TREASURY OFFICIALS FREE.

Judge Hanford Liberates Lewis, Gardner and Cullom.

NO CRIMINAL INTENT SHOWN.

The Court Says that the Government Will Defend Its Officers From Prosecution by State Authorities—More Letters Incriminating Former Officials Introduced in Evidence—Mr. Lewis Has Gone East.

"Where there is no ground for a criminal charge under the laws of Washington, the Federal court will protect Federal officers against prosecution, for acts done under color of authority in the performance of official duty.

"The statement that these men can be sent to the state penitentiary under conviction for robbery is an absurdity."

In these words, delivered in the course of his decision in the application of Special Employe Lewis and Interpreter Gardner for a writ of habeas corpus, Judge Hanford yesterday ordered the release of the officers from the custody of the state and allowed them to go without fear of being interfered with by the state officers. The order granting the writ of habeas corpus will be issued Monday, requiring the deputy sheriff of Jefferson county to release Gardner and Lewis. In fact, both men will be out of the city when the order is issued, Mr. Lewis having gone East last night, and Mr. Gardner being now on his way to California.

The decision by Judge Hanford was rendered at the close of the hearing on the application of Gardner and Lewis for a writ of habeas corpus. Both had been arrested on the charge of robbery, preferred by Yee Gee, ex-Collector Saunders' former Chinese interpreter, who had himself been under fire of the government on the charge of conspiring to land Chinese immigrants in violation of the exclusion act. Judge Brinker, for the government, intimated during the trial that Yee Gee himself was not really the prosecutor in the case—that white men who were interested in the matter were behind it. To one of the men interested in the case yesterday Judge Brinker said that the prosecution of Gardner and Lewis would reflect upon certain ex-officials at Port Townsend.

Judge Hanford's opinion in part is as follows:

"In deciding this case I do not mean to say that the warrant which Mr. Kiefer issued was a lawful warrant or that the proceedings under it were well advised or proper proceedings. I do not mean to say that the petitioners were lawfully discharging their official duties in what they did. In my opinion the warrant itself was improvidently and erroneously issued, and the proceedings were all ill-advised and conducted with bad judgment; but the fact is that the officer who issued this warrant is an officer of the United States, and given authority to issue warrants in proper cases.

State and National Government.

"These petitioners were in the service of the government of the United States, and were acting in and about the matters that pertained to their duties as public officers. Now, where an officer from an excess of zeal or misinformation or lack of good judgment, executes what he conceives to be the duties of his office, but in an improper manner, even where he violates private rights, for his conduct he is answerable to the government or the power under whose appointment he is acting, and he may lay himself liable to answer to a private individual who is injured or oppressed by his action, but he does not lay himself liable to answer to the criminal process of a different government or a different sovereignty. With the complex system of government we have, state and national, we would be in an unstable condition if the state government can put in force its criminal laws to discipline United States officers for the manner in which they discharge their duties; or the other way, if the government of the United States should prosecute criminally sheriffs and ministerial officers and justices of the peace, and superior courts for errors of judgment or ignorance or blundering discharge of their duties, it would bring on a condition of chaos in a short time.

"Now, the facts, which are undisputed in this case, are that these petitioners were in the service of the United States, under different appointments, and that in going with the deputy marshal, who had this warrant issued to him, they went by request and with his sanction, and all that they did was in an official character, without any private or individual malice, and without any felonious intent to commit a robbery or commit a felony of any kind. They did according to the evidence things which in my judgment they had no right to do; but it does not constitute a crime against the state of Washington. If they were guilty of robbery, Judge Kiefer is a robber and Deputy Marshal McLaughlin is a robber and Mr. Cullom is a robber. Now the bare statement that these men can be sent to the penitentiary under conviction for robbery shows that the idea is an absurdity.

"Therefore, in order to decide the question in the case now before the court, it is necessary to consider and to determine whether the officers acted wantonly and with criminal intent; or whether insofar as their acts may be regarded as wrongful they were mere errors of judgment.

