

ELLIOTT RIGHT TO KEEP CONFERENCE

Moss Improperly Committed and Fined.

JUSTICE WRIGHT REVERSED

Court of Appeals Finds for Petitioners in Both Contempt of Court Cases.

The Court of Appeals in decisions announced by Chief Justice Alvey, has reversed the judgment of Justice Wright of the District Supreme Court in what are known as the Elliott and Moss contempt of court cases.

Henry R. Elliott, a lawyer-witness in the Galt will case, was committed to jail by Justice Wright for refusing to obey the order of court directing him to answer a certain question asked by counsel. John A. Moss is a well-known negro lawyer, who was committed to jail by Justice Wright for contempt of court, because of remarks he made in the hearing of a jury which had a murder case under consideration.

Appeal to Higher Court.

In both instances the prisoners made efforts to be released from jail through habeas corpus proceedings. Justice Wright, however, dismissed the petitions and refused to admit Elliott or Moss to bail pending the result of appeals to the higher court. Special appeals were then taken to the Court of Appeals and the prisoners were released on bond pending the result of their appeals.

The opinion of the upper court in these cases has been eagerly awaited because of the fact that much feeling was exhibited in the proceedings in the lower court.

Henry R. Elliott was called as a witness for the defense in the contest over the settlement of the estate of the late William W. Galt. Among other statements made by him was one to the effect that a few days before Mr. Galt died he called to see him.

Refused to Testify.

This was mentioned in connection with the statement that the witness had but a short time before visited a friend and client from whom he took notes, preparatory to drawing a will.

Upon being pressed by A. S. Worthington, counsel for the plaintiffs in the proceedings, to disclose the name of the person for whom he was to draw a will, Elliott declined to answer. The witness was directed by Justice Wright to answer the question. Elliott again refused on the ground that it was a privileged matter, sacred between counsel and client.

Justice Wright informed the witness he must either answer or go to jail until such time as he was content to do so. Elliott signified his intention and willingness to go to prison before he would divulge the secret of his client. He was ordered committed. After two days in jail he was released by order of the Court of Appeals.

Justice Alvey's Decision.

Justice Alvey rules: "The appellant is an attorney at law, and a member of the bar of the Supreme Court of the District of Columbia. In taking the memoranda for the preparation of a will of a party, whose name he refused to disclose, he was certainly acting in his character of attorney, and the relation of client and attorney existed, if his statement be true. Was he bound to disclose the name of his client, under the circumstances related by him? The law upon the question is well settled and admits of no question of doubt.

"Professions of communications made by a client to an attorney, or communications passing between client and an attorney, are, upon principles of public policy and the necessity of reaching confidence in all matters of business where the assistance or agency of any attorney is required, held to be privileged from disclosure, and this privilege is that of the client rather than that of the attorney. This privilege extends to all communications made by a client to his attorney for and in force of the business for which the attorney may be employed. The latter cannot be permitted to disclose such communications.

The Correct Method.

"It is true the strict enforcement of this rule may in some cases operate to the exclusion of truth, but that does not justify the breaking down of the great principle of protection, founded in wisdom and public policy and necessary to be observed in the administration of an enlightened system of jurisprudence. Like all other general principles, it may in some instances fail to accomplish the end for which it was established. This privilege of the witness or his client, however, does not preclude the adverse party from resorting to any and all legitimate methods of proof to reach the facts desired to have disclosed.

"In this case it was competent to show by independent evidence that the witness claiming and insisting upon his privilege had, in fact, no such client as he pretended to have. The law upon such proof to impeach the credibility of a witness against his claim of privilege to make the disclosure, for by making the disclosure of the name of his client, he would certainly have permitted a breach of professional confidence and violated the privilege of his client, supposing him

to have one, as he has stated in his testimony. In this case the question put to the witness and which he refused to answer by declining to give the name of the party from whom he took the memoranda for preparing the will was fully within the privilege of confidential communications as between client and attorney. The person from whom the memoranda were taken was at most but a collateral fact, but the disclosure being protected by the privilege of the client, the attorney was not upon any principle compellable to disclose the name. (1st Green, V. Sec. 48.) By the terms of the commitment the applicant could not release himself from imprisonment except by violating the privilege of his client, and this he could not be compelled to do.

The Moss Case.

In the Moss case the court holds that the law under which the appellant was committed to jail relates only to acts of contempt committed within the hearing or presence of the court and in such instances the power of the presiding justice is to impose a fine or order the imprisonment of the offender. In the case under consideration, both a fine and penalty of imprisonment were imposed upon Moss.

