

THORNTON DENIES

Mrs. Martin's Wholesale Accusations.

WITHDRAWS FROM HER CASE

General Barnes Also Speaks His Mind on the Matter.

AN UNUSUAL SCENE IN COURT.

Judge Coffey Finally Decides That the Crawford Letters May Not Be Admitted.

The Martin will contest has assumed fresh complications. The trial which has proceeded with more or less regularity for the past six weeks in the courtroom presided over by Judge Coffey has lost a part of its interest by the withdrawal from the case of Crittenden S. Thornton, one of the counsel for Mrs. John B. Martin, guardian ad litem of the infant proponent of the second and disputed will of Henry Martin.

An interview with Mrs. John Martin, accorded to a representative of THE CALL, caused Mr. Thornton to come to this unexpected determination. So Grove L. Johnson is left to bear the brunt of the battle with his junior colleague, Walter H. Linforth.

The proceedings at the opening of court yesterday morning were of an almost dramatic nature. From the first it was clear that something was up, as Thornton entered the courtroom at 10 o'clock with a look of fixed purpose on his countenance, and by the earnest way in which he conferred with his associate counsel it was easy to see that something more than usual was in his mind.

He had assembled an hour before the usual time to argue the legal question concerning the proposed introduction of the Andrew Crawford letters. They were not yet admitted and Mrs. John Martin was not present. As soon as Judge Coffey took his seat on the bench Mr. Thornton rose and said as follows:

"If your Honor please, I rise to a question of privilege, to announce that for good and sufficient reasons, based upon my own sense of justice and propriety, I have withdrawn from this case." With this Mr. Thornton proceeded to read from the report of the interview referred to above.

"If there is anything in the paper I will say that I have read it," remarked Judge Coffey.

That paper in substance and effect contains an article by the guardian ad litem of the plaintiff or proponent in the present action, in which she deliberately accuses her counsel, her associate counsel, and the newspaper which she has named, of endeavoring to prejudice either her supposed rights or those of her child, in the case of the infant proponent of the second and disputed will of Henry Martin.

"That paper in substance and effect contains an article by the guardian ad litem of the plaintiff or proponent in the present action, in which she deliberately accuses her counsel, her associate counsel, and the newspaper which she has named, of endeavoring to prejudice either her supposed rights or those of her child, in the case of the infant proponent of the second and disputed will of Henry Martin.

"There is another statement in that interview to the effect that I have been discharged from this case three times, which is totally and entirely false. I was once notified upon June 21 by a person here that my services were no longer required, which I gladly assented, and afterward at the direct request of the guardian ad litem of the plaintiff, and of the gentleman who sits beside me, representing me on account of the ancient friendship between my services were essential for his benefit, and for the benefit of the case which I considered to be well founded, I again returned.

"I am now satisfied that the guardian of the plaintiff has no confidence whatever in me, a thing at which I rejoice. It was never intended in the course of human existence that any confidence should be placed in me, a thing at which I rejoice. It was never intended in the course of human existence that any confidence should be placed in me, a thing at which I rejoice. It was never intended in the course of human existence that any confidence should be placed in me, a thing at which I rejoice.

"The court—Too friendly. Mr. Thornton—Too friendly. I assert that statement to be false in its entire length and breadth. I have read it, but one letter to the plaintiff, or the guardian of the plaintiff, in my life, which was written in the presence of Mr. Johnson at the Hotel Peacock, and dated August 10, 1894, upon the night of the 7th of July, 1894, announcing to Mrs. Isabella J. Martin that Mr. Johnson had arrived from Sacramento, and that it was his intention to have an interview with her for the purposes of this case.

"I deny that she has ever had, or that I have ever written, or that I have ever caused the writing of any letter signed by my own name or friend's name, written to or for any person on my behalf, or on behalf of any person, or for their production, and I consent in advance to their production if they exist, and I am ready to follow the result. I again assert that I will not be connected with this case in which a party contends that we have betrayed her interest by the non-production of evidence, and that I decline further to be connected with a cause in which for any purpose evidence is to be given or anticipated in accordance with the truth of the fact, and I appeal to the gentleman here and now for his own sake to sever his own name, and his own dignity, his own self-respect, as I do, from this case.

