

THE NASTY CASE IS UP

Court Used His Russian Powers to Squelch.

Against His Orders an Interesting Document Was Placed On Record.

The court is still doing business. On the complaint sworn out by R. E. Matlock, who has been promised that he would be made sheriff in case of conviction, J. E. Nessley was brought to trial Tuesday on Judge McDonald's charge of rape by proxy. Court was convened at the dark hour of 8 in the morning—something unusual and entirely unexpected by the sensation-loving public.

Nessley is charged with a serious offense against public morals and common decency. R. A. Sims, former populist sheriff, was the only witness in the house when time was called and he was put on the stand. When he walked to the stand E. K. Hanna, attorney for Nessley, mildly asked to file a paper with the clerk.

"Sit down!" Judge McDonald said. Hanna insisted half a dozen times that he should be heard. The court ended it by thundering: "Judge Hanna, sit down. If you persist in raising your voice or attempting to file anything with the clerk of this court, I will fine you for contempt and disbar you."

But Clerk Renfrew received and filed this interesting document, against the orders of the court:

Hard Charges Filed.

State of Washington, county of Whitman.—ss. Before Hon. William McDonald, superior judge of Whitman county, state of Washington, sitting as magistrate in examination of a person charged with crime.

The state of Washington, plaintiff vs. J. E. Nessley, defendant.

Now comes the above named defendant and objects to said William McDonald sitting as a magistrate herein, and as such magistrate, determining or deciding said examination, and protesting against said magistrate sitting at, or hearing, or deciding this said examination of defendant herein, for the reason that said William McDonald is biased and prejudiced against the defendant herein, in the matter with which defendant is herein charged, and which is to be herein examined, and is biased and prejudiced against the defendant generally, and that said William McDonald has, prior to this charge having been laid before him as such magistrate, prejudged the defendant, as being guilty of the crime herein charged against him, and has so stated his opinion in both private and public utterances, and written statements.

That said William McDonald is now, and has been since January 1897, the duly elected and qualified superior judge of Whitman county, state of Washington, and that while holding said official position, he has been for many months last past attempting to coerce, induce and persuade various persons to give testimony against the defendant, to the effect that he had done some act or acts, constituting a crime of sufficient degree to be punishable by imprisonment in the penitentiary, and has so done after the persons whom he was so attempting to coerce, induce or persuade to so testify, had told him that they could not truthfully testify to anything against defendant, because they know nothing against him.

That said William McDonald is so biased and prejudiced against defendant herein, that defendant cannot have a fair, impartial or just examination of the matter with which he is herein charged before him, the said William McDonald.

Defendant bases this objection and protest upon his affidavit of facts hereto attached and made a part of this objection and protest. J. E. NESSLEY, defendant. E. K. HANNA, attorney for defendant.

State of Washington, county of Whitman.—ss. I, J. E. Nessley, being first duly sworn say: I am the defendant in the above entitled matter, and the person making the foregoing objection and protest.

That the said William McDonald is now, and during all the times in this affidavit mentioned, has been, the duly elected, qualified and acting superior judge of Whitman county, state of Washington, and as such, "the judge of the superior court of the state of Washington, in and for Whitman county."

That ever since about the first day of December, 1897, the said William McDonald has been personally engaged in an effort to get different and numerous persons to agree to testify, that they knew of some criminal act or acts done by affiant, that would constitute a crime of sufficient degree that the punishment therefor would be the imprisonment of affiant in the penitentiary of the state of Washington, and has so done with the avowed purpose and intent, that he, the said William McDonald, desired that affiant be sent to the said penitentiary as a criminal, and that the said William McDonald has used his official position as judge as aforesaid and the power and influence of said position, in attempts to coerce, induce and persuade a number of different persons, who were at the time of said attempt under arrest for alleged crimes and confined in the jail of said Whitman county, state of Washington, and who were to be tried for crimes with which they were charged before him the said William McDonald, as judge of the court as aforesaid, to swear that they had knowledge of a criminal act or acts done by affiant and constituting a degree of crime such that if affiant was convicted thereof, he could be punished by being committed to the penitentiary of the state of Washington, and that in said attempts, he, as judge as aforesaid, promised said various persons so situated, that if they would so testify against affiant, that he would have them turned loose, and would cause them to go free from prosecution or punishment for the alleged crimes for which they were so under arrest and in custody as aforesaid, and said attempts to induce them to so testify were so made, and that in said attempts he, judge as aforesaid, and under the circumstances aforesaid, threatened said different and several persons, that if they did not so testify against affiant, that he would give them heavy terms in the penitentiary, and that he would send them to the penitentiary for long terms of years; and that said William McDonald so

