

# DOER RIGHTS NOT SUBJECT TO JUDGMENT

## Justice Hagner Announces an Important Decision.

### PAULINE KREUTER UPHELD

### Debts of Husband, Who Died Without Personal Property, Cannot Be Collected From Widow's Share of Realty Held in Trust—The Opinion in Full.

Justice Hagner recently announced an important decision relative to dower rights. The matter came on for consideration in connection with the settlement of the estate of August Kreuter, against Pauline Kreuter and others, which has been pending in the local courts since 1926. In the final decision in this case he decided that a widow's dower right is not subject to a claim or judgment secured against the widow.

The facts of this case are that the petitioner, August Kreuter, filed an original bill against certain defendants, among whom was Mary M. Kreuter, the widow of the defendant who was entitled to a dower right of the property of which her husband died possessed. That a judgment creditor of the widow intervened and prayed that the court direct the payment of his judgment out of the fund in the court belonging to the widow. Justice Hagner, in rendering the opinion, said:

"In this case the creditor filed a bill against the widow and some infants, alleging that the husband died possessed of some land, that he owed the creditor a sum of money, and that he left no personal estate. The creditors wanted the land sold, and the widow said that she was willing to have it sold, and to have her dower assigned to her. Therefore a decree was signed by Mr. Justice Cox in 1927, allowing the trustees to encumber the property. They had power, among other things, to sell the property and dispose of it under the direction of the court, and the title to the property was vested in the trustees for the purpose of making the loan. Then the trustees got the money, executed a deed of trust, and when the said trust was not paid the trustees, under the deed of trust, sold the property. Then began these various accounts. The intervenor who filed the petition is the owner of a judgment obtained by the judgment creditor, Benjamin R. Neal, against the widow. As to the real controversy, I do not think so. In the New York cases cited, it was held that the widow has fraudulently and wrongfully refused to allow the dower to be assigned to her, in order to keep her personal creditors from getting the money. But the case at bar is different. The widow's right was not seized a choice in action. It was a right to something, and you could no more sell it than you could sell an option upon a piece of property. The widow's right was not just of that character, and not a subject of execution. Can you come into equity and do this? Equity's function is not to collect debts, but to prevent them. This is an exceptional case. I do not consider that it is the law that from the mere fact that a creditor comes in and says he cannot collect his debt that this right is to be seized in this way. I cannot see any way in which it can be done.

### SUIT OF MOTORMAN'S WIDOW.

Mrs. Sarah F. Anderson Seeks Damages for Husband's Death.

Hearing in the suit of Mrs. Sarah F. Anderson, administratrix of the estate of Joseph M. Anderson, against the Metropolitan Railroad Company and the Washington and Great Falls Electric Railway Company, to recover \$10,000 damages on account of the death of her husband, was begun yesterday before Chief Justice Bingham in Circuit Court No. 1.

### MRS. POOLE SUES FOR DIVORCE.

Charges Her Husband With Cruelty to Herself and Daughter.

Mrs. Annie Poole yesterday through her counsel, W. Preston Williamson, filed suit for a limited divorce against John H. Poole. They were married in this city in 1924.

### Colored Bicyclist Run Over.

Emery Carpenter, a colored boy, eighteen years of age, of 1122 Twentieth Street northwest, was run over on Pennsylvania Avenue between Sixteenth and Seventeenth northwest yesterday, while riding his bicycle, by a horse and wagon driven by George Parker, colored, of 1017 Eleventh Street northwest. Carpenter was slightly injured about the head and body. He was removed to the Emergency Hospital for treatment.

### Chewed a Policeman's Finger.

Sarah Cook, seventeen years old, colored, was arrested Monday night by Police Officer Catts, charged with biting the finger of the officer. She created a disturbance, it is alleged, at Twenty-fourth and M Streets northwest and when placed under arrest started a running fight, which was kept up all the way to the Third precinct station. The woman got Catts' finger in her mouth and chewed it viciously, it is alleged.

### Protests Against an Assessment.

Mr. B. F. Smith, of 1110 P Street, has requested the remission of interest and costs upon assessment for paving alley against subplot 28, square 156. The special assessment clerk has recommended that, as the assessment contained no provision for advertisement of intended work, the payment be accepted without interest and costs.

## DISTRICT COURT RECORD.

### UTERMEHLE WILL CASE.

Question of Law Interrupts the Proceedings.

Hearing in the Utermehle will case was resumed yesterday before Justice Barnard, sitting for probate business. The opening statement on behalf of the defendant, Mrs. Naomi Utermehle, was made by Mr. A. S. Werthington, of counsel for the defendant, was concluded and the taking of testimony begun.

