

# AUCTION SALE

—OF—

## VALUABLE LANDS!

### 20,000 Acres in Subdivisions. RANCHO LAS POSAS, Ventura County, California.

### THE LAS POSAS LAND AND WATER COMPANY

Will offer for sale to the highest bidder, at public auction, at the Hueneeme Public Hall, in the Town of Hueneeme, Ventura County, California, beginning on TUESDAY, THE 16TH DAY OF MAY, 1893, and continuing the sale from day to day, but not longer than three days thereafter, all of the unsold lands of the Company, consisting of Subdivisions of the Rancho Las Posas, ranging in area from three acres to fifteen hundred acres each and embracing some of the

### Finest Lands in Ventura County

And now under good cultivation; well supplied with roads, schools, water and telephone lines; distant five to eight miles from Saticoy, the nearest railroad station, and from nine to sixteen miles from Hueneeme, the principal resort. Each tract has appertained to it stock in a corporation holding the water rights and pipe line system, by which all of the subdivisions, with a few exceptions, are supplied with water for domestic and stock purposes, irrigation not being required. The sales will be subject to existing leases expiring November 1st, 1893, the Company reserving the right to purchase money within ten days after sale, the balance of one-third to be paid in three equal annual installments of one-third thereof each, bearing interest from date of sale at the rate of 8 per cent per annum, payable annually, and secured by mortgage of the premises; or a discount of two and one-half per cent on the deferred payments will be allowed for cash. The sales will be subject to existing leases expiring November 1st, 1893, the Company reserving the right to purchase money within ten days after sale, the balance of one-third to be paid in three equal annual installments of one-third thereof each, bearing interest from date of sale at the rate of 8 per cent per annum, payable annually, and secured by mortgage of the premises; or a discount of two and one-half per cent on the deferred payments will be allowed for cash. The sales will be subject to existing leases expiring November 1st, 1893, the Company reserving the right to purchase money within ten days after sale, the balance of one-third to be paid in three equal annual installments of one-third thereof each, bearing interest from date of sale at the rate of 8 per cent per annum, payable annually, and secured by mortgage of the premises; or a discount of two and one-half per cent on the deferred payments will be allowed for cash.

TERMS OF SALE: Ten per cent of the purchase money on day of sale, balance of one-third to be paid in three equal annual installments of one-third thereof each, bearing interest from date of sale at the rate of 8 per cent per annum, payable annually, and secured by mortgage of the premises; or a discount of two and one-half per cent on the deferred payments will be allowed for cash. The sales will be subject to existing leases expiring November 1st, 1893, the Company reserving the right to purchase money within ten days after sale, the balance of one-third to be paid in three equal annual installments of one-third thereof each, bearing interest from date of sale at the rate of 8 per cent per annum, payable annually, and secured by mortgage of the premises; or a discount of two and one-half per cent on the deferred payments will be allowed for cash.

Maps and Schedules of Prices May Be Obtained by Application to

## F. W. GERBERDING, Secretary,

Hueneeme, Ventura County, California,  
THE AUCTIONEER SAYS

# "The Last Call"

So we say, THIS IS YOUR LAST CHANCE this season to secure a 5 or 10 acre tract at East Whittier in time to put it out in lemons, and have them growing while you are at the World's Fair, and in another year begin bearing, and the third bring you an income. One hundred acres of lemons going in on the East Whittier tract this month. Secure your tract before it is too late. We are still selling at \$200 per acre. Same land will cost you \$250 next fall, sure. Why? Because the improvements now being made will make it worth that. We decided not to raise the price this season, but next up she goes, sure; and land in the frostless foothill lemon belt is none too plenty now. At present we can supply you with choice lots; next season we may not be able to do so, so secure them now while you can. Finest land, finest water, finest location! Cheapest price, best schools, churches. New cannery and all that go to make up an ideal location. Again we say, don't delay! For full information, folders, etc., call on

S. K. LINDLEY, 106 South Broadway, Los Angeles,  
Or come and see the property,  
Or write to A. L. REED, General Mgr, Whittier, Cal.

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REAL ESTATE,  
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SOUTH FIELD LUMP COAL  
And Catalina Soapstone Wall Finish.

This material is fire proof, has a beautiful tint, and can be washed without injury.  
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## A RIGHTEOUS RULING MADE.

