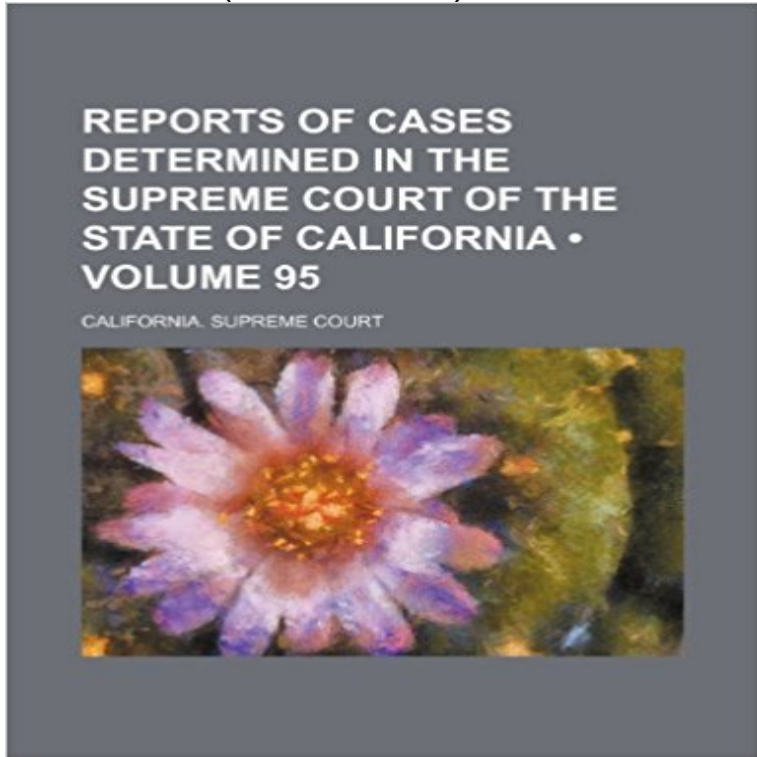


# Reports of Cases Determined in the Supreme Court of the State of California (Volume 95)



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1906. Excerpt: ... ing upon matters of fact. The judge cannot be too cautious in a criminal trial in avodlug all interference with the conclusions of the jury upon the facts. Appeal from a judgment of the Superior Court of the city and county of San Francisco, and from an order denying a new trial. The facts are stated in the opinion of the court. Robert Ferral, and Joseph Rothschild, for Appellant. Attorney-General W. H. H. Hart, and John L. Love, for Respondent. Garoutte, J.--The appellant was convicted of a felony, to wit, sending a threatening letter with intent to extort money, and now prosecutes an appeal to this court from the judgment and order denying his motion for a new trial. The prosecution is based upon section 523 of the Penal Code, which reads as follows: Every person who, with intent to extort any money or other property from another, sends or delivers to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat such as is specified in section 519, is punishable, etc. The letter sent by appellant, and upon which this prosecution was founded, reads:--office purlic Opinion/ I. N. Choynski, Editor, 137 Tayloe Street. san Francisco, 20, 2, 1890. O. Livermore, Esq. Dear Sir,--You will please take the matter I have written for and in your behalf, and relieve me of any further responsibility. Respectfully, etc., I. N. Choynski. Will go to press to-morrow, Friday. The demurrer to the information was properly overruled. It is not necessary that a threat should be apparent from the face of the letter, nor even necessary that it should be implied therefrom. The statute says XCV. Cal.--41 if the language used is adapted to imply a threat, then the writing

is sufficient. Parties guilty of the o...

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said: “We are very pleased to offer borrowers the lowest mortgage rate ever available. “The cost of funding has fallen in  
recent weeks and as a financially strong building society with no external shareholders to satisfy we have the ability to  
pass this on to borrowers.” After the 2-year period the mortgage will revert to the lender’s standard variable rate, which  
is currently 4.74%. Rachel Springall, finance expert at Moneyfacts, said: “It’s fantastic to see such low rates on offer  
from Yorkshire Building Society and the choice between variable or fixed deal will appeal to different types of  
borrowers. “Those looking for more flexibility over the shorter term may prefer a discounted deal, but those looking for  
some security could choose the fixed rate. “In such a low interest rate environment it would be ideal for borrowers to  
consider overpaying their mortgage. As with any option borrowers would be wise to weigh up the entire package before  
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