The Times Dispatch

THE TIMES, FOUNDED 1886. THE DISPATCH, FOUNDED 1850. | WHOLE NUMBER, 16,229. RICHMOND, VA., FRIDAY, MAY 1, 1903. PRICE TWO CENTS.

SUMMARY OF DAY'S NEWS

FORECAST.

WASHINGTON, April 30.—Forecast for Friday and Saturday:

Virginia—Rain and much colder Friday; brisk to high west winds. Saturday fair, with moderate temperature.

North Carolina—Showers and colder Friday. Saturday fair and cool; brisk west winds, possibly high on the coast.

Eighty-eight was the highest mark reached by the mercury yesterday, marking the warmest day of the present season. It was warm all day and a large portion of last night. To-day the Weather Bureau predicts rain and much colder temperature.

STATE OF THE THIERMOMETER.

9 A. M.	74
12 M.	87
3 P. M.	87
6 P. M.	84
9 P. M.	70
12 midnight	73

Highest temperature yesterday	88
Lowest temperature yesterday	58
Mean temperature yesterday	73
Normal temperature for April	65
Departure from normal temperature	18
Precipitation during past 24 hours	00

MINIATURE ALMANAC.

May 1, 1903.

Sun rises	5:16	HIGH TIDE.	
Sun sets	6:58	Morning	7:32
Moon sets	11:25	Evening	8:06

RICHMOND.

Cold weather predicted for to-day—Hotel men form a State organization—Brilliant weddings last evening—Legislature asks the Attorney-General for information as to the payment of poll taxes—A bill giving police powers to conductors—The corporation bill amended by the House of Delegates—Benefit for the Lady Maccabees—City of Danville loses before committee—Golf championship tournament is to begin to-morrow—Appeal taken in electrolysis case—Young Richmond couple married in Maryland—Three-cent fares abolished on Clay-Street line—Seminary soon to close—Newly-wedded member of Legislature presented with a silver service—Tobacco men choose directors—Seventieth Regiment to parade on Oakwood Memorial Day—Cheese-rolling tournament—A sad burial in Powhatan yesterday—Ordinance to revolutionize the street-car system here—Commission to start June 16th to inspect the oyster waters of the State—Bill to assess mineral lands—A. P. Hill Camp, of Petersburg, captures flag at the Confederate Bazaar—Epworth League rally at Broad-Street Church—Ninety per cent. of the liquor dealers pay their license fees—German to be danced at the Bazaar to-night—Pastor declines the call to Fulton Church—Board of Aldermen to concur in action on liquor licenses to-night—To-day the anniversary of the battle of Manila Bay—Shafer building now the property of the government—Many physicians going to New Orleans—Mr. Southall says action of House in Campbell case was legal. MANCHESTER—Arrangements made to give transfers—Reception last night—Funeral of Mr. Lee H. Clements—Resignation of Mr. Utz—Eighteen liquor licenses granted—Dr. W. B. Cridlin called to Stockton-Street Church—City Mission to meet this afternoon.

VIRGINIA.

Serious midnight fire at West Point—Dr. Lyman Abbott for manhood suffrage in Hampton speech—Mrs. Maltesta, of Middletown arson case, sued for divorce—Gloucester county goes dry—Rev. Ellis Watts, of Petersburg negro church, may be sued for damages—Wets win in Richmond county—A Westmoreland district goes dry—Negro desperado captured in Montgomery after an exciting chase—Good prospects for Washington and Lee regatta—Liquor licenses granted in Norfolk without contest—More warrants for burglar Martin in Norfolk—Large barn south of Boydton burned by incendiary—Druggist Day, of Amherst, fined $50 and costs and will forfeit $500 bond for illegal liquor selling—Ogden party in Williamsburg—Norfolk and Western train wrecked near Cornwall—Liquor applications to be heard in Powhatan on Monday—Newport News carpenters to go on strike to-day—Brakeman injured at Quantico dies in Alexandria—Wets led in Orange county—Seventeen-year-old Fairfax county girl missing. Marriages—Mr. Christopher Stapp and Mrs. Annie Cackley in Frederick; Walter Dunn and Miss Eva May Lewis in Hampton; T. B. Allemong and Mrs. Alberta Williams in Winchester; C. B. Griffin and Miss Ruth Cooley in Williamsburg; A. P. Goode and Miss Susie Coffman in Loudoun; Curtis Greham and Miss Margaret Esther Garrett in Leesburg; E. W. Simpson and Miss Blair Webb in Powhatan; G. A. Carter and Miss Willie R. Crews in Charlotte; Oscar Fitzhugh and Miss Pansy N. Jennings in Greene; L. B. Marshall and Miss Mamie H. Loper in Norfolk; J. H. Fleming and Miss Ruth Allean Cuthrell in Portsmouth; A. B. Jackson and Miss Sadie S. Mocock in Portsmouth; W. