

LOWRY IS FREE

The Jury Out for Only Five Minutes

BRIDGET WILSON'S WILL

A SCENE IN THE WALTER TAYLOR CASE

Mrs. Cokahnour Convicted of Arson. A Batch of Supreme Court Decisions—A New Rule

There is one little family in the city today that for the time being is fully and completely happy. That is only an assumption, it is true, but it is a pretty safe one, for the family referred to is that of Frank E. Lowry, his wife and child. He has emerged from a perilous position, and after being tried twice he has been finally acquitted of the charge of embezzlement preferred against him.

Messrs. Vartel and Meserve both made good arguments, but that made by Mr. Meserve was excellent as a bit of forensic argument. In closing, Mr. McComas was not at his best. He conceded that he was somewhat handicapped in prosecuting a case of such serious importance against a man whom he had known so well as the defendant, but he proposed to do his duty in the premises. Probably on that account some of his remarks were especially vitriolic.

The instructions of the court to the jury were in the nature of a surprise. The instructions of the prosecution were of the stereotyped character, but some of those prepared by the defense and admitted and read were extremely favorable to the defendant. The following instruction of the court, too, was especially favorable:

"It is a presumption of law, though a disputable one, that every official duty of any public officer has been regularly performed at the time required by law, and if no evidence has been given to the contrary, sufficient to remove this presumption, then the presumption must prevail. So, in this case, it is to be presumed that the county clerk regularly paid over to the county treasurer, on the first Monday of each month, all moneys received by him for fees during the preceding month, unless there is evidence given before you sufficient to show beyond reasonable doubt that for the months of October and November, 1896, in question here, he did not so pay over such money, or that he failed to so pay over some part thereof.

"In the absence of such evidence you must presume all such fee money was so paid to the county treasurer. In that event, the moneys of which the county clerk was in possession, stamps, etc., for which he obtained allowances from the county board, would be due said Ward, personally, and would, when received on such allowances, be the private money of said Ward, and if the defendant received the same, it is to be presumed that the county clerk regularly issued for such allowances, then such money, when so received by him, would be the property of said Ward, and not the property of Los Angeles county. The defendant, therefore, in case the facts be as above stated, even if he had not admittedly appropriate this money to his own use, would not be guilty of the offense here charged against him, for the reason that the money embezzled would not be the property of Los Angeles county, as charged in the indictment, but would be the property of said Ward, and there would be a variance between the charge and the proof. If, therefore, you find the facts involved in the case to be against the defendant, then your verdict should be that the defendant is not guilty, by reason of variance between the indictment and the proof.

TAYLOR IN LUCK

The Prosecution's Witnesses Fail to Come to Time

There was a great time in the township court yesterday morning. In fact the three-cornered row was mightily divided, inasmuch as the case which provoked the breeze petered out, and some compensation was needed in the way of entertainment.

Walter Taylor, who will soon be on trial for an assault to commit rape upon a little girl, was up for examination on the similar charge of having committed a rape upon Blanche Cunningham on the 17th of March. The little girl Blanche won unenviable notoriety by reason of her escapade at Chino in company with Laura Petrie and the two boys with whom they ran away.

Banning street and remained there all night. The essential facts the witness professed to remember, but the details were misty to her and she could not remember.

Mr. Treat, upon cross-examination, got the witness to confess that the 17th of March was not fixed in her memory by any particular fact in connection with the day, and conceded that her troubles had made her memory so indistinct that she couldn't swear positively what took place on that day.

Mrs. Gilman, the mother of the girl, stated that Blanche had run away several times before the day when she went to Taylor's and then on to her grandmother's. Being asked specifically what Blanche said regarding Taylor's actions, witness said that her daughter contradicted herself and told such contradictory stories that witness thought the girl had been so talked to that she had become so confused.

That made Mr. Williams very mad again. He charged the witness with wanting to "square" the case. "Didn't you come begging for a complaint," he asked, "and now you go back on it?"

