

ITALIAN FACES JURY

Joseph Gaglielmo's Murderer Is on Trial.

DUMMY OF DEAD MAN IN COURT

Attorneys for Defense Allege That Castrovina Stabbed the Deceased to Save Himself From Bodily Harm.

John Castrovina, an Italian who stabbed Joseph Gaglielmo to death on the night of December 21, last, was placed on trial before Judge Cleland yesterday for murder in the first degree. Gaglielmo was also an Italian, and kept a saloon at the corner of First and Market streets.

The courtroom was crowded with friends of the prisoner and the deceased. The widow of the murdered man was present, clad in deep mourning, and also Gaglielmo's son, Dr. A. Candiani, the Italian Consul at Seattle, the defendant's attorney, and several other persons.

A diagram of the saloon premises is being used in evidence, and also a dummy dressed up in the clothing of the deceased. The latter is used to point out to the jury the location of the knife wounds.

Castrovina is neatly dressed, and is not a bad looking man. He watched the proceedings closely and appeared interested in everything that occurred.

Most of the day was taken up in securing a jury which was finally chosen as follows: R. S. Chaworth, John Patterson, F. M. Ireland, W. G. McCormack, Jacob M. Gelfert, Morris Harnett, S. L. Stone, Peter J. Neuberger, M. E. Thompson, F. M. Kandell, H. F. Yates and Morris Crandall.

In the examination of the first juror, Dean R. Murphy, attorney for the defense, asked: "Suppose it is shown that the accused used a deadly weapon, namely a knife, and thereby killed Gaglielmo, would that fact standing alone cause you to return a verdict of murder in the first degree?"

The wording of the question was afterwards changed so as to make the answer of the juror denote if he believed in self-defense, even to the extent of using a knife.

District Attorney Manning objected, and Judge Cleland ruled the question to be improper. The court said it was trying to get the juror's state of mind at the outset of the trial.

The attorney for the defense then asked the juror: "Do you believe a person has a right to resort to the use of a deadly weapon to protect himself from violence?"

This question was allowed by the court, and was propounded to all persons examined as jurors. They were also asked: "Does it make any difference if the weapon was a knife?"

In the opening statement to the jury, counsel for the prosecution said that on the night of the murder, Castrovina entered Gaglielmo's saloon, and ordered a glass of beer. He put a nickel on the bar, and the machine did not work, and began smashing it. Gaglielmo put Castrovina out after offering to return the nickel. Castrovina returned by throwing a bottle of wine at Gaglielmo and also stabbed him several times on the forehead of the door. The wounded man died 20 minutes later.

Mr. Murphy, for the defendant, made no statement in response, except to inform the jury that a case of self-defense would be established.

Peter Jacoby was sworn as interpreter. Joe Barker, who witnessed the difficulty between Gaglielmo and Castrovina, testified that he saw Gaglielmo put Castrovina out of the saloon, and a second later Gaglielmo re-entered, cut and bleeding. He was placed on a couch, and died soon afterwards. The trial will be resumed this morning.

MAY HAVE TO READVVERTISE.

Omission Made in Publication of Delinquent Tax List.

"Will the delinquent tax list of 1901 have to be readvertised? This is a question which County Judge Webster will decide next Monday."

Yesterday afternoon Attorney R. C. Wright, O. M. Smith, E. E. Noble and others appeared in the County Court, and called attention to the fact that in the advertisement closed about a week ago it omitted to state the place of sale.

The sale occurred this week, Mr. Wright stated, and he, Noble, Smith and others bid in property. The question is whether they will get what they bought; that is, in view of the irregularity of the notice of sale, if the Sheriff's certificates, when issued, will have full force and effect.

Counsel was inclined to think not, and that if the owners of the property brought suit to make the sale, the sale would be void. The court said that the title purchasers would lose, because the courts have invariably held that there must be a strict compliance with the law in these matters. It was true they might get their money back, and the county could sell the property over again next year if owners did not pay the tax in the meantime, but the county had until March 1 to make the sale, and as well re-advertise at once, and re-sell.

Mr. Wright asked if his attorney, J. V. Beach, had been spoken to. He said: "Mr. Beach told me he had no doubt it was a good sale."

Mr. Wright-Mr. Beach informed me he would not have passed the notice of sale. Sheriff Storey-The law fixes the place. Mr. Noble-Yes, but it must be mentioned in the notice.

Mr. Noble read the statute. "The question is if we get a good certificate. It might as well be done now as to be put off another year."

Sheriff Storey said he noticed the omission and spoke to D. F. Dryden, chief clerk in the tax department, about it, and Mr. Dryden answered that Attorney Beach had been advised with, and Mr. Beach had replied: "The law fixes the place at the Sheriff's office, and the Sheriff's office is at the Courthouse." Mr. Beach therefore expressed an opinion that the notice of sale, while slightly irregular, was legal.

