

FOR SHOOTING AT LUCKY BALDWIN

Emma Ashley Placed on Trial Before Judge Bahrs.

JURORS DISLIKE THE JOB

Expected Something of the Kind Would Happen to Baldwin.

THE HOLE IN THE WALL.

The Defendant Wears a Jaunty Ap- pearance, but Looks Extremely Unhappy.

Emma A. Ashley, a distraught, dazed and very unhappy looking young woman, sat in Judge Bahrs' court yesterday morn-

MISS LILLIAN ASHLEY, Who Is Suing "Lucky" Baldwin.



ing on trial for having attempted to kill Lucky Baldwin in Judge Slack's court- room in the closing days of the trial of her sister's case against Baldwin.

Lillian Ashley, the plaintiff in the other case, sat with her. Both sisters have spruced up considerably since their appearance in the Police Court. The old white straw hat has been discarded, and in its place sits a rather tasty bit of millinery, characterized by a bright flower and sprightly feather. Both were dressed in the customary black, and Emma wore a bunch of yellow marguerites at her breast.

Emma sat through the day's proceedings with the dazed uninterested expression that has characterized her since the shooting. Only once the sisters spoke to each other, and that was while the jurors were examining the bullet which went so close to the mark, and was afterward dug out of the plaster in the wall back of the court reporter's table. Then they whispered a few words and Emma smiled.

Some difficulty had been experienced in securing a jury, only nine men having been secured after the effort of Tuesday's effort. The talesmen instead of being found to be prejudiced against the defendant were objectionable to the prosecution because of a leaning the other way. Some of them said they could not feel a sympathy for a woman in such a case, and others always "expected something of the kind would happen to Baldwin."

The jurors finally impaneled were: A. S. Perley, N. Davidson, J. G. Burke, C. Krueger, D. Curry, D. W. Pringle, L. G. Flanagan, W. L. Groat, C. Meier, J. M. Willard, R. Rosenberg, M. Gately.

Assistant District Attorney Peirotto conducted the case for the prosecution. General Robert A. Friedrichs defended the accused. The jury by order of the court went to Judge Slack's courtroom, to inspect the hole in the wall where the bullet lodged, and which has been carefully pasted over with a piece of paper since the incident. Judge Slack afterward took the witness stand and told the story as he saw it, and substantially as he told it in the Police Court. He said he thought the defendant was not of sound mind at the time of the shooting.

A. T. Barnett, an attorney, was in Judge Slack's court room at the time of the shooting. He stood near the clerk's desk, and saw Miss Emma Ashley sitting near her sister at the counsel table. He saw her rise and take a seat on the bench outside the railing, and afterward move again to a chair near the railing and within a few feet of Baldwin. She sat there some minutes and then rose to her feet, drew a revolver, and fired it toward Baldwin. She had great difficulty in firing the revolver, and had to apply both her hands to it.

H. A. Unruh, Baldwin's business manager, told the story over again of how he was attracted to the young lady by the firing of the pistol and how he sprang up and wrested the gun from her hands. Having taken the revolver he allowed her to go and did not notice her again until she was in hysterics in the other end of the room.

James R. McElroy, clerk in Judge Slack's court, corroborated Judge Slack's story. Charles A. Lee, a reporter of the Report, interviewed the defendant in jail immediately after she had been booked there and found her apparently quite calm. She said to him that it was God's will that she had not succeeded in her attempt.

Other witnesses gave corroborative testimony identical with that given in the Police Court. Mr. Highton is the only re-

maining witness to be produced by the prosecution, and as he was absent the case went over until to-morrow morning.

ARRESTED ON BOARD.

Two Santa Monica Arrested on the Steamer Santa Rosa in This Port for Burglary.

Ernest Barada and Bessie Brunson, who arrived on the Santa Rosa from Santa Monica yesterday, were promptly arrested on a wired dispatch from Sheriff Dexter of the southern town, the charge being burglary.