### SIXTEENTH STREET HEARING SET DOWN

Justice Hagner to Review Entire Case March 28.

### Order Issued Upon Application of Property Owners for Confirmation of Jury Awards—Settlement Expected.

Another important step, looking to the settlement of the Sixteenth Street extension case, was taken in the District Court yesterday, by counsel representing owners of property along the line. Messrs. Charles C. Cole, H. Golden Donaldson, B. F. Leighton, Charles Brown, and John Ridout, on behalf of various owners, and City Solicitor Divall, on behalf of the District of Columbia, appeared before Justice Hagner and asked for the confirmation of the verdict and award of the jury of appraisers, which was filed on the 27th day of May, 1921.

### Identity of River Victim Established

Man Drowned Off Bryan's Point Was G. F. Cochower.

### Body Found Floating Off River View Not Yet Identified—Effort to Do So Proved Futile.

### Grading of V Street.

Request That Work Be Done by Chain Gang Adversely Reported Upon.

### Complaints of Ash Service.

Mr. A. Frey Writes Commissioners That Collections Are Irregular.

### Hotel Proprietor Fined.

Stephen Collins Arraigned Before Judge Scott on Disorderly Charge.

### Miss Maud Mascu Loses Her Suit.

In the case of Miss Maud M. Mascu against Thomas R. Marshall, to recover \$20,000 damages for alleged personal injuries, Chief Justice Bingham yesterday, after hearing the evidence, instructed the jury to return a verdict for the defendant.

### J. H. Oram Leaves Estate to His Wife.

By his will, dated December 11, 1899, James H. Oram leaves his entire estate to his wife, Carrie P. Oram, who is also named executrix.

### Charged With Fast Driving.

James R. Coleman forfeited \$10 in the Police Court yesterday on a charge of fast driving. A policeman charged that when he arrested Coleman the latter struck him in the face with a whip.

## DOUBLE DEFENCE OF LAWRENCE NORMAN

### An Alibi and Suicide Theory to Be Introduced.

### SEVERAL WITNESSES CALLED

Effort Made to Prove That Victim Was a Woman of Suicidal Tendencies and Had on Several Occasions Attempted to Take Her Life.

### Alleged Victim Drowned Herself.

It is alleged that in a fit of rage in which she was after her quarrel with the defendant, that she voluntarily threw herself in the Chesapeake and Ohio canal, with the intention of ending her life. What weight this evidence will have with the jury, taken in consideration with the evidence that the woman called lustily for help while she was floundering in the water, remains to be seen.

### Opening Argument in Case.

He said that on the night of September 2 last, the date on which the woman met her death, she and the defendant were at a house on Water Street, northwest. They quarreled, and it is claimed that Norman beat her and also threatened to kill her with a pistol. It was also stated by Mr. Taylor that the house in which were the Brown woman and Norman is situated within a few feet of the Chesapeake and Ohio Canal.

### Sanity to Be Determined.

Seven Persons to Be Subjected to Judicial Enquiry.

### Dog's Reputation Cleared.

Witnesses Testify That Collegiate Canine Is Not Vicious.

### Marriage Licenses Issued.

Albert Stewart and Agnes Ward, William Hayden Noyes and Bessie R. Thom, Edward Jones and Rosa Gatewood, Daniel Casey and Blanche Sorland, John W. Anceward and Catherine Berry, William J. Schlett and Rosa Hinkler, L. J. Doyle and Ethel Carpenter, Walter Brent and Lillie R. Bowles, William Barner and Kate Wentous.

### Food for Athletes

Rebuilds Brain and Muscle.

### Tharp's Berkeley Rye

I HAVE A POSITIVE CURE FOR SLEEPLESSNESS

### If You Want

To exchange an article for something of equal merit advertise it in THE TIMES' "FOR EXCHANGE" COLUMN.

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Rate for One Day, 2c a Word  
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### Tharp's Berkeley Rye

12c for WINDOW SCREENS.  
JOHN B. ESPEY, Pa. Ave.

## SEEKS HEAVY DAMAGES.

### Tom Vaughn Walters Institutes Proceedings Against Railway Companies.

The Washington and Great Falls Electric Railway Company and the Metropolitan Railroad Company were named as defendants yesterday in a suit filed by Tom Vaughn Walters to recover \$15,000 damages for alleged personal injuries.

### WEATHER INDICATIONS.

Fair, continued cold Wednesday. Thursday fair; warmer; fresh northerly winds, becoming variable.

### TEMPERATURE.

Highest temperature, 1 p. m. 43  
Lowest temperature, 1 a. m. 22

### THE SUN AND THE MOON.

Sun rose, 5:57 A. M. Sun sets, 6:10 P. M.  
Moon rises, 11:51 A. M. Moon sets, 3:05 P. M.

