HIS FIRST PARDON

GOVERNOR MONTAGUE SETS RICHMOND MAN FREE.

A. JONES CONFINED IN CITY JAIL.

Receives Lengthy Telegram from Governor Nash, of Ohio, Relative to McKinley Memorial Appeal—Little Member of the Executive Household Rejoices in Return of a Much-Loved Pet Dog.

Governor Montague put in a full day's work yesterday. He has not a great deal to show for it, but it is pretty well assured that he was well tired out when it was time for him to leave the office for lunch at the Mansion. There was a great number of callers, men who came in to pay their respects, but who did not want to transact any business. Of course the Executive was glad to see his friends, as he always is, but there were no net results to show that he had been as busy as he had been during the day. Of course there will not be so many visitors after he has been in office longer, for it is only a week ago to-day since he entered upon the duties of his position. Up to the present time the social has been the great feature of the administration.

The first pardon of Governor Montague's administration was granted yesterday. About thirty days ago Justice Crutchfield sentenced A. Jones, of this city, to sixty days in jail for petit larceny. Justice Crutchfield himself appealed to the Governor for a pardon for the man, which was granted. Though this was the first pardon Governor Montague has granted, it is not by any means the first he has been asked to grant. He will find long before his term of office ends that the applicants for pardons are much like the poor in that they are always with us.

Governor Montague received the following telegram last night from Governor Nash, of Ohio, relative to the appeal which the latter made to the people of his State calling upon them to contribute to the fund to be raised for the erection of a monument at Canton to William McKinley:

Columbus, O., January 6, 1902.

Hon. A. J. Montague, Governor of Virginia, Richmond, Va.:

The Governor of Ohio has issued the following appeal to the people of his State:

To the People of Ohio—The McKinley National Memorial Association has been organized for the purpose of raising the money necessary for the erection of a suitable monument at the grave of William McKinley, the late President of the United States, at Canton, O. Of this association, Hon. William R. Day is president. A sub-committee has been organized in the State of Ohio by the national association, with George K. Nash as chairman, and the following gentlemen as members: A. B. Voorhees, Cincinnati, E. M. Thresher, Dayton; J. D. S. Neeley, Lima; C. M. Spitzer, Toledo; H. A. Marting, Ironton; Albert Douglass, Chillicothe; James Kolbourne, Columbus; George Schofield, Marion; A. L. Garford, Elyria; C. M. Hogg, Cadiz; George A. Hay, Coshocton; J. W. McClimonds, Massillon; Aaron Wagoner, Akron; J. B. Zerbe, Cleveland; Andrew Squire, Cleveland. Each member of this committee represents a congressional district, and he is expected to have complete control and charge of this work in his district. The estimate of the approximate cost of a fitting memorial is the sum of $50,000, and to the State of Ohio has been assigned the task which, I am sure, will be a pleasing one, of raising the sum of $100,000. Each committeeman will organize his district in such manner as he conceives will be most effective and to him all sums of money contributed will be paid. Wednesday, the 29th of January, coming, will be the fifty-ninth anniversary of the birth of William McKinley. During his eventful and useful life he was very fond of, and took a wonderful interest in, the welfare of the children. I take the liberty of suggesting that his day be set apart by all the schools of Ohio as "McKinley day," and that it be observed by them with special exercises, and that at the same time the children be given an opportunity each one to contribute his or her mite to this memorial fund. I also suggest that on the Sunday preceding the 29th of January the churches of the State have special memorial exercises, and that opportunity be given to those who desire to do so to help on this work by their contributions.

William McKinley was a son of Ohio. The people of his native State were most devoted to him. His patriotic life's work was for her benefit, as well as that of the whole country, and I am sure that our people will be eager to respond in a substantial way to this call in his honor.

Each person or child making a contribution is requested to give his or her name and post-office address with the contribution, so that a suitable memorial receipt may be returned therefor by the national association after a sufficient time has been given in which to prepare them.

By order of the committee.

GEORGE K. NASH, Chairman.

Private-Secretary Ritchie has his office in the room formerly occupied by the Executive Clerk, and Mr. Bigger, the Executive Clerk, has his office in the anteroom, which has hitherto been occupied by the private secretary. Thus, Mr. Bigger chiefly chiefly sees those who desire an audience with his Excellency, though the duty of receiving kept both of them busy yesterday.

Governor Montague said yesterday he had not yet announced any staff appointments and would not do so for some days. It is expected that the Governor will make a number of board appointments this week, and will also announce the reappointment of Adjutant-General Nalle. The staff will probably be announced this week also.

The gloom which rested over at least a portion of the Governor's family has been dispelled, for the puppy has come back. It was little Miss Gay's—a beautiful little fox terrier, 3 or 4 months old which, in her eyes, is one of the dearest objects the world holds. He wandered away Saturday, and his mistress was sure that she had seen the last of him. She had fearsome dreams, in which she saw enacted the scenes attending the tragic end of her pet, and she was constantly sorrowing for him as for the puppy, which has passed on to the happy hunting ground. But yesterday he showed up in fine form, somewhat hungry, but otherwise none the worse for his tramp about the streets. He hasn't a name, or rather, he has so many that there is none which may be termed distinctively his own. He is now under the closest surveillance, and is expected to do good service in keeping the squirrels out of the yard, and breaking up their favorite sport of digging up the plants which adorn the plot in front of the Mansion.

MR. ELLIS'S CLOSE CALL.

C. & O. Chief Electrician Fell in the Elevator Machinery.

Mr. Howard Ellis, of No. 400 west Main street, chief electrician of the general offices of the Chesapeake and Ohio, came near having his life crushed out yesterday morning. He had gone to the top of the elevator shaft to see about the machinery, and in some manner slipped and fell into the machinery. He managed to make the elevator operator hear his cries, and the big car was stopped pending an investigation. But for the fact of the elevator operator's keen ear, Mr. Ellis would probably have been killed. As it was, he escaped with considerable injury to his right leg and several bruises and abrasions on his body.

He was removed to his home, where Dr. Brock and Dr. Lewis Bosher attended him.

WILL NOT RESIGN.

Senator Daniel Reconsiders His Determination to Retire.

Senator Daniel has consented to withdraw his resignation as a member of the Constitutional Convention from Campbell county. He reached the conclusion upon the advice of friends, who were much disturbed when it became known that he had sent to President Goode a letter giving up the seat he holds. The Senator will take a sea voyage in the hope of fully recovering his health. He worked very hard while in the convention. A gentleman of this city said yesterday that he had never known any man in public life to put in so many hours a day as did Senator Daniel. His breakdown came before he had time to see the result of his labors, but those most intimately associated with him think that his impress will be upon several of the most important sections of the new Constitution.

The following telegram from the Lynchburg correspondent of the Dispatch says, on the subject of the resignation of Mr. Daniel:

Senator John W. Daniel has decided not to resign from the Constitutional Convention. He has received quite a number of letters on the subject since it became known last week that his resignation had been sent to President Goode, of the convention. Mr. Carter Glass, the delegate from Lynchburg to the convention, also called on Senator Daniel yesterday in regard to the matter. In view of the various representations made, the Senator authorized Mr. Glass to withdraw his resignation.

It is understood that Major Daniel contemplates taking a sea voyage at an early day for the benefit of his health. He will not return to Washington at once, as he has not yet sufficiently recovered to take up his work in the Senate.

THE OFFICE ABOLISHED.

Mr. Joseph Fountain No Longer With A. C. L.—Railway Notes.

The office of assistant superintendent of transportation of the Atlantic-Coast Line has been abolished, and Mr. Joseph A. Fountain, who has held the position for some years, with headquarters in this city, is not now in the service of the road. Mr. M. Riddle, Jr., the superintendent of transportation, has removed his offices to this city from Petersburg, and will hereafter have charge of the transportation business of the entire road. Mr. Fountain formerly had jurisdiction over the road from this city to Rocky Mount, N. C. He has been connected with the Coast Line for twenty-seven years, and in addition to being very popular with all classes in this city, is regarded as a railroad man of unusual ability.

The temporary station of the Seaboard Air-Line, at Sixteenth and Broad streets, is being torn down. It was erected by permission of the City Council with the understanding that it was to be removed when the union station, at Fifteenth and Main, had been erected.

Below are the estimated earnings of the Southern Railway System for the fourth week of December:

Southern Railway Company, exclusive of St. Louis-Louisville lines—This year, $809,714; last year, $860,850. Increase, $8,864.

Southern railway, St. Louis-Louisville lines—This year, $69,054; least year, $74,498. Decrease, $5,444.

NEW WHOLESALE HOUSE.

Blanks & Robinson to Open Paper Establishment—Industrial Notes.

Messrs. William L. Blanks and F. M. Robinson, to be known as Blanks & Robinson, will open on March 1st, at No. 12 Governor street, a wholesale paper-house.

In conversation with one of the members of this new firm, it was learned they will carry a complete stock of flat and ruled papers, together with a full stock of book papers, news, cover papers, ledger papers, cards, and card-board, shipping-tags, envelopes, wrapping papers, and twines. In connection with the paper business, they will represent manufacturers of office supplies, and will furnish by contract railroads and factories, and will do a general jobbing business. They will, however, sell no goods at retail.

Mr. Blanks, who for some years past, has represented the Richmond Paper Manufacturing Company in the South, is a gentleman of high moral character, a jovial salesman, and his friends are legion. It is his intention to travel and keep in touch with the southern trade.