"No, Mr. Williams," sharply retorted the witness. "I begged for no complaint in this case. I did ask that my child be brought back from Chino, but she was made so notorious by the newspapers that she asked me to stop it. She said she'd find me a good girl, and so I wanted to try and help her to build up her reputation again."

"You expect to square the case at San Bernardino, then, the same as you are trying to do here?" inquired counsel. The court vainly interposed to call a halt in the irregular proceedings.

"No, sir," answered the witness, "but I am going to help my child build up her name."

But such persistency was too much for Mr. Williams, and he sprang to his feet and, branding witness and her family as "low-down set," he said, "I'll dismiss this case."

"Well, I don't know whether I'll dismiss it or not," ventured Justice Young. While this interchange of civilities had been taking place Mr. Treat, defendant's counsel, had added his view to the hubbub, asking what authority there was for a subpoena for contempt in failing to "square" the case.

"I think this thing has been put up to defeat the law," interjected Mr. Williams, "and I believe it because of the action of the mother, and I'll have nothing more to do with it."

"Well, you don't know the whole of the district attorney's office," remarked the court, but upon the showing made the defendant could not be held, and Mr. Williams moved that it be dismissed, saying that he believed it a "squared" case, a sham and a fraud, and they were all a bad set.

Mr. Treat said he stood prepared to show by three witnesses that Taylor was not at home on St. Patrick's night. That Blanche that night slept with the girl Rachael, in charge of the rooms, and, counsel added, he didn't wonder, after the life the girl had led for two years, that her memory was shattered, and that she ever told the truth at all. The case was dismissed.

BRIDGET WILSON'S WILL

A Testator Has the Right to Make an Unjust or Even a Cruel Will

The opinion of the supreme court in the noted case of the estate of Bridget Wilson, deceased, John Wilson, et al., respondents, vs. John McCommachie et al., appellants, arrived from the north yesterday.

The appeal was taken from Judge Clark's department by the proponents of the will of Bridget Wilson, deceased, which was probated on May 9, 1893, from a judgment vacating the probate and granting an order denying the proponent's motion for a new trial.

When tried in the lower court the case attracted more than ordinary attention on account of the large interests involved, a large array of legal talent being retained on either side. Bridget Wilson died on March 14, 1893, at Los Angeles, and left a will dated February 27, 1893, and a codicil dated March 11, 1893. These two instruments were admitted to probate as constituting the last will and testament of the deceased. She left no children or lineal descendants, and John Wilson, her husband, was her only legal heir. By the terms of the will \$1000 was left to Charles McMahon, the residue of the estate being left to Alicia McMahon. A variety of bequests were made to charitable institutions, and the husband was left \$50 per month. By the codicil she revoked the gifts to Charles and Alicia McMahon, and left the greater part of the estate undisposed of, so that it would go to the husband, as her legal heir.

intoxicating liquors, the evidence did not show that the habit had been such as to impair her intellect.

A couple of days before the execution of her will she was injured in a fire which occurred in her house while she was beyond doubt in a state of intoxication, and she afterwards died from the effects of the wounds then received. She was badly burned on the thighs, and almost her entire abdomen was blistered, and a spot on it the size of a silver dollar was burned through the skin. "It is possible that these wounds," says the court, "might have had the effect of destroying her testamentary capacity, but the question is, did they have that effect? And the evidence abundantly shows that they did not."

At the time of the trial Banker Hellman testified that owing to John Wilson's irregular habits he was active in persuading him to make over all of his property to his wife. From thence on all deeds bore the signatures of both husband and wife, and John Wilson administered the property just as before, and the witness contended that the property was hers in her own right. No testimony was put forward to rebut this testimony, and the supreme court does not touch upon it directly. Incidentally, however, the court says: "It is well to remember that one has the right to make an unjust will, an unreasonable will, or even a cruel will."

