

BY A SLEUTH

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supreme court in the decision, Judge Dunbar writing the opinion, holds: "That this order of the court, we think, was plainly erroneous and could not be sustained on the facts as found by the court. The Merchants National bank is not a party to this action. This was an action of accounting between appellant and respondent, and in this case the court has no authority to make provision for the payment of an individual debt of one of the partners in this action."

The court further says: "Neither do the findings of fact nor the testimony in this case show that the delivery of the pledge was made by the appellant to the respondent. The court's finding that the pledge was delivered to the firm of Lynch & Jones, they were not delivered to Lynch as a pledge to secure him upon the bond, and as long as he was acting in the capacity of manager for the partnership, the possession of the horse was in him as manager and not as an individual. It seems to us plain that these horses never were delivered to respondent, Lynch, and that not having been delivered, the appellant was not liable to the respondent under the law and under the other findings of fact in this case; and that the order of the court, both as to the turning of the said horses over to the respondent as an indemnity, and as to subjecting their proceeds to the payment of the judgment against respondent and against Jones by the Merchants National bank was wrong."

WAITED TWENTY YEARS. Mrs. Lawwill at Last Asks for a Divorce From Her Absent Husband. Fannie Lawwill has sued David Lawwill for a divorce on the ground of abandonment for the past twenty years. The plaintiff complains that the defendant states that the marriage took place at Abertown, in the state of Ohio, in February, 1916. The ceremony was performed by Rev. Goddard, who was duly qualified under the laws of Ohio to perform the ceremony. In the year 1918 Mr. Lawwill packed up his belongings and left for his store, known without making any provision for the care of his wife. Since then the plaintiff has made diligent efforts to ascertain his residence place, she has been diligent in her search, but she has been unable to locate him. She has been unable to locate him. She has been unable to locate him. She has been unable to locate him.

IN COURT TODAY. The Contest Between the City and the Yeater Avenue Line. A contest between the city and the Seattle City Railway Company will be heard in court today. The city is asking for an injunction to stop the company from operating its line on Yeater avenue. The company is asking for an injunction to stop the city from interfering with its operations. The case is expected to be heard in court today.

THE HEALTH OFFICER. W. J. Henderson, the Cow Butte Health Officer, has been charged with smuggling opium. He was arrested yesterday by the health officer. He was found with several packages of opium in his possession. He is being held in custody and is expected to be arraigned in court today.

FEDERAL COURT PETIT JURY. The following jury to serve at the present session of the federal court was sworn yesterday: J. H. Munson, D. E. Spellman, A. F. Bush, E. A. Kelly, Walter F. Collins, R. C. Van Vleet, A. H. Hepler, W. M. Dexter, William Watson, W. J. Emerson, J. D. B. Spillman, J. Zint, A. M. Taylor, John Polson, Theodore O. Williams, John G. Gillies, W. H. Burson, J. G. Young, Arthur Gamwell, James S. W. Hughes, James Powers, Thomas C. Austin, E. F. Richmond, Chauncey A. Williams, George T. Gardner, F. A. Wing.

ANOTHER ABANDONED WIFE. Regina Knapper has instituted proceedings against Eugene Knapper to secure a legal separation from him on the ground of abandonment. On January 15, 1934, she was excommunicated by the church. She was a year ago, when he was residing at Alameda, Cal. Since Knapper left his family he has not contributed anything toward the support of his wife and two children. During the marriage two children, Otilia, now aged 6, and Gladys, aged 5 years, were born to the couple. A divorce was asked for the custody of the two minor children, \$25 per month alimony and \$10 attorney's fees.

ONE BURGLAR PLEADS GUILTY. Joseph A. Gleason was arraigned before Judge Humes yesterday and pleaded guilty to a charge of burglary. He was arrested on November 23, 1935, at the residence of Emanuel Sandstrom on November 23, 1935. He stole an alarm clock and a coat. The crime was committed while he was on a store, and as he has hitherto borne a good reputation as a member of the revenue market, the prosecutor has asked for a sentence of one year in the workhouse.

CUTTING TIMBER ON GOVERNMENT LAND. The United States grand jury will probably consider in a day or so the case of Turner A. Parker, who is accused of cutting timber on public lands. Pickley lives near Hot Springs and was cutting single bolts of land which, as near as can be learned, was the property of the government. He was arrested and bound over by United States Commissioner Elmyer to await the action of the grand jury.

NEW SUITS FILED. The following new suits were filed yesterday: Fannie Lawwill vs. David Lawwill-Divorce. Regina Knapper vs. Eugene Knapper-Divorce. Kowalsky & Co. vs. A. M. Todhunter-Divorce. Henry Voss vs. George Winner, Isaac M. Trump, C. W. Kline, D. B. Deede, Charles Kaskely, J. H. Kindred and Patrick Downer-To recover \$20 costs, etc. C. H. Brown vs. the Everett Land Company-To recover \$4,325 for services as a lawyer.

COURT NOTES. The will of John Hetherington was yesterday admitted to probate by Judge Langley. Judgment for defendant was given by a jury in Judge Humes' court yesterday in the case of James Bash vs. S. Rogers. An order of default was made by Judge Langley yesterday in the divorce case of Edmond J. Seizer vs. Adelaide Seizer. In the case of Ralph S. Hopkins vs. John H. Hillis and J. C. Nixon, the defendants yesterday filed a motion asking for a new trial.

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Get the Genuine NOW VICTOR. There are many poor imitations on the market. See that NEW VICTOR is on the name plate. Z. C. MILES CO. 1414 1/2 Ave. First and Union Sts. S. P. DAVIDSON, Receptionist.

NO "TRILBY" HERE. NOT TO BE PRODUCED AT THE THIRD AVENUE THEATER. The Oris Ober Company Enjoined From Producing the Piece at the Ninth Street Theater in Tacoma. Col. Fife, in Spite of Legal Notice, Pulls the Piece off-It May Be a Scheme to Advertise the Company.

ONE OF THE PARTICULARLY ALIENING PROMISES held out in connection with the staging of the Oris Ober Comedy Company, billed for next week at the Third Avenue theater, was that of a production of "Trilby" at popular prices. Regular patrons of the playhouse at the corner of Madison street and Third avenue, and many others who cannot be called regular patrons of the place, were interested in the appearance of the company that included in its repertoire Paul Potter's dramatization of Du Maurier's famous novel, and there is little doubt that on "Trilby" might be the capacity of the house would have been tested to accommodate the crowd that would gather to witness the weird, hypnotic tale in action.

ALL OF THIS IS CHANGED NOW, if reports be true, and people will have to satisfy themselves with other selections from the repertoire of thirty-six plays, that no longer includes "Trilby." A poor production of the play would be a disaster to the company, and there is little doubt that on "Trilby" might be the capacity of the house would have been tested to accommodate the crowd that would gather to witness the weird, hypnotic tale in action.

THE NOTICE served on the Tacoma manager was as follows: "Tacoma, Wash., Dec. 2, 1936. 'Mr. W. A. Palmer, My Dear Sir: I am instructed by Mr. William A. Brady, the owner of 'Trilby,' to notify you that he has decided to produce 'Trilby' at your theater this evening, or at any other time, he will prosecute both you and the company playing the same, and will apply to the court for an injunction of the same, should you, after receiving this notice, persist in such an attempt. I am, 'EARL P. ADAMS.'"

MANAGER A. M. PALMER handed "Trilby" for the Harpers, of New York, or a royalty. The Harpers, who are the authors of the play, are now in the position to stop the production. If the Oris Ober company is using the same title, it is in violation of the Harpers' rights. There are hundreds of pirated versions of plays going through the country, and it is not surprising that the Harpers are so active in their efforts to protect their rights.

THE COST OF CIVIL SERVICE. Fearing that a misconception in regard to the expenses of the civil service commission might arise from the comparative figures of 1935 and 1937 used in the estimate of the appropriation ordinance on the basis used in the ordinance was \$1,280, this being the estimate made in 1935 for the ensuing year. That was before civil service was thought of. As a matter of fact, the cost of the civil service commission in 1937 was \$1,700. This is but \$50 less than the estimate of the department for 1937, which is \$1,750. Of the \$1,700 expended in 1936, the civil service itself cost but \$397.