Mr. Robinson, who will be in charge of the office, has for several years been employed in the Purchasing Department of the Chesapeake and Ohio Railway Company, in charge of all printing and office supplies, and his experience in the line of goods they will handle has been unlimited, and he has had the exceptional opportunity of coming in touch with the leading manufacturers.

The proprietors of the Jefferson are considering the question of building the remaining portion of the hotel as a whole or in sections. The plans for the building have been completed by Messrs. Ellwood & Sons, architects.

The middle section will add a hundred rooms to the hundred contained in the Franklin-street front.

The plans for the Main-street front provide for the building up of the sixty-odd feet to the east of the old hotel on Main street, and when entirely rebuilt, there will be 488 rooms in the hotel, 175 more than there were in the old establishment.

Messrs. Arents and Jeffress have thus far authorized no authoritative announcement. The Franklin-street portion will be opened in April.

The old St. Charles Hotel will be opened to the public early in the spring, with Mr. A. J. Ford, the well-known hotel man, as host. A portion of the hotel has been torn down to make room for the driveway to the Main-Street Depot, but there is still a large portion of the old building remaining, and this, with some additions, will be utilized. The hotel will be handsomely furnished and made an up-to-date hostelry. Mr. Ford is an experienced hotel man. The new hotel will be known as Ford's Union Hotel. Captain McCrary, formerly with the Bay Line Steamship Company, will be associated with Mr. Ford.

The contract for the alterations to be made in the Auditorium, pursuant to the agreement between the Traction Company and the Horse-Show Association, has been let to Fritz Sitterding. The work will consist chiefly in modelling the interior so as to make it a miniature of Madison Square Garden, New York.

Xmas at Grace-Avenue.

The Sunday school of Grace-Avenue Baptist church will hold its Christmas entertainment at the church this afternoon at 4 o'clock. The members of the school are requested to be present.

Hood's Pills

Do not gripe nor irritate the alimentary canal. They act gently yet promptly, cleanse effectually and

Give Comfort

Sold by all druggists. 25 cents.

HEPBURN BILL STRONG

IT MAY BE DELAYED, BUT WILL BE PASSED IN THE HOUSE.

ITS FATE THEN IS UNCERTAIN

The Offer of the Panama Property Will Be Urged and Opponents of the Nicaraguan Project Route Will Use the French Offer to Delay and If Possible to Defeat the Hepburn Bill.

WASHINGTON, January 6.—(Special)—Congress is again in session, and with the exception of occasional adjournments because of the deaths of members, and of the holidays on Washington's Birthday and Decoration Day—and, on occasions, Congress has sat on those days—it will work continuously six days in the week for some months to come. The period of loafing, which always signalizes the beginning of a long session, is over, and real hard work is now the order.

The matter first requiring the attention of the House is the Nicaraguan canal bill, which promises, beginning with the 7th, to occupy the time of the House for some days. There is to be no limitation of debate on this bill for several days anyhow, and it will offer an opportunity for congressmen to make speeches intended to prove to their constituents that they are "doing something" in Washington. Many of these speeches will have little reference to the canal question, that being discussed incidentally only, but members will deliver speeches for distribution among their constituents.

The offer of the Panama canal to the United States for $40,000,000 will certainly somewhat interfere with the passage of the Hepburn bill by the House, but there is every indication that the Panama offer wil be ignored and the Hepburn bill, which provides for an expenditure of $189,000,000 for the construction of the Nicaraguan waterway and appropriates $10,000,000 to begin the work, will pass by a very substantial majority. Its fate in the Senate is less certain, but the chances are decidedly favorable to its passage there before many months, the fact being that the Panama canal scheme does not meet with general approval, although some people sincerely believe in it, and obstructionists will use it to delay action.

Just what the Senate will do with the Philippine tariff bill remains to be seen. It may be that the Philippine Committee will report an amendment to the House bill reducing the Dingley rates on Philippine importations considerably, perhaps as much as 30 or 40, or even 50, per cent., on the ground that the United States, as a means of increasing Philippine commerce and winning over the Filipinos, should make large concessions.

It is reasonably certain that the Ways and Means Committee will do nothing with the question of reducing the revenues by repealing some of the war taxes until somewhat later in the session. Chairman Payne believes in waiting until an accurate estimate can be made of the appropriations of this Congress before beginning to reduce the revenues. But there will be some reductions in the war taxes before the present session has ended.

ELECTRIC ADVERTISING.

New Institution Chartered for Richmond—News of the City Courts.

In the Law and Equity Court a charter was yesterday granted the "Electric Advertising Company," capital from $1,000 to $5,000, to do a general advertising business by means of electrical devices, "in signaling cabmen, coachmen, &c., at theatres, in posting arrival and departure of trains at depots, in decorating buildings," &c. Andrew Pizzini, Jr., is president; William Todd, vice-president; Andrew J. Pizzini, secretary; Berkeley Williams, treasurer; the above and Blair C. Meanley, directors.

In this court a suit for divorce was instituted by N. B. T. Coleman against Mary Ellen Coleman. No bill was filed.

Martha E. Wyatt entered suit in the Law and Equity Court against the Passenger and Power Company for $10,000 for injuries sustained.

The suit of W. H. Bailey against the Sun Life Assurance Company, of Canada, for $5,000 for alleged libel is on trial.

Judge Minor will this morning appoint a successor to Mr. A. H. Meyer as receiver of the Prudential Banking and Trust Company.

In the Hustings Court the grand jury handed in the following true bills of indictments: John Johnson alias Jack Johnson, for house-breaking; Waverley Bates, for robbery; Robert Mayo, for robbery; James Thomas, for burglary; William Randolph, for malicious wounding; Ella Coles, for murder; Thomas Johnson alias John Wesley, for burglary.

A charter has been granted to the Owens-Grant Dental Supply Company, capital stock of $10,000 to $25,000, and the following officers: S. P. Owens, of Norfolk, president and treasurer; A. Grant, vice-president; W. P. Chandler, secretary.

C. C. Fleming qualified in the Chancery Court as the executor of the $26,512 estate of C. D. Fleming, deceased.

At the request of the Virginia State Insurance Company, Judge Minor, in the Law and Equity Court, yesterday appointed John B. Young as receiver of the Atlantic Varnish-Works. Mr. Young gave $10,000 bond and at once entered upon the duties of the office.

Picket Camp Meeting.

Commander Winston presided at the session of Pickett Camp last night. Rev. Dr. W. W. Lear made the opening prayer.

As this was the night set apart for the discussion by Commander Winston and Captain John Lamb, of the battles of Sharpsburg and Malvern Hill, all other business was dispensed with.

The hall was filled with ladies and comrades. Commander Winston opened the discussion of the battle of Sharpsburg, starting from the time his command crossed the Potomac in September 17, 1862, and gave a very vivid description of the fight on the left. Comander Winston was badly wounded in that battle. There is no doubt from what he saw of the battle of Sharpsburg, that it was a great victory by the Confederates.

Captain Lamb was next introduced by Lieutenant-Commander S. R. Gates, and his discourse was not only interesting but very instructive.

Many of the comrades of Lee Camp and the Sons of Confederate Veterans were present. Among the visitors were Captain Thomas L. Christian, inspector-general, who served on General Lawson's staff during the war; Judge Wellford, Judge E. C. Minor, Judge George L. Christian, Captain E. Leslie Spence, and Captain Pollard, and many others who were in the two battles. The Sons of Confederate Veterans sent them invitation to be present at their meeting next Monday night. The camp will attend.

Captain Thomas L. Christian was called on for an address, but said he never made a speech in his life and was too old to commence.

Judge Wellford was called upon by Commander Gates, and made an eloquent address.

Installation and Banquet.

Deputy Great Sachem A. H. Flournoy installed the following officers at Annawon Tribe, No. 30, I. O. R. M.: Roy C. Montgomery, sachem; J. Daniel Turner, senior sagamore; Charles F. Wright, junior sagamore; John E. Flournoy, prophet; Emmett Hill, chief of records; J. W. Davis, keeper of wampum. The deputy sachem was ably assisted by Brother R. M. Taylor, acting great senior sagamore; Brother Henry M. Farmer, acting great junior sagamore; Brother J. D. Lyle, acting great prophet.

After regaling themselves on corn and venison, the members were delightfully entertained by Brothers Richard M. Taylor, David H. Gaines, and Simmons, of San Jose, Cal., with short talks.

FOUND DEAD IN HIS ROOM.

Accidental Asphyxiation of George T. Kemper, in Baltimore.

George T. Kemper, a native of Nelson county, Va., and for the past three years a travelling salesman for Stern & Co. (incorporated), of this city, was found dead in the Hotel Studio, Baltimore, Sunday afternoon. The Coroner decided that death was due to accidental asphyxiation. The remains will be brought to Virginia for interment.

The Baltimore Sun gives the following account of the accidental death:

Mr. Henry A. Smith, manager of the hotel, said that Mr. Kemper retired to a rear room on the fourth floor about 11 o'clock Saturday night. He was in good health and cheerful. As he was not seen about the hotel yesterday, and the door to his room was locked, suspicion arose that something had happened to him. Sergeant James F. Ryan was called in and forced open the door. Mr. Kemper was found lying dead across the bed and the room was filled with gas. The apartment had been closed tight and the rubber tube, one end of which was attached to a gas-cock and the other to a heater used to warm the room, was ascertained to have a leak. It was thought that Mr. Kemper went to bed, unconscious of the defect in the hose, and was asphyxiated in his sleep. Mr. Smith said the break in the hose was not perceptible, except on close examination, and he does not know how it occurred.

Mr. Kemper was about 27 years old, had the reputation of being a good business man, and was prominently connected in Virginia. He was said to be a relative of former Governor Kemper.

Mrs. Marx Nelson.

Mrs. Marx Nelson, who was 71 years of age, died at the home of her daughter, in New York city. The remains will be brought here for interment, and the funeral will be held from the Hebrew mortuary chapel this afternoon at 3:30 o'clock.

Mr. J. C. Robinson.

Mr. J. C. Robinson died at his residence, No. 119 west Cary street, yesterday. The deceased was a confederate soldier, serving in the Twelfth Virginia Infantry, Mahone's brigade, being a sharpshooter and a good soldier. He is survived by his wife and two sons. The funeral will be held from the residence to-morrow at 11 A. M.

Miss Maria. F. Bradley.

Miss Maria F. Bradley died yesterday morning at No. 1005 north Twenty-fifth street. She was 66 years of age. The funeral will be held this afternoon at 4 o'clock from her residence, and the burial will be at Oakwood.

Died at Alms House.

Miss Evelina Redford, an inmate of the City Almshouse, passed away there early yesterday morning. She had been in the institution since 1890, and was 53 years of age. The remains will be disposed of by friends.

COMMON COUNCIL SESSION.

Variety of Matters Considered at Last Night's Meeting.

The Street Committee recommended to the Council last night an ordinance granting the Jefferson Davis Monument Association the right to construct and maintain a memorial arch at Twelfth and Broad streets, which was adopted.

An ordinance came from the Street Committee granting sewer privileges to several persons residing on the Grove road, in Henrico county, upon the usual conditions.

The ordinance was opposed by Mr. Wallerstein, who thought the time had come for the city to call a halt in this matter. Mr. Pollock argued for the ordinance, as necessary to insure proper sanitary conditions in the suburbs. Mr. Caskie as earnestly opposed the ordinance as contrary to the interests and growth of the city. He could not see how suburban residents could come to look with favor on annexation if given all city conveniences.

A motion to recommit the ordinance to the Street Committee was lost by a vote of 11 to 14, and the ordinance was defeated.

The ordinance granting the Traction Company permission to construct and operate a double track line from Twenty-fifth and Broad north on Twenty-fifth to M, east on M to Thirty-first, and north on Thirty-first to Q, was adopted.

The sum of $701.55 was appropriated for the improvement of the James river.

The Finance Committee reported a resolution instructing the City Attorney to demand of the Passenger and Power Company the percentage due the city upon their entire gross receipts, as in accordance with the franchise ordinance of the company.

Mr. Caskie stated that the company argued that it was not liable for receipts in Manchester and elsewhere out of the city, while the City Attorney took the other view of the matter. The City Accountant, upon examination of the books of the company, reported against the method of calculation used by the company. The question, Mr. Caskie stated, was a legal one, which would have to be settled by the courts. No charge of moral turpitude was made by the Finance Committee against the company. The resolution was adopted.

The Methodist Institute, at Nineteenth and Main streets, was granted 75,000 cubic feet of free gas.

The Water Committee returned the Chesterfield clear-water proposition of Mr. John C. Robertson and others to the Council, with the recommendation that it go to the Finance Committee. This was adopted.

The balance of a full month's pay was ordered to be paid to the widow of Sergeant J. A. Cosby.

The Cemeteries Committee reported an ordinance requiring a license of all persons tending sections in the cemeteries. After discussion this was recommitted to the Cemeteries Committee.

A resolution appropriating coal for the City Mission was adopted.

Two important resolutions, introduced by Mr. Garber, went to the Committee on Charter Changes. One provides that the Legislature be asked to change the city's charter so that aldermen and councilmen be paid a salary of $600 a year, and the other provides that the charter be so changed that no alderman or councilman shall be eligible to any remunerative office in the gift of the Council.

A resolution instructing the Finance Committee to put in this year's budget an appropriation for a new and improved paving on Grace and Franklin from Ninth three blocks westward, and then further, was referred to the Finance Committee to report on its advisability.

The matter of the increase in salaries of the City Hall employees, cemetery laborers, police-station janitors, and park keepers, was taken up from the table and referred to the Finance Committee.

Mr. Miner introduced a resolution providing for a large gas-holder, to be located in the western part of the city. This was referred to the Finance Committee.

The Bitters will stimulate the digestive organs, arouse the sluggish liver, and cure **Indigestion, Dyspepsia, Constipation, Liver, and Kidney Troubles, and Malaria.**

A fair trial will convince you of its value.

