LENNON IS NO MATCH FOR KYTKA

Bickering Bout Takes Place When McGlade's Lawyer Makes Objections.

Many Forged Salary Warrants Introduced in Evidence at the Trial of the Ex-City Official.

The interesting but tedious recital of an expert in handwriting was varied yesterday in the trial of Peter McGlade on a charge of forging salary warrants of the city and county, by a continual verbal squabble between Mr. Lennon, attorney for the defense, and Theodore Kytka, the authority in question. Kytka was more than a match for the aggressive attorney for McGlade and rattled on despite the objections for the defense.

McGlade's wife made her appearance in court for the first time during the present trial.

Witness McGinnis was recalled in the morning and testified that he had not signed a number of salary warrants handed to him for identification by the prosecution. It is alleged that McGlade forged all the warrants put in evidence yesterday.

Kytka testified that he had examined various books of the office of the Superintendent of Streets and had compared the writing with the "John Sullivan" salary warrant. He was positive the same hand had written the entries in the books and the names in the warrant. Previous testimony has been presented showing that the particular entries in the books were made by McGlade.

Kytka Gives Expert Testimony.

The witness compared various letters and figures, told of "up strokes and down strokes," "top loops and bottom loops," "tremors, characteristics and eccentricities," "shading and width," "dots, dashes and curves," in infinite variety.

When Kytka would say to the jury, "this was written by a clever penman," or, "I must give my reasons for this," Lennon would fire off a series of objections. The attorney repeatedly asked the court to instruct Kytka to refrain from giving his opinions and to confine himself to facts.

There was a rumpus when Kytka defied Lennon to stop him in his mode of explanation. In explaining a figure "8," Lennon asked Kytka where he had taken the original letter from.

"I took it from the blotter on page 3," replied Kytka, "and I will show the original figure to the jury."

Kytka grabbed the blotter from the clerk's writing desk, almost upsetting the dignity of Clerk Oscar Tolle, and made a rush toward the jury.

"Hold on," shouted Lennon, "you have not been asked to show anything to the jury."

"Well, I will do so on my own account," said Kytka, as he opened the book and showed the original figure "6" to the jury. Lennon sprung an objection but was overruled. The clash between the expert and the attorney was repeated many times in the course of the day's proceedings.

Lennon Was Angry.

Lennon became angry when Kytka once said to him that he desired to enlighten the attorney, and appealed to the court to "stop the harangues of this witness."

District Attorney Byington took a hand in the matter and accused Lennon of "bickering and picking at the witness and being insulting in his manner toward him." Byington also made an appeal to the court that Lennon be suppressed as to his mode of "harping" at Kytka.

Judge Melvin's good nature had become exhausted at this point and in severe tones he declared that there must be an end to all quarrels.

"I shall instruct this witness," said Judge Melvin, "to give his testimony and not to argue to the jury, otherwise his arguments will be stricken out. If counsel for the defense desires to object to anything the witness says, or seeks information, he must do so to the court and not speak to the witness."

The admonition had the effect of keeping the peace for an hour, when the time for adjournment arrived. This morning Kytka will resume his testimony and "some fun" is expected when the expert is cross-examined by the attorney for the defense.

HORSETHIEF IS AGAIN IN THE LAW'S TOILS

John Flynn, Alias Kelly, Arrested for the Ninth Time on Similar Charge.

John Flynn, alias Kelly, is a confirmed horsethief. He has the habit of jumping into a buggy standing on the street and driving off with the rig and selling it to a dealer or somebody else at a cheap figure. Last week he was acquitted by a jury in Judge Dunne's court of a charge of stealing a horse and buggy, although there were seven prior convictions against him.

Yesterday Flynn appeared before Judge Mogan on two charges, one of obtaining money by false pretenses and the other of grand larceny arising out of the same transaction. Tuesday he sold a horse and harness at the stables at Thirteenth and Harrison streets to B. R. Videau, 21 Sheridan street, for $20, the owner being Sam Hebler, 875 Folsom street. The cases were continued till April 1.

In the Divorce Court.

Decrees of divorce were granted yesterday to S. M. Taber from Octavine Taber for desertion, Harry L. Speer from Ida L. Speer for desertion, and Agnes Kent from George Kent for extreme cruelty. Suits for divorce have been filed by Elizabeth I. Sully against John A. Sully for failure to provide, Ferdinand Furrer against Mary Furrer for desertion, Annie E. Long against James A. Long for failure to provide, Frances Glixman against Philip Glixman for desertion, Lena Barron against Charles Barron for cruelty and Mary K. Culverwell against Stephen E. Culverwell for desertion.

Raid on Bunko Men.

