

LOVING NOT GUILTY, SAYS VIRGINIA JURY

Only One Ballot in Case of
ex-Judge Who Avenged
Daughter.

UNWRITTEN LAW PLEADED

One Lawyer Weeps as He Talks of It—
Ridicule by the State's
Counsel.

HOUSTON, Va., June 29.—After being out an hour the jury, late this afternoon, returned a verdict of not guilty in the case of ex-Judge William G. Loving, who was tried for the murder of Theodore Estes, the son of Sheriff M. K. Estes of Nelson County. Judge Loving, who is the manager of the valuable Virginia estate of Thomas F. Ryan, shot and killed young Estes on the afternoon of April 22 at Oak Ridge. Estes had taken a buggy ride with the Judge's daughter, Miss Elizabeth Loving, and she told her father that he had drugged and assaulted her. The trial began last Monday, before Judge Barksdale.

The jury retired at 4:45 o'clock this afternoon and from that time until the verdict was returned Loving remained in the seat he had occupied since the trial began. He was surrounded by the members of his immediate family with the exception of his daughter, who was not in the courtroom to-day. At 5:45 o'clock a loud knock was heard on the door of the jury room and Judge Barksdale ordered the Sheriff to preserve order, and cautioned the large crowd to be quiet when the decision was announced.

The verdict was read by Foreman B. S. McCraw. Judge Barksdale thanked the jury for its attendance upon court at great sacrifices, and declared that he believed the verdict was in accordance with the conscientious views of the members.

Thank Jurors for Verdict.

After the jury had been discharged, Judge Loving, his wife, and other relatives shook hands and thanked each juror for the verdict. Tears streamed from the eyes of both the defendant and his wife. Judge Loving was congratulated by many of his friends, though, in accordance with the warning of Judge Barksdale, there was no demonstration in the court room.

When Judge Loving had been set free he and his wife returned to their hotel, where the daughter had remained in her room. The girl was weeping with joy as her father and mother walked up the steps, and in an instant she was in her father's arms.

Foreman McCraw, a merchant and farmer, said that when the jury retired one of them did not exactly understand all of the instructions of the court, which were read to him. When he called for a vote he requested all who favored the acquittal of the defendant to hold up their right hands. On the first ballot every hand promptly went up. When asked what the basis of the verdict was, he said, "Insanity." He and other members of the jury believed that Judge Loving was out of his mind when he killed young Estes.

The day was spent in argument. The forenoon session was taken up by counsel for the defense, and the closing speech by the prosecution was made this afternoon by Commonwealth Attorney Wood Bouldin.

Attorneys Barksdale, Moore, and Lee for the defense spoke practically along the same lines. They pleaded for an acquittal on the grounds that Judge Loving was insane at the time he killed Estes, having lost control of his reason because of the story told by his daughter. They dwelt at some length on the testimony of the insanity experts and the excessive use of whisky by the defendant some years ago, which, they declared, had affected his brain. The real basis of their argument, however, was the "unwritten law."

John L. Lee of Lynchburg appealed to the sympathy of the jury with both words and tears.

"Sweep from Virginia the chaste homes of the citizens," he said, "and what remains of the State. The purity and the dignity of our homes is the sweetest thing in life, to Virginia. It is the gift of God. When any one invades our homes they strike society and the body politic the deadliest blow. You all know how love for your wife and how the smile of a daughter can bring out from your nature the best there is in it."

Mr. Bouldin, for the State, ridiculed the insanity plea. He declared the evidence showed that the murder was an act of deliberation and that it was committed after Judge Loving had ample time to reflect and realize fully the consequences.

Charges Against Unwritten Law.

After the adjournment two of the jury called on counsel for Judge Loving and stated that they had been appointed a committee by the entire jury to convey to Judge Loving, his wife, and daughter, the information that while they believed Miss Loving's statement on the witness stand, yet not for a moment did the jury entertain the opinion that an actual assault had been committed by Estes upon the young woman. On the contrary, they were fully satisfied that no actual assault had been committed, but that there had been an attempted assault.

Counsel for Judge Loving said: "The conclusion of the jury to the effect that no assault was committed was absolutely correct."

Mr. Bouldin spoke for an hour and three-quarters. Judge Barksdale then placed in his instructions to the jury a section which had been objected to by the defense and was not included in the instructions as read yesterday. This instruction contained the statement: "The unwritten law has no recognition in this court." The defense contended that this was unnecessary.

John P. Sanson, a brother-in-law of Theodore I. Estes, who was killed, issued this statement to-night:

"The statement in the press to-day that M. K. Estes would qualify as an administrator of Theodore I. Estes, deceased, and enter suit against Judge Loving is a mistake. Neither Mr. Estes nor the family have entertained or contemplated a suit against Judge Loving.

"We had hoped that the court would admit the evidence of the Commonwealth as offered by Mr. Harmon, which would have vindicated Theodore Estes of the charge of assault and have established that no assault was committed or attempted, and that no indignity was offered Miss Loving."