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RICHMOND, VA., SUNDAY, JUNE 30, 1901.

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SURFACE ARTICLE. Proposition Submitted to the Alabama Convention.

A GRANDFATHER CLAUSE. A Property Qualification After June 1, 1903.

PROTEST FROM THE MINORITY. Vigorous Exception to Grandfather Clause, Which is Pronounced Un-American.

MONTEGOMERY, ALA., June 29.—A message and election article for the proposed new Constitution, was submitted to the Constitutional Convention to-day.

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BUFFALO BANK CLOSED BY COMPTROLLER.

"Institution Certainly Insolvent." Says Mr. Dawes—National Examiner Made Temporary Receiver.

WASHINGTON, D. C., June 29.—Comptroller of the Currency Dawes, late tonight, appointed a temporary receiver for the City National Bank, of Buffalo, N. Y.

"A recent examination of the City National Bank, of Buffalo, N. Y., made by a special examiner, showed a serious condition of affairs existing in the bank.

In order that the report might be verified thoroughly, the comptroller yesterday sent A. D. Lynch, of his office, together with another examiner, to Buffalo, to make a careful re-examination of the condition of the bank.

"The condition of the bank is so serious that I cannot consent to its reopening for business Monday morning, unless sufficient assets to pay the depositors are found to be available.

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A SPIRITED PROTEST. Street Committee Make Minority Report on Telephones.

GOES TO COUNCIL MONDAY. Reason Why Proposed Bell Franchise Should Not Be Granted.

HISTORY OF THE COMPANY HERE. Argument for Rejection, However, is Based More Particularly on Present Conditions and the Terms of the Proposed Ordinance.

The minority of the Street Committee, consisting of Messrs. Otway S. Allen, R. L. Peters, W. T. Woody, and Rueben Burton, who voted in the committee against the recommendation of the proposed franchise to the Southern Telephone and Telegraph Company, have prepared a minority report, which will be submitted to the Council at its meeting Monday night.

The gentlemen of the minority have had several meetings at the City Engineer's office, and have availed themselves of the assistance of the City Engineer as well as of the City Attorney.

The report gives a very complete history of the Bell Company in Richmond; sets forth the granting of its original franchise on June 28, 1881, the unsatisfactory relations of the company with the people of the community, the resolution of the Chamber of Commerce of November 22, 1884, complaining of the service and charges, and the repeal of the franchise by ordinance approved December 14, 1884, and the granting of a new franchise to the Richmond Telephone Company (then the Richmond Standard Telephone Company), giving it permission to do a telephone business for only fifteen years, with rates limited to \$30 and \$24 per annum for business and residential use, respectively, and subject to the general ordinance on the joint use of poles, conduits, etc.

The report calls attention to the fact that the franchise was granted by the Council to both companies, but that the Board of Aldermen, in its resolution of the 19th of July, 1884, declared the telephone a natural monopoly, and that the granting of a franchise to both companies would prevent the successful operation, if not, indeed, the establishment of either.

The report then describes the litigation by the Bell Company against the city of Richmond, and sets out the present status of the case in the United States Supreme Court, prophesying that that court will ultimately sustain the legal right of the city of Richmond to repeal the ordinance, and to require it to cease operations in the city.

Attention is next given to the various attempts of the Bell Company to secure a foothold in the city, first by the unsuccessful attempt to obtain the passage of a general law by Congress, which would have that result, next by application of the American Telephone and Telegraph Company of Virginia, which was defeated on July 20th, 1897, by a vote of 19 to 4 though it had been recommended in the Street Committee by a vote of 8 to 4, and lastly, by the effort of the Bell Company under the name of the Virginia Telephone and Telegraph Company, which was defeated by the Legislature of Virginia at its last session which would have had the same effect.

After reciting this recent history of the Bell Company, the report refers to the advice of the City Attorney by his letter of February 28, 1901, and the resolution suggested by him, to the effect that the committee should not act upon the application for a franchise until the litigation was pending between the Bell Company and the city.

It also calls attention to the fact that, though the City Attorney was present at nearly all of the meetings of the committee, and although motions were submitted that he should be heard in explanation of the reasons which prompted him to write his communication, such motions were each time promptly voted down.

The report concludes by stating that the committee was afforded him to enlighten the committee from his official standpoint.

NOT THE PROPER TIME. The report continues: "Whatever might have been our disposition toward the company, had it acted openly, and were the litigation finally concluded, we are convinced that no application should have been heard at this time, and we recommend to your honorable body, as we urged upon our associates upon the committee, that the application be rejected and the franchise asked for refused.