Five bunko men were arrested yesterday morning by Detectives Crockett and Dillon and locked up in the "tanks" at the City Prison. They are J. Mahoney, Sam Neville, J. Edwards, J. O'Brien and R. Tait. They were shown to the different watches yesterday and last night, and the instructions were to arrest them when seen on the street on a charge of vagrancy, so as to have them driven out of the city.

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ALL DRUGGISTS.

TRADE MARK

JURORS DOUBT IF BAKER'S KISS CAUSED CONVULSIONS

Miss Adelia Nelson Fails to Get Verdict for Damages Against Her Employer, John Kohs.

THE PRETTY PLAINTIFF AND THE MAN WHO DENIES THAT HE KISSED HER.

THE suit brought for Miss Adelia Nelson by her guardian against John Kohs, baker, to recover $5000 damages for alleged injury inflicted by a hug and a kiss in the bakery kitchen, was on trial yesterday afternoon before Judge Hunt in Department Five of the Superior Court. When the evidence was all in, seven of the jurors thought there was some doubt as to the kissing and more as to the convulsions and long illness alleged to have followed as consequences. Five jurors wanted to bring in a verdict for the plaintiff, but an hour's deliberation effected no change and the disagreement was accepted as final and the jury discharged.

The plaintiff, a pretty miss of 17, told a straightforward story on the witness stand. The impromptu kissing, according to her testimony, occurred on the evening of July 2, between 6 and 7 o'clock. She was employed in Kohs' bakery at 331 Fourth street. She testified that she had gone into the kitchen to wash a cake knife and that Kohs, whom she did not know was there, suddenly seized her and embraced and kissed her. The shock and fright made her ill and she had to be sent home in the care of two girls and subsequently she went into convulsions and was ill for nearly a month. The girl denied indignantly on cross-examination that she had let any of the men employes about the place kiss her on other occasions.

Mrs. Amelie Rastede, mother of the girl, testified as to her daughter's serious illness. The physician who treated the plaintiff is traveling in Europe and the evidence presented left much doubt as to whether she suffered convulsions or only a nervous attack.

Kohs, who is a middle-aged, swarthy little German, denied that he was in the kitchen at all during the afternoon in question or that he kissed his pretty employe. He and his wife and a baker boy named August Edel all testified that he was asleep from 6 to 8 o'clock of that particular day.

The defense tried to show that the plaintiff frequently "engaged in osculatory exercises" with the bakers and drivers employed by Kohs, but their witnesses failed them. Minnie Felder and Katie Glos, other pretty German girls empolyed by Kohs, had not seen any of the men kiss her, though the first had seen a baker named John try to kiss her.

Harry Morris, a driver employed by Kohs, told boastingly on the stand that he had kissed the plaintiff once when she had said no young man could kiss her. That was the only "osculatory exercise" to which the defense got testimony and the plaintiff went on the stand to deny it.

The lawyers, A. B. Treadwell and Lyman I. Mowry for the plaintiff and Otto tum Suden for the defense, submitted the case without argument.

The jury was composed of the following named:

W. G. Copeland, Lawrence Daly, M. Joseph, A. Fromberg, H. A. Conrad, George H. Bradshaw, M. Greany, Frank O. Brackett, F. L. Bird, H. Froman, F. Dieling and John E. Greene.

Fromberg, Bradshaw, Froman, Copeland and Dieling were the jurors who stood out for a verdict for the plaintiff.

SCHOOL CHILDREN SECURE RIGHTS

Street Railroad Companies Grant Reduced Rates to Pupils.

The fight to secure for the school children of this city the privilege to ride to and from school at half fare has finally resulted in a complete victory for the pupils. The presidents of the various street railroads met yesterday morning at the office of the Market-street company and after an exhaustive discussion of the matter decided to allow the half-fare rate to go into effect without making any resistance. All the railroad magnates who were present signified their approval of the decision, excepting R. F. Morrow, president of the Sutter-street line, who refused to commit himself. He remained neutral, neither dissenting nor approving.

The ordinance, which was passed by the Supervisors in January, is to go into effect on March 30. As yet nothing has been done either by the city officials or the railroad companies to prepare for carrying it into operation. Considering this and to give time in which to provide tickets, the railroads requested that the institution of the half-fare rate be postponed until April 15.

This is the first concession of this nature ever granted by the railroad companies in this city. In other large cities of the country the pupils have enjoyed for years the right to travel on the street cars at half fare. In some localities the right is inserted in the franchise and the railroad company must acquiesce in it before the charter is granted. The fact that this privilege is so universally acknowledged in the East exerted great influence in inducing the railroad magnates to grant it here.

In establishing the reduced rates the companies decided that they still retained their legal rights and that hereafter should the concession become burdensome or should more be demanded the constitutionality of the ordinance might be tested.

