

McElroy's Office Dismissed an Attempted Murder Case.

Witnesses from Wabash. William Ashfield, who almost murdered his neighbor, and was allowed to go free, is about to go to Alaska, but the grand jury may stop him—McElroy's reasons for dismissing Ashfield.

WITNESSES FROM WABASH.

The superior court grand jury has started in to investigate the office of prosecuting attorney James F. McElroy. That the investigation is to be a thorough one was made evident yesterday when the jury, instead of looking into the dismissal of the criminal charges against Levi G. Smith and other warrant forgers, which circumstances caused the jury to be impeded, took up the investigation of a case which was dismissed last summer at the instance of the prosecuting attorney. Witnesses have already been examined by the jury. The case is that of William H. Ashfield, who was charged with assault with intent to commit murder on one P. Peterson, and who was discharged from custody by Judge Jacobs upon motion of the prosecuting attorney.

The case is made more interesting by the fact that Ashfield intended leaving tomorrow for Dawson, N. W. T. Five of the witnesses who appeared against Ashfield in the former trial gave their testimony before the grand jury yesterday and it is known their testimony was against the action taken by the prosecuting attorney in the case. It is said that today the jury will deliberate on the advisability of bringing in a true bill against Ashfield. It is said that the attention of the grand jury was called to the case by Postmaster J. C. Early, of Wabash, who is on the jury. The first action of the jury on Tuesday was to have issued subpoenas for a number of the witnesses in the Ashfield assault case. Perhaps the fact was known that Ashfield intended to go to Alaska in a short time and that quick work would be necessary.

Witnesses Tell Their Story. Yesterday's witnesses were P. Peterson, the man at whom Ashfield fired two shots, R. B. Jones, J. W. Jones, Mrs. B. W. Inglis and Mrs. O. W. Nelson, all prominent Wabash people, who testified against Ashfield at the former trial. As the inner workings of the grand jury are conducted behind closed doors and all connected with the investigation are sworn to secrecy, the testimony they gave is not known. The case, however, is well known.

Ashfield had been indicted in some trifling neighborhood row which ended with Ashfield's taking a couple of shots at Peterson on January 22 of last year. Peterson had Ashfield arrested for assault with intent to commit murder. Ashfield had Peterson arrested for assault. Then the prosecuting attorney's office took hold of the case. In the justice court Deputy Prosecuting Attorney Hart had the charge against Peterson dismissed and had Ashfield bound over to the superior court on the charge of assault with a deadly weapon with intent to injure bodily injury. The prosecuting attorney filed information against him on August 22 and on September 10 appeared before Judge Jacobs and asked that the case be dismissed. Ashfield had already paid the costs of the case and Judge Jacobs dismissed the charge.

It is said that the witnesses testified that Ashfield was a very bad man to get along with. They testified that he had been arrested twice before for assaulting or threatening to kill his neighbors.

Reason Case Was Dismissed. In looking into the case yesterday the grand jury, it is said, considered the motion for dismissal made by the prosecuting attorney and on which Judge Jacobs dismissed the case. The motion sets forth that the shooting came out of a neighborhood dispute and that both were probably more or less to blame; that Ashfield was a law-abiding citizen and was not a hard-working married man, respected by many of his friends and neighbors. In the closing paragraph prosecuting attorney McElroy says: "It is believed that if this cause be dismissed and discontinued, the defendant will live a peaceable and quiet life, and conduct himself in the future as a law-abiding citizen and owing to the fact that if it were pushed to trial his wife and children would be the principal sufferers in case conviction was obtained, and the further fact that no actual injury was done by virtue of his unlawful acts, and the further fact that the costs of the case have been paid by the defendant, and his promise to conduct himself in the future as a law-abiding citizen, it is believed that the ends of justice will be subserved by the dismissal of this action."

Who Judge Jacobs dismissed the charge against Ashfield, the prisoner was brought before the bar and told by Judge Jacobs that if he considered the action that the court was about to take a final disposition of the case, he was badly mistaken. Judge Jacobs told him that if he did not keep away from Peterson and live peaceably with the rest of his neighbors as he had agreed, orders would issue to the prosecuting attorney to reopen the case.

THAT LITTLE BOX HOUSE. Interior Department Grows Facetious to a Land Decision. The department of the interior takes occasion to grow facetious in its decision of a case of rival homestead claimants, R. C.

Finley and C. L. Ferry. The case was carried before the department on an appeal by Finley from the decision of the general land office, which was favorable to Ferry. The land in question is in Whatcom county, near the British Columbia line. At different times Finley and Ferry have occupied the land, living in a frame house built by Ferry in 1891. Finley had him ejected in 1892 by a judgment obtained in the superior court of Whatcom county, and lived thereafter in Ferry's house, until he is turned away by the receiver and present decision. In appealing from this decision, Ferry said: "The department of the interior has no jurisdiction to overrule the state court, so far as personal movable property is concerned. The decree of the court transferred that little box house to me."

Ferry is squelched by the decision received yesterday at the local land office, which says: "This department is not concerned with that little box house." The local officers have held that Ferry had sufficient proof, established his right to the land in controversy. The general office sustained their judgment. The department concurs and hereby affirms the decision.

Chief Reed Tells His Men They Must "Keep Out." Chief of Police Reed last evening called the attention of members of the force to the provisions of the city charter prohibiting pernicious activity in politics on the part of all city officials under civil service rules. "I wish to call particular attention of all officers in this department," said the chief, "to the provisions of sections 29 to 36, inclusive, of article 10 of the city charter, which say: 'This department is not concerned with that little box house.'"

At a special meeting of the Policemen's Relief Association held yesterday afternoon in the general assembly room at headquarters at 4 o'clock, a resolution was adopted instructing the president and secretary to invest \$50 of the association's money in county warrants. After investing the \$50 the association will still have \$25 in the treasury to meet contingent expenses. The Fireman's Relief Association expends its surplus in buying "time" of the members of the department.

Where is J. E. Scoville? Mrs. J. E. Scoville, of Sullivan, Madison county, N. T., writes to the Post-Intelligencer asking for information relative to her husband, J. E. Scoville, who went into the Klondike accompanied by Anthony and Cassius Chittick, of Delphi, Ind. They are rumored to have perished in a snowstorm. The last letter received from them was dated October 15. They were then ten days from Dawson, but thought they might winter on Stewart river.

He is Ready to Go Home. Henry Muir, aged 16 years, ran away from a good home in Rossland because his cupidity had been aroused by stories he had read about Seattle. His description was forwarded to the police, and last night Officer Freeman picked the lad up in the lower end of the city. "I am ready to go home," said Muir.

"Happy Jack" Out of Jail. "Happy Jack" Watson, who was arrested on suspicion of stealing \$90 from his old friend Tom Toney, in a room at the St. Paul house, while putting him to bed, was released from the city jail last evening. As the evidence against Watson was not strong the police were not specially opposed to complying with Mr. Toney's decision.

Great Salvage Sale. Do not forget the sale of the cargo of the wrecked steamer Cleveland of clothing, furnishing goods, shoes and children's clothing and household articles. Some of the goods are soaked with water and others only slightly damaged. Sale starts tomorrow (Saturday) morning at 9 o'clock at the retail store of J. Berkman & Bro., 21-112 Occidental avenue, corner Washington.

Best Outfits Are the Cheapest. Hundreds of tons of food were thrown away on the trail last year on account of quality proving so bad as to be actually useless; and more frequently spoiled by improper packing. Buy of experienced outfitters only. LOUCH, AUGUSTINE & CO., Pioneer Outfitters, 815-817 First Av.

YUKON STOVES.

We manufacture the best and keep the largest assortment of Yukon Stoves there ever was on the market. It will pay you to visit, get our prices and compare these stoves before buying elsewhere. We also handle a complete line of miners' tools and hardware.

Z. C. MILES CO., 118-122 West Vesler Way, Seattle. A. L. PIPER, Receiver. ALASKA OUTFITTERS.

ORDINANCE WAS DEFEATED.

COUNCIL DECLINES TO TAX THE FOREIGN BUREAUS. Strong Speeches in Opposition to the Measure by J. H. Calvert, Judge Thomas Burke, L. A. Nadeau, Ernest Brainerd and John P. Hartman. The city council at a called meeting yesterday afternoon decided to postpone indefinitely the matter of exacting licenses from foreigners soliciting trade in this city. All the members of the council were present except Chapman, and with Herrman in the chair James introduced an ordinance proposing the exacting of a license, stating that he introduced it by request. In order to bring it before the house, he moved its reference to the committee on police, license and revenue, with instructions to report to the council next Monday night. He stated that his own mind was not fully made up; that he was open to conviction, and might be nearly in favor of the plan proposed in the ordinance or bitterly opposed to it. He thought it a matter of sufficient importance to merit careful consideration. He suggested that as a number of gentlemen were present in the lobby the council might do well to hear from them.

Such an invitation was accordingly extended, and in response to it brief speeches were made by J. H. Calvert, Judge Thomas Burke, L. A. Nadeau, Ernest Brainerd, representing a number of merchants, and John P. Hartman, all of whom thought that the adoption of such an ordinance would be unwise. They made an unusually strong and vigorous presentation of reasons why the council should not pass such an ordinance, among which were that if such a license were exacted the Canadians might easily retaliate to the disadvantage of Americans; that the measure was unconstitutional in proposing to interfere with international rights guaranteed by the treaty between the United States and Great Britain; and that even if the ordinance could be enforced, it would be an unwise stroke of policy, since it would have the appearance of exacting a license to the world as being afraid to let Canadians come in here and compete with her. At all points of the discussion there was a general recognition of the fact that Seattle has the great bulk of the Klondike trade already within its grasp, and that conviction that it cannot be taken from her by questionable methods of business and underhand misrepresentations.

On motion of Raymond consideration of the ordinance was indefinitely postponed, only one or two negatives being heard in the viva voce vote.

NO COMPROMISE YET. Musicians and Variety Theater Managers are Still Fighting. There has been between the managers of the People's, Bella Union and Olympic variety theaters and the Musicians' Mutual Protective Union continues with no signs of a compromise being reached. The orchestras in the theaters consist of only two pieces now, a piano player and a leader, each of whom receive the union salaries. The managers have given notice that after this week they intend to get along with only a piano player.

Some of the managers of the Bella Union and orchestra, it is claimed, have asked Mr. Leavitt, manager of the theater to allow them to go on playing, as they were perfectly satisfied with the present arrangement, and to receive a hands. As a matter of fact Mr. Leavitt was paying the regular union rates. He said, however, that under the circumstances he felt that he would be compelled to stand with the managers of the other theaters. "I am sorry," said Mr. Leavitt last night, "to see the men out of work, but I take the position that I will make my own contracts with musicians personally instead of operating through the union. When I collect my orchestra and band I want to considerable trouble in selecting and bringing to this city those I wanted. We were getting along all right until the union ordered the men at all the theaters to stop work unless they received regular union rates."

Following is a copy of the letter that was sent by the musicians' union to the managers of the different theaters: "Dear Sirs: We beg to call your attention to the fact that on and after January 21, 1898, the union rate charged for all musicians in your employ will be \$15 per week for men and \$10 for leaders." It was signed by L. E. Booth, president, and Charles D. Wilson, secretary. The Musicians' Mutual Protective Union is affiliated with the American Federation of Labor.

Time Table Changes. February 4 is the time table of the Seattle & International becoming operative, and instead of any changes being made to meet the Northern Pacific trains, as might naturally be expected under the recent transfer of a control of its stock to that company, the new schedule is arranged so as to connect with the Canadian Pacific. The north-bound train from Seattle to Sumas will on Friday leave at 8:30 a. m., instead of at 9 o'clock as at present. The trains from the north will be the same as now. A train will leave Woodville for Issaquah upon arrival of the Seattle train, and return to meet the train en route in the evening from Sumas to Seattle.

FRAUDULENT AND INVALID. Judge Hanford Decides in the Denton Case. Opinions were filed yesterday in the Federal court in the several cases of Charles H. Baker, as receiver of the Merchants National bank, vs. David B. Denton and vs. A. L. Beach et al. and vs. W. H. Reeves et al. In the Denton case the court holds that there was collusion between Mackin, Denton and Wickham, and the judgment heretofore obtained is declared fraudulent and invalid. In the Beach case the opinion is to the effect that exemption from liability cannot be claimed until the title to all personal property of the deceased has been transferred. In the Reeves case the court expresses the belief that Mr. Reeves in transferring the stock to his daughter hoped and believed the bank would survive, and that his present estate is a beneficiary rather than a transferee. In the Baker and W. H. Reeves are held liable for the assessment.

One Verdict a Day. The only verdict brought in by the north canal jury yesterday was one allowing C.

GORDON ROASTS THE POLICE.

Extorted Confessions and "Sweat Box" Work Are Not Legal. SO SAYS THE SUPREME COURT. Burglar James McCollum Will Receive a New Trial Because Judge Gordon Believes He Was Convicted as a Result of Unlawful Police Methods—Opinion is a Decisive Warm One—What Mr. Gordon Says.

James McCollum, who was sentenced from this county on December 26, 1896, to eight years in the penitentiary at Walla Walla, after having been convicted on a charge of burglary by a jury, is to have a new trial. The remittitur in the case was received yesterday from the clerk of the supreme court. It reverses the judgment of the court and remands the case for a new trial. The case was considered by Supreme Judge Gordon and was sent back for a new trial because McCollum's conviction was secured on a confession of John Wilson, who was implicated in the burglary. The opinion is an important one as it settles the question of admitting the confession of one prisoner as testimony in the trial of another. The opinion goes into the matter of police methods in securing confessions from prisoners and strongly condemns the methods.

On the night of October 31, 1896, Howe's saloon, on the corner of Railroad avenue and Main street, was burglarized. The three men who did the work were discovered by Merchants' Patrolman Murphy when leaving the saloon. After firing several shots he succeeded in capturing two of the trio, who gave their names as John Wilson and George W. Ketchum. The real name of Ketchum was James McCollum. Both were confined after separate trials on December 26, 1896. McCollum got eight years. An appeal was taken in his case. On March 2 he was released on bonds in the sum of \$2,000, furnished by William H. McCollum and McCollum's brothers, W. H. McCollum and M. M. McCollum.

The opinion just handed down by Judge Gordon sets forth that one error alone is relied on to reverse the trial. The Chief of Police C. S. Reed testified that Wilson had confessed to him. From Chief Reed's testimony Judge Gordon quotes as follows: "I had Wilson brought from his cell into my office and he told me that on the day preceding the burglary McCollum and the other man put up the job and asked him to participate and he consented; that McCollum entered the place through the transom over the front door. I sent for McCollum and asked him what he had to say in relation to the matter and he denied all knowledge of the transaction. I asked Wilson to repeat his story in McCollum's presence, which he did."

Chief Reed further testified that he had McCollum placed in the dark cell, known as the "sweat box," in order to secure a confession; that officers visited him every day, asking him if he was ready to confess, and that if he had confessed he would have been given a better quarters. "The coming of the interesting part of Judge Gordon's opinion. He says: "Reed's Testimony Not Legal. "We think the motion of the appellant's counsel to exclude the testimony of Witness Reed should have been granted. As legal custodian of these prisoners, the chief of police was only authorized by law to confine and safely keep them to the end that attendance might be secured at the trial. To keep an accused prisoner in a dark cell in order to obtain a confession from him is to punish him for refusing to confess, and the practice of extorting confessions from persons accused of crime by confining them in dark cells until a confession is wrung from them, is a practice that cannot be too strongly condemned. It cannot receive judicial sanction."

Judge Gordon then states that Wilson's confession should have been excluded for another reason. The opinion holds that it was inadmissible only against the party making it. "The fact that the confession was made in McCollum's presence does not alter the matter, but even lessens its force," says Judge Gordon, "when it is taken into consideration that McCollum was not voluntarily present, did not acquiesce in it and was obliged to remain and listen to it while it was made."

The opinion states that whether the evidence aside from the so-called confession is sufficient to convict is not within the power of the court to determine and can only be decided by a jury. The court did not take the stand during the trial and made no admissions. In closing Judge Gordon says: "While it is important that the appellant, if guilty, be punished for his crime, it is of greater importance that settled principles, designed for the welfare and protection of life and liberty, should not be overthrown. The judgment will be reversed and the case remanded for a new trial."

All of the associate judges concurred in the opinion, which is an important one. The prosecuting attorney's office will take up McCollum's case in a short time.

THE ABBOTT HOUSE SALE.... The sale of the Abbott House property at Third and Pike streets, by the Pacific and Northwestern Hypotheek Bank to C. J. Smith, general manager of the Pacific Coast Company for \$30,000 cash was concluded yesterday. Mr. Smith placed the management of the property in the hands of Crawford & Conover through whom also the purchase was made.

Scheuerman et al. vs. The fight yesterday afternoon was made by the Smith Cove Land Company, represented by Donworth & Howe. Some twenty acres of the Smith Cove company's property will be flooded and eight acres used by the canal. Prosecuting Attorney McElroy holds that \$30 an acre is enough for this property. The land company have not yet made their claim, but it is said that they will ask for several thousand dollars for each acre used. The case will take some time.

NO PEACE WITH HIM. Ida M. Glascock vs. for Divorce on Grounds of Cruelty. Ida M. Glascock yesterday filed suit for divorce against her husband, Police Officer J. W. Glascock. This is the second suit Mrs. Glascock has filed within a year. She was persuaded to withdraw the first one by friends and to make another attempt to live peaceably with her husband. According to the complaint filed yesterday this attempt was a failure, and this time she brings the suit in earnest. The complaint sets forth that they were married on January 1, 1877, at Jameville, Cal. They are five children, all girls. As grounds for severing the marriage ties Mrs. Glascock sets forth that her husband has an overbearing disposition, violent temper, and that he is constantly finding fault with her and with all her actions. She asserts that for the last few years of their married life his treatment has been growing worse, and that she can stand it no longer. She asks that her husband be ordered to pay \$100 into court for her attorney's fee, that he be given the divorce, custody of the minor children and such assistance as the court may deem just.

Marriage Licenses. Licenses to wed were issued yesterday to George W. Stratton (34) and Gertrude R. Kilworth (21), both of Ballard; Calvin L. Johnston (21) and O. A. Kiger (17), both of Seattle.

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REAL ESTATE TRANSFERS. Transactions Since January 1 and for Yesterday. Real estate transactions since January 1, 1898, are \$262,623.83. There were filed for record yesterday 21 deeds, aggregating \$11,720.37. Following is a list: Oddy Fellowship Cemetery Association vs. Mattie Rose, 96 1/2 of A. H. January 27, \$15. A. Thurlow to A. H. Vail, 1-5 interest in lots 4, 4 block 26, Park, 24 square, 24 block 5, W. N. Bell's 7th add, and 24 feet of lot 12, block 168, Seattle title and Abstract, April 1, 1897. State of Washington to H. C. Belling, tide lands in lot 7, block 324, Seattle tide land, February 4, 1897. Robert J. Bentel to Nellie Brier, lot 1, block 34, Pointe add, January 24, \$300. H. B. Baker, executor, to E. T. Tappan, 2 1/2 of sea, also 1/2 of sea of the sea, sec. 24, T. November 29, 1897, \$2,240.19. Charles G. Swisher to M. E. Lawson, 3/4 interest in Sioux & Comet mining claims, November 18, 1897, \$50. H. B. Baker to Anna Chibberg, lot 1, block 2, Baker, section 12, and lots 1, 2, 2 Maple's add to Seattle, August 27, 1897, \$50. W. B. Hoemer to A. D. Kniffing, 1 acre in tract 3, Somerville, January 17, \$1,800. J. E. Lilly to Mary Lovick, lots 10, 11, block 1, Denton & Wickham's add, and lots 4, 4, 4, block 1, Lake View add, January 17, \$172.50. Lewis to G. A. Burch, Block Dwarf and White Dwarf claims in Snoqualmie district, January 10, \$100. W. H. Parkhurst to H. H. Gowen, 3/4 of sea of sea, February 25, 1898, \$60. W. W. Jones to Luke Gifford, 3/4 of sea of sea of sea of sea of sea, 21, 7, January 2, 1897. Neils Anderson to B. S. Venter, 3/4 of lot 4, block 11, Sorenson's add to Seattle, February 1, 1897. Henry Elliott to J. E. Jacobs, lot 12, block 13, Jackson Street add, January 8, 1897, \$50. H. B. Baker to Mary Moser, sec. part of lot 34, Grand Army cemetery, December 18, 1897, \$50. W. H. Hargley to A. M. Eden, 6 1/2 acres in sec. 2, 2, 5, January 2, 1897, \$40. J. M. Hall to Josie Kirk, 1/2 of lot 11, block 8, Seattle Homestead tract, 1st add, February 3, 1897. Sheriff to Sanford B. Ladd and Frank Haegerman, section 12, and lots 1, 2, 2, 4, December 15, 1897, \$64.33. W. V. Hargley to John B. Brooks to Lizzie Loughborough, lot 3, block 28, Renton's add, February 1, \$1,000. Florence A. Leavitt and Charles M. Leavitt.

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Court Notes. Francis R. Newton, of Texas, was yesterday admitted to practice in the United States court. After half an hour's session of the Federal court yesterday, Judge Hanford returned to Tacoma. Judge Jacobs signed an order of default in the case of Susie St. Claire vs. George St. Claire. Judge Benson yesterday signed an order of default in the case of William Smith vs. L. M. Garrison. In the case of O. A. Byers vs. J. A. Gardner, Judge Benson yesterday granted a decree for the defendant. Judge Benson yesterday dismissed the case of the Washington National Bank vs. The Illinois Central Railway Company without prejudice.

Justice McCullen yesterday filed his bond in the sum of \$1,000 as administrator of the estate of E. W. Holmes deceased, with Lewis A. Baker and J. A. Stewart as sureties. The bond was approved by Judge Benson. The case of J. T. Anderson vs. The Seattle Petroleum & Ice Company, an action to recover damages for cows killed in Latona, was on trial yesterday before Judge Jacobs. The jury brought in a verdict.

REAL ESTATE TRANSFERS. Transactions Since January 1 and for Yesterday. Real estate transactions since January 1, 1898, are \$262,623.83. There were filed for record yesterday 21 deeds, aggregating \$11,720.37. Following is a list: Oddy Fellowship Cemetery Association vs. Mattie Rose, 96 1/2 of A. H. January 27, \$15. A. Thurlow to A. H. Vail, 1-5 interest in lots 4, 4 block 26, Park, 24 square, 24 block 5, W. N. Bell's 7th add, and 24 feet of lot 12, block 168, Seattle title and Abstract, April 1, 1897. State of Washington to H. C. Belling, tide lands in lot 7, block 324, Seattle tide land, February 4, 1897. Robert J. Bentel to Nellie Brier, lot 1, block 34, Pointe add, January 24, \$300. H. B. Baker, executor, to E. T. Tappan, 2 1/2 of sea, also 1/2 of sea of the sea, sec. 24, T. November 29, 1897, \$2,240.19. Charles G. Swisher to M. E. Lawson, 3/4 interest in Sioux & Comet mining claims, November 18, 1897, \$50. H. B. Baker to Anna Chibberg, lot 1, block 2, Baker, section 12, and lots 1, 2, 2 Maple's add to Seattle, August 27, 1897, \$50. W. B. Hoemer to A. D. Kniffing, 1 acre in tract 3, Somerville, January 17, \$1,800. J. E. Lilly to Mary Lovick, lots 10, 11, block 1, Denton & Wickham's add, and lots 4, 4, 4, block 1, Lake View add, January 17, \$172.50. Lewis to G. A. Burch, Block Dwarf and White Dwarf claims in Snoqualmie district, January 10, \$100. W. H. Parkhurst to H. H. Gowen, 3/4 of sea of sea, February 25, 1898, \$60. W. W. Jones to Luke Gifford, 3/4 of sea of sea of sea of sea, 21, 7, January 2, 1897. Neils Anderson to B. S. Venter, 3/4 of lot 4, block 11, Sorenson's add to Seattle, February 1, 1897. Henry Elliott to J. E. Jacobs, lot 12, block 13, Jackson Street add, January 8, 1897, \$50. H. B. Baker to Mary Moser, sec. part of lot 34, Grand Army cemetery, December 18, 1897, \$50. W. H. Hargley to A. M. Eden, 6 1/2 acres in sec. 2, 2, 5, January 2, 1897, \$40. J. M. Hall to Josie Kirk, 1/2 of lot 11, block 8, Seattle Homestead tract, 1st add, February 3, 1897. Sheriff to Sanford B. Ladd and Frank Haegerman, section 12, and lots 1, 2, 2, 4, December 15, 1897, \$64.33. W. V. Hargley to John B. Brooks to Lizzie Loughborough, lot 3, block 28, Renton's add, February 1, \$1,000. Florence A. Leavitt and Charles M. Leavitt.

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Men's Black English Worsted Suits. At.... \$10, \$15, \$20, \$2