### Bentley to Have Another Chance for Liberty.

#### The Folly of the Verdict Finding Him Guilty Thoroughly Shown.

#### Judge Smith Grants the Motion for a New Trial—He Analyzes the Evidence and Finds Nothing to It.

Henry Bentley smiled a nervous smile yesterday morning in department one of the superior court, as he sat awaiting Judge Smith's decision upon the motion of his counsel for a new trial.

The smile lost its nervousness during the latter portion of the reading of his opinion by the court.

After a new trial had been granted District Attorney Dillon entered an exception, and it is understood, proposes to take the matter to the supreme court. The review of the case by Judge Smith was alluded to by many who heard it as one of the clearest and strongest opinions in a criminal case rendered in the superior courts for a long time. It is of such interest that all of the essentials are given:

The defendant is accused by the information of murdering his wife by means of strychnine poison. After a trial extending over 10 days the jury, upon 20 or 25 minutes' deliberation, returned a verdict of guilty of murder in the first degree and fixed his punishment at imprisonment in the state prison for life. A motion for a new trial was introduced based upon various grounds, only three of which are urged by counsel in the presentation of the motion.

That the jury were allowed by the officer in charge to separate.

Improper statements of the district attorney and his associates in their arguments to the jury.

That the verdict of the jury is contrary to the evidence.

THE SEPARATION OF THE JURY.

On the first named cause that the jury were allowed to separate, it must be observed that such separation was during the trial and before they had retired to consider their verdict.

The separation complained of consisted in the fact that in different rooms at the St. Elmo hotel, affidavits of jurors that they were not in any way approached or influenced have been made and their admissibility denied by defendant.

In this case the jurymen occupied different rooms in sleeping, but the officer swore and they swear that no one approached them nor spoke to them, hence no injury could come to defendant.

The second cause is the statements of counsel in argument and is of a more serious nature, and if objection had been made at the time and the language taken down, it might be regarded as a reversible error; but since counsel for defendant sat by and made no objection nor asked that the language be taken down, I think that the defendant cannot now be heard to complain.

REVIEW OF THE EVIDENCE.

The third and last cause urged for a new trial, that the verdict is not supported by the evidence, will now be considered.

Two propositions were necessary to be made out by the people in order to bring about the conviction of the defendant:

First—That deceased died from the effects of strychnine poisoning, technically known as the "corpus delicti."

Second—That defendant administered the poison.

It seems from all the evidence on that branch of the case that Mrs. Bentley died suddenly.

Clotilde Huaraca (the servant girl in the family), Mrs. Pouyfourat, Mrs. Watson and Dr. Burnett, besides the defendant, are the only witnesses who testify as to how she died.

Clotilde Huaraca swears that about 8 o'clock in the morning just as she had made ready the morning meal, Mr. Bentley came to the kitchen and called her to see his wife, saying she was very sick; that she at once went in. She says, "I found her head thrown back, her arms doubled up, eyes slightly open, tongue protruding, mouth frothing. I raised her head; she was perfectly conscious; from the time I entered the room until she died, her body was quiet, head completely thrown back; I raised her head, it was not stiff; it was warm." Did not see any movements of the muscles of the face after I went in; opened the fingers very easy; she did not move hands or feet or any portion of her body; her mouth was open and tongue protruding; she died about five minutes after I got there; she was dead when the doctor got there, (meaning Dr. Burnett).

Mrs. Watson swears: "I saw her, (meaning Mrs. Bentley) about half past eight; when I went in there was no one there but her (meaning Mrs. Bentley) and the servant girl; she was dead when I got there. The told me she gave one breath and fell back and died. She looked natural; was lying in bed with her arms straight and at her side. Her daughter (Mrs. Pouyfourat) and I rubbed her arms and face and we were trying to bring her too; we thought she had just gone into a faint; her arms and face were warm and soft when I touched them, and open by her side; I noticed no twitching of the muscles at all; there was no movements of the body after I got there; she was dead when I got there; she had no spasms or convulsions; she had no spasms or convulsions."

Mrs. Pouyfourat, her daughter, swears: "I saw her about 8 o'clock; she had her arms drawn up this way, (showing them drawn up tightly to her body and hands near the chin), and frothing at the mouth; Mrs. Watson and the servant girl were there; the doctor came half an hour after I got there; she could not talk; she had two spasms and her eyes were rolled up; we rubbed her with brandy, all her body, her arms and her face; her arms were kind of stiff at the mouth; Mrs. Watson said on preliminary examination she said one spasm; I swore in the court before five minutes after I got there."

Miss Reyes, a niece of the deceased, testified she came in sometime after Mrs. Watson, about 8-45; her eyes were

shut and her hands as soft as anybody else's and open."