SANTA MONICA, CAL., Sept. 16.—On Sunday last the residence of Charles Fanetti was robbed here of \$60 and two gold watches and chains and two revolvers, while his wife was absent for a few moments. Ernest Barada, a barkeeper at the Arcadia Hotel, who roomed there, but left on the Santa Rosa on Monday morning early with Bessie Brunson, a woman of the town, was suspected, but the officers failed to search him at the time, and he was allowed to leave without search. The police officials have been at work on the case and claim to have conclusive evidence of Barada's guilt, and in consequence telegraphed to the San Francisco officials to arrest them on their arrival. Barada has a number of friends here who refuse to believe him guilty.

GLAD TO GET HOME.

Young Charles Krausgrill Fasts Three Days and at Last Gains His Point.

Secretary Welch of the Society for the Prevention of Cruelty to Children, recently saw fit to place Charles Krausgrill, a boy of 11 years, in the Rev. Mr. Carman's training home. The boy missed his mother, who keeps a bakery at 1322 Stockton street. In order that he might

MISS EMMA ASHLEY, the Defendant, Who Took a Shot at the Millionaire.



return to her the lad refused to eat any of the food provided for him by Messrs. Welch and Carman. When he had kept his self-imposed fast for three days his condition became alarming. He was returned to his mother, and has now been with her some days. It is thought his brief sojourn in Mr. Carman's establishment will make him "too the mark" for the future.

AN IMPORTANT OPINION.

Judge Sanderson Says the Fee Bill of 1866 Is Repealed by That of 1895.

Five Per Cent of a Judgment May No Longer Be Charged in a Cost Bill.

Judge Sanderson yesterday handed down an opinion of great importance. He says that the fee bill of 1866 has been repealed by the passage of the fee bill of 1895.

The matter came up in the suit of James K. Lynch vs. F. W. Krelling, et al. The plaintiff included in his cost bill 5 per cent of a \$2000 judgment rendered on a note, claiming that he was authorized to do so under the fee bill of 1866, which was a special legislative act, applicable only to the City of San Francisco.

The defendant moved to strike out that portion of the cost bill which included the percentage, and Judge Sanderson granted the motion, basing his action on the recent decision of the Supreme Court in the case of Miller vs. Curry, which is in effect that the fee bill of 1866 is applicable to this City.

His Honor holds that the fee bill of 1866 repeals the fee bill of 1895, including the allowance of percentage on judgments to be charged as costs. In his opinion he says:

This percentage charge is in no sense either a disbursement made or an expense incurred by the plaintiff, but plainly and simply a penalty placed on any losing defendant who may have the temerity to attempt to litigate an action brought against him. It is a charge which is not a cost, and is not a charge which is not a cost, and is not a charge which is not a cost.

William Isham was yesterday acquitted of assault with intent to commit murder by a jury in Judge Belcher's court. Isham is a street-car employe, who some time ago shot his brother-in-law, E. C. Plum, another street-railway man, in the leg. The quarrel arose over a woman, and the shooting followed. Isham was shown by the demonstration of the jury that he was not guilty, and he was acquitted. He had been in the Police Court, and had been held in the Police Court, and had been held in the Police Court.

The new line of ladies' purses, valises, card cases, etc., for fall trade have arrived and are now on sale. Sanborn, Vail & Co., 741 Market.

WINTHROP IS FOUND GUILTY

End of the Trial of Banker Campbell's Shrewd Assailant.

THE CLOSING ARGUMENT

It Required but Five Minutes for the Jury to Render a Decision.

SCENES IN THE COURTROOM.

The Prisoner's Wife Seriously Alarms Mrs. Dunton by Trying to Follow Her.

Winthrop is guilty. E. L. Cutten, foreman of the jury which tried him, so decided yesterday. "So say we all," echoed

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dealing with him, and others had not heard his reputation discussed until after the death of Mrs. Matthews. The defense," said the attorney, "utterly failed to establish a good reputation for the accused and, even if it had, it would have been immaterial, as many men who have up to a certain time borne an unblemished reputation have been found to be criminals."