The higher court decides that the presiding justice in such cases choose between the two methods of punishment when it is determined a person is guilty. John A. Moss was committed to jail by Justice Wright in December last for contempt of court, for a period of ten days, and also ordered to pay a fine of \$25. The specific charge against Moss is that while the jury in the Butler murder case was passing his office on D Street, between Fifth and Sixth Streets, he called out to the jurors, "Not guilty, gentlemen! Not guilty!"

The action and language of Moss were reported to Justice Wright who presided at the trial of Butler. He issued a rule requiring Moss to show cause why he should not be committed for contempt of court. When the matter came on for hearing Moss denied having used the words spoken to the jury and admitted that he did use such language or words very similar in speaking of Judge Kimball of the Police Court.

Moss was adjudged to be guilty and sent to jail. After remaining in prison eight days he paid his fine and was then released on bail, by the Court of Appeals, on appeal from the decision of Justice Wright, who refused to admit him to bail on habeas corpus proceedings.

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FREE Teeth extracted absolutely free with gas or local anesthetic for patients requiring sets of teeth. This means dental service of the highest order of excellence.

U. S. Dental Ass'n Cor. 7th and D Sts. Mann's Capital City Lawn. GRASS SEED, 10c PINT. Sow grass seed now and the lawn will remain in condition all summer. P. MANN & CO., 207 7th St.

POPE WILL CONSULT APOSTOLIC DELEGATE

Pius Says He Will Confer With Archbishop Falconio Before Appointing a Second American Cardinal.

ROME, May 4.—Pope Pius, on receiving fresh recommendations for the creation of another American cardinal at the next consistory, today stated that he would not take any definite action in the matter until he had conferred with Archbishop Falconio, apostolic delegate to Washington.

The archbishop is expected in Rome in June. The present indications are that should another cardinal be created the hat will go to either Archbishop Ireland or Archbishop Ryan.

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KILLED WHILE GRINDING COFFEE

Little Girl Shot in Her Brother's Home.

PART OF HEAD BLOWN OFF

Lived in Philadelphia and Had Gone to the Country to Spend the Summer.

MAHANAY CITY, Pa., May 4.—Lillian Humes, a twelve-year-old girl, who came here on Saturday afternoon from Philadelphia in company with her mother and brother, was found dead in the home of her brother, George Humes, at the reservoir of the Mahanoy City Water Company, in the fastness of the mountain, about four miles north of town, last evening. The top of her head was blown off, and her body was found face down on the floor of the kitchen with a coffee mill clutched in both hands.

None of the family was in the house when the tragedy occurred. Mrs. Humes, the aunt, was gathering weeds in the yard some distance from the house, and her husband was inspecting the bank of the reservoir a half mile off. The two children of the couple were at school.

The victim, who was to spend the summer at the home of her sister in this city, set out at 2:30 o'clock in the afternoon for the house of her brother. She was the daughter of Edward Humes, of 513 Spring Garden Street, Philadelphia. Her mother and brother, who came here with her on Saturday, were preparing to depart for Philadelphia when informed of the tragedy. The mother is prostrated.

A double-barrel gun belonging to the brother whom she was visiting lay on the opposite side of the kitchen with both barrels discharged. An inspection of the room in which she met death shows that the girl was killed while sitting on a chair grinding coffee for the evening meal.

Visit the Red Tent.

Atlantic City Special. Begins running May 7. Leaves Washington 1:15 p. m.; arrives Atlantic City 5:45 p. m. Only "All-rail route" via Pennsylvania Railroad. Returning this train leaves Atlantic City week days at 2:35 p. m.

A Bower of Flowers.

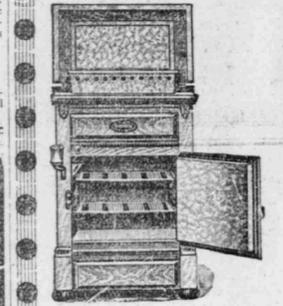
A magnificent display of seasonable flowers at Gude's. Perfect specimens. 1224 F.

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Ice Chests A good galvanized iron-lined Ice Chest, charcoal filled, and well made. Special \$3.45. Drip Pan of galvanized iron with every purchase. OUR GUARANTEE—Perfection or money refunded.

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EVERYTHING FOR EVERYBODY HAINES' FIFTY STORES IN ONE Pennsylvania Avenue and Eighth Street Southeast

LADIES' SUIT SALE BEGINNING THURSDAY AT 12 O'CLOCK.