Dr. Burnett swears: "Found her in the last gasp and almost dead; lying on her back in rather a rigid condition; eyes wide open; virtually dead when I got there; froth coming from her mouth, arms drawn up over her chest and very rigid. There was a spasm of the muscle, the form we call tetanus; I did not see the case in time to make a proper diagnosis; she appeared to be dead when I got there; she was dead when I got there; I lifted her arm, which was rigid, and applied my ear over the heart and heard a few thumps; her jaws were firmly set. I saw symptoms that might be attributed to strychnine poison; did not have time to make as thorough an examination as I would have liked; I was simply trying to find out if she was dead; remained only a short time; I was inclined at the time to attribute her death to heart disease; did not make up my mind what she died of."

THE STRYCHNINE THEORY.

About one month after death the body is exhumed and an analysis made of the stomach and liver to ascertain the presence of strychnine; enough of the poison is found in the stomach to kill two persons, but none is found in the liver; no analysis of any other parts of the body is made to ascertain the presence of the poison.

The above testimony clearly shows that Mrs. Bentley was dead when Mrs. Watson and Mrs. Pouyfourat arrived, and if dead, then she was certainly dead when Dr. Burnett arrived, not less than five or six hours; in the same condition person became the defendant who saw a motion of deceased from the time of her attack until her death was the servant girl, Miss Clotilde Huaraca, and her testimony is wholly incompatible with the testimony of the other witnesses.

It is impossible to take the view that she lay in a spasm from the time Mrs. Watson and Mrs. Pouyfourat arrived until the doctor came, for strychnine does not so act, the spasms lasting no longer than two or three minutes, rarely eight minutes, and Mrs. Watson says she had laid in the same condition from the time she came until the doctor came, more than half an hour, and that when he came he simply looked at her, placed his ear over her heart and said she was dead. Besides, Mrs. Watson swears (and this is corroborated by Miss Clotilde) that during that time deceased was limp, and not rigid, so that Mrs. Pouyfourat's testimony must be eliminated from the case; and indeed her manner while on the stand was vindictive, and she swears with what no doubt she believed to be a great wrong upon her mother.

Dr. Burnett did not see the movement of a muscle after he got there. He gave the case a hasty examination, just sufficient, as he says, to satisfy himself she was dead. He does not say that he placed a single ear except to raise the arm and apply his ear over the heart. He says at the time he was inclined to attribute her death to heart disease; so that his testimony throws very little light upon the question of strychnine poisoning. He says himself that he does not know the cause.

NO POISON IN THE LIVER.

Then the absence of the poison in the liver should of itself call a halt and throw the gravest doubts upon the charge.

Having heard the medical experts, I am satisfied that where strychnine is in the stomach after death, as a rule it will be concentrated in the stomach; that the case must be very rare indeed where this is not the case; so that finding strychnine in the stomach of a deceased person and not in the liver is almost proof positive that it has not been absorbed, or, if absorbed, it has not entered the circulatory system, and if not, could not reach the nerves and muscles through which alone it destroys life. In this phase of the case unless there were the strongest corroborating circumstances of the presence of strychnine in the stomach, it would be dangerous to convict upon the presence of strychnine alone in the stomach and not found in other organs, after death. (Here a number of authorities are cited.)

FAULTY ANALYSIS.

Now when it is remembered that the two analyses of the stomach and liver of deceased, by chemist Hance, were both after the arrest of defendant, the force of Mr. Wharton's observations quoted above, an application to this case, will be seen. Mr. Hance analyzed the stomach and its contents together, this he should never have done. It was impossible from this mode of analysis to determine if strychnine was in the coats of the stomach (having been absorbed), or simply in the contents of the stomach. He should have analyzed the kidneys, if he had done so. So that judged by the rule laid down in Mr. Wharton's (quotation) and indeed all books on that question the analysis was exceedingly faulty and the evidence shows no motive; on the contrary, so far as a pecuniary motive is concerned, it is in favor of her life. The \$300 stipend per month on the life of deceased and which ceased at her death would stimulate defendant to use all means to prolong her life. The testimony in this regard is most friendly in this city, for many months before her death.

It is true that a bottle of strychnine was found in the little bag or satchel of deceased, and in defendant's trunk; but when it is considered that for nearly a month the trunk remained in the house where defendant lived and that he had been in jail on this charge for a week, and detectives had possession of that house and trunk during that week prior to finding the bottle of strychnine, it robs the circumstance of the incalculable inference that might otherwise be attached to it.