"We respectfully present further reasons, based more particularly upon present conditions, which we believe to be of such importance, why it should be rejected. We call attention to the earnest general protest of the City Engineer against the granting of this franchise, and particularly to his solemn warning addressed to the Street Committee, that if this franchise is granted the city will thereby place itself absolutely at the mercy of the Bell Telephone Company, in so far as the application of its general ordinance on the joint use of poles and conduits is concerned."

The report goes on to state that no provision in the ordinance is made for the joint use of poles and conduits; that such is contrary to the custom in granting franchises to every other company doing business in Richmond, and that the opinion of the City Engineer ought to be heeded in the matter.

FOR ITS SPECIAL BENEFIT. The report succinctly says: "None of the advocates of this franchise, in the committee or out of it, have seen fit to suggest any reason why the Southern Bell Telephone and Telegraph Company should be so specially and particularly favored, or why the general provisions prepared for the city's protection and made applicable to all franchises heretofore granted, should be waived for its special benefit."

And again: "Coming next to the term for which the franchise is sought to be granted, we protest against a franchise for so long a period as thirty years. This is the day of rapid growth and improvement, and electrical appliances, and this fact was recognized when the franchise was given to our own people, composing the Richmond Telephone Company, for a period of only fifteen years."

CITY MIGHT BE POWERLESS. Another clause in the report reads: "We do not think it would be possible to enforce the provisions of Section 15, prohibiting the Bell Company from furnishing service at rates below those from time to time charged by any other telephone company in the city of Richmond for the same service; but, if such a provision could be enforced, it would be well to remember that the report of the majority of the committee recommends that the Richmond Telephone Company be granted an ordinance identical in terms and conditions with the ordinance submitted for the Bell Company, so that, if the recommendation of the committee be adopted, and the ordinance be passed, the citizens of Richmond will be confronted with the remarkable condition that neither of two telephone companies competing for patronage, could legally charge less than \$72 per annum for forcing every citizen needing one business phone, to pay as much as \$72, and all business houses, requiring the services of both phones, to pay \$144 per annum."

Continuing, the report says: "The fact is well known, that the Richmond Telephone Company has by no means given satisfactory service, but is a constant source of annoyance to the entire life of this local community. It has been seriously handicapped by the unauthorized presence in our midst of the Southern Bell Telephone Company, operating under a franchise, paying no taxes, and furnishing phones at greatly reduced prices, and, in many instances, free."

Though the local company, by reason of the divided patronage and of the existence heretofore of the patents referred to, has been unable to develop its plant to the extent had expected, and which the Council has the right to demand, it now gives a good service, and should, if the city acts in good faith and keeps its implied promise, it can and will immediately install a new and up-to-date plant, equal to the best in use anywhere in the world. It is to be regretted that the Richmond Company, however, fail to accede to its demands within a reasonable time, the Council should then invite the Bell or any other company to enter the field, and give the people a choice of service.

The report says the Bell Company cannot afford to do as it threatened, and withdraw its long-distance service from the city. But if it did there was an enormous chance company that could take its place.

IN CONCLUSION. In closing, the report says the city should have only one telephone company, and that should be under the complete control of the City Council. It says, furthermore, that the Richmond Telephone Company came to the city's rescue in time of its need, and that the people of this community, in any way, are not to be deceived by the fact that the proposed ordinance be rejected."

CONVENTION CHAT. Restriction of the Suffrage Will Cause a Fight—Personal Mention. There will be a terrific fight over any proposition looking to the restriction of the suffrage. The Southwest is said to be practically solid in opposition to any provision of this kind. Perhaps the most prominent member from that section said last night, that he would fight any proposition of any character looking to the restriction of the right of suffrage of any man now entitled to it.

The fight over a proposition to submit the Constitution, only to the voters qualified under its provisions will be no less hotly contested. It seems that a majority of the members of the convention, many are opposed. And it must be taken into account by those who calculate as to the chances of such a proposition, that every one of the dozen Republican members stand solidly for submission to all the people who now have the right to vote.

Hon. Cyclone Jim Marshall is one of those who are in favor of submission to the present electorate, and he expressed himself in no uncertain way to a Dispatch writer last night. He has not yet made a speech in the convention, but it is pretty well known that when the question comes up he will be one of the most vocal members to be heard. He has some very strong opinions on the subject.

There has been great demand for a speech from Mr. Marshall. Everybody knows him to be one of the most entertaining speakers in the State, and there is great desire to hear him. He will be heard soon. He said last night, that he would not be long before he said them.

