the prosecuting witness; Baldus and Dexter before him night before last. The chief was not satisfied with the explanation Baldus gave of why he told Miller that it might be to his advantage to go down and see Dexter. Chief Rogers has affidavits from Charles Lunn, an eye-witness to what took place in the barn, and from Robert Foley, who saw Miller and Lunn when they went to the barn, and who was there when Merrill was taken out, who say in substance that they were offered $100 cash as part payment for skipping out. They did not skip, however, and have told the whole story, not only of what they saw at the barn, but what was said to them about Merrill by one of his friends. In brief, this is the history of some of the principal things that led up to the grand shake-up last night.

Those who affect to know say that the three men who were dropped are suspected of carrying out the orders of the A. P. A., or trying to enforce its influence in the performance of their duty by showing partiality.

It was not known even among the patrolmen that Rogers had a mind to take the bull by the horns and give it a flop. The men who were dropped had no presentiment of how determined a man Rogers is until he walked up to them after the meeting and told them to pass in their "tools." It was about 7 o'clock that the chief stepped up to the telephone and called up Mayor Phelps and asked him if he would be down to the meeting. The mayor said he had another engagement, and he did not know as he would be around. Rogers simply replied that there would be some matters of interest. When the time for the meeting arrived Commissioners Wallingford, Kirkwood and Baker were present. In the absence of the mayor Kirkwood presided.

Chief Rogers first announced the resignation of Clerk Frank Kennedy, to take effect immediately. The commissioners accepted the resignation. Then Rogers took up a letter which read in brief: "I recommend that the names of Patrolmen A. W. Dexter, Willis Milliken and C. J. Baldus be dropped from the rolls; that W. P. Thompson be made a regular, and that L. V. Perington, W. B. Chipman and H. C. Adams be made specials."

"I make a motion that the chief's recommendations be adopted," said Baker.

"I second the motion," said Wallingford.

Kirkwood put the motion, and by voting with the other two members made the action unanimous. The annual election was then taken up, and on motion of Wallingford, and with the concurrence of the other commissioners the police department was reorganized as follows:

Chief, Bolton Rogers; captain, G. W. Hogle; sergeants, D. F. Willard, John Sullivan, George A. Templeton; clerk C. S. Reed; matron, Emma Taylor; jailers, W. I. Peer, Henry Surry; patrol drivers, F. B. Johnson and Sam Hamilton; patrolmen detailed as detectives, Ed Cudihee, J. L. Wells, C. H. Phillips, Gil Philbrick, S. G. Corbett, J. H. Williams.

Patrolmen—G. A. Thom, M. F. Powers, J. W. Glasscock, James Byrne, M. Munson, F. C. Stevens, John Kelly, William Wiles, J. C. Wickman, John Brennan, C. I. Grant, J. L. Bates, Irving Ward, John Corbett, J. W. Huff, J. F. Burkman, W. F. Laubscher, L. A. Barbee, F. P. Marquis, S. A. Hoddeen, L. J. Birdsall, S. S. Crawford, A. H. Mifford, T. D. Ellis, E. C. Griffith, J. H. Moore, C. A. Conners, A. M. Kent, Payton Brown, H. W. Barr, W. B. Thompson.

Herder—George Grose.

Electrician—A. R. Pinkney.

McNAMARA GETS $1,500.

The Jury Gives Him That Much Damages Against the City.

After six hours' deliberation the jury in the case of James McNamara vs. the city, in which the former asked for $15,000 for an infringement of a patent, brought in a verdict for McNamara for $1,500. The case has been before Judge Hanford several days, and has been stubbornly fought by the attorneys on both sides. In his charge to the jury Judge Hanford stated that in arriving at an amount for damages, if they thought by the evidence that he was entitled to any, they should figure the amount according to the length of time the city has used the patent since the plaintiff left his employ. Assistant Corporation Counsel Steele argued for the city in a forcible and logical manner, covering every detail of the complicated case. John Wiley, counsel for the plaintiff, also made a strong argument for his client. The verdict is about what was expected by the friends of McNamara.

The jury retired at 5 p. m. to deliberate, and reached a verdict at 11 p. m.

A Reward for Vigilance.

Officer Birdsall, who captured the burglar that broke into the Dingley-Hardwick Company's store, was surprised yesterday by being given his choice of thirty-four fine revolvers. He selected a 41-caliber Colt's, easily worth $16. The generosity of the proprietors of the store was appreciated by the blue coat.

The Whitney Hearing.

The preliminary examination of Harry Whitney, ex-secretary of the school board, on the charge of forgery, is set for this morning. It is understood, however, that both sides will agree to a continuance to allow the expert of the books to be carried to a close before further action.

Whatever may be the cause of blanching, the hair may be restored to its original color by the use of that potent remedy Hall's Vegetable Sicilian Hair Renewer.

For Colds And Coughs

"Early in the Winter, I took a severe cold which developed into an obstinate, hacking cough, which troubled me for nine weeks, in spite of medical aid.

AYER'S Cherry Pectoral

being recommended me, I began to take it, and inside of 24 hours I was relieved. That one bottle cured me, and I cannot speak too highly of its excellence."—Mrs. E. E. Bosch, Eaton, Ohio.

Highest Awards at World's Fair.

GETS A REHEARING.

Secretary Smith Opens Up the Eisbert Homestead Case.

THE ORIGINAL CLAIMANT DEAD.

After Many Appeals From One Department to Another, Eisbert's Heirs Gain Their Point.

Secretary of the Interior Hoke Smith has ordered a rehearing in the famous Eisbert homestead case. The decision was received at the local land office yesterday and is as follows:

"To the commissioners of the general land office: On April 25, 1885, Mihaly Eisbert made a homestead entry of the northwest quarter of section 23, and the north half of the northeast quarter and the northeast quarter of section 22, township 22 north, range 3 east, Seattle land district, Washington. He offered final proof on October 31, 1890, when he was confronted by the protest of Charles H. Davis, alleging failure to reside upon the claim for five years, as required by the homestead law. A hearing was had on April 7, 1891, and the local officers decided in favor of the entryman. Davis appealed to your office, which on October 1, 1892, reversed the judgment of the local officers and decided in favor of Davis. Eisbert appealed to the department, which, on March 3, 1894, rendered a brief decision, finding that:

"'The material facts disclosed by the record are set out in the decision appealed from, and sustain the conclusion reached by your office, to the effect that Eisbert, who, it seems, continued to make his home with his family in Seattle, did not establish his residence from that date, until his submittal of proof, October 31, 1890, is too limited to constitute a compliance with the homestead law.'

"Eisbert filed a motion for review, which was overruled by departmental decision of October 19, 1894. Eisbert filed a motion for a rehearing, which was denied by departmental decision of December 21, 1894. The department is in receipt of a motion filed by Eisbert for a review of the departmental decision denying a rehearing, accompanied by affidavits in support of the same, which are in the nature of newly discovered evidence, which the movant alleges it was not in his power to produce at the time of the hearing.

"I have examined the affidavits referred to, as well as the briefs and arguments for and against the motion. It is not deemed necessary to set out the contents of these affidavits in detail. It is sufficient to say that they raise a doubt in my mind as to whether justice has been done the entryman. There seems to be no legal obstacle in the way of resolving that doubt by a further hearing, which may be had, on terms fair to both sides. I have, therefore, to direct that a further hearing be ordered at so early a date as practicable, at which Eisbert shall be permitted to introduce the testimony indicated by affidavits, and which, it is alleged, it was not in his power to produce on the first hearing, after which rebuttal testimony may be introduced, the question of fact to be determined being whether or not the entryman had complied with the homestead law in reference to residence and cultivation at the date of offering final proof. Such testimony, together with that offered at the former hearing will be considered, and a decision rendered thereon by the local officers, whose decision shall be final, unless an appeal is taken therefrom as in other cases. Herewith are returned the papers in the case. "HOKE SMITH,

"Secretary of the Interior."

This is good news to the heirs of the deceased rabbi, who died while on his way to Washington City last spring to make a personal appeal to the president and secretary of the interior. A number of his friends claim that he died from worry and overstrain. The case is well known to the Seattle public, as the facts have been published a number of times in the daily papers. The disputed homestead is on Vashon island and is considered a valuable piece of land. Eisbert claimed during his lifetime that he expended $2,000 on improvements. After Eisbert's death Abe Spring went to Washington City in behalf of the heirs and presented the case before the department and argued for a rehearing. The fruits of his effort are apparent in this last order.

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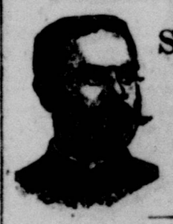

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