THE HYPOTHETICAL QUESTION.

Upon which medical experts gave an opinion that it was death from strychnine poisoning, was not based upon the facts. It was as follows:

Take a woman aged about 64 years, weighing about 200 pounds, apparently in good health the preceding evening

## THE HERALD'S ROUND-TRIP COLUMBIAN FAIR TICKET.



THE HERALD proposes to give a first class round trip ticket to Chicago to the most popular person, man, woman or youth, in Southern California, the selection to be made by the public. The route selected is that of the Southern Pacific road, as outlined in the accompanying cut. This will take the traveler over the Southern Pacific line between this city and Ogdon, over the Union Pacific between Ogdon and Council Bluffs, and over the Chicago and Northwestern between Council Bluffs and Chicago. This line passes through a most picturesque portion of California, gives fast time, fine equipment, through sleeping and dining car service over a cool route, through a region noted for scenery. Altogether the comforts and advantages of this route are unexcelled by any other that could be selected. The conditions are very simple. To the person getting the highest number of votes the ticket will be presented free of any charge. The votes must be made in coupons

and speaking in a natural tone of voice from her room at about 6:30 o'clock next morning; at that time bidding her son, who was going out of the house, a Happy New Year and asking him to be sure to return to dinner that day, and having said woman at about 8 o'clock of the same morning taking suddenly under the following conditions: In her bed, in her bedroom; the eyes wide open with a blank stare, the body very warm, froth coming from the mouth, the muscles of the entire body more or less rigid and the arms strongly contracted; the hands tightly clenched; the head thrown back, the jaws firmly set, strong tetanic contraction followed immediately by death; upon post mortem made between four and five weeks after death no hemorrhage of the brain is found, the heart weighs 16 ounces, with a very slight fatty degeneration, discoverable only by a microscope; all the valves perfectly healthy and normal; the auricles and ventricles not dilated; the liver normal but somewhat large; kidneys also normal on gross inspection, and on microscopic examination very slight evidence of chronic inflammation; a considerable quantity of strychnine found in the stomach on analysis by chemist about five weeks after death; the subject with a history of reasonable good health for at least one month prior to death.

From the foregoing state what would you pronounce to be the cause of death? This might well call for the answers those gentlemen gave. But many of the conditions named in that question were absent and were wholly incorrect as to how she died. The proof showed she was in very poor health. Dr. De Sziziget, the only physician who was acquainted with her condition from April, 1892, to her death, says as early as April she had Bright's disease of the kidneys, resulting in droopy, collection of water about the heart, swollen limbs and abdomen, her urine two-thirds albumen and "casts" coming from the kidneys; almost unconscious at times for weeks; that he relieved her, but that she was under his treatment up to her death; that she died just as he expected she would die; besides the testimony of medical gentlemen who stand high in their profession, that they analyzed the kidneys from that analysis she gave it as their opinion that she had Bright's disease.

Can it be said that upon the above testimony, so far made, the people have proven the corpus delicti; that is, that the deceased died from the effects of strychnine poisoning. But one answer can be made, it clearly does not. To take away a man's life or incarcerate him in the state prison for life on such a state of the case as this would be to override every safeguard the law has thrown around human life and convict on a mere guess not even rising to the dignity of probability.

I cannot but think that the fact that the defendant was an impecunious adventurer hunting for the fortunes of rich widows, without regard to age, was a potent factor with the jury in his conviction.

But the law knows no conditions; all receive equal recognition in courts of justice and only be convicted when the evidence so demands.

For the above reasons a new trial is awarded in this case and it is so ordered.

ORAL REMARKS.

In addition to the written opinion as delivered, Judge Smith interpolated a few oral remarks in regard to one or two points in amplification of what he had written. One of these was in regard to the hypothetical question submitted by the prosecution. He said he was very much astonished that the defense had made no objection to it at the time of its offer, because he believed it was not in accordance with the facts; but as there was no objection he allowed it to go in.

TUTT'S HILLS invigorate body and mind.