(ja 5-Sun,Tu,Th&w)

ALL OPEN TO CENSURE

(CONTINUED FROM PAGE ONE.)

sible, except by courtesy, yet patiently heard. Leaving that out your committee deems it proper to embrace in this report, for your better understanding, all of the material facts that were developed in the course of the inquiry, and these are as follows:

On November 28, 1901, between 10 and 10:30 o'clock A. M., Clerk Williams, of the Auditor's office, discovered on the gas bill list-book, check figures that he thought had not been made by him, and called into his office Gas Inspector Shelton. Shortly afterwards they were joined by Treasurer Phillips and a regular and close search of this list-book, in connection with the Treasurer's accounts of gas receipts, was prosecuted for some hours, up to about 2 P. M., when, having discovered a large number of false entries, Mr. Shelton approached Auditor Warren and told him there was "crooked work" going on, and everything pointed to Epps. The Auditor replied: "This is a serious thing, and you all ought to be sure before making the charge." The search went on, and a little before 3 o'clock, Accountant McCarthy came in. After a little further search it was determined to send for Epps. He was brought into the Auditor's private office a little after 3 o'clock, and immediately upon being addressed, before the charge could be put into words, he bowed his head upon the table, and in sorrow and tears, confessed his guilt. The four officials hereinbefore mentioned were present and expressed sympathy for him. Mr. Phillips and Mr. McCarthy told him they would be glad to help him, but their positions barred them. Mr. McCarthy advised him that he was in no condition to help himself that he ought to have the advice of his friends, and upon the suggestion of the name of Mr. Ned Starke, Epps said his uncle Ned was not in the city. (Your committee would like to remark here parenthetically, they think there was no harm in those humane expressions of sympathy.)

THE PARTING.

While the situation was being discussed Mr. Shelton told Mr. Warren it was his (Mr. Warren's) duty to report the matter to the Mayor, and left the office. About 3 o'clock Mr. Warren went to dinner, leaving McCarthy and Phillips with Epps, somewhat later Phillips left, and McCarthy remained there with Epps until about 4 o'clock, and then parted with him, advising that he go home and remain there, and get the advice of his best friend. Mr. McCarthy immediately went to the residence of City-Attorney Pollard for advice, and finding that Mr. Pollard was neither at home nor in his office, he sought Judge Witt. Upon relating the matter to Judge Witt he advised that the Mayor be informed promptly. He 'phoned to the Mayor about 5:30 at his brother's store, that Mr. Warren wanted to see him on a matter of importance, and to wait there. Mr. Warren went immediately to the Mayor and preferred the charges against Epps in writing. The Mayor claims that this was about 6 o'clock; Mr. Warren and Mr. McCarthy say it was fifteen or twenty minutes before 6 o'clock.

His Honor, the Mayor, by his own admission, knew that he had the power to issue a warrant for arrest, and that any policeman could execute it, but he, too, decided to seek the advice of the City Attorney, and pased that officer's door on Main street, where the City Attorney was then seated at his desk, went to his residence on west Grace street, and there waited for him fifteen or twenty minutes. Just about 7 o'clock Mr. Pollard reached home; and in three minutes advised him to issue a warrant at once. At least one hour's time being gone since the charge was put in his hand, he hastened past the Second Station-House to the residence of Detective Tomlinson; not finding him at home, he went to the Second Station-House, where he found Sergeant Cosby and a patrolman, but did not mention the matter to them. Being bent on finding Tomlinson, he then went to the Bijou, from there to Murphy's Hotel, from there to the City Hall, where he found the Chief of Police's office closed. From there he went back to the Bijou, where he saw Detective Wren, to whom he said, "Stay here, I may want you." Then he went again to the Second Station, and finding the same two officers there at about 8:10 P. M. issued a warrant for Epps's arrest, and sent for Wren to come and get it.

The false entries made by Cecil L. Epps upon the aforesaid gas-bill list-book extended over a period of several years, and so far as discovered involved $413.50, which amount has been paid into the city treasury by his bondsmen.

ALL OPEN TO CENSURE.

Your committee feels obliged to report that it is of the opinion that it was the positive duty of Mr. Shelton, Mr. Warren, Mr. McCarthy, and Mr. Phillips, each and all of them, to see to it that the Mayor was promptly informed of the conduct of Epps as soon as it was ascertained by them, and in their failure to do so with greater degree of promptness were guilty of dereliction of duty, the result not of intended wrong, but of rather surprisingly-poor judgment or lack of presence of mind. At the same time, your committee cannot escape the conclusion that his Honor, the Mayor, seems to have had, on that occasion, no more presence of mind and no better judgment, and fell equally as far short of a proper performance of his duty, as more than two hours, at least, were allowed to pass after the charge against Epps was given him before he issued the warrant for his arrest.

While giving his testimony, in open session of your committee, the Mayor positively and emphatically charged that Mr. Warren and Mr. McCarthy had colluded to effect Mr. Epps's escape from justice. Your committee feels further called upon to say that, in its opinion, this charge was entirely gratuitous, unjustified, and wrong, being itself unsustained by any testimony or circumstance.

Had the Mayor believed these gentlemen guilty of this charge, it was his duty to have suspended them immediately.