"Now, in these cases by all the testimony it is proved clearly that there was no felonious intent in the minds of Mr. Lewis or Mr. Gardner, and the charge of robbery cannot be maintained simply on the ground that defects could be pointed out in the warrant that was issued to Mr. McLaughlin, and that the officers acted in excess of their jurisdiction. It is my opinion that they went beyond the line to which the warrant authorized them to go, and pried into matters which the warrant did not authorize them to pry into. All this is plain enough; but the felonious necessary intent to make robbers of them is entirely lacking. These are my views of the case, and an order will be made discharging the petitioners."

Letters in Evidence.

Several letters alleged to have been written by Yee Gee to his Chinese correspondents in Victoria and San Francisco were introduced in evidence by the government. Two of these letters were introduced as part of the case for the government in the original action against Yee Gee. The additional letters introduced yesterday contained matter incriminating the former officials at Port Townsend. In the letter dated at Port Townsend June 10, last, purporting to have been written by Gee, addressed to Hip Lung & Co., of San Francisco, the request is made that a remittance of $2,700 be forwarded on account of merchants certificates, at $150 each.

Another letter is addressed to Lee San Chow, of Vancouver or Victoria, in which Gee says: "I hear that when the Empress arrived at Victoria there was smallpox aboard, and our countrymen were held in quarantine. I have undertaken to land forty of her passengers on this trip on merchant certificates. When they land kindly notify me and Nig Hok Yee in care of Yee Shing, Port Townsend, so that I can go to Collector Saunders and ask him to call up the cases which I have undertaken to land first. I will do the interpreting, and, of course, there will be no breaks. Our company has altogether piloted $15 Chinese on merchants' papers and native born papers.

"After deducting $50 on each paper for Collector Saunders, $20 for the attorney and $5 each for witnesses, or about $80 altogether, this nets us about $6,400. Later on the collector's term will be up and I will go to China to enjoy the profits."

Another letter purporting to have been written by Yee Gee is dated June 15, last. In it he says: "We now owe Collector Saunders $12,000. We are not able to pay Saunders' demands. We have $5,000 on deposit with Yee Shing, so that we have to raise $7,000 before we can settle the account."

A letter addressed to Quong Man Fong Co., San Francisco, says that he has made out thirty-two merchants' certificates, as requested, at $150 each. Balance due is $2,800. "As I owe the collector $12,000," continues the writer, alleged to be Yee Gee, "and he is demanding payment, please send me the money."

Whether you burn coal or wood, Jewel Stoves and Ranges will give you the most heat from the least fuel. Whether you want a stove for heating, for cooking, or for both, a Jewel Stove or Range will serve you best. Constructed of the best material by the best workmen, their merits created and for over 30 years have maintained the largest stove plant in the world.

Ask the dealer for them and look for the trade-mark.

JEWEL STOVES AND RANGES
DETROIT STOVE WORKS
LARGEST STOVE PLANT IN THE WORLD

FREDERICK, NELSON & MUNRO,
Furniture, Carpets, Stoves, and Household Goods.
Rialto Block, Second Avenue and Madison Street

TO OPEN TOMORROW.

Seattle's Big Food Exposition—All Exhibit Spaces Taken—Some of the Attractions.

The interest in the second annual Seattle Pure Food Exhibition by firms and residents out of the city is remarkable. The Grocers' Exchange is in receipt of inquiries from many points about the opening, or special days set apart for industrial or beneficial organizations. The citizens of Ballard and Fremont will be present in full force on the night set apart for those places. The Seattle & International railway has pretty thoroughly billed the exposition along its line, and will bring in four excursions. The first one tomorrow. For the first night the First Regiment band concert, the addresses by prominent speakers, the Olympia quartette, the solo by Mrs. Edmunds and other attractions together with the many demonstrations in booths and samples freely given out, are sure to throw a big crowd over this line of railway.