"He has received during the sleepless nights and days of toil that he has passed upon behalf of the woman and her child in this case a sufficient number of suits, both in language and by letter, which among men would have caused the death of a score of men, and I tell him that he does himself a foul and infamous wrong by remaining in this case and that he should assert his own dignity and his own manhood, and withdraw from it; that he is directly accused of the oppression of evidence essential to the rights of his client, which does not and cannot command itself to his judgment and his self-respect, and that he ought to get out.

"Apart from the gross and infamous insults which have been passed upon him upon last Thursday afternoon in this courtroom this woman charged him and me within five minutes of each other with stealing a letter, not the letter alluded to here, from her. Within a week she has informed Mr. Linforth and myself that it became necessary to have detectives upon our tracks. I invite my charge. I shall by this matter before the court, and before the Supreme Court of this State for the fullest investigation. I depose the author of these charges as much as I depose the charges themselves, and I should deplore her exculpation as much as I should her accusation, and for leaving the game open to her own course of an ion, without prejudicing the cause of this child, which I believe to be just and honest. I leave the case in which my labors have not been productive even of the small result of gratification.

"To Attorneys Dolmas and Rodgers Mr. Thornton addressed these words: "I am much obliged to you gentlemen, for your courtesy in this case. Is there any paper in your possession, Mr. Johnson, or any memorandum, or any document, which I can hand over to you for further assistance in this case?"

Mr. Thornton was followed by Mr. Dolmas, who, in a dignified way, expressed his regret at the determined course taken by the learned friend, for whom he evinced the highest respect for his honesty and integrity at the San Francisco bar. He expressed a profound disbelief in the ac-

cusations that had been made against Mr. Thornton, and stated that such was the opinion of those whom he represented.

Arthur Rodgers supplemented the last speech with a few words of tribute to the retiring attorney and expressions of regret at his future absence from the case.

Grove L. Johnson, the deserted, appeared to be suffering from some uncontrollable emotion. He was ashy pale, evidently nervous, and could not for a moment or two find his voice. When he did he had to say that while he felt that his colleague was justified in acting as he had done, yet he himself felt it to be his duty not to withdraw. He regarded the charges made by Mrs. John Martin as "the product of the imagination of a woman laboring under great excitement, and tremendous mental strain." With a parting tribute to Thornton's ability and industry, the Sacramento lawyer resumed his seat.

During all this time Judge Coffey sat as one in a dream, yet without having some of the usual time to argue the legal question concerning the proposed introduction of the Andrew Crawford letters. They were not yet admitted and Mrs. John Martin was not present. As soon as Judge Coffey took his seat on the bench Mr. Thornton rose and said as follows:

"So far as Mr. Thornton's withdrawal is concerned, it is a matter that rests with himself, and he has given reasons which are sufficient for himself in so doing. So far as these charges, which personally I do not pay any attention to, are concerned, the best answer to them is the conduct by the defendant in this case in connection with the child, and the other virtues which ought to be inherent in every lawyer, are evidence of what his conduct, and that is a sufficient answer.

"As to the rest of it, his general conduct and standing at the bar and what is known to his friends personally, to those who have had any acquaintance with him, it need hardly be said at all, to this com-

munally, certainly. All the court can now say is that Mr. Thornton has seen fit to deem it his duty to himself to withdraw at this moment; he is entitled to do it, and of course the court, while respecting it, must submit to it. That is all I have to say."

Mr. Thornton concluded: "I take my leave of your Honor and of the gentleman in the case with the hope that the truth may be established, and that justice may be done. With these words the attorney took his departure, and Johnson took up his closing argument against the introduction of the Crawford letters.

The court ruled in his favor. Judge Coffey decided that no proper foundation had been laid for the introduction of these letters.

"A party may not impeach its own witness," he said, "although that witness may be contradicted by other evidence, to show that at other times he has made statements inconsistent with his present testimony. Now the question is: Is any of this testimony material, except in so far as regards the paternity of the child."

"The only issue before this jury is: Is this the will of Henry Martin? Did he execute, sign and date it? The answer is not a party to the action and is not part of the issue.

"I deny that she has ever had, or that I have ever written, or that I have ever caused the writing of any letter signed by my own name or friend's name, written to or for any person on my behalf, or on behalf of any person, or for their production, and I consent in advance to their production if they exist, and I am ready to follow the result. I again assert that I will not be connected with this case in which a party contends that we have betrayed her interest by the non-production of evidence, and that I decline further to be connected with a cause in which for any purpose evidence is to be given or anticipated in accordance with the truth of the fact, and I appeal to the gentleman here and now for his own sake to sever his own name, and his own dignity, his own self-respect, as I do, from this case.