Mr. Black closed by asking the jury not to be swayed from duty by sympathy for the prisoner's wife and family. They were under oath, he said, to find only on the evidence without reference to its effect on any one. He asked for a verdict of guilty. Judge Wallace then charged the jury. His charge was fair and impartial and comparatively brief. He instructed the jury men upon the legal points in the case and was particularly careful to declare that they alone were judges of the facts, with which they might deal as they pleased. He said they were to determine whether Winthrop took the money from the person of Campbell against his will and that they must presume him innocent unless the evidence should overcome that presumption. He also went into the evidence that had been presented to show a good character for the defendant and said that if that had been proven it should be taken in his favor, but that it was not enough to weigh against positive evidence of guilt.

At 11:35 o'clock the jury retired, and the spectators had hardly settled down in their seats before the bell rang announcing their return.

The short time occupied in deliberation augured ill for Winthrop. He straightened up in his chair, clenched his teeth tightly, and his countenance assumed that hard, set look which one might expect a determined man to wear as he faced death. Mrs. Winthrop had in the meantime resumed her place at his side, again felt that she could not stand the ordeal, and retired to the corridor. Mrs. Brooks, the defendant's mother-in-law, sobbed audibly, while the two little boys crouched close to their father's side.

GENERAL FRIEDRICHS, the Defendant's Attorney.



Fire Marshal Charles Towe yesterday received word that an attempt had been made to burn the saloon during the night, and he at once made an investigation, and the evidence he obtained led him to believe that he knew who the man was who committed the deed. The plan was evidently well laid, but, like many of a similar nature, it miscarried because the perpetrator was ignorant of a few natural laws. Coal oil had been poured all over the floor, walls and portiers that divide the small cardrooms in the rear. The mixture, when applied to the flames, spread up the wall and consumed the curtains and then went out.

MUM'S THE WORD.

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From the first the conviction of the defendant was almost a foregone conclusion. In addition to the efforts of the prosecution Winthrop by his own actions contributed to the verdict. The animosity which he showed against Captain Lees and his officers tended to rebuff their efforts to send him across the bay. Attorney Frank Bell and his coadjutor did the best they could for him, but they devoted their efforts almost entirely to an alibi, which proved to have no foundation, and absolutely failed to disprove any of the allegations of the people.

Yesterday's proceedings began with the testimony of the members of the jury, and responding that the verdict announced by Mr. Cutten was his.

Bell then asked for time in which to prepare a motion for a new trial, but Judge Wallace refused to allow him longer than until next Monday morning at 10 o'clock, when the ex-custodian of Laurel Hill Cemetery was ordered to appear for sentence. His Honor remarked, "We find that if it was then found necessary to grant more time it would probably be allowed."

TRIED TO BURN A BIG SALOON.

A Bold Attempt to Commit Arson on Bush Street.

COAL OIL WAS USED.

The Stuff Spread All Over the Furniture, Walls and Carpets.

COVERED BY LARGE INSURANCE

How M. C. Wenceslow, the Proprietor, Took Out Policies Under Two Different Names.

Between 2 and 6 o'clock yesterday morning an attempt was made to burn out the saloon at 311 Bush street, near Montgomery. It will be remembered that years ago this place was the headquarters of Christopher Buckley, and many a man entered the front door and departed from the back door that opens on the little alley, made or marred for life. For several months it was unoccupied, but last June it was rented by M. C. Winslow, who reopened the old well-known saloon.

From all accounts Winslow's venture was not a great success, and on the 14th the Sheriff took charge of the business upon an attachment in favor of D. E. Besecker, who wanted payment on a \$7650 butcher bill. It was stated that another of Winslow's creditors was about to levy another attachment for \$500. To state the case briefly Winslow was anything but prosperous, and the financial clouds seemed to be gathering fast on his horizon.

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The reason for this was the fellow who applied the match did not want the first burst of flame to be seen from the street, and he closed the doors to the main saloon and the fire died out for want of fresh air and a draught. Had the plan been a success the office of the Breeder and Sportsman paper and a jewelry manufactory in the rear would have been destroyed or badly damaged.

Dan Fallon, the night barkeeper, left the saloon safe and securely locked at 2 o'clock in the morning, and at 6 o'clock Fred Schenk, the day barkeeper, entered the place and made the discovery. None of the doors had been forced or broken, and the only other person who had a key to the premises was Winslow, the proprietor.

Later in the day a telephone message was received from Winslow, who said he was in San Jose. Fire Marshal Towe looked over the premises and decided that there was not over \$500 or \$600 worth of stock and fixtures in the place. He further found that the saloon was run under the names of J. S. and M. C. Winslow, although who J. S. Winslow is was a mystery. Another peculiarity that the Fire Marshal learned was that since June Winslow had taken out two fire insurance policies, one for \$1000 in the name of M. C. Winslow, and the other for \$2500 in another company in the name of M. C. Wenceslow. An insurance of \$500 on \$500 worth of property, taken out in two policies and in two names, caused a grave suspicion in the mind of the Fire Marshal, and he asked the Deputy Sheriff in charge of the place to inform him as soon as the proprietor of the place put in an appearance.

Later in the afternoon Winslow went to the saloon and Mr. Towe was telephoned for. He questioned Winslow for nearly an hour, and then said that on Tuesday afternoon he went to Baywards to see a friend about raising money to pay off the claims standing against him, and from Haywards he went to San Jose in a buggy and was there at the time of the fire.

It is noted that the difference in the names in the two insurance policies was a mistake of the agent, and that while his true name is Wenceslow he is often called Winslow and so signs himself occasionally. Correspondence strictly confidential. "Guide to Health," sent free on application. Address

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The Supreme Court has affirmed the decision of the lower tribunal in the case of the County of Sacramento against State Controller E. P. Colgan. The action was in mandate, it being sought to compel the Controller, in his next settlement with the Sacramento County Treasurer, to allow the Treasurer to retain \$32,660 10 claimed to be due the county as State tax commissions. The Superior Court found adversely to the plaintiff.

In affirming the decision the Supreme Court reviews at length the statutes governing tax commissions charged by counties upon State taxes. By the act of 1870 the county was allowed as commission on all but school taxes 6 per cent on the first \$10,000, 4 per cent on all over \$10,000, and under \$30,000, and 2 per cent on all over the last-named sum.

The act of 1874 allows the county 1 per cent on all taxes. The sole question was whether the act of 1870 or that of 1874 should govern the award of commissions to the county. The lower court held that the first act was repealed by the second, a ruling which the Supreme Court upheld.

Socialist Lecture.
Liberty branch of the Socialist Labor party held a meeting last night at Socialist Hall, on Turk street.

President Theodore Lynch introduced Miss Jane A. Roniston, who spoke on the principles of the socialist theory of humanity to mankind.

Leo Gasser and George Barnley followed on the same subject.

President Lynch announced that the next silent open-air meeting would be held on next Saturday evening at the corner of Seventh and Market streets at 8 o'clock, at which all were invited to attend and keep "mum."

Father Yorke to Lecture.
Rev. Father P. C. Yorke will lecture at Metropolitan Temple this evening on the occasion of an entertainment given under the auspices of the Catholic Knights of America.

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8-Day, 1/2-Hour Strike Mantel Clock, Oak or Walnut..... \$2 65
8-Day, 1/2-Hour Strike Library Clock, solid Oak..... \$3 85
8-Day, 1/2-Hour Strike Clock, Black or Mahogany, 7 1/2x13 1/2..... \$6 00
8-Day, 1/2-Hour Strike Clock, Black or Mahogany, 10 1/2x17 1/2..... \$6 75
8-Day, 1/2-Hour Strike Clock, Iron with Urn..... \$8 00
8-Day, 1/2-Hour Strike Clock, Iron, Black or Mahogany, 9 1/2x13 1/2..... \$9 35
8-Day, 1/2-Hour Strike Clock, Iron, Black or Mahogany, 12 1/2x15 1/2..... \$12 15
8-Day, 1/2-Hour Strike Clock, Black Marble, 6 1/2x11 1/2..... \$9 85
8-Day, 1/2-Hour Strike Clock, Onyx Dome top 10 1/2x11..... \$12 90
8-Day, 1/2-Hour Strike Clock, Blue Bell decorated..... \$8 00
8-Day, 1/2-Hour Strike Clock, Decorated Porcelain, visible escapement..... \$10 00
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