What an entertainer he is. It is hard to find him alone. He is always surrounded by a group of members, and when listening to his stories and witticisms, he was the centre of a group in the convention hall yesterday afternoon and it was long before those who surrounded him could leave. He was telling them some of the funniest stories he had ever heard, and a good portion of it, some years ago, and his stories of the debates kept his hearers enchained. He is going to make his mark in the convention.

Mr. Wysor, the member from Pulaski, is one of the strong men of the convention. Mr. Cameron's reply to Mr. Wysor's speech against taking the oath was pretty severe, but the Pulaski man took it all in good part, and enjoyed the speech of the Petersburg man.

Twelve members of the convention obtained leave of absence yesterday for periods running from three to six days. The leaves were obtained after the convention had so emphatically refused to take a recess. It is a remarkable fact, that the members who obtained leave over the talk of adjournment, are those who have been over any subject that has been brought up in the convention. These who are opposed to a recess are those who have been over any subject that has been brought up in the convention. These who are opposed to a recess are those who have been over any subject that has been brought up in the convention.

One of the Southwest members said last night that he would not be long before he would adjourn because he did not think the recess long enough. "I know that after the members have worked through the heat for some weeks, they will be ready enough to adjourn," he said, and there was a grim smile on his face.

Hon. William A. Anderson obtained a leave of absence for six days, and left last night for New York, on important business. Mr. Rufus A. Ayers left last night for his home in Wise. He will be gone several days.

Mr. Wysor said last night that in a short time he would offer a resolution for a much longer adjournment than the one proposed in the resolution yesterday. He feels pretty certain of carrying it through.

THE EXCESSIVE HEAT. Great Suffering Yesterday at Various Points.

ELEVEN DEATHS IN NEW YORK. Twenty-Eight Prostrations Up to 9 P. M.

FIVE FATALITIES IN BROOKLYN. Twelve Prostrations (Three—Two Hundred Horses Die in Manhattan, and the Number of Horses Prostrated During the Day is Legion.

NEW YORK, June 29.—The people of this and near-by cities and villages are anxiously awaiting the arrival of the relief from the present hot spell, which is promised to the Weather Bureau, in the shape of thunder-storms. To-day's heat, added to that of the last few days, caused an immense amount of suffering to humanity, while there were numerous prostrations, and several deaths.

Among the last was a case of suicide, and two attempts, which were at least indirectly chargeable to the heat. The record up to 9 o'clock tonight shows eleven deaths and twenty-eight prostrations. In addition, 200 horses died, and the number prostrated was legion.

HIGHEST POINT. Ninety-two degrees, the highest point of the day, was reached during the day, came at 4 o'clock in the afternoon, after which the fierce heat gave way before the receding sun, and 87 was registered at 6 o'clock. At 9 o'clock tonight it went up to 88, and the weather observer thought it would continue to go higher.

In Brooklyn there were five deaths and twelve prostrations. FOUR DEATHS IN CLEVELAND. CLEVELAND, O., June 29.—The excessive heat that has prevailed for the past several days continues to-night. Four deaths and four prostrations are reported, the victims in two of the latter cases being in a serious condition.

TWO DEATHS AT PITTSBURG. PITTSBURG, PA., June 29.—Two deaths are recorded as due to heat today, and many prostrations are reported. The mills and factories lost many men during the day, because they could not get their work done. The fire department reported that it had extinguished three deaths in Philadelphia.

PHILADELPHIA, PA., June 29.—Three deaths and a score of prostrations occurred here to-day, as a result of the excessive heat.

THREE DEATHS; EIGHT PROSTRATIONS. CINCINNATI, O., June 29.—Three deaths and eight prostrations is the heat record to-day. This makes eight deaths and fifty-two prostrations for the week.

NO LIQUOR TO BE SOLD. Deeds for Northside Property Makes That Provision. The deed conveying the property of the Northside Land Company to Mr. Fritz Sitterling, for the sum of \$45,000, was recorded in the office of the Clerk of the County Court of Henrico county yesterday. The property conveyed consists of 365 lots on Chestnut Hill, 5,700 shares of stock in the Highland Park Company, 80 shares in the Northside Land Company, 100 shares in the Northside Hall Company, and all other assets of the Northside Company, excepting bills receivable.

One of the conditions of the sale is that for twenty-five years from the date of the conveyance no part of the land sold is to be used in any way as a place for the sale of any spirituous or intoxicating liquors. Another is that none of the lots shall be sold to negroes.

STRIKE OF STEEL-WORKERS. Disagreement as to Wage-Scale for Ensuing Year. PITTSBURG, PA., June 29.—The Joint Conference Committee of the Amalgamated Association of Iron, Steel and Tin Workers, the American Sheet Steel Company, and the American Hoop Company, which has been in session, was unable to reach an agreement on the wage-scale for the ensuing year, and adjourned finally, after a session of less than twenty minutes.