The one who visits the Food exposition this year will note the great difference in the booths, displays of goods and general advance made in the entire exposition over the previous one. There are booths that cost several hundred dollars each, and in beauty of structure and decorations they are sure to merit all the praise awarded by visitors. There is not an inch of space on wall or floor, and to the balcony, except the aisles, unoccupied by some style of exhibit.

The stage for music, singing, recitations and baby show is located at the north end of the hall, with a cleared space in front of it. This stage will be decorated and draped and set with ferns and palms. The cooking lectures will be delivered in the banquet room. The model dining room is located on the north end of the hall.

The exposition opens at 7 p. m. Monday and continues for two weeks.

"The Great Unknown."

Another large and fashionable audience showed their appreciation of the Frawley company last evening by attending the Seattle theater to witness "The Great Unknown." The comedy is one of the smartest that a theatrical manager ever caused to be produced on the American stage. The entire action takes place in the Jarroway reception and sitting room New York city. The comedy deals with the peculiarly interesting situations in which an American wife involved herself by going abroad, dabbling in art and literature, and then returning to her American home too blase to deal with her household duties and the education of her children. She realizes her mistake and in the end, after many laughable situations, descends to the level of her own family and peace is restored.

Tonight the Frawley company will conclude its engagement with the presentation of "The Wife."

Mrs. Lucy Tolchard Dead.

Mrs. Lucy Tolchard, aged 81 years, died at the residence of her son-in-law, A. F. Haas, superintendent of the Seattle City Railway Company, 204 Thirtieth avenue, last night. If she had lived until today she would have been 82 years old.

Mrs. Tolchard has lived in Seattle with her son-in-law for seven years. Friday she was taken with a slight spell of coughing, but it was not thought serious. Yesterday she gradually grew worse. Dr. S. J. Holmes was called, but he was unable to retard the approach of death. Last night Mrs. Tolchard passed from life to death as peacefully as if she were going to sleep.

She was a native of England, well bred, educated and held in high esteem by those with whom she came in contact. She leaves one daughter, Mrs. A. F. Haas, and three sons, William A., San Francisco; J. M., Chicago, and S. W. Tolchard, of Los Angeles. All of her sons are well known business men in the cities where they reside. They were notified last night by wire of their mother's death.

For the Grant Memorial Library.

Prof. Edmond S. Meany has just received a letter from Mrs. Frederic J. Grant, stating that Mr. Grant's father, Alexander Grant, has bought a set of "Scribner's United States History" for the Frederic James Grant Memorial Library of American History in the university. This library is growing rapidly, and is used every day, some of the students devoting all of their Saturdays among its treasures.

The state of Ohio is just now publishing an official history of the state. When James D. Hoge, sr., was visiting in Seattle a few weeks ago he told Prof. Meany, who is secretary of the Grant Memorial Association, about the proposed work, and stated that State Senator Charles U. Shryock, of Zanesville, would probably supply a set to the Grant library, Senator Shryock has sent the following reply to a letter from Prof. Meany:

"Replying to yours of the 1st, in case I am re-elected to the senate I shall have the distribution of several copies of the Ohio History; but in any event, I shall be pleased to supply your library with a set. Mr. Grant and myself were schoolmates from 5 up until he left for college."

This set of books will be valuable and especially appropriate, as it is a history of Mr. Grant's native state. Among other recent additions to this library are the volumes contributed by Maj. James R. Hayden, heretofore mentioned, and recent volumes on those two important series now being published by the government, "The Messages and Papers of the Presidents" and the "Official Records of the Union and Confederate Navies."

At the Food Show...

You will see this sign—

"THE SEATTLE TRADING CO. are our agents for Rainier Flour"

Get a sample sack at the Puget Sound Flouring Mills Co.'s Booth.

The Seattle Trading Co. GROCERS 111 OCCIDENTAL AVE

GAY GETS HIS APPOINTMENT.

He Will Be District Attorney for Washington.

CLAYPOOL TO BE ASSISTANT.

The New Appointee Is Out of Town, but His Law Partner Confirmed the News—His Record as a Lawyer and as a Republican Worker—A Member of the Elks, K. of P., Royal Arcanum and A. O. U. W.

A private telegram received in this city yesterday afternoon brought the news that Wilson R. Gay, of the law firm of Brady & Gay, had been appointed United States district attorney for Washington. Mr. Gay is out of the city, but when a Post-Intelligencer reporter called upon Mr. Brady last evening and asked him about the matter, he replied that it was true the appointment had been made.

Charles E. Claypool, a young Republican leader of Tacoma, will be the assistant United States district attorney.

Wilson R. Gay, the new United States district attorney, is the eldest of a family of six children. He was born on a farm in Erie county, Pa., June 10, 1859. His father died when W. R. Gay was 12 years old, and it became necessary for him to work for the support of himself, mother, younger brothers and sisters. He worked in the summer on a farm for four years, and attended common school during the winter. After this he attended two terms at the Edinboro, Pa., normal school. Desiring to teach, he took the requisite examinations and was granted a certificate. He had no trouble in securing schools, and for two years, 1877 and 1878, guided the youths of the old Keystone state in the path that leads to higher and more extended knowledge. In 1879 he went to Northwestern Missouri, where he studied law in Maryville, at the same time teaching one term of school.

WILSON R. GAY.

He was admitted to the bar in Missouri in the fall of 1879, and immediately commenced the practice of law. Nine years later he came to the Pacific coast, staying a few months in Portland, where he was engaged in the real estate business. From Portland he moved to Port Angeles, engaging again in the practice of law. He was successful, and in January, 1894, finding the field at Port Angeles too small, he came to Seattle, soon forming the present partnership of Brady (Edward) & Gay. Since coming to Seattle Mr. Gay has been engaged in many important trials, notably the Moyer-Van de Vanter contest over the shrievalty. He defended Crockett for murder and cleared him; also Joe Carter, who was sentenced to ten years, and George Meadows for assault with intent to murder, clearing him. Since he commenced practice he has defended over twenty men accused of murder, and has also tried numerous important civil cases.

Always a Republican.

Mr. Gay has been a Republican from the time he cast his first vote, and since his residence in this state a very active one. He was chairman of the Clallam county Republican committee for four years, and has also been a member of the state central committee. In the campaign of 1894 he made over forty speaches, and in the last campaign occupied the platform forty-three times, declining more than 100 requests to address meetings on account of his inability to fill appointments. As it was, he spoke every day. He holds certificates entitling him to practice in the supreme courts of Missouri and Washington, United States district and United States circuit courts, and also the supreme court of the United States. He is a member of the Elks, Knights of Pythias, A. O. U. W. and the Royal Arcanum. He is an enthusiastic wheelman and has always taken great interest in the affairs of the Queen City Good Roads Club. He is a married man.

Yesterday's Registration.

It seems clear from yesterday's registration of voters for the approaching school election that a good many people, after all, are willing to climb the hill that leads to the office of the board of education. Friday's registration was 30 per cent. greater than Thursday's. The list yesterday showed an increase of 605 names, or nearly 40 per cent. more than the number registered on Friday. This brings the total number up to 2,775.

PERSONAL.

Mrs. M. Clark, of Whatcom, is at the Diller.

R. H. Norton, state coal inspector, is a guest at the Northern.

C. F. Buchanan, of Whatcom, registered at the Stevens last night.

William Murdock, of Mount Vernon, formerly of this city, is at the Diller.

Frank S. Fowler, of New York, is at the Diller, and intends locating in the city.

John Vint, a business man of Gig Harbor, is in the city, and staying at the Diller.

Capt. Charles R. Durgan and wife, and Miss Foss, of Stanwood, are in the city visiting friends.

H. S. Manning, H. H. Hicks and Miss Bertha Hicks, all of Davenport, Ia., are guests at the Butler.

J. E. Smith, one of the organizers of the Colorado expedition, is registered at the Butler from Victoria.

F. H. Goss, the contractor who is building the warehouse and machinery depot at Bremerton, is in the city.

Capt. John C. Barr, of the North American Transportation & Trading Company, is registered from Alaska at the Rainier-Grand.

R. S. Buchanan, of Chicago, but lately from Alaska, was a passenger on the steamship Humboldt, and is a guest at the Northern.

E. T. Kruse, of the Kruse Steamship Company, owners of the steamship Cleveland, is at the Butler, and will await the arrival of the steamer from Alaska.

You Have Suffered Enough

With eyestrain. Properly fitted glasses will remedy it. Try Louis Klodt, expert optician, No. 824 Second avenue, corner Marion. He is the best one in town.

Elegant offices for rent low. Sullivan building.

Rainier beer is good beer.

Hanna's new chiropodist parlors, 336 Burke building.

Rainier beer is good beer.

CHAMBERLAIN'S PAIN BALM
FOR RHEUMATISM, LAME BACK, SPRAINS BRUISES, CUTS AND BURNS.

DANGER IN SODA.

Serious Results Sometimes Follow Its Excessive Use.

Common soda is all right in its place and indispensable in the kitchen and for cooking and washing purposes, but it was never intended for a medicine, and people who use it as such will some day regret it.

We refer to the common use of soda to relieve heartburn or sour stomach, a habit which thousands of people practice almost daily, and one which is fraught with danger; moreover the soda only gives temporary relief and in the end the stomach trouble gets worse and worse.

The soda acts as a mechanical irritant to the walls of the stomach and bowels and cases are on record where it accumulated in the intestines, causing death by inflammation or peritonitis.

Dr. Harlandson recommends as the safest and surest cure for sour stomach (acid dyspepsia) an excellent preparation sold by druggists under the name of Stuart's Dyspepsia Tablets. These tablets are large twenty-grain lozenges, very pleasant to taste and contain the natural acids, peptones and digestive elements essential to good digestion, and when taken after meals they digest the food perfectly and promptly before it has time to ferment, sour and poison the blood and nervous system.

Dr. Wuerth states that he invariably uses Stuart's Dyspepsia Tablets in all cases of stomach derangements and finds them a certain cure not only for sour stomach, but by promptly digesting the food they create a healthy appetite, increase flesh and strengthen the action of the heart and liver. They are not a cathartic, but intended only for stomach diseases and weakness, and will be found reliable in any stomach trouble except cancer of the stomach. All druggists sell Stuart's Dyspepsia Tablets at 50cts. per package.

A little book describing all forms of stomach weakness and their cure mailed free by addressing the Stuart Co., of Marshall, Mich.

Stormer Bicycle Given Away

With our Teas, Coffees, Spices and Baking Powder. Bicycles and watches real easy to get. Come to our stores and let us tell you how to get them.

Great American Importing Tea Co., 803 Second Av.—309 Pike St. Tel., Red 31.

Royal Restaurant,
818 First Av.

