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GOES TO JAIL.

Charles Heffernan Given Six Years.

DECISION IN THE RAWLINS CASE

Executors Under Will of Michael McInerney To Be Discharged Now.

CHARLES HEFFERNAN was sentenced yesterday by the First Circuit Judge to spend the next six years of his life in Oahu prison for passing forged writings. The convicted man can thank Deputy Sheriff Chillingworth that he was not compelled to pass double that period of time behind the bars for assaulting that officer with a weapon with intent to commit murder.

Heffernan is the man who fraudulently negotiated and put into circulation, as true and genuine, forged writings, namely, bank checks, purporting to be made by one William Goodness, with the name of William Goodness thereon written and forged, and purporting to be drawn on the bank of Bishop & Company. The checks were false in every particular. One was dated at Honolulu, October 9, 1900, for the sum of \$75 in gold. The second fraudulent check was dated September 3, 1900, for \$75, payable to C. Heffernan. True bills of indictment were found against the prisoner by the Grand Jury on February 14, 1901.

He pleaded guilty yesterday before the First Circuit Judge and was sentenced to five years' imprisonment at hard labor on the first indictment and one year on the second indictment, the second term to commence at the expiration of the first sentence.

As to the charge of assault with a weapon to commit murder upon the Deputy High Sheriff, a nolle prosequi was entered by the prosecution. The attempt upon Chillingworth's life was made on the night when Heffernan was arrested for forgery. Both were seated in a hack which was being driven to Oahu prison, where Heffernan was to be confined. Near the Oahu railway depot Heffernan had the carriage stopped on a trifling pretext and poked a loaded revolver into the Deputy High Sheriff's face. The latter never winced and after some parleying threw Heffernan off his guard, caught him by the throat and wrenched the weapon from his hand, luckily without serious results to the officer. It was the narrow escape Chillingworth has had since his police career and only his indomitable nerve prevented a tragedy.

The Supreme Court, by Justice Perry, has rendered a decision in the case of T. W. Rawlins vs. Mahaea K. Harbottle and William Harbottle in favor of the plaintiff, by which the plaintiff is to have the possession of certain land in Palama, claimed by the defendants as a life estate. The syllabus says: "An instrument wherein were three clauses, by the first of which a life estate in a certain parcel of land specifically described was conveyed, and by the second and third of which one-half of the income of certain other pieces of land was secured to the parties named for life, contained a succeeding clause reading as follows: 'And these pieces of land above described, the rights and benefits therefrom, is what I do now convey to M. K. Harbottle and W. Harbottle, her husband, for their lifetime, and at their death all these things shall revert to me and my heirs, and this instrument shall become null and void.' Held that the latter clause was merely a habendum, and did not convey a life estate in the land described in the second clause.

"Held that the grant for life of one-half of the income of the land set forth in the second clause did not, as matter of law, carry with it a grant for life of one-half of the land itself or the right of possession thereof.

The case was tried by jury in the Circuit Court, the findings being for the plaintiff, and came to the Supreme Court on exceptions. The question in the case was solely one of the construction of the instrument by which the land was conveyed to the Harbottles, the material portions of which, translated, are: "Therefore, I do make and sell and convey and relinquish the things described below, and in accordance with the agreement of both parties." Rawlins agreed first to convey to them for their lifetime a certain portion in the piece of land awarded to Rawlins by Royal Patent 109, situated at Kapalama, Honolulu.

The court says that the portion of the land which it was agreed should remain in the possession of the defendants, was clearly described by metes and bounds. Had it been understood or intended that they were to have possession of another portion of the land, it would be natural to expect that, too, would have been similarly described and that the conveyance would have been expressed in equally clear language. The exceptions were overruled.

William Smith, charged with assault upon Atalan, a public police officer, by striking, beating and wounding him in the discharge of his duty, was found not guilty in the Circuit Court yesterday morning. T. McCants Stewart for defendant.

John S. Antone, who is suing W. R. Castle for an accounting, has filed an exception to the report rendered by George Lucas, master, on the ground that the master declined to allow plaintiff the sum of \$1,000, claimed by plaintiff to have been paid to W. R. Castle on or about October 7, 1891. The plaintiff asks that in every other respect the said report be confirmed.

should be taken as evidence in the case, and additional evidence was also heard. The judge says that the burden was on the defendant to prove a strict compliance with all the requirements of the statute, and failed in his proofs in this respect.

Plaintiffs in the case of Wing Chong Wai Company vs. Margaret V. Carter, by their attorneys, Cecil Brown and Kinney, Ballou & McClanahan, yesterday filed a discontinuance.

In the matter of the estate of Lau Tseung, otherwise Lau Chong, deceased, an inventory was filed yesterday by the administrator as follows: Real property, \$2,500; personal property, life insurance policy in the Equitable Life Insurance Society of New York, \$2,500; New York Life, \$2,500; Manhattan Life Insurance Company, \$2,500; five shares of the capital stock Waimanalo plantation, \$500; ten shares Woodlawn Fruit Company, nominal; part interest in Wing Wo Tai Company, \$1,500; fire insurance Royal Company, \$1,500; interest in Chinese Coffee Company, \$2,800; lease, \$550; ten shares Kona Coffee hui, \$80; total, \$15,430.

The following cases of the Territory against several appealed opium actions were nolle prossed yesterday: Ah Hoy, Choy Kung, Ah Kwai, Mee Young, Lock Sul, Tong Mung, Ah Hop, Ah Chin, Ah Long. Defendants were represented by F. M. Brooks.

In the injunction proceedings brought by the Territory against Her Majesty, Liliuokalani, et al., the Circuit Judge yesterday granted the motion to allow defendant ten days in which to file an answer.

The Circuit Judge yesterday made an order extending the February term of court for twelve days. The regular term ends tomorrow.

Mrs. Mary McInerney, Ella McInerney, E. A. McInerney, Wm. H. McInerney and J. D. McInerney, beneficiaries under the will of Michael McInerney, deceased, yesterday filed a document in which they agree to waive all rights they may have, to require, from the executors and trustees of the will of decedent, an accounting to the court in so far as the business is concerned and the estate matters in their control as such executors under the direction of and by virtue of the power conferred upon them by the will, and further agree that the said beneficiaries, on examination of the business heretofore carried on and controlled by said executors, in the discharge of their duties as such, are fully satisfied with all of their acts and proceedings and specifically waive any further accounting to them or in their behalf and consent to the final discharge of the executors as prayed for in their petition.

The following probate cases are set for this morning at 10 o'clock in the Circuit Court at chambers, to be taken up in their order:

- Estate M. McInerney, petition of executors for discharge.
Estate Chang Tai, administration.
Guardianship Chang Young, et al., petition for guardianship.
Estate John Phillips, master's report.
Estate A. A. Todd, master's report on final accounts.
Estate J. H. Wood, annual accounts.
Guardianship Kealohakalani, master's report.
Estate Godfrey Rhodes, master's report on annual accounts.
Estate Kalepua Kanoa, master's report on annual accounts.
Estate Simon Roth, master's report on annual accounts.

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Do Hair No Good, But Often Cause It to Fall Out.

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