Your committee begs to report further that during this investigation there developed nothing which showed any irregularities on the part of any other officer or employee connected with this matter. Your committee advises that the Committee on Finance be directed to prepare a proper ordinance, which will prevent a recurrence of this trouble, and one which will cause the several departments to exercise more care and diligence in the preservation of all records.

A PARTING SHOT.

Your committee feels that it should not close this report without stating to your honorable body that, notwithstanding you constituted this committee at the instance of the Mayor, yet during the investigation his conduct was undignified and offensively rude, and that without provocation, other than that your committee thought it proper to enquire closely into his conduct in the Epps matter, the course seemed to enrage him.

(Signed) MORGAN R. MILLS, Chairman:
JAMES R. GORDON,
H. P. BECK,
JULIUS A. HOBSON,
R. L. PETERS.

Mr. Peyton Critically Ill.

Mr. Bernard Peyton is critically ill at his residence, No. 405 east Franklin street. He has pneumonia.

Stole a Lot of Pistols.

The branch store of Tignor's Sons, on Franklin street, near Eighteenth, was broken into some time on Saturday night and about $17 worth of pistols were stolen. The robber cut the wire netting on the front window.

Heir to Immense Fortune.

It is possible that Mrs. Bernard Briel and members of her family, of No. 306 north Thirty-second street, are heirs to an estate valued at $1,000,000, left by a relative of the family.

When seen yesterday at the home, Mrs. Briel said she knew nothing of the estate, but hoped that the report would prove correct.

Proceedings of the Constitutional Convention

OFFICIAL REPORT.

(CONTINUED FROM PAGE 7.)

son, W. A. Anderson, Ayers, Barbour, Barham, Boaz, Braxton, Brooke, Cameron, P. W. Campbell, Carter, Cobb, Crismond, Fairfax, Gilmore, B. T. Gordon, James W. Gordon, R. L. Gordon, Gregory, Hunton, G. W. Jones, Lindsay, McIlwaine, Moncure, Parks, Pollard, Stebbins, Summers, Tarry, Thom, Turnbull, Waddill, Walker, Watson, Wescott, Willis, and the President—38.

Not Voting—Messrs. Manly H. Barnes, Thomas H. Barnes, Bolen, Bristow, Clarence J. Campbell, Daniel Davis, Earman, Eggleston, Gillespie, Glass, Gwyn, Hamilton, Hardy, Harrison, Hubard, Claggett B. Jones, Kendall, Lincoln, Lovell, Miller, Mundy, Orr, Pedigo, Pettit, Richmond, Smith, Thornton, Vincent, Walter, Withers, Woodhouse, and Yancey—33.

So Mr. Robertson's amendment was rejected.

The PRESIDENT: The question recurs upon the adoption of section 9.

The section was adopted.

The PRESIDENT: The Secretary will read the next section.

The Secretary read as follows:

"Sec. 10. For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly, who shall, after the first election hereunder, hold his office for a term of eight years, unless sooner removed in the manner prescribed by this Constitution. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office, shall reside in the circuit of which he is judge. At the first election of said judges under this Constitution, the General Assembly shall elect the judges of the districts bearing odd numbers for a term of four years and those of the districts bearing even numbers for a term of eight years."

Mr. O'FLAHERTY: Mr. President, I wish to move to strike out the words "joint vote of the two houses of the General Assembly," in lines 3 and 4, and insert the words "qualified voters of the circuit over which he shall preside:" and I call for the yeas and nays.

The PRESIDENT: The Secretary will read the amendment.

The Secretary read as follows:

"Strike out the words 'the joint vote of the two houses of the General Assembly,' in lines 3 and 4 and insert the words 'qualified voters of the circuit over which he shall preside.'"

The PRESIDENT: The gentleman from Warren (Mr. O'Flaherty) demands the yeas and nays.

The yeas and nays were ordered and taken.

The result was announced, yeas, 19; nays, 48, as follows:

Yeas—Messrs. Allen, George K. Anderson, W. A. Anderson, Ayers, Boaz, Bouldin, Braxton, Brooke, Brown, Cameron, P. W. Campbell, Carter, Crismond, Dunaway, Epes, Fairfax, Flood, Garnett, James W. Gordon, R. L. Gordon, Green, Gregory, Hancock, Hardy, Hatton, Hooker, Hunton, Ingram, Keezell, Lawson, McIlwaine, Meredith, R. Walton Moore, Parks, Portlock, Rives, Robertson, Stebbins, Stuart, Tarry, Thom, Turnbull, Waddill, Walker, Watson, Willis, Wise, Wysor—48.

