

VAN ALLEN GOES FREE.

The Justice Finds Him Guiltless of Embezzlement.

HAD AN INTEREST IN THE MONEY

Small Navlet's Story of His Neglected Home and Angry Wife—An Interesting Housekeeper.

John Van Allen, formerly local agent for the Fidelity & Casualty Insurance Company of New York, and who was brought back from California to stand trial for embezzling \$2,000 worth of premiums, was made happy yesterday by a decision from Justice Caldwell, before whom the preliminary examination was held Tuesday, dismissing the charge of fraudulent conversion of money.

In rendering his decision Justice Caldwell said that the case rested upon the question of a fraudulent conversion of money received, the defendant having admitted receiving the money and given a note in settlement. The evidence showed that Van Allen received a commission on all monies collected by him for the company. Thus he acquired an interest in every dollar which he collected. The justice said that it was a well-established rule that where a person obtains the possession of money or other property which belongs to himself and in part to others a conversion by him of the whole of such money would not constitute embezzlement. There was no evidence to show that Van Allen was required to remit to the company specific sums received by him, on the contrary, the alleged fraudulent conversion occurred September 15, 1903, when, as was shown by the evidence, the sums were received in June. Authorities were then cited to show that in cases such as Van Allen's, the agent was not an embezzler.

The justice, while taking into consideration the other side of the question, believed the law to be that an agent, in such case as Van Allen's, was not guilty of embezzlement. There was no evidence to show fraudulent conversion within the meaning of the statutes. There being no evidence to show that the defendant was required to remit specific sums there appeared to be no crime committed, and therefore the defendant was discharged.

REPEATING AT LEISURE.

A Deserted Husband and an Abandoned Wife Seek Freedom.

Emil F. Navlet is another example of those men who declare marriage a failure, and as a means of getting peace he asked the superior court yesterday to grant him a divorce. The complaint alleges that Mr. and Mrs. Navlet were married at San Francisco December 24, 1892, and have lived in King county more than one year. Ever since the marriage, and especially since October, 1891, he alleges that Mrs. Navlet has been guilty of cruel treatment, she has made life miserable for him by calling him vile names, throwing knives and forks at his person, and on various occasions Mr. Navlet found his home neglected and his meals unprepared. To make matters worse, Mrs. Navlet, he says, kept company with persons of ill repute and, although Mr. Navlet objected, Mrs. Navlet paid no attention to him. About March 1, 1891, she deserted him to go to California, where she now resides. The court is asked to grant a divorce and such other relief as may be just. One child, Rosalie M. Navlet, aged 10 years, is named as the sole issue of the marriage.

Christine Jager yesterday sued for a divorce from George T. Jager, on the ground of cruel treatment. She alleges that they were married in Davison county, S. D., and have two children, John C., aged 7, and Paddy, aged 3. During the last three years Mr. Jager, the complaint says, acted in a cruel, harsh manner, and on various occasions threatened to kill Mrs. Jager with a knife. He also called her a "devil," and hit her with his fists. In June, 1902, he sold her out of house and home and, taking his son John, disappeared. Since then he has not been heard of.

FOUND HE HAD A HOUSEKEEPER.

Mrs. Thomas' Discovery on Returning Home Leads to Divorce.

The suit of Winnie F. Thomas, an elderly and motherly-looking woman, for a divorce from David Thomas, was heard this night by Judge Humes, who, after listening to the story of the applicant and three witnesses, granted a decree. The defendant did not appear, and although his name was represented no objections were interposed. There was a studied attempt on the part of Mrs. Thomas to avoid saying anything that would reflect on the morality of her husband. She simply mentioned that when she returned from a visit to England she found that Mr. Thomas had a housekeeper. The other witnesses said the housekeeper had an awful reputation morally. Mr. and Mrs. Thomas have done missionary work in time past, but Mr. Thomas seems to have lost all capacity for business. After Mrs. Thomas found out how things were she drew up an agreement concerning the division of real estate, which was put in evidence. Mr. Thomas is 60 years old and now lives at Rainier heights.

Escaped the Coats After All.

C. P. Bishop, of Ballard, was released from the county jail yesterday through a habeas corpus proceeding instituted before Judge Humes late in the afternoon. Bishop had C. Lettis and E. Struble arrested at Ballard on the charge of grand larceny, and at a preliminary hearing before Justice Webber it was held that the charge was frivolous. The defendants were dismissed and the costs of the action paid to Bishop, who, it is claimed, refused to pay them. The justice then committed Bishop to jail, but in his commitment made technical errors which caused Judge Humes to order his release. Whether a justice can lawfully jail a man for not paying costs in such a case is a disputed question.

Another Watch Thief Convicted.

John Lyner, who was charged with acting in conjunction with Jim Burns in robbing A. Gardinle of two watches, was found guilty in the superior court before Judge Humes yesterday. The jury only took a few minutes to reach a verdict. Lyner took the verdict in a matter-of-fact manner, and was soon back in the steel tank with his friend Burns, who was found guilty Tuesday.

Settled in Land.

Judge Langley signed an order yesterday granting the petition of the guardian Oscar Anderson that it is advisable to divide the north half of lot 4, Lake Dell addition, to a \$200 mortgage, in payment of the balance of indebtedness of the Acme Publishing Company.

The Complaint Aboard.

Nellie Blanchard, the variety hall girl, who is accused of stealing \$340 from Robert DeLancy in a Washington street lodging house, was in Judge Humes' court yesterday ready for trial. Not so with the prosecution, which said that a letter had been received from DeLancy asking that the case would be heard. Of course the state could not go to trial and asked a continuance.

LEFT TO THE LAWYER

School Board Acts on the Sanitation Dispute.

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At the time of going to press the attending physicians think there is a chance for young Codrick's recovery. They think the strangling was accidental.

Baseball.

Next Sunday the Seattle Teamsters will play the opening game of the season with Company D at the Madison street grounds. Manager Belmont of the Teamsters is ready to accept any challenge from any team on the Sound.

One might as well try to stem the rapids of Niagara as to expect perfect health while a scrofulous taint exists in the blood. Through its alterative and purifying properties Ayer's Sarsaparilla removes every vestige of scrofulous poison from the blood.

Pacific Carpet Company's mammoth auction sale today at 1:30.