A meeting will be held to-morrow morning, when the final preparations for carrying the ordinance into execution will be discussed. It will then be decided where and from whom the half-fare tickets may be purchased.

Laborer Has Bad Fall.

John Fons, an employe of the Stanley Aerial Navigation Company, sustained severe injuries yesterday by a fall from a staging on the grounds of the company, at the corner of Fell and Baker streets. Fons slipped from the scaffold and struck on his shoulders on the ground, twenty-four feet below. An examination revealed the fact that his collarbone was broken and that he was otherwise severely bruised. The injuries were not fatal and he will recover.

Easter cards now on sale in art department. Sanborn, Vail & Co., 741 Market. *

WITNESSES FROM DELAWARE COMING

They Will Be on Hand at the Second Trial of Mrs. Botkin.

District Attorney Byington received a letter yesterday from Attorney General Herbert H. Ward, Wilmington, Del., dated March 23, in which he mentions having received from Attorney General Tracy L. Ford a communication in reference to the Botkin case. He said he would cause it to be published in the papers of the State so as to clear the State of California from any imputation of neglect in the matter. He continues:

I desire to say to you that I will hold myself in readiness to do everything possible at this end of the line to prepare and send to California, under like conditions as at the former trial, any Delaware witnesses whom you may deem necessary to the case of the State of California. Fully appreciating the fact that the case is a California case, by express assumption of the California authorities, I shall deem it entirely out of place for me to go West to assist so able a man as yourself or your associates for the prosecution. So that I may intelligently aid you in the matter I would ask you to mail me a copy of the printed record of the case as it went to the Court of Appeals. I assume that this embodies the entire testimony, from the nature of the exceptions which were taken to the record.

The mother of the murdered women in Dover has just died, having been buried yesterday. The father is still living, but very feeble. It may be doubtful whether he will be able to undergo the strain of a six days' car trip to your State again. Can you advise me when you would naturally retry this case, so that I may govern my assistance accordingly?

The remittitur has not yet been received from the Supreme Court, but as soon as it is the District Attorney will take prompt action to insure a speedy trial.

Pupils' Recital.

An interesting recital was given on Saturday morning last by the little pupils of Miss C. P. Ebbitts, who played very well the following programme:

Duet, "Scherzo," Aimee and Virgil Jorgensen; solo, "Slumber Song" (Gurlitt), Earle Caldwell; soli, (a) "Study" (Czerny), (b) "Sonatina," Op. 55, No. 3 (Kuhlau), (c) "Bridal Chorus" from "Lohengrin" (Joseph Low), Helen Vernon; solo, "Spanish Dance" (Ritter), Laurens Davis; soli, (a) "Two Studies" (H. Lemoine), (b) "Sonatina," Op. 55, No. 2, allegretto (Kuhlau), (c) "Hunting Song," Op. 310, No. 2 (Behr), Gertrude Davis; soli, (a) from "Second Movement Sonatina," Op. 36 (Clementi), (b) melody from "Lucrezia Borgia" (Donizetti), Virgil Jorgensen; soli, (a) etude "Ballade" (Burgmuller), (b) "Sonatina" (Clementi), (c) duet from "Magic Flute" (Mozart), (d) "Scherzo" (Gurlitt), Lucy Pray; two duos (Gurlitt), Lucy Pray and Helen Vernon.

Cheap Rates.

$30.00 from Chicago; $47.00 from New York; $27.50 from St. Louis; $25.00 from Missouri River points to California via Santa Fe Route. Tickets good on tourist and reclining chair cars. Excursions leave Chicago every Tuesday until April 30. See the Santa Fe Ticket Agent at 641 Market street.

COLEN DECLARES HIS INNOCENCE

Says He Did Not "Square" Victim of Bunko Men.

Policeman Colen, who is accused by J. C. Robinson, a recent arrival from the interior, of returning to him part of the money he was robbed of by bunko men in order to keep him from making any complaint, as told in yesterday's Call, was summoned before Chief of Police Sullivan yesterday afternoon and closely questioned. Colen indignantly denied that he had passed any money to Robinson. He said that while patrolling his beat on O'Farrell street he was accosted by Robinson, who complained to him that he had been robbed by bunko men.

"After listening to his story," explained the accused policeman, "I started out to find the men. While I was looking for them I again met Robinson and he told me that half of the amount which they had taken from him had been returned to him. I asked him to point out the men to me, but he refused, claiming that he did not want them arrested."

Colen's statement is ridiculed by the man who was robbed. He positively declares that when he first reported his loss to him the policeman asked him to meet him in about an hour, at which time, he claimed, he would have the bunko men in custody. Instead of arresting the sharpers Colen, so Robinson claims, went to them and forced them to give him $50; half of the amount that was taken from him. Meeting Robinson for the second time Colen, so it is claimed, handed him the money that was given him by the bunko men to "square the kick."