Judge Webster stated that while the notice was being advertised he was spoken to concerning another item of it, but he did not pay much attention at the time because he did not know that the County Court had anything to say regarding it. Judge Webster explained that the tax for this year worked for the first time under a new law, and there were many things in it which required considerable study.

As numerous taxpayers paid delinquent taxes since the notice of sale was first made up, if the notice has to be re-advised, it will only be about half as long as it originally was.

SULLIVAN PAYS A FINE.

Pleads Guilty to Charge of Having Unlawfully Boarded a Ship.

Lawrence M. Sullivan, a sailor boarding-house keeper, pleaded guilty before Judge Sears yesterday afternoon to a charge of having unlawfully boarded the British ship Riverdale several weeks ago. He

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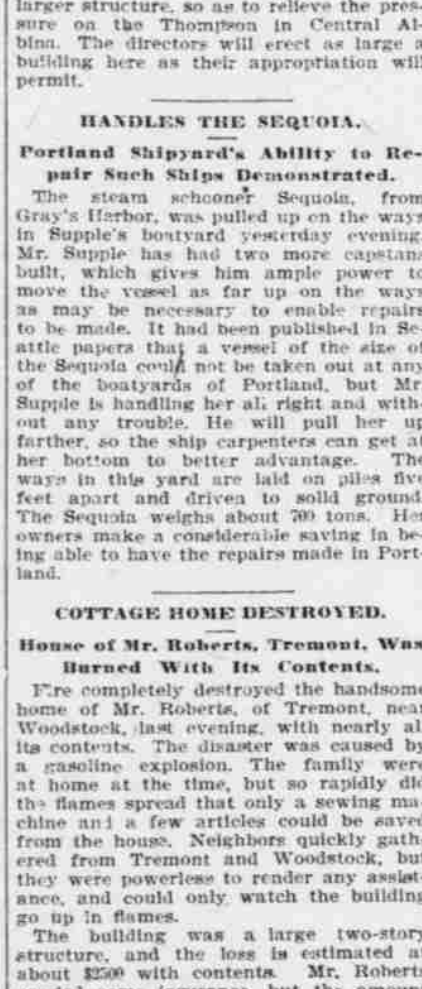
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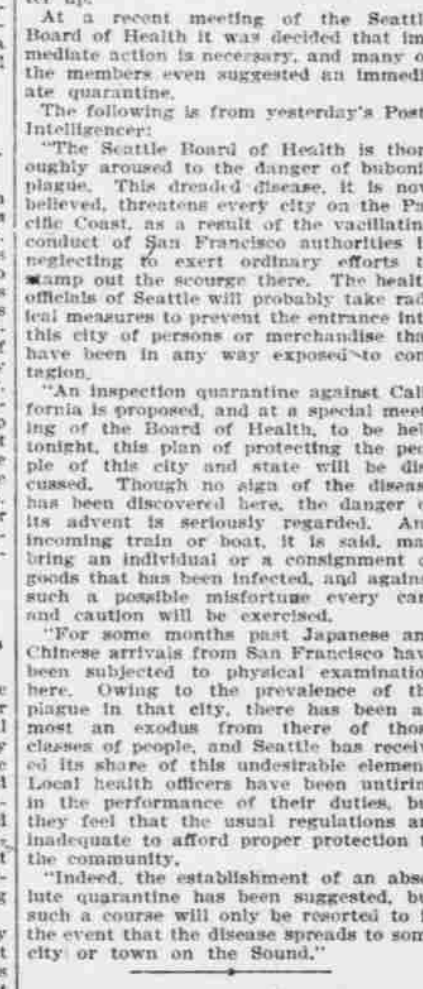
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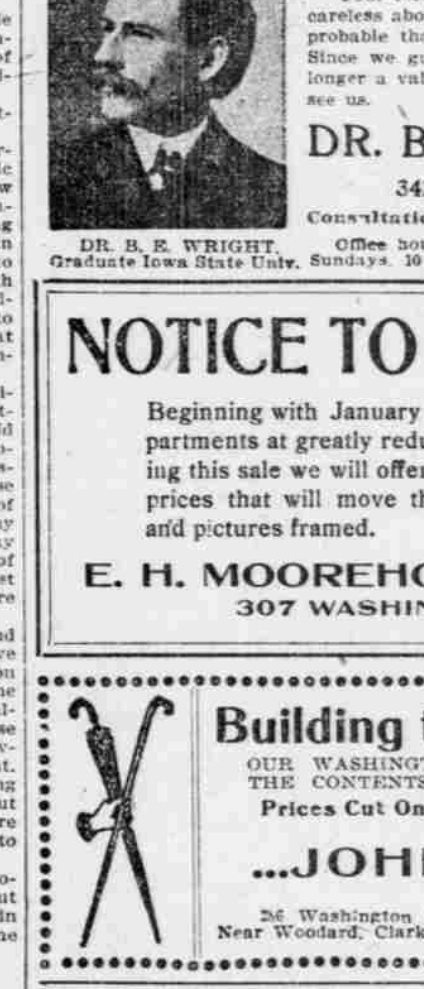
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