The opinion is written by Justice McFarland and concurred in by Justices Temple and Henshaw. While the effect of this ruling of the supreme court may result in a retrial of the case, such action may be anticipated by the suit now in court, which was brought to have the estate of Bridget Wilson declared community property. Should such pronouncement be made, the fighting over the will itself would of necessity cease.

TIP FOR DIVORCEES

Judge Allen Will Grant No Alimony Save in Certain Cases

During the hearing yesterday of the proceedings against Arthur M. Jones, who appeared in department 11 in response to a citation for contempt in failing to pay to his wife, Maud Jones, \$50 per month as alimony, Judge Allen made an order that will have a far-reaching effect, so far as his department, at least, is concerned.

The couple were divorced about a year ago, and an order for alimony accompanied the decree. Jones frankly stated that he owned about \$1500 worth of property, against which there were liens, and that he was wholly unable to comply with the order compelling him to pay \$50 per month.

"I think that my property ought to be placed in the hands of a trustee, your honor," said Jones, "when it could be sold, and, after the claims are paid, the residue should be invested for the benefit of our only child."

Judge Allen said he thought the suggestion was most excellent. "Hereafter," said the court, "I intend to put a stop in this department to the practice of granting alimony to a man who has no children and no community property and the principals are able to earn their own living. There have been too many instances where wives have sought divorces for the purpose of living on allowances for support made as a charge upon the husband's labors, there being without hearing the claims of the wife of obtaining a livelihood. So far as this court is concerned the practice must stop. I will vacate the order made against Mr. Jones and continue the matter for further hearing."

If every department judge adopted this plan there would, in the neighborhood, be a decrease in the list of divorcees.

THE ARSON CASE

Cokahnour's Motiveless Crime Near Duarte

Ezra N. Cokahnour was for the second time brought to trial in department one yesterday, on the charge of arson in having set fire to a residence belonging to John Baxter, April 12, 1897. The property was situated near Duarte and was built at boom prices for \$540, upon which \$400 insurance had been obtained, the furniture being insured for \$300 additional. This insurance has been paid up and so Mr. Baxter is not out of pocket.

The defendant had worked for Baxter until a few days previous to the fire, and when arrested told the officer that he went there to gain possession of some jewelry in the house. When examined before Justice Phillips he made a statement confessing his guilt, but repudiated it when the case came to trial.

No one was living in the cottage at the time, and Baxter stated on the stand, that he didn't observe Cokahnour going and sleeping there. What motive may have animated defendant in burning the place down is a moot point, but that he did so the jury determined yesterday, finding him guilty in the second degree.

SUPREME COURT DECISIONS

The Lower Court Affirmed in the Empire Laundry Case

The supreme court has handed down a decision in the case of Rosario Niost, appellant, against the Empire steam laundry et al., respondents, affirming the order of the lower court. The appeal was taken from the judgment and order denying the plaintiff a new trial.

The defendant, Frank Staut, was the driver of a wagon of the laundry. The plaintiff charged that he was injured by the negligence of the defendant laundry and its employe Staut, under the following circumstances: About noon he was walking on the north sidewalk of Second street in Los Angeles, and in stepping from the curbing into Mott alley was struck by the wagon driven by Staut. His kneecap was fractured and otherwise injured. The defendants denied negligence and pleaded affirmative liability on the contributory negligence of plaintiff. The verdict of the jury upon the evidence was in favor of the defendants.

New Suits Filed

Lewis Seasongood vs. John R. Strieff et al.—A suit to recover \$600 given by defendant in December, 1894, at that time trading in Cincinnati as a trader in piglets, to plaintiff, also a resident of Cincinnati.

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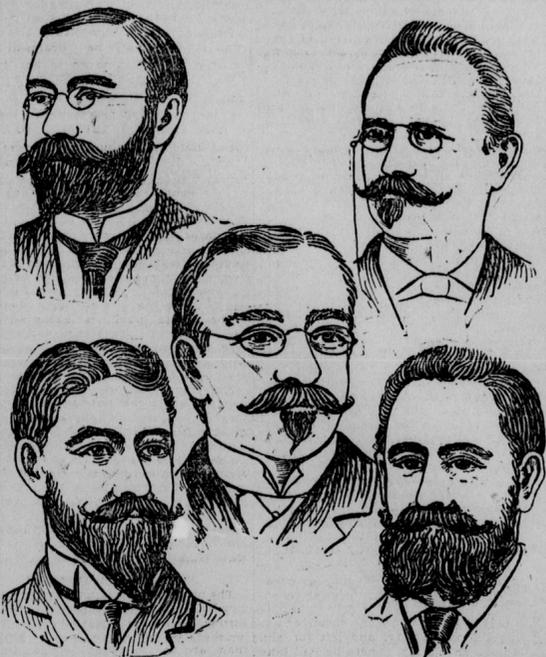
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Out of Town Visits

Part of our staff will be at: COLTON—Transcontinental Hotel, Thursday, A. M., June 24. REDLANDS—Baker House, Thursday, P. M., June 24. RIVERSIDE—Glenwood Hotel, Friday, June 25. SAN BERNARDINO—Stewart Hotel, Saturday, June 26. VENTURA—Hotel Rose, Saturday, A. M., June 26. SANTA BARBARA—Hotel Mascarel, Saturday, P. M., June 26.

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deceased—The petition of Emma Cordella Hayes, of Wilmington, for probate of will. The estate does not exceed \$24,000.

The estate of Marie J. Newman, deceased—The petition of Francis Reich, a daughter, for letters of administration. The estate does not exceed \$430.

Large Interests Involved

In the suit of the Illinois Trust and Savings bank, respondent, vs. the Pacific Railway company, appellant, carried on appeal from Judge Van Dyke's department, the supreme court has affirmed the order of the lower court. The suit was on foreclosure of mortgage on lines of street railway and appurtenant property in the city of Los Angeles alleged to have been given as security for an issue of bonds of the Pacific Railway company. The defendants in the case were numerous, but only one company took an appeal.

For False Arrest

The suit of C. D. Oldershaw against James Barnes for damages sustained by reason of false arrest at Lancaster, on the charge of having stolen three hogs, was given to the jury in department four yesterday about 3:10. At 5:30 they returned into court and the foreman intimated that there was no prospect of an agreement being reached, but they were again sent back. At 10 o'clock, having been unable to arrive at a verdict, they were discharged.

A Contractor's Lien

The case of W. G. Witter, plaintiff and appellant, vs. S. Bachman, Sallie Loren, defendants and respondents, carried on appeal from the superior court of San Luis Obispo county, has resulted in the supreme court affirming the finding of the trial court. The action was to foreclose a contractor's lien for certain work done upon the sidewalks in front of certain lots in the city of San Luis Obispo.

Depreciated Property

In the case of Mrs. S. A. Hicks, plaintiff and appellant, vs. H. L. Drew, defendant and respondent, carried on appeal from San Bernardino county, the lower court has been affirmed. The claim was one to recover damages for injuries to real estate.

Court Notes

Carrie Dresser yesterday filed her complaint in divorce against Byron D. Dresser. Claude C. Walker, late supreme court clerk of Michigan, and now connected with the maintenance of way department of the Southern Pacific company at San Francisco, was in the court house yesterday, visiting friends.

The board of supervisors, accompanied by Chief Deputy District Attorney Holtzman, went to Saugus yesterday to examine the point where a claimant for \$275 damages came to grief by reason of his horse running away. The railroad runs close to the embankment, and it is contended that the latter is not properly protected.

Card of Thanks

The board of managers of the News and Working Boys' home, at a recent

Real Estate Transfers

F. M. Reynolds to Adams-Phillips Co., part of lot 4 block La Puente place; \$300. C. B. Riddick to W. L. Warren. Part of lot D, Hoffman's survey Rancho Santa Gertrudis; \$500. M. and S. Pickles to Q. J. Rowley. Lots 5 and 10 block 117 Long Beach; \$425. J. F. to P. Billings. North 30 ft of lot 16 block B Magee Galbraith and Markham tract; \$500. W. C. Andrus to Mrs. E. Walker. Lot 9 Marlborough tract; \$400. C. F. and F. Nicholson to E. J. Winslow. Part of lot 15 block 3 Orchard tract; \$200. M. H. and A. C. Shaffer to A. Kinney. Blocks 4, 5, 6, 7 and 10 to 17 Menlo tract; \$38,000. C. Mondon to M. H. Shaffer. Option to purchase blocks 4, 5, 6 and 10 to 17 Menlo tract; \$15,000. W. A. and M. D. Spalding to M. H. Shaffer. Lot 3 block 24 Angeleno Heights; lot 4 block A, H. M. Johnston tract, west half lot 8 and east half lot 7 block 2 subdivision of lots 6 and 7 blocks B H S; \$10,000. A. and M. T. Kinney to M. H. Shaffer. Block 10 Happy Go Lucky tract, also west half lot 73 E. Los Angeles park tract; \$400. M. N. and S. E. Avery to E. H. Weld. Lot 9 and south half lot 8 block 4 Washington Heights tract; \$350. A. M. and N. C. Carter to M. O. Olsen. Lots 4, 5, 6 and 10 lot 9 of block 6 Central tract; \$100. E. and P. Bigelow to A. V. Bennett. Lot 5 block 2 Robson tract; \$250. S. A. and A. Rendall to Coulter Dry Goods Co. Lot 7 block 3 Bonnie Brae tract; \$100. A. and W. F. Ashbridge to A. E. Wrangle. Lots 3, 4, 5 and 6 block 11 Electric Railway Homestead association; \$200. R. C. and P. L. Gillis to W. Miller. Lot 19 block 1 Bandini tract; \$275. O. Jennings to S. H. Willis. Lot U block 167, Santa Monica; \$50. J. C. and G. A. Warren to C. B. Riddick. Lot 77 J. E. Packard's Vineyard tract; \$3200. C. A. Marrison to Crescent Coal Co. Rights, etc., under ordinance granting first party right to construct wharf, etc., at San Pedro harbor passed by board of supervisors October 24, 1892, deeds 287-289. F. Elison to Mrs. Lena Elison. Lot 55 Clark & Bryan tract 55-55; gift. J. Levy and Simon Levy to E. K. Alexander. Lot 22, Grider & Dowd's subdivision of Briswater tract 52-51; \$10. Fred Thayer to Alice L. Thayer. Lot 8 block H Geo. Cummings subdivision of part of lots 2 and 3 block H. S. 9-11; \$1. Slocan Oil Co. to New Slocan Oil Co. First lot 10 Avila tract 3-476 west 200 feet subject to right of way of E. T. Smith over southernly 20 feet second; lots 7, 8 and 9, College street block 6-21; third, lots 5, 6, 7, 8 and 9 block 6 Geary tract No. 2-7-03 and 63; fourth, all improvements on same; fifth, all accounts due, etc. J. and S. Levy to H. Moore. Part tract southwest quarter section 8 1 south 14 west. E. Seal vs. A. J. Seal. Decree of divorce awarded to plaintiff life estate in lot 48, Lincoln park, the remainder to Geary and Clifford Seal; No. 24,883. W. J. and L. E. Broderick to Caroline Merriam Chadbourne. All block 8 lots 1 to 12 and 14 to 17 block 3, lot 6 block 10, lots 1, 2, 3, 8, 9, 14 to 20 and 24 block 12, lots 5, 6, 7, and 10 to 16 block 13, lots 8 to 10 and 21 to 24 block 16, Boston Heights tract, 15,23-210. G. W. Cox insolvent by T. E. Newlin, clerk, to Gregory Perkins jr., assignee, assignment in insolvency all property. J. T. Ford to R. B. Niedecken. Four acres in Rancho Tatalpa; \$200.

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