Robinson says that Colen, after handing him the money, advised him not to report the matter at police headquarters as it would go hard with him.

Chief Sullivan is making a thorough investigation and if he satisfies himself of the guilt of Colen he intends to ask the Police Commissioners to dismiss him from the department.

The bold robbery of Robinson has spurred the Chief to adopt drastic measures to rid this city of bunko men. Scarcely a day passes that some bucolic stranger is not taken in by the sharpers and separated from his money.

Last night Harry Walters, who is known to the police as the king of bunko men, was arrested and locked up in the "tanks." He is supposed to be one of the men who forced Robinson to part with $190 of his hard-earned money. The other two, the police say, will be taken into custody to-day.

COOPER DECISION POSTPONED.—When the habeas corpus proceedings for the release of "Sir" Harry Westwood Cooper, alias Dr. Ernest Moore Chadwick, held to answer on the charge of sending a false and forged telegram, were called in Judge Cook's court yesterday the Judge announced that he was not ready to render his decision, as he wanted to examine more authorities, and continued the matter till Saturday.

LIMITS POWERS OF THE ASSESSOR

Judge Seawell Holds He Cannot Order Production of Books.

May Examine Taxpayer Regarding His Own or Others' Written Statements, but Here His Authority Ends.

Judge Seawell has decided that under the law as it now stands the Assessor of this city and county is not vested with authority to demand the production of books and documents by those taxpayers who are called to testify regarding statements of taxable property furnished by them or their knowledge of the correctness of statements furnished by others. This decision, which was reached in the case of the people on the relation of Assessor Dodge against A. B. Caldwell, warehouse owner, is of great importance, for, to a large extent, it permits the placing of taxable properties behind the doors of warehouses and then closes them against ordinary processes.

Judge Seawell, in delivering his opinion, remarked that, in view of the condition as he found it, the law should be amended so as to give the Assessor greater scope in his investigations into the correctness of taxpayers' statements.

Caldwell was sued for the statutory penalty, as provided by section 3652 of the Political Code, for his alleged refusal to testify and his admitted refusal to furnish books and documents bearing on matters contained in his statement to the Assessor.

As a further ground of action it was held that the defendant had taken the same stand regarding his knowledge of certain statements furnished the Assessor by Shun Yuen Hing & Co., Sam Sing & Co., Boidstone Bros., the Bowers Rubber Company, H. Dutard, the Harry Unna Company, A. Zellerbach & Sons, Holbrook, Merrill & Stetson; California Safe Deposit and Trust Company and Kwong Wah & Co.

The case was elaborately argued by counsel and submitted on briefs.

Though Judge Seawell, in his decision, holds that the Assessor has the right to examine a taxpayer regarding his own or the statements of others, he maintains that questions must be specific, and that the right to go further and demand books and documents is not conferred by the law upon the Assessor.

Judgment was therefore entered for the defendant.

MEN WHO SWINDLE OTHERS ARE TAUGHT A LESSON

Two of Them Get Three Months Each for Petty Larceny by Trick and Device.

Men who prey upon the unwary by means of trick and device were taught a lesson by Judge Cabaniss yesterday. J. R. Fritz and A. McLane were each convicted of petty larceny by trick and device and were sentenced to three months in the County Jail. The case against their companion, F. L. Carey, was dismissed, as there was not sufficient evidence to convict.

Joseph Rekar, a baker, living at 1829 Polk street, was the complaining witness. He testified that on Sunday evening, March 17, he went into the place conducted by the defendants at 425 Dupont street and was induced to play the game of throwing rings at knives and also at circles marked blue and white. When the three defendants played they always won, but when Rekar tried it he always lost. He parted with $18, and said he would not play any more. They started to play again and won as before, and Rekar, in the hope of winning back his money, tried again, but lost $6 more.

The Judge, in sentencing Fritz and McLane, said it was difficult to get sufficient evidence in bunko cases to convict, and although there might be a strong suspicion of guilt, that was not enough. In this case, however, it was plain to him that Rekar had been tricked out of his money in a most barefaced manner. The defendants gave notice of appeal to the Superior Court.

The cases of Frank Marshall and four others, charged with grand larceny by trick and device by playing the "plate game" at the Cliff House, will be heard by Judge Cabaniss to-day. Their defense will be that they have a license to play the game.

Exposition of Fine Arts.

The California Club is now engaged in the preparation of an exposition of the industrial arts, to be held in the gallery of the Mechanics' Pavilion next month. It will open April 10 and continue to the 20th. The success attending the exposition held two years ago encouraged the club to attempt another one.

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