### THE TIDE TABLE.

High tide, 1:35 A. M. and 4:23 P. M.  
Low tide, 10:30 A. M. and 11:05 P. M.

### STREET LIGHTING.

Lamps out tomorrow, 6:49 A. M.  
Lamps out tonight, 5:13 P. M.

### AMUSEMENTS.

National—Mary Manning in "Janice Meredith" after noon and evening.  
Columbia—Jefferson De Angelis in "A Royal Rogue" evening.  
Lafayette—Mme. Sans Genevieve" after noon and evening.  
Academy—"Dangerous Women" evening.  
Kernan's—Rose Hill Company after noon and evening.  
Empire—Hopkins "Trans-Oceanic" after noon and evening.

### TEMPERATURES IN OTHER CITIES.

City	Max.	Min.	S. p. m.	Rain.
Atlantic City	44	28	24	...
Atlanta, Ga.	46	32	...	...
Bismarck, N. D.	34	2	30	...
Boston, Mass.	44	30	30	...
Buffalo, N. Y.	22	16	11	02
Chicago, Ill.	28	19	26	...
Cincinnati, Ohio	28	19	26	...
Cleveland, Ohio	28	19	26	...
Dayton, Ohio	28	19	26	...
Denver, Colo.	32	19	20	...
Des Moines, Iowa	38	10	34	...
Galveston, Texas	64	40	52	...
Little Rock, Ark.	44	26	42	...
Indianapolis, Ind.	48	40	52	...
Jacksonville, Fla.	60	42	48	...
Kansas City, Mo.	42	18	40	...
Little Rock, Ark.	44	26	42	...
Marquette, Mich.	24	6	22	...
Memphis, Tenn.	28	23	26	...
New Orleans, La.	62	40	52	...
New York, N. Y.	44	24	24	...
North Platte, Neb.	62	20	56	...
Omaha, Neb.	46	16	42	...
Pittsburg, Pa.	28	12	18	T.
Salt Lake City, Utah	44	10	40	...
St. Louis, Mo.	32	16	22	...
St. Paul, Minn.	32	6	30	...
Springfield, Ill.	32	12	28	...
Vicksburg, Miss.	54	24	46	...

## SAMUEL B. GREGORY IS EXONERATED

### Charge of Abducting His Child Was Not Sustained.

Case Was Tried in Court of Oyer and Terminer, in Philadelphia—Returns to Washington.

### Witnesses Not Called.

There were also present a score or more of witnesses for the defendant, from both this city and North Carolina, but none of them was called. Mr. Gregory returned to this city early last night.

### Much Feeling Over Case.

A great deal of feeling was manifested by the parties to the litigation. A mass of testimony was taken, and the matter came for final hearing last fall. The testimony offered on behalf of Mrs. Gregory, however, was insufficient to support the allegations of non-support, and her suit was dismissed. At that time, by order of the court, she had possession of the child, and soon after the announcement of the dismissal of her case she left the jurisdiction and took the child with her.

### Special Sale of Jackets.

Fashion has taught wearers of Spring Wraps that the little rag coat is the proper thing for this season. They are jaunty; they are swell and dandy. Our preparations to supply every demand in this line are complete and we can safely say that many different styles which we are showing are the largest in the city.

### SOMETHING TO TALK ABOUT.

For three-piece Parlor Suite, mahogany-finish frame, silk damask covering; worth \$150.00.

### J. DRUKER.

Late with the Catholic National Jewelry Company, has started in business for himself at 12th and Pa. Ave.

### Diamonds, Watches, Jewelry.

Small expense guarantees low prices. Purchasers may open an account. Transactions confidential. Drop postal, representative. 12th and Pa. Ave.

### "BABEK" CURES

MALARIA, CHILLS, AND FEVER.

### THARP'S BERKELEY RYE

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### "THE BUSY CORNER."

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### Our Success the Past Week Has Been Glorious....

Our success the past week has been glorious, our spring attractions being of the highest standard. We were never so enthusiastic as we are today. These items are not alone attractive, but they are very timely.

### Another Big Exhibit of Wash Waists.

For a day we are going to give you the best things in stock—new, fresh and crisp at prices which others may quote when the season is far advanced. These items are not alone attractive, but they are very timely.

### Another line of swaggar Madras Waists.

Made of imported material, with stitched front, new yokes and full blouse front—new stock, all finished with tie to match—very latest bishop sleeves, the line of colorings is new and pretty—large cutters front and back, others stitched plaits to form yoke—both kinds have stock—throughout the line—made at \$1.50, the price is made at 98c.

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