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show the condition of Mrs. John Martin about May 5, 1891.

"What condition?" asked the Judge. "Her physical, mental or financial condition?"

"I wish to point out," replied Rodgers, "that at that date she could not have given birth to a child."

Judge Coffey said firmly that for the purpose of proving the paternity of this child those letters were already ruled out and could not be used. The maternity of the infant was another question, and if counsel would mark such parts of the letters as could not be subject, the parts indicated and placed before the opposing counsel and placed before the jury.

"I wish to introduce this as a whole," persisted Rodgers.

Judge Coffey was getting tired of this, and told the counsel plainly that he must not introduce a letter for the purpose of proving a portion of it, thereby getting before the jury other portions previously ruled against.

Johnson asked to see the letter, and after a brief perusal objected to its introduction on the ground that it only referred to the period of time between May 17 and 31, 1891. It could have no possible bearing upon the date of the birth of Mrs. Martin's child, May 5, 1891.

Finally it was determined that during the recess the portions of the letter desired to be introduced should be cut out and introduced, upon which an extrajudicial matter shall get before the jury. A recess was then ordered.

Another dramatic incident arose at this juncture. Just as the jury filed out the court doors were flung open, and in stalked a tall, handsome, military figure. It was General W. H. L. Barnes, with fire in his eyes and a pile of books under his arm.

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visited her several times in her room at the Palace Hotel in January, 1891. On that date there between midnight and 1 o'clock, she thought on the night of January 4, 1891, she saw Mrs. Martin's child.

"They used to discuss John Martin's affairs," "Did Henry Martin care you?" "Yes, always. He always kissed me in a brotherly way. We both loved poor John."

"Did anything else occur?" "Well, my son had been badly whipped by Dr. Blake, up at the mine. We discussed that, and also Dr. Blake's reasons for desiring an autopsy on John's body. We decided that they were meretricious matters, and we both loved poor John."

"Have you related all he did or said to you?" "Yes, I have."

After Rodgers then said he could not proceed without the testimony of Reporter Stevens, who was present at the partial taking of Mrs. Martin's deposition, Mr. Stevens would probably be present in the morning. In the meantime he desired to withdraw Mrs. Martin. This proceeding was allowed.

Mrs. Anna Earley, a chambermaid, said she looked after Henry Martin's rooms in the Palace Hotel in January and February, 1893. She saw him every early on the morning of February 24, 1893. He was then a very sick man.

"How do you remember the date?" "I made a memorandum."

"Have you that here?" "No, it was in my mind."

"As to the kind of memorandum that you remember the rest?" "Yes."

"That's all," then, sotto voce, "I would not ask her another question," said Mrs. Maud McKenzie, a professional nurse, said she attended Mrs. Henry Martin in her sickness for five weeks, commencing December 1892, and that she and Henry Martin divided watches. Mr. Martin seemed worried and anxious, and did all he could to relieve Mrs. Martin's sufferings by purchasing for her the best pillows, etc. It was an anxious time for them all.

His testimony will be taken at 11 A. M. to-day.

WANT FAIR PLAY.

Excitement at the Big Tug Tournament.

Canada Defeated America, but the Referee Reserved His Decision.

The Betting.

Owing to the fact that some stubborn contests were expected last evening between the heavy-weight teams at Central Park a large and enthusiastic gathering of tugs and tugmen assembled within the city limits.

After a short and lively tug between two amateur teams—the Clarendons and United Social Club, which contest was won by the Clarendons, the tugmen of the latter team were very little money wagered on the representatives of the latter.

A description of the struggle can be easily given, as the contest was unquestionably one of the best ever witnessed in the city.

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BEFORE THE FRAY

Democratic Delegates in the Dark.

DIRECTION STILL LACKING.

Country Delegations Coming to Town Slowly.

SOME PLEDGED, OTHERS FREE.

Campaign Talk Among Politicians Upon the Prospects of Different Candidates for State Offices.

The corridors of the Baldwin Hotel began to assume an ante-convention appearance last night with groups of country delegates and city politicians. Well-versed in campaign talk. What passed among them was of a practical, conjectural nature, for they seemed mostly at sea on the situation. The countrymen were at a loss to account for the absence of enthusiasm and want of decision and interest among delegates. Above all things they were looking in the night, if indeed there was any semblance of a struggle so far.