witness against affiant in the matter of this charge now to be examined, wrote to one G. Gumm, a brother-in-law of said William Brooks, to Tekoa, Washington, a certain letter, of which the following is a copy, to-wit: "Colfax, Washington, March 2nd, 1900.—Mr. G. Gumm, Tekoa, Wash. Dear Sir: William Brooks plead guilty to a charge of grand larceny and a judgment of guilty was entered against him. With this standing against him he can never vote or exercise other acts or rights of a citizen. I recently learned that J. W. Mathews persuaded him to plead guilty and then asked me to suspend sentence so that Nessley could get Brooks away and thus keep Brooks from swearing to what he saw Nessley do while he was in jail. You no doubt have heard that Nessley while in the sheriff's office put an insane woman in the cell with John Leonard, which would send Nessley to the penitentiary and Mathews, who was a bosom friend of Nessley's, wanted Brooks away so he would not swear against Nessley. I did not know that Brooks saw Nessley do this till about two months ago, and hearing that Brooks was near Tekoa I concluded that I would order him brought before me, and permit him to withdraw his plea of guilty and retract the judgment against him and set him free. This is the reason I sent for Brooks. Nessley found this out and went to Tekoa and told Brooks I wanted to send him to the pen and persuaded him to hide out. Now if you will get Brooks and bring him to Colfax, or have him come alone I will set this judgment aside and set him free because he was induced to plead guilty through the fraud of Nessley and Mathews. All I want is to save him from going through life with a judgment against him procured by the fraud of a scoundrel to protect him from exposure. Tell Brooks to come to my home and I will bring him to the court house and do just what I have said I would. If he comes at any time within the next 30 days it will be all right, but after about that time it will be too late as the statutes would then bar any further action. Let me hear from you soon. Yours truly,

"WILLIAM McDONALD, Judge."

That on March 18th, 1900, the said William McDonald wrote a letter to the editor of the Spokesman-Review, in which, after stating in effect that he had ordered said William Brooks into court in the said action, wherein he had been adjudged guilty of grand larceny, he in said letter proceeded to state the reasons and cause why he had ordered said William Brooks to be brought into court in said action, in the following words: "Frankly then Brooks is wanted at Colfax to testify as to what he saw Nessley do with the insane woman and not to sentence him to prison." That said William McDonald has through the press and privately for many months last past, asserted many times, that said William Brooks is guilty of the charge on which this examination is to be held.

That affiant believes he cannot have a fair and impartial hearing or examination of the said charge, before said William McDonald, sitting as magistrate in said matter; and that there are now residing in the city of Colfax, two duly elected and qualified justices of the peace, either of whom are qualified to take jurisdiction of said matter as magistrates, and both of whom are disinterested persons in this matter, and would give said matter a fair and impartial hearing and examination, free from all bias and prejudice.

J. E. NESSLEY.

Subscribed and sworn to before me this 2nd day of April, 1900.

(Seal) R. M. HANNA, Notary public, residing at Colfax, Washington.

Further Accused.

Garfield Enterprise: Last week O. H. Johnson received a bill for \$140 from a Chicago jewelry company. The order it was stated on the bill was sent in by A. C. Kicher, their traveling agent. Mr. Johnson had not given the order and of course refused to honor the bill.