A PARLOR FOR CARTER. A Petition Presented to the Governor for His Release. Gov. McGraw is now considering the petition of 300 people for the pardon of Joseph Carter, who killed Charles Ling, a Chinese cook, on the steamer Idaho. The petition was presented to the governor yesterday afternoon by W. B. Gay. Mr. Gay made a statement concerning the case and the governor promised to make a thorough investigation before taking action.

BURGLARY IN DUWAMISH PRECINCT. Menace particulars reached this city last night of a burglary out in Duwamish precinct, south of the city proper. According to the report, burglars visited the residence of a man named John Ryan and got away with goods, the value of which could not be learned.

GIVEN ANOTHER CHANCE. Leslie Pomroy, the boy who was charged with stealing type from the Post-Intelligencer, was released yesterday by Chief Reed and will be given another chance to be a good boy. The type was recovered through the courtesy of John E. Good, the brass founder.

SUNDAY'S BAND CONCERT. The First Regiment band will give the second of its popular Sunday sacred concerts at the Seattle theater Sunday afternoon. Following in the program: March of Cortez—"La Reine de Saba." Overture—"Alessandro." Introduction and Tarentella. Rollin Song. Op. 12. Scherzo. Dr. DeLuz, violin; G. DeLuz, violin; Dr. E. S. Palmer, viola; Fred George, violin; From "La Sonnambula." Bellini. Soprano solo—"Aria and Gaba." Mrs. G. S. Palmer, soprano; Mrs. G. S. Palmer, soprano; Mrs. G. S. Palmer, soprano.

POLICE NOTES. An application for a new trial in the case of the Jap who was recently convicted of selling lottery tickets was made to Judge Glavin in the municipal court yesterday. The defendant is being held in custody and is expected to be arraigned in court today.

NOW WE'RE LAWS. TAX LEVY AND APPROPRIATION BILLS PASSED BY THE COUNCIL. Navin and McArdle Raise a Point on the Provision in the 1936 Water Fund Ordinance for the Levy of \$ 1-3 Mills to Pay Interest, But Corporation Counsel Brown Settles It.

THE ORDINANCE appropriating funds for the city expenses of 1937 and levying the tax thereon yesterday morning at a special meeting of the city council. The vote on their passage was unanimous. Only Hurd and Crichton were absent. It was evident from the appearance of Navin and McArdle, the Populist members of the council, that they intended to fight some point in the ordinance. They were well loaded with books of reference and on their faces a look of impressive solemnity reigned. They listened in silence to the following report from Corporation Counsel Brown: "Four requests, in my opinion as to the legality of the provisions of Council Bill No. 283, referring especially to that portion of it levying a tax for the purpose of paying the interest on the water works and sewer bonds issued in the year 1930, have been carefully considered by me and I beg leave to inform you that in my opinion the said ordinance bill is in proper form and if passed will become a valid ordinance of the city."

THE REPUTATION, originally good, of many proprietary articles, is in some instances damaged by the use of these articles. The public soon becomes disgusted with an article which is advertised as being made with the evident design of hoodwinking it, by reckless claims of impossible merits. It has even occurred to the proprietors of Hoeter's Stomach Bitters to make a published allegation relating to it to conform with the law and to prove facts. They have succeeded in this laudable design, as shown by the fact that their remedy is not only popular, but widely respected. Experience without the aid of homeopathic remedies demonstrated that it is a tonic of the first order, a safe and thorough remedy for and preventive of malaria, typhoid fever, typhus, antismalariac and remedy for disorders of the stomach, liver and bowels.

ONE ENJOYS SYRUP OF FIGS. To get its beneficial effects, buy the genuine. Manufactured by CALIFORNIA FIG SYRUP CO.

THE COUNCIL LISTENED patiently; it attended to no interruptions. The council had heard the corporation counsel's report and had heard the report of the committee. The council then turned to the ordinance. The ordinance was read and the council then voted on it. The ordinance was passed by a vote of 10 to 2. The ordinance will become law on January 1, 1937.

