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## MAY REVOKE HER TRUST DEED

### MRS. COVENTRY NOT BOUND BY UNDELIVERED AGREEMENT.

Covered More Than \$1,000,000 of Property and Was Designed to Protect a Son by Her First Marriage—Her English Husband Wouldn't Give Consent.

The Appellate Division of the Supreme Court reversed yesterday an order of the lower court dismissing a suit brought by Mrs. Edith Coventry, wife of the Hon. Henry Coventry, third son of the Earl of Coventry, to revoke a deed of trust which she made in 1907 just prior to her marriage and to which her husband has always refused to give his approval.



Mrs. Coventry is the granddaughter of Pierre Lorillard and daughter of Lawrence Kip. She was married in 1904 to Richard S. McCreery, whom she divorced in 1904. A son, Lawrence B. McCreery, was born to them.

In 1907, two months before Mrs. McCreery became Mrs. Coventry, she executed a trust deed conveying property worth more than \$1,000,000 to three trustees, Supreme Court Justice Gerard A. Lanfear, Norris and Ernest Iselin. She was to have the income of the trust property for herself and her son, and her intended husband was to have no control over it. She also had power to dispose of the property in her will.

The deed was not to be delivered to the trustees until she got the approval of her intended husband.

After her marriage Mrs. Coventry wrote to her lawyer John M. Bowers, who had the deed:

"My husband would not sign the deed of trust, as he does not approve of it, in that it does not fulfil the reason why I wished to make one, which was to settle some of my fortune on my child and any other children I may have. My solicitor over here for the same reason does not approve of it. Mrs. Coventry writes to her lawyer to tell me that settlements on unborn children can be made in America as well as in England, and under the circumstances I should like if possible to cancel the existing trust.

Mrs. Coventry then sought to have the trust deed destroyed, but Justice Gerard would not consent, on the ground that in law the deed had been delivered and was effective. The case was referred to James B. Burr and referee and after many hearings he dismissed the complaint. Before his report was filed a second child, Victor Henry Coventry, was born to the plaintiff, and because he had not been a party to the action and had certain rights in the litigation a guardian ad litem was appointed and the proceedings were heard again. Mrs. Coventry appealed to Justice Gerard's ruling and the Appellate Division reverses his judgment and orders a new trial before another referee.

The court says there is no evidence to sustain a finding that the deed was ever delivered and "a deed does not become operative until there has been a delivery." Concerning the referee's determination Justice McLaughlin, who wrote the Appellate Division opinion, said:

In attempting to apply legal principles curious and apparently absurd results are sometimes reached, but so far as I know no decision is quite as curious or as absurd as the judgment in this case upon the foregoing facts by which the deed in question was held to have been delivered against the express intention of the plaintiff, and that she was powerless to cancel or destroy it because in a letter to her personal counsel she referred to that instrument as "the existing trust" and a lawyer had expressed an opinion that it could not be recalled.

### FIFTEEN JUDGES IN COX CASE.

Boss of Cincinnati Has Had His Technicalities Before That Many.

CINCINNATI, April 7.—Disregarding the protest of Prosecutor Henry T. Hunt, Judge W. L. Dickson, Republican, held to-day that the order made on March 31 by Judge Frank M. Gorman, Democrat, allowing a change of venue in the George B. Cox case to Clermont county was void.

He held that the order was an usurpation of power, as he had no jurisdiction in the case following the filing of an affidavit of prejudice against him.

Prosecutor Hunt filed a protest against Judge Dickson making any ruling prior to the action pending in the Supreme Court. In the protest he wrote:

"We respectfully submit that the law of Ohio makes no distinction between an affidavit of bias and prejudice filed against Judge Dickson and one filed against Judge Gorman."

Judge Dickson said that he was required to act by Monday as the ten days time allowed by statute for the clerk to certify an order for a change of venue to another county expired on that day.

He said that if the Supreme Court decided he had no authority to act he would willingly set aside the order he made to-day. When the Supreme Court passes upon the Cox case on Monday it will have before it fifteen judges on technicalities alone.

### HIS PLEA AUGMENTS HIS FINE.

Said the Policeman Beat Him and Had Not a Bruise to Show.

It is the thing now in night court for a man to charge the policeman who arrested him with unmercifully beating him. If one shows no marks of brutality he says they are hid by jacket or trousers.

Early yesterday Magistrate Cortigan sentenced Frank Murphy to pay \$5 for calling a policeman vile names in front of the East Thirty-fifth street station house.

"He hit me several times when I asked why my brother was," interjected Murphy. He explained that his legs and ribs hurt terribly.

## Just imagine it's the good old days when every traveller brought home Scotch woollens for his friend's suits.

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### GUGGENHEIM DIVORCE VALID.

New York Woman Cannot Maintain Suits in Two States.

ALBANY, April 7.—A New York city woman who has had her day in court in another State and secures her divorce regularly in an action wherein her husband submits to the jurisdiction of the court cannot come back here later and maintain an action for divorce against the same husband.

The Court of Appeals to-day handed down a decision upholding a Chicago divorce granted Grace B. Guggenheim, Grace B. and William Guggenheim were married in Hoboken, N. J., on November 30, 1900, and it is alleged Guggenheim deserted her in January, 1901. The following February the wife went to Chicago, and on February 16, 1901, instituted an action against Guggenheim for divorce. A decree was granted on March 20, 1901, based on the statutory grounds of desertion. The Chicago divorce was filed in Chicago the day before the bill for divorce was filed. Guggenheim submitted himself to the jurisdiction of the Illinois court.

Grace B. Guggenheim then returned to New York city, where on December 24 of that year she married Julius Rogers Wahl. Three years later Guggenheim married Alvin E. Steinberger in Chicago. Previously she had given his first wife \$150,000 when the Supreme Court passes upon the Cox case on Monday it will have before it fifteen judges on technicalities alone.

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