- We were fortunate enough to secure a sample line of latest style Eton Jacket Suits in brown, blue, black, and mixed goods. We are offering these suits at decidedly low prices. As there are only fifty you should not miss this splendid opportunity. Among the lot is a line of Velle Suits, trimmed in Dresden braid, strapped seams, fancy fitted girdle, always sold for \$12; this sale... \$4.98 Also Satin-lined Italian Cloth Eton Jacket Suits, fitted girdle, art nouveau trimming, gilt buttons; never before offered for less than \$15. Our price... \$6.48 Fine Blue and Black Suits, fitted girdles, taffeta lined, trimmed in gilt braid and buttons, silk corded seams; made of finest broadcloth; worth \$15 and \$18. Our price... \$8.98 Silk Coats, Jackets and Etons; fancy braid trimmings, gilt and steel buttons; cape collars; worth \$10 and \$12. Our price... \$6.98 Lightweight Covert Jackets; satin lined, trimmed in cape sleeves and gilt buttons; worth \$10.98. Our price... \$4.98

SALE BEGINS THURSDAY AT 12 O'CLOCK. TRADING STAMPS WITH EVERY PURCHASE.

S. KANN'SONS' 8th ST. & PA. AVE. "THE BUSY CORNER" With the Exception of Neckwear and Book Offerings, All Are Extremely Low Priced ONE-DAY BARGAINS, Not to Be Had Thereafter at Prices Here Quoted.

The Virginian By OWEN WISTER. In paper, out today at 18c The same bound in cloth will be ready May 11th. Leave your order. Only 29c Fourth Floor.

79c Printed Satin Foulard, 45c 10,000 yards. All 24 inches wide. Every design is among them—from the pin size dot to the most artistic designs. The colorings are the most wanted kinds, being navy-and-white, brown-and-white, reseda-and-white, gray-and-white, royal-and-white, and black-and-white. These Silks are guaranteed not to slip or rough up on face, a common fault with some foulards. It's an offering that will NOT BE REPEATED—and one that should be appreciated by those desiring a new silk gown. Remember the Price of 45c Yard is for Tomorrow Only. First Floor.

More Than 200 Different Styles of 19c and 25c Washable Neckwear Choice, 12c Not a Piece or Style Ever Displayed Here Before. It's the most remarkable event in Neckwear that Washington has known. This gigantic purchase includes practically everything in the line of tasteful Neck Dressings. We have never been able to offer so much good neckwear in a variety anywhere near approaching this at such a remarkably low price. See the Great Variety Offered at One Price. Embroidered Turn-over Top Collars—Champagne Net Top Collars—Embroidered Collar and Cuff Sets—Embroidered Shirt Waist Sets (including collar, cuffs, and front piece)—Embroidered Serim Stocks—Turn-over Top Collars, Persian effects—Linen Etamine Stocks, embroidered in white and colors—All-linen Stocks, embroidered in Persian effects—Muslin Top Collars—Turn-over Top Collars, with steel effects—Embroidered Stocks, with medals—Lace Net Top Collars, embroidered in white and colors.