The Amalgamated Association insisted that the scale be signed for all the steel mills, but the manufacturers presented a counter-proposition, and on refusing to sign for all the union mills, but stipulating that two plants that were included last year be exempt from the scale this year. The conference then broke up and President Shaffer at once issued a strike order.

The strike will involve all the union mills in the country, and about 2,000 skilled workmen.

SHOOTING IN LYNCHBURG. Amon Tucker and His Son Wounded. Former Fatally, It is Thought. LYNCHBURG, VA., June 29.—(Special.) Amon Tucker and his son, Toke Tucker, of Campbell county, were shot and wounded here this afternoon by W. O. Blanks, R. T. Blanks, and Charles E. White. The elder Tucker, it is alleged, cruelly mistreated his wife, a sister of the Blanks boys, and a sister-in-law of White's. The Tuckers came here to see Mrs. Tucker, and the quarrel arose that resulted in the shooting. Amon Tucker's wounds are thought to be fatal. The Blanks brothers and White have been bailed in \$50 each.

LOST HIS LIFE IN A PANIC. A Negro Man Drowned at Norfolk. NORFOLK, VA., June 29.—(Special.) In a wild car race on Saturday night in the river harbor George Chapman (colored), of Washington, lost his life. The ferry steamer Elizabeth was about to ram the sloop Martha Jane, which had about twenty negro men and women, on their way to the truck farm, when seven of the sloop's passengers jumped. All but Chapman were saved, and as the sloop was but slightly injured, all who remained aboard also escaped.

Death in Hampton. NEWPORT NEWS, VA., June 29.—(Special.)—Mrs. Nellie Wood Cole, of Baltimore, daughter of the late Robert T. Wood, died at the home of her mother, in Hampton, this morning. She was taken ill Sunday, and despite the best of medical aid, grew steadily worse. Mrs. Cole was married about fourteen months ago. She came to visit her mother about four weeks ago. She was 23 years of age. Besides her husband, she is survived by her mother, four sisters, and four brothers. The interment will be in St. John's Cemetery to-morrow.

TORPEDO-BOAT RENDEZVOUS. Portsmouth Grove, Charleston, or Port Royal and Pensacola. WASHINGTON, June 29.—The Naval Torpedo Board, at a meeting to-day, practically decided on the points to be recommended as the rendezvous for the torpedo-boat flotilla—namely, Portsmouth Grove, on Narragansett Bay, seven miles from Newport, as headquarters for the North Atlantic group; Charleston, or Port Royal, as headquarters for the South Atlantic group, and Pensacola, Fla., as headquarters for the Gulf group.

The board will also recommend that torpedo-repair stations be placed at Boston, New York, and Norfolk, in connection with the navy-yards there.

The decision between Charleston and Port Royal has not been positively made, but whichever is chosen, the other will be used to some extent as an auxiliary station. The plan of the board is to select intermediate stations as fast as possible, so that gradually there will be a chain of torpedo-boat defence along the entire Atlantic and Gulf coasts.

HEBREW HISTORICAL EXHIBITION. Dr. Cyrus Adler, of Smithsonian Institution, to Be President. ROME, June 29.—The Jews of America will hold a historical exhibition in this city next winter. This was announced to-day by a committee of fifteen representative American Jews, from all over the country. Dr. Cyrus Adler, of the Smithsonian Institution, of Washington, has been selected as president of the association.

BRYAN ON "CIVILIZATION." Lecture in Philadelphia—Thence He is to Come South. PHILADELPHIA, PA., June 29.—William Jennings Bryan to-night delivered a lecture on the subject of "Civilization" in the Baptist Temple, under the auspices of Temple College. From this city Mr. Bryan will go South, on a lecturing tour.

Ovation to Andres Dewet. Pro-Boer and Anti-British Demonstration in Brussels. BRUSSELS, June 29.—A great pro-Boer demonstration followed the lecture delivered to-night by Andres Dewet, a cousin of General Dewet, the Boer commander. The crowd unharmed the horses from the lecturer's carriage and drew the vehicle to his home.

After the ovation to the lecturer the crowd started for the British Legation, but was dispersed by the police.

PITT AGAIN ACQUITTED. General Davis Says Verdict is a Travesty on Justice. MANILA, June 29.—The military court, composed of volunteer officers, which, June 26th, acquitted Harold M. Pitt, manager of Evans & Co., of charges of improperly purchasing government stores, which verdict the marshal Davis had recon-sidered, has reiterated its acquittal of Pitt.