Delegates from interior towns are beginning to arrive it would seem as an advance guard to reconnoiter with San Francisco representatives. These visitors feel that San Francisco, Los Angeles and Sacramento are the only cities in the country sending its best talkers, for the cities will have control. Our delegation has no idea of what the convention may do. We are in the dark. It is expected that the light for Governor, we are instructed to vote for Dan Ostrom."

This vote, however, will in all probability be limited to the first ballot, as the Yuba delegates are expected to fall in line on another candidate immediately a count shows they are popular.

The Mendocino delegation is solid for Jackson Temple without a second choice for Governor. Sonoma is pledged for Temple, and Humboldt, Glenn, Colusa and Lake counties have instructions to vote for him. These counties understood that Congressman Maguire was a candidate for State Senator, but his appearance in the gubernatorial arena within the last two days has had a visible effect on the northern delegations. "We don't know how he'll get on with us," said Mendocino delegates, "only we are straight on one point—he is popular."

Among the other names mentioned for Governor are James H. Stockton, Patrick Reddy and Robert Watt, a Democrat of high standing for many years. Watt is regarded as a most likely man to secure a wholehearted endorsement from the Controller of the State once and has taken a very active and conspicuous part in politics in the interior and here.

That Mendocino democratic committee men most is that the Arnes-Tracy faction regard him favorably, while the Clunie-McDonough faction are opposed to him. Mr. Clunie stated that E. B. Pond will be nominated and that Pond would make a splendid Governor.

Judge Maguire had no active representative in the Democratic gathering, and meanwhile stories unfavorable to his prospects were freely circulated, especially that the railroad people would spend money freely and strain every nerve to secure his nomination for Governor, with the expectation of seeing him defeated at the election. In this case Maguire would be out of Congress—an event greatly to be regretted by the townspeople, in view of the funding bill.

The whole situation is remarkably obscure, not only with regard to the Governor, but with regard to the State Controller. "Candidates don't come out," said a local leader. "They are flitting with it, and you can't get any man to say he is anything. So far as the State Controller is concerned, it is uncertain until nearly all the country delegates arrive."

That country candidates for nomination are beginning to show an interest in the convention, however, was shown yesterday by a telegram to Max Popper from Castro of San Diego. Castro asked Popper to announce that he is a candidate for State Treasurer.

Up to a few days ago no attention was given to the State campaign, or at least it did not certainly appear as if any country aspirant for office were few and far between. Newspaper articles to this effect immediately after the election were scarce.

The local papers reached interior Democratic camps to declare themselves. In a day or two many more telegrams of a similar nature are expected at the State Central Committee rooms.

D. M. Angier of Sacramento was the first candidate to distribute cards. He wants to be State Surveyor-General. R. H. Deamer is a favorite for the Board of Equalization from the northern district, and Geary will get the support of the people of the northern district.

The trouble with the State campaign is talked of for Attorney-General, which office would not interfere with his practice. Judge Murphy, from Del Norte, is a candidate and delegate to the convention. Judge Wallace is mentioned for the short term, Supreme Bench.

Former ex-Congressman Thomas Clunie or James Budd of Stockton will be chairman of the convention, and Garret McEnerney is likely to preside over the San Francisco convention.

The women suffragists waited on Max Popper yesterday and requested him to assist their cause. They are anxious to see a plank in the Democratic platform favoring woman's suffrage. Popper assured them very politely of his respectful consideration and sympathy for the fair sex, and overcame by his emotions, promised to speak to the committee on resolutions in their behalf.

After the charges made by Mrs. John Martin against T. H. Clement, treasurer of the First Congregational Church, the standing committee of the church has submitted a report by which Mr. Clement is fully exonerated. The allegations were that Mr. Clement while engaged as an expert for Mrs. Martin's side of the case was guilty of grossly abusing the confidence reposed in him by Mrs. Martin, and had been guilty of grossly abusing the confidence reposed in him by Mrs. Martin, and had been guilty of grossly abusing the confidence reposed in him by Mrs. Martin.

CHARGES AGAINST CLEMENT.

A Church Committee Exonerates the Expert Completely.

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Wants Money for Going to Jail.

Christian Reuss fled a suit in the Justice's Court yesterday against F. L. M. to recover \$290 damages for malicious prosecution. Reuss alleges that he was arrested a few days ago on a charge of grand larceny without the slightest grounds and was vindicated in the courts.

MISCELLANEOUS.