Not Voting—Messrs. Manly H. Barnes, Thomas H. Barnes, Bolen, Bristow, Clarence J. Campbell, Cobb, Daniel, Davis, Earman, Eggleston, Gillespie, Glass, Hamilton, Harrison, Hubard, Claggett B. Jones, Kendall, Lincoln, Lovell, Miller, Mundy, Orr, Pedigo, Pettit, Richmond, Smith, Thornton, Vincent, Walter, Wescott, Withers, Woodhouse, and Yancey—33.

So Mr. O'Flaherty's amendment was rejected.

Mr. JAMES W. GORDON: I move that the Convention adjourn.

The hour of 2 o'clock having arrived, the Convention adjourned until to-morrow, Thursday, January 7th, 1902, at 10 o'clock A. M.

KILLED BY DISCHARGED MAN.

John G. Sadler Perforated With Bullets by John W. Kenney.

SPRINGFIELD, O., January 6.—John G. Sadler, superintendent and general manager of the Springfield Foundry Company and of the Indianapolis Frog and Switch Company, was shot and almost instantly killed to-day by John W. Kenney, an employee, who had been discharged recently. Kenney, who is in the hands of the police, is said to have been drinking heavily and to have made open threats against the life of Sadler, but these threats were considered the vaporings of a drunken man, and no attention was paid to them.

There was no eye-witness to the shooting. Mr. Sadler's private secretary heard five shots, and his chief dashed through the open door and said: "I am done for; Kenney did it." He fell to the floor and died before any one could reach him.

A post-mortem examination to-night showed that all the five bullets had taken effect.

GERMAN STUDENT MURDERED.

An Inexperienced Marksman Made the Target of an Expert.

BERLIN, January 6.—Full narratives of the duel fought last Thursday at Jena, in the Duchy of Saxe-Weimar-Eisenach, in which Lieutenant Thieme, of the Ninety-fourth Regiment kiled a student of Halle University, named Held, by shooting him through the heart, are producing a deep sensation throughout Germany.

Lieutenant Thieme is the best pistol shot of his regiment, and pistols were selected by the court of honor, composed exclusively of army officers, notwithstanding the fact that the student societies proposed the use of sabres. The Court of Honor stipulated that five shots be exchanged between the duellists, consequently Held had little chance of escape. He was killed at the third exchange of shots.

The duel resulted from a party of students having jostled some army officers in the street. Held was with the students, and he slapped the face of Lieutenant Thieme, who was in plain clothes.

THE CUBAN POSTAL FRAUDS.

Rathbone's Counsel Drop Their Bluff. The Testimony.

HAVANA, January 6.—At the continuation of the trials of the cases arising from the Cuban post-office frauds, in the Audienceia Court to-day Senores Lanuza and Desverino reappeared as counsel for Estes G. Rathbone. Upon the opening of the court last Saturday Rathbone was informed by the judges that his counsel, Senores Lanuza and Desverino, had withdrawn from the case.

Moya and Mascara, the two Cuban stamp clerks, testified that they had received surcharged stamps from Charles F. W. Neely without making record thereof, that they had sold them and had given the money received thereof to Neely. The two stamp clerks recalled about eighteen instances of such payments of about $100 each.

W. H. Reeves, one of the defendants, was on the stand for three hours. His voice was so weak that the interpreter repeatedly asked him to speak louder as the official stenographers were unable to catch one half he said.

During Reeves's testimony, Neely remarked that Reeves was getting himself into a tight place, and that if he would keep on he would prove him (Neely) to be innocent.

A Million Dollar Memorial.

CHICAGO, January 6.—An endowment of $1,000,000 has been given by Mr. and Mrs. Harold McCormick, of Chicago, to found a medical institution, which will be known as the Memorial Institute for Infectious Diseases. It will be a tribute to the memory of their little son, John Rockefeller McCormick.

A Badly Divided Court.

WASHINGTON, January 6.—Justice Brown, of the United States Supreme Court, to-day delivered the opinion of that court in the case of Leo Alexndrof, the Russian subject, who is under apprehension in Philadelphia, on the charge of being a deserter from the Russian cruiser Variag, holding that Alexndrof should be restored to the Russian Government. Justices Gray, Harlan, and White and Chief-Justice Fuller dissented.

Chinese Fears Foreigners.

PEKIN, January 6.—The Chinese officials have requested the ministers of the Powers to keep the legation guards within their quarters to-morrow, in order to prevent the possibility of a collision between the Chinese and foreign troops on the occasion of the court's return to Pekin. The ministers will comply.

High Officials Now Convicts.

SAN FRANCISCO, January 6.—In the United States Circuit Court of Appeals to-day Judge Morrow sentenced Judge Noyes to pay a fine of $1,000 in the Cape Nome conspiracy case. United States District-Attorney Woods was sentenced to four months' imprisonment, and Assistant United States District-Attorney Frost was sentenced to twelve months' imprisonment.

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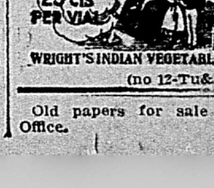

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