The uncertain testimony of Captain Barrows was given as the reason for Pitt's non-conviction. The volunteer officers of the court, which tried Pitt completed their service June 30th.

General Davis, who, when he ordered a reconsideration of the first verdict, said he considered that Pitt was convicted on his own admission, now characterizes the verdict as a travesty on justice.

ENGINEER TOONE INJURED. Jumped to Avoid Injury, and Had His Right Leg Broken. To avoid injury in a possible collision, Engineer H. H. Toone, of the Chesapeake and Ohio, jumped from his engine last night, but badly broke his leg. The fireman remained on the locomotive and escaped without a scratch.

It happened in the Orleans-street yards, between 10 and 11 o'clock. As the engine was starting, the train, Engineer Toone espied several cars, and started ahead of him. "He thought there would be a collision. He decided to jump.

Toone was removed in the ambulance to the West End Hospital, where Dr. Ross ordered his leg fractured by fracture below the knee. Amputation, it is thought, will not be necessary.

Engineer Toone is a young man of 33 or thereabout, and lives with his family on South Main street. He has been in the employ of the company since 1888.

FRENCHMAN WINS THE EUROPEAN AUTOMOBILE RACE.

THE TRI-COLOR IN BERLIN. It is Intertwined With the Flag of Germany.

THE "MARSEILLAISE" PLAYS. Military Band Strikes Up the French Anthem—Ovation to the Victor—Enthusiastic Welcome, Also, to the Second Man, Girardot.

BERLIN, June 29.—Fournier was the first of the automobile racers to arrive here. He reached Berlin at 11:38, and was tremendously cheered by a big crowd. The west end, second, was driven by P. M. Brasser, who was third, at 12:26 P. M., and DeKuyff was fourth, at 12:33 P. M.

Great crowds had assembled at the trotting course to witness the arrival of the competitors in the motor race. The victorious Fournier went around the course at a rapid pace, and as he passed the winning post, which was decorated with the colors of the tri-color, and German flags, a military band struck up the "Marseillaise."

The crowd broke through the lines of soldiers, and excitedly surrounded the victor, cheering and waving their hats and hands were stretched out, toward Fournier. The latter was the greeted by a number of enthusiasts, who carried him, shoulders-high to the judge's stand, whence he was conducted to the prize pavilion by Count von Schoenborn-Wiesentheid.

Girardot, the second man, also received an enthusiastic welcome. The arrival of the Paris-Berlin racing motors was generally recognized as the great sporting event of the season. As evidence of this, from 8 o'clock in the morning, the high road from Spandau to the West End was thickly lined with people. From Berlin thousands of bicyclists and automobilists, and very many of the most fashionable turnouts, toiled up the hill leading from Charlottenburg to the West End suburb, about six miles from Berlin proper. There, in Germany's largest trotting park, the victorious participants in the Paris-Berlin race arrived, one by one, before a fashionable, sporting audience of some 10,000 persons.

The French, German, and Belgian colors intertwined, were erected at the goal, where the judges, officers of the automobile clubs of France, Germany, Austria, and Belgium, and the most distinguished guests, were waiting. Two military bands played inspiring music.

WILD CHEERING. Fournier was first seen at a great distance in a thick cloud of dust, approaching the goal like a comet. The enormous crowd around and inside the park began cheering wildly, and, at the same time, the bands struck up the "Marseillaise," while all the French people present waved a sort of flag, and, as Fournier halted before the goal, a immense wreath of laurel, decorated with ribbons of the German and French colors, and inscribed in German with the word "Fournier," was handed to him. Then Fournier, who had been decorated with a track and left his auto-car, the bands playing Sousa marches. The victor was then taken hold of by a score of lusty young French and German athletes, who lifted him upon their shoulders and carried him across the field to the main stand.

To the correspondent of the Associated Press Fournier said: "The last three days have been splendid—not a drop of rain since we left Paris. The plans adopted for finding the roads were faultless, and our reception everywhere was enthusiastic. The roads in Germany are decidedly worse than those in France. With the air thick with soot and smoke, we looked like chimney-sweeps. It is owing to these conditions that the trip has not beaten the Bordeaux-Paris race."

From that time on the racers began coming in fast. The first five were Frenchmen, but every time the same deep-throated hurrah went up, and each man was carried in triumph upon the shoulders of enthusiastic Germans.

French participants. After the lapse of several hours, during which about a score of motor-cars arrived, the motors were formed in a long line, and with the club members and a cortege of carriages, the whole procession wended its way to the city, through streets packed with sight-seers, passing the length of the Tiergarten through the Brandenburg gate, to the Automobile Exposition at the German Corps barracks. The motorists were heartily cheered along the route.