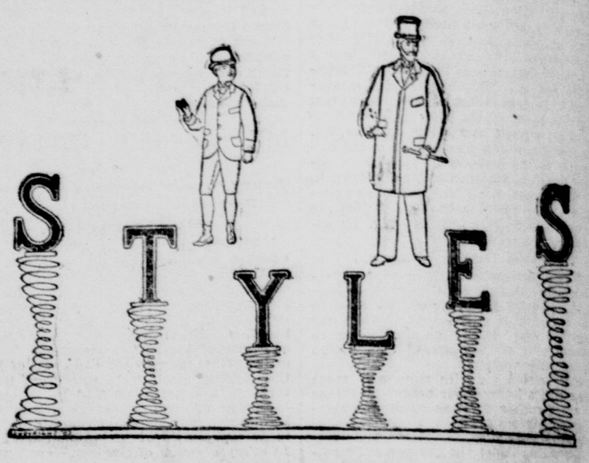
FRENCH DINNER.
With or without wine, 50 cents.
Sunday, October 24, 1897.
SALAD.
Shoalwater Bay oysters on half shell.
SOUP.
Chicken gumbo. Consomme.
RELISHES.
Queen olives. Mixed pickles.
Sliced tomatoes.
FISH.
Fried smelts, tartare sauce.
Steamed clams.
Boiled brook trout, parsley sauce.
BOILED.
Capon, oyster sauce.
ENTREES.
Breast of grouse, with jelly.
Chicken liver saute, with fresh mushrooms.
Olympia oyster patties. Macaroni Italienne.
Queen fritters, brandy sauce.
PUNCH.
Banana.
ROAST.
Prime beef, au jus.
Saddle of lamb, mint sauce.
Young turkey, cranberry sauce.
Mallard duck with jelly.
Stuffed chicken.
VEGETABLES.
Cauliflower, cream sauce. Sugar corn.
Sweet potatoes.
New potatoes in cream
Mashed and boiled potatoes.
DESSERT.
Sliced bananas. Chocolate ice cream.
Individual custard pudding, wine sauce.
Pies—Apple. Custard. Lemon cream.
Huckleberry. Squash. Mince.
Fruits.
Roquefort, Swiss and American cheese.
Nuts. Bense water crackers.
Salted wafers.
Coffee royal. Tea. Iced tea. Milk.

Kline & Rosenberg.

SOLE AGENTS FOR ROGERS PEET AND THE STEIN BLOCK CELEBRATED CLOTHING.

This Clothing Store Wears The Crown Of Leadership More Deservedly Than Ever.

FALL STYLES



These celebrated makers are absolutely without peers in America for fine clothing. Their clothing is tailor made at ready made prices.

In all your clothes buying you've never seen such a line of

MEN'S SUITS AND OVERCOATS

As we alone are showing this season. There's pleasure in wearing clothing that suits and wears.

Kline & Rosenberg
FIRST AVE., FOOT OF CHERRY ST.

Expert Optician & Swiss Watchmaker is the best one in Seattle to fit you with glasses. Consultation free. None but axis ground lenses used. Complicated Swiss and English watches repaired. Fine watches and diamonds.

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Our Train Load Bound Seattleward.

Our immense seven-car train load of Furniture is about to start on its trip across the country. This will be the largest single shipment of Furniture ever brought to the Northwest and will prove a great advertisement for Seattle. The splendid growth of our business has made this immense order possible, and we feel like shaking the hands of the hundreds of Washington home-fixers who prove our living advertisements.

THE PAST FIVE DAYS WE HAVE AVERAGED ONE CAR LOAD OF FURNITURE A DAY.

Our Furniture and Carpet success proves that Seattle traders appreciate our metropolitan stock and popularly known

"OUR PRICES ADVERTISE US."

...STANDARD FURNITURE CO. INC.,
1012-14-16 First Av., Trifle Above Madison.

Largest in Washington. Oldest in Seattle.

Mail Orders Receive Our Prompt and Very Careful Attention.

"WHAT WE SAY WE DO, WE DO DO."

A Word to the Wise.

Fur garments and fur robes in great variety and at very low prices. R. Petkovits, Manufacturing Furrier, Marion street.

Pure London Dye Seal.

Elegantly made up to measure, gives an air of wealth and elegance, comfort and composure to the wearer. R. Petkovits, Manufacturing Furrier, Marion street.

Finck, the jeweler, bought a new stock and then got back what the burglars took. He now has too many goods, and is selling them off at cost.

Rainier beer is good beer.

"Sorosis," the new shoe for women. Simison Bros., 707 Second avenue, sole agents.

Rainier beer is good beer.