CITY HALL NOTES. A number of ordinances were signed yesterday by Mayor Wood. The slide on Yeater way hill and the general condition of streets south of the dead line, was being investigated yesterday afternoon by the committee on the streets. The committee will report to the council on Monday night.

COLLECTION OF TAXES. Fifty-five and a Half Per Cent. Paid Before the Penalty Was Attached. City and county taxes became delinquent on November 30. To those who failed to pay their taxes by that date, the penalty of 50 per cent. interest was added. The penalty on interest is both added to the taxes of those who paid the first installment of their city and county obligations prior to May 31 of this year.

STILL THE FASTEST. BUFFET GREAT NORTHERN RAILWAY. TORONTO, WEDNESDAYS TO BOSTON. Without Change. THROUGH TICKETS TO ALL EASTERN AND EUROPEAN PORTS.

Still the Fastest. BUFFET GREAT NORTHERN RAILWAY. TORONTO, WEDNESDAYS TO BOSTON. Without Change. THROUGH TICKETS TO ALL EASTERN AND EUROPEAN PORTS.

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The MacDougall & Southwick Co. 717, 719, 721, 723 First Ave. IF YOU READ IT HERE, IT'S SO..... That is an essential truth regarding our advertising. We mean to always be within bounds and are ready to stand by every claim we make for the superiority of our goods, and the reasonableness of our prices.

Some Specials. Ladies' Mackintoshes. We are showing a magnificent line of Ladies' Mackintoshes. Ladies' Mackintoshes, in navy and black diagonal wale, double texture, adjustable cape, price \$12.00. Ladies' Mackintoshes, in navy and black diagonal wale, double texture, adjustable cape, price \$12.00.

Children's School Shoes. We carry the most complete line of Misses', Children's, Boys' and Youths' School Shoes to be found in the city. It will pay you to see our goods before making your purchases. Child's Dongola, sizes 8 to 11. Child's Pebble Grain, A. S. tip, 5 to 8. Misses' Heavy Dongola, patent leather tip, \$3.50. Misses' Pebble Grain Shoe, A. S. tip, \$3.50. Beagaran Rope Linen for embroidering, regular price \$6c dozen, this week \$5c dozen.

THIS WEEK'S SPECIALS. 85c FRENCH PERCALE SHIRTS. \$1.50 and \$1.25 Values. \$1.00 HEAVY ALL-WOOL UNDERGARMENTS. \$1.50 Values. 12 1-2c HEAVY WOOL HOSE. 20-Cent Values. \$2.50, \$3, \$3.50 Men's Fine Trousers. \$3.50, \$4.50 Values. \$2, \$2.50, \$3 CHILDREN'S SUITS AND OVERCOATS, \$3, \$4, \$5 Values. \$7.50, \$8.50, \$9.50, \$10.50, MEN'S SUITS AND OVERCOATS, \$10, \$12, \$15 Values. 15c HEAVY WOOL MITTENS, 25c Values.

THE FAMOUS CLOTHING CO. N. E. Cor. First Ave. and Cherry St. H. HERSHBERG, Manager.

FLY ON THE FLYER! SEATTLE-TACOMA ROUTE. Four round trips daily, except Sunday. Time Card—Leave Seattle 7:45, 11:30 a. m., 2:45, 6:15 p. m. Leave Tacoma 8:45, 12:15 p. m., 3:45, 7:15 p. m. State of Washington; leave Seattle 7:30 a. m., 12:00 p. m., 5:00 p. m.; leave Tacoma 8:30 a. m., 2:30, 7:30 p. m. U. S. Seiz, Jr., Agent. Seattle telephone Main 174. Tacoma telephone 21.

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MORAN BROS. CO., SEATTLE, WASH. Steel Ship Builders, Founders, Machinists and Bolt Manufacturers. The construction of torpedo boats, motor launches, fishing boats, tug boats, and other vessels. Also the construction of the "Mother" patent water tube boilers.

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JAPAN-AMERICA LINE STEAMSHIP SAKURA MARU. Sails from Seattle about Dec. 17. City ticket office, 612 Front street. Depot ticket office, foot of Columbia.

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