## WORK OF THE POLICE FORCE.

### A Bunco Game Which Failed to Pan Out.

#### The Race in the County Fair Aroused a Boozy Tramp.

#### Two Boys Missing—A Would-Be Suicide Who Will Recover from His Wounds—Police News Notes.

Bunco men are at work in the city. The latest scheme reported to the police was a job which a couple of sleek fellows endeavored to put up on a young man named John P. Jones, from Denver. Jones was here hunting work. The bunco steers caught him in front of the Pico house and persuaded him to go to Westlake park with them. They paid his car fare out and showed him a trick knife whereby, by pressing a spring, it was impossible to open the knife. Out at Westlake park a man came up and offered to bet that he could open the knife. Then one of Jones' companions wanted to borrow \$115 of him, giving him what he said was a Wells-Fargo check for security. This \$115 he wanted to bet with the stranger on the proposition that the knife could not be opened.

Jones turned over the money to his new friend, who immediately started to run. Before he could get away Jones grabbed him and forced him to return the money. The police have not as yet succeeded in running down the two sharks, but if they do there is a good case against them.

A BOOZY TRAMP.

A rather amusing case of a tramp's interference was reported to the police station yesterday. Mr. and Mrs. W. D. Elwood reside on Beantry avenue. On Thursday evening they went to the theater. Mr. Elwood and a friend returned home; Mr. Elwood following later. After the lady and her friend had arrived at the house and entered they commenced to talk about the race scene in the County Fair. It was quite a wonderful thing, the ladies thought. All of a sudden a harsh voice from an adjoining room said:

"What race are you talking about?" This interrogation nearly threw the ladies into hysterics. They supposed there was no one in the house. They rubbed madly out into the street and their cries alarmed the neighbors.

An investigation revealed the fact that some tramp had entered the house when it was unoccupied, and he had quietly helped himself to something to eat and drink and then had laid down to sleep. He was disturbed by the ladies' cries, and forgetting where he was, he rose and inquired about the race. Their cries brought him to his senses, and he got out of the house as quickly as he could. He very kindly took only such goods as supplied the inner man, and no articles of bric-a-brac or value were missing.

BOYS MISSING.

Two 16-year-old boys, George and Alexander Casula, are missing from their homes, and the police are making a search for them. As yet no trace of them has been discovered. They took with them about \$200 worth of property and money belonging to the father, A. Casula.

THE WOULD-BE SUICIDE WILL RECOVER.

Joseph Alms Blanc, the young, love-sick Frenchman who endeavored to take his own life at the Southern Pacific depot early Thursday morning by shooting himself in the chest, is recovering at the receiving hospital of the city jail. He will recover, but it is dangerous to remove him while he is in his present condition. The bullet has been taken from his wound. Dr. Bryant found it in the battery room, and a few inches from where it entered.

SIEBERT HAS GONE.

Billy Siebert it is claimed has skipped, and along with him has gone about \$100 belonging to George Griminger, the proprietor of the Neptune gardens at Santa Monica. Siebert, it is said, took advantage of the fact that his employer was out of town and took the money out of the till and fled. Griminger has had a warrant issued for his arrest on a charge of grand larceny, and the police are looking for him.

POLICE NEWS BRIEFS.

J. Simmonds was arrested yesterday on a charge of vagrancy.

Justice Austin yesterday disposed of the cases of four plain drunks by giving them the usual sentences.

George B. Simpson was arraigned before Justice Austin yesterday on a charge of perjury.

Thomas Reynolds, who was arrested for assaulting a man in an Upper Main street saloon with a small knife, was arraigned before Justice Austin yesterday on two charges, one of assault and one of assault with a deadly weapon. He will have a preliminary examination on the 18th instant. In default of \$100 bail he went to jail.

Are You Thinking?

What you ought to take with you when you go to the world's fair? Your outfit will not be complete without a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. The change of water and diet, fatigue and irregular habits during your trip are almost certain to produce diarrhoea and a dose or two of this remedy may save you serious sickness and perhaps much expense. Procure it before leaving home. 25 and 50 cent bottles for sale by C. F. Hezassman, 222 North Main.

The Keeley Cure.

Drunkness, opium or morphine habit and tobacco habit cured at the Riverside branch of the world-renowned Keeley Institute of Dwight, Ill. The Riverside institute is the only genuine Keeley institute in Southern California. For information as to terms, etc., apply at the Los Angeles office, rooms 64 and 65, new Wilson block, corner First and Spring streets. This is the only agency in Los Angeles.

Remember the Date.

Two hundred selected lots in the Wolf-skill tract at auction on the premises Thursday, May 25th, at 1 p. m. An opportunity never before offered. For maps, catalogues, etc., Los Angeles Land Bureau, 207 South Broadway.

Visiting Cards Engraved.

At Langsdorfer's, 214 West Second. Tel. 702.