\$1 Cream Etamine, 59c 45-in. Crepe Etamine in the popular cream color. Three pieces we closed out from a maker. \$1.00 Dress Goods, 49c 45 and 50-inch Etamine in brown, blue and black. An elegant quality, and a popular light-weight fabric for separate skirts. 25c to 59c Buttons, 13c A large collection of Pearl Buttons in smoke, white, and shaded, sew-through and shank styles, also fancy buttons in gilt, Dresden, Persian, and gun-metal. These represent an importers' sample line. Small and medium sizes. 15c Ribbons, 10c 3 and 3 1/2-inch Metallic and Plain Taffeta Ribbons in colors and black. 19c Playing Cards, 10 1/2c KANN'S SPECIAL PLAYING CARD, equal in every way to the 25c Bicycle and Golf Card. Not more than 4 packs to a customer. 10c Novels, 5c Choice of 200 Paper-bound Novels, such authors as Marriott, Mary J. Holmes, Dumas, Corelli, etc. All popular titles. Third Floor. \$4 and \$5 Misses' Skirts, \$2.49 50 Misses' Tailor-made All-wool Walking Skirts in blue, black, and fancy mixtures, pretty new styles. Second Floor. 75c and \$1 Scarfs and Shams, 49c Spachtel Scarfs and Shams; scarfs in three sizes, 20 by 36, 20 by 54, and 20 by 72. New Fresh goods. 98c Sailor Suits, 85c Child's Sailor Suit in blue, old rose, and gray gingham trimmed in white pique, sizes 6 to 14 years. Second Floor. \$3 Trimmed Hats, \$1.98 Our regular \$3.00 Trimmed Hat in many pretty styles. Second Floor. 50c Flinch, 22c There's no game as popular as Flinch. Fourth Floor. \$3.85 Lawn Swings \$3.49 Lawn Swings—built for two-painted braces, strong and durable. Our \$3.50 swing, but others \$4 and \$4.50 kind. Fourth Floor. 50c and 79c Placques 39c 1,000 Placques in 50 choice subjects; worth up to 75c. Fourth Floor. 10c Politicians, 6c Politicians to go cheap. It's a game that Washingtonians delight in. The object is to get 5 politicians under cover. Fourth Floor. \$2.25 Mandolins, \$1.49 Mandolins of solid rosewood and maple, well preserved, and of splendid tone. \$3.50 elsewhere. Fourth Floor. \$1.98 Go-Cart, \$1.89 Folding Go-Carts, with perforated back and seat, double spoke wheels, and gears. Fourth Floor. 40c Chocolate-Covered Peanut Chips, 25c Headley's Chocolate-covered Peanut Chips, regularly 40c. 15c Diamond Cloth, 9 1/2c It's a "gem" of a lining. Diamond Cloth in black only. 50c Child's Parasol, 29c 50c Fancy Children's Parasols in all colors, covered with mercerized sateen, trimmed in tucks and ruffles. First Floor. \$1.50 Mat'g Rugs, 98c 200 Japanese Cotton-warp Matting Rugs with colored borders and mercerized figures in center; size 3 feet by 6 feet. Third Floor. 98c Carpet Rugs, 75c Axminster and Moquette Carpet Rugs, with fringed ends; size 22 by 34 inches, in many pretty colorings. \$10 Roll Jap. Mat'g, \$6.00 Japanese Jointless Cotton-warp Matting in colors of green, blue, and red. Full roll of 40 yards. Third Floor. 39c Hassock, 25c 300 Hassocks covered with Moquette and Axminster, and Body Brussels carpet. Third Floor. \$1 Wash Boilers, 57c Wash Boilers of extra heavy polished tin, strong bottoms and handles, or a style of all-over galvanized iron; some tin with galvanized bottoms. Three sizes, 7, 8, and 9. Not a boiler worth less than \$1-man worth more. Third Floor. 18c and 20c Embroideries, 10c A bargain lot of wide, Showy Well-made Carriage Embroideries, in 40 choice patterns. 25c White Goods, 15c A splendid quality Sber Imported Persian Lawn, 32-inches wide, silk finish. 25c Suiting, 15c 50 pieces 33-inch, Bleached Shank Linen-finish Suiting. \$3.95 White Jap. Waists, \$2.25 100 White Japanese Silk Waists, entire front made of rows of pin tucking and fine Val insertings, tucked back, stock and cuffs; latest style sleeves. All sizes. One waist to a buyer tomorrow. Second Floor. 35c Chiffon Veiling, 23c Excellent quality Hemstitched Chiffon Veiling in black, white, brown, and navy. 75c Dress Net, 49c 36-inch White Printed Dress Nets in new floral designs. 75c to 89c Laces, 49c White, Butter and Ecu Oriental and Venice All-over Laces, in a choice range of patterns. 10c Talcum Powder 5c Lundborg's Violet Talcum Powder, the lightest kind of quality. Regularly 10c. One to a customer. 12c Wash Goods, 68c 3,000 yds. of 36-in. Corded Madras and Percales, light grounds in dots, stripes, rings, and other small patterns. Third Floor. \$3 Tan Oxfor's, \$2.19 Very best quality 33.60 Hand-turn and Welt Oxfor's in chocolate and tan. All sizes. Second Floor. \$5 Silk Petticoats, \$4.68 Rustling Taffeta Petticoats in black only, accordion pleated ruffle, finished with small ruffle, dust ruffle trimmed in small ruffle. Regularly \$5. Second Floor. 25c Waist Sets, 15c Pearl Waist Sets, plain and fancy designs, that always sell at 25c. 10c Chiffon Collars, 5c Char No. 1 Chiffon Collar Foundations in white, black, pink, and light blue, round, and pointed shapes. \$1.25 Suit Cases, 89c Oiled Canvas Dress Suit Cases, 24-inch size, in brown, olive green, linen lined, spring lock and catch.