Deafness Cannot Be Cured

by local applications, as they cannot reach the diseased portion of the ear. There is only one way to cure deafness, and that is by constitutional remedies. Deafness is caused by an inflamed condition of the mucous lining of the Eustachian Tube. When this tube gets inflamed you have a rumbling sound or imperfect hearing, and when it is entirely closed deafness is the result, and unless the inflammation can be taken out and this tube restored to its normal condition, hearing will be destroyed forever; nine cases out of ten are caused by catarrh, which is nothing but an inflamed condition of the mucous surfaces.

We will give one hundred dollars for any case of deafness (caused by catarrh) that can not be cured by Hall's Catarrh Cure. Send for circulars, free.

E. J. CHENEY & Co., Toledo, O.

Sold by druggists. Be sure you get Hall's Family Pills are the best.

Experience is the best teacher.

Acker's English Remedy in any case of coughs, colds or croup. Should it fail to give immediate relief, money refunded. 25 cts and 50 cts. The Elk Drugstore.

To Cure a Cold in One Day.

Take LAXATIVE BROMO QUININE TABLETS. All druggists refund the money if it fails to cure. E. W. GROVE'S signature is on each box. 25c.

INSURE with H. W. GOFF.

The Tea & Coffee Co. 1900

The April sunshine, April showers,

"And streams released from winter's chain"

Bring singing birds, sweet-scented flowers.

And new crop Japan tea again.

"M.M.&Co."

Japan Tea

Choicest pickings from Japan's best gardens.

TAKEN IN AND SPENT

Fair Statement As to Where Peoples' Money Is.

The Days of the Tax Dodgers Ended When the Populists Retired From Public Life.

There is one peculiarity about the county treasurer's office, where the county's money is handled, which the fustianistic Commoner has never taken account of and which consequently its readers are probably in ignorance of. Its last monthly statement shows that in February, 1898, the economical Ben Manning, populist, carried five men on duty. In February, 1900, Windus, republican, carried five men. The five populists were under smaller wages because the populist party made the payment of small wages their battle cry. They even promised to cover back into the county treasury 20 per cent of their wages—one dollar out of five. This promise they violated. They never gave back a cent. If they knew anything at all when they said they would they knew they could not and pay their grocery bills. But they said they would—before election.

The treasurer's office is a peculiar and responsible position. Every dollar paid must not only be receipted for, but it must be credited on the books and segregated into the funds of the different road and school districts and municipalities. The man who follows the plow eats when supper time comes and sleeps the sleep of the blessed. The man who takes care of county money never sleeps until his books balance, even if there is but one cent of an error. Often he must work until that cent is found and accounted for.

There is this difference between the work of the five men in the treasurer's office for March, 1900, and for March, 1898: The republicans last month wrote receipts and kept the books for \$90,674.92, with all its resultant correspondence. The five populists in the office in March, 1898, wrote receipts and kept the books for \$17,951.62. The five republicans wrote more than five times the receipts, made five times the figures, handled five times the money that the five populists did. And they never made promises to give up one-fifth of their salaries, either.

The difference between republicanism and populism is the trifling sum of \$72,667.53. That is the real difference between the parties in Whitman county.

To make a record the populists collected but little tax. They put it off for other people to collect and now want to charge the republicans with extravagance.

Money for Taxes.

The total tax collections for March, 1900, in Whitman county were \$90,674.92, divided as follows among the years:

Table with 2 columns: Year, Amount. 1899: \$87,696.64; 1898: 1,688.34; 1897: 810.44; 1896: 208.18; 1895: 95.82; 1894: 32.60; 1893: 92.13; Prior to 1893: 55.77.

Total: \$90,674.92

Added to this is \$715.85 fees of officers, and \$119.60 miscellaneous receipts—a total income for the county of \$91,410.37 for the month of March; and for the year, since January 1, of \$173,185.66.

The Money Spent.

The disbursements for March were \$26,606.66, as follows:

Table with 2 columns: Item, Amount. School district fund: \$11,656.46; Special school fund: 7,208.00; Road district fund: 1,792.80; Current expenses: 5,712.37; Road and bridge fund: 170.83; Indigent soldiers: 65.00.

Total: \$26,606.66

This brings the total expenditures of the county since January 1 to \$48,892.78. The income, as shown, for the same time, is \$173,184.66.

Whitman county is in a fair way to recover from the blasting effects of Grover Cleveland's rule.

A Matter of Doctors.

Under the populists the county commissioners paid Dr. Ferguson, as county physician, \$16 a month.

The Commoner, like any other populist, has tried to make political capital out of the fact that when republicans took control of the county government they bounced the populist and paid Dr. Stout \$30 a month.

The Gazette takes extreme and exquisite pleasure in showing the gentlemen how it is that a republican at \$30 a month is cheaper than a populist at \$16 a month.

In 1897 the populist county physician and his poor and incapable patients cost the people of Whitman county \$4911.40. In 1898 the populist county physician and his poor patients cost Whitman county \$3387.26.

McKinleyism and a republican county physician at \$30 a month reduced this cost in 1899 to \$1572.50.

It is safe to say that Chairman Hinchliff would not now sanction such bills for county doctors, county poor and Cleveland rag-tags as he paid willingly through 1897 and 1898.

Dr. Buck's Celery, Sarsaparilla and Dandelion makes pure, rich, red blood, clear complexion. Sold only at the Elk Drug Store.

LET US TALK OF SUITS AT \$7.50.

DOING A LITTLE BETTER THAN OTHERS.

We are selling a special value suit now at \$7.50

that is simply unbeatable for the money asked.

This suit is of superior merit and style and really ought to be sold by us for \$12.50, for that is the price for similar suits at other stores. But our well established reputation for giving great values, and our pride in doing a little better than other stores, causes us to make this great offer.

Every sale must be satisfactory one. Will buy back anything we sell at the price we sold it if it isn't as represented.

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Red Front Clothing Co. COLFAX, WASH.

H. KAMINSKY, Propr. Exclusive Mens' and Boys' Clothiers and Furnishers.

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Poultry Supplies. Groceries and Feed. Wholesale and Retail. Write for Prices. Poultry and Produce Wanted.

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All makes and styles, and our prices cannot be beaten anywhere. Our stock of Jewelry, Rings, Clocks, &c.

Is the largest in the Palouse Country and our prices are the lowest. Drop in and see.

CITY JEWELRY STORE M. A. ROSE, Manager.

C. N. CLARK Going to Build? If so, you will save money by visiting

The Plumber

Leave orders at Barroll & Mohney's Hardware Store.

O. SLATE & CO. (Successors to Sid Lyle) Carry a full line of

Cigars and Tobacco Confectionery and Fruits.

Temperance Drinks in Season A RESORT FOR GENTLEMEN. GIVE US A CALL.

BY VIRTUE OF CHOICE GOODS, low prices and fair dealing, we have earned the title of Purveyors to the People of Colfax,

which we will hold and defend by the same prompt and intelligent attention to the wants of our patrons.

Bennett & Tarbet, Family Grocers. ALLEN BROS. Dealers in General Merchandise DUSTY, WASH.

Highest market price paid for country produce of all kinds.

Pioneer Drug Store, W. J. HAMILTON, Propr.

Prescription Work a Specialty. A complete stock of Drugs, Medicines, Chemicals, Soaps, Brushes, Perfumeries, Paints, Oils, Glass, Notions, Books, Stationery.

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A select Boarding School for young girls. Gives a thorough education in all English branches, Music, Fancy Work, Languages, etc. No compulsion with regard to religious opinions. TERMS MODERATE. Correspondence solicited. Address, SISTER SUPERIOR. J. W. CAIRNS, Express and Drayman. Will haul your freight or move your goods and chattels PROMPTLY—CAREFULLY.