

STILL DRAGS ALONG.

Depositions Being Read in the Dawson Divorce Case.

CUMMINGS PLEADS NOT GUILTY

The Attorney Asks for More Time and Announces That the Defense Will Be Insanely.

Yesterday was an extremely dull one as far as the Dawson divorce case was concerned. It was agreed between counsel that no further oral testimony should be taken in the case until Will H. Thompson's death would permit of his being present, and consequently the day was consumed in the reading of the various depositions taken in the case, the substance of which has already been published. The depositions were not all finished when the hour of adjournment arrived, and their reading will be resumed today and will probably be finished by noon. The further hearing of the case will then probably be adjourned until Monday next, at which time it is expected that Mr. Thompson will be in addition to attend.

WILL PLEAD INSANITY.

The attorneys for Lawrence Cummings outline his proposed defense. Lawrence Cummings, the wife slayer, was brought before Judge Humes yesterday morning at 9:30 to plead to the information filed against him for murder in the first degree. He came into court accompanied by Jetter Burkman and a deputy sheriff, and when his name was called by the court he came forward in his usual stolid manner. When asked what his plea was, he looked around momentarily at his attorney, Col. Lindsay, and then in a clear, firm voice responded, "Not guilty." He then slumped back to his seat.

he did not consider sixty days any too much, and for his part he was willing to have the case go over until September. To try the case at the time was too much like trying to "railroad" the prisoner to the gallows. Presenting Attorney Haste strenuously opposed any continuance. He said the only eye witness to the crime was a laboring man, who is out of employment, and who announces that he intends to go to Eastern Washington to secure work to enable him to support his aged and crippled mother.

Accuses Him of Adultery. Sarah L. Heyward filed a complaint in the superior court yesterday against William L. Heyward, for divorce. The couple were married July 17, 1891, in Vancouver, B. C. Mrs. Heyward says that on June 1, 1895, her husband committed adultery with Alice Cameron. She also says that he is generally shiftless and lazy, and devotes his time to gambling. He stayed out at night, neglected his home, and was in the habit of receiving loving letters from other women, which he used to read to his wife. He also was in the habit of using profane, abusive and vulgar language towards her. There are no children and no community property.

Sale of Port Madison Mill. The Port Madison mill, one of the finest plants in the Northwest, was sold at auction yesterday at Port Madison for \$100,000, which is about 10 per cent of what it originally cost. Dexter, Horton & Co., of this city, were the purchasers, and only bidders. The other property sold under the hammer was the steamer Favorite, to Capt. Primrose and J. A. Campbell, of Port Blakely, for \$10,000; steamer Detroit, G. A. Messers, \$1,500, and steamer Adeline, Cahn & Co., Seattle, \$250. The company owns some property in this city, which will be sold by Marshall Quilley on Monday.

Their Troubles Settled. John Dowling some time ago brought suit against John Bagley, his partner in the salmon business, and had a receiver appointed to take charge of the firm property. Yesterday he filed a petition in the superior court, reciting that the partners had arranged their financial difficulties, that the debts of the firm had been paid, and asking that the receiver be discharged.

Cochrane Gets an Injunction. The old case of William Cochrane vs. Gust Gunderson, which in different shapes has been before the courts for several years, was up again yesterday, when Cochrane obtained from Judge Osborn a temporary restraining order to prevent Gunderson and the sheriff from proceeding to collect a judgment against Cochrane by the sale of his property.

New Suits Filed. There were filed with the clerk of the superior court yesterday the following new suits: Sarah L. Heyward vs. William L. Heyward—Divorce. Gordon Hardware Company vs. N. B. Fraser—Account stated, \$271.

Court Notes. On Saturday next Judge Osborn will set jury cases for trial, commencing with September 8. Oscar de Pion, a native of Norway, was admitted to citizenship in the superior court yesterday.

The final decree of divorce in the case of Grace Newton vs. Albert Newton was signed by Judge Langley yesterday. Judgment in favor of the Gordon Hardware Company and against W. B. Fraser for \$24.21 was signed by Judge Humes yesterday. Marriage licenses were issued yesterday to the following: Edward L. P. Horriok, of San Francisco, and Eleanor Miller, of Seattle; Charles E. Sheffield and Emma L. McKenzie, of Seattle; William Roberts and Sophia Lorenson, of Seattle;

HILL CASE SETTLED.

Judge Hanford Renders a Decision in Estate's Favor.

LAST OF A LONG LITIGATION.

Started in 1897, It Went Through the State Courts, U. S. Supreme Court, and Finally the Circuit Court.

The litigation with reference to the large piece of acreage known as the Hill tract, lying near Yesler way, was given a final knock-out blow yesterday when Judge Hanford rendered his decision and filed his opinion in the case of McAleer vs. Hill. The property is very valuable and would probably, by this time, have been well built up, as it is close to the city and easily accessible by several car lines. But the continual litigation, and later the death of Mr. Hill, and the fact that the estate was in the hands of the probate court has prevented any disposition of the property.

The litigation was started in 1897 by Patrick McAleer et al., who claimed the property by the purchase of it as a portion of the Maynard donation claim, and also by reason of having homesteaded the land. Mr. Hill, who had secured title from the United States government by filing Porterfield land warrants on the land, was made defendant in a suit by McAleer and others to have the Hill declared trustee for them. The suit was tried in the superior court for King county and created considerable interest at the time, being argued before the Hon. J. M. Hanford, who on the appeal to the state supreme court was affirmed, and the result was that when the case was carried to the United States supreme court.

Upon the final decision of the case in the United States supreme court a new suit was brought by the McAleer heirs against William H. Lewis, as administrator of the Hill estate, in the United States circuit court, at the time, being a case, entitled Patrick McAleer et al. vs. William H. Lewis et al., which Judge Hanford rendered his opinion yesterday. It reads as follows:

"By this suit the complainants seek to litigate again the very same questions and claim to property, which were fully tried upon the merits and adjudicated, in the case of McAleer et al. vs. Hill, 141 U. S. 257. The defendant Lewis is administrator of the Hill estate, and the complainants in this suit are claiming said property in the same right; the superior court of the state which tried the cases had complete jurisdiction of the subject matter, and the parties, and after a full hearing it rendered a final judgment on the merits, adverse to the complainants, and the supreme court of the state has affirmed the judgment, and appeals to the supreme court of the United States have been dismissed, by a plea in bar, have set forth the former adjudication and the record. Said plea, and other defenses interposed, have been met by a general replication, and the case has been submitted upon the pleadings and proofs. By the evidence it is fully established that the plea is true in every particular, and the only way in which counsel for the complainants, upon the hearing, have sought to avoid the plea, is by questioning its sufficiency, and by claiming that in their bill of complaint, filed in this court, and the evidence submitted, the right and interest of the complainants is shown with greater fullness

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MANTELS, GRATES, TILING

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

and accuracy than in the pleadings and evidence presented to the state court. The only questions which the court is asked to consider are whether the plea is sufficient, and whether the complainants, after being defeated, may in a new suit, reform the issues, and strengthen their position by marshalling the evidence anew and adding thereto a few additional items. "By their replication the complainants have admitted the sufficiency of the plea, and it is contrary to equity practice to permit the first question to be raised at the final hearing. I have, however, notwithstanding the rule, examined the plea with care, and I find it to be so nearly perfect that I entertain no doubt whatever but what I should have held it to be sufficient if the plea had been regularly set down for argument. As to the second question, it is sufficient to say that the former adjudication is conclusive, not only as to all matters which were actually brought to the attention of the court and considered, but also as to all matters which might have been so presented and considered if the complainants had been diligent in making a full presentation of their case, as they should have been. "Upon elementary principles, the court must find that the complainants are estopped by the judgments against them, now of record in the courts of this state, and it is unnecessary to consider the other defenses relied upon. "The plea is a decree dismissing the suit."

A Family Jar. Ed Huntley, a well-known man about town, who is being sued by his wife for a divorce, spent Tuesday night behind the bars in the city jail, having been arrested during the afternoon by Detective Wells for creating a disturbance at the home of Z. C. Miles, where his wife, who is a sister of Mrs. Miles, resides. Huntley claims that Mrs. Miles is the cause of all his marital misery, and has been tormenting her for some time. On Monday night and yesterday morning he had been drinking heavily, and when he went to the Miles home at 311 James street he was in good condition for trouble, and from the appearance of his face he got it. Huntley was arrested on complaint of Mr. Miles. The trouble was settled yesterday by the parties interested, the evident intention being to avoid publicity.

An Ideal Outing. On Saturday, June 27, at 4 p. m., the commodious steamer Sishoms will leave Yesler wharf, Seattle, on a special trip to Hood canal, stopping over night at Union City, and resuming the trip next day to the famous Lillwapp falls, returning from there in time to reach Seattle Sunday evening about 7 p. m. Orchestra will be on board. Fare for round trip only \$1.50. Don't miss this grand excursion. For tickets and all information call at Northern Pacific city ticket office, or at Yesler wharf, Seattle, I. A. Nadeau, General Agent.

Excursion to the East. The Northern Pacific will make all-rail rate of \$6.75, and lake and rail rate of \$9.25 from Seattle to Boston, N. Y., and return on account of National Educational convention. Tickets on sale June 26 and 27 only. Call at once if you wish to take advantage of these rates. I. A. Nadeau, General Agent, Seattle. Mining stock quotations received daily from districts at Nixon & McConnell's. E. E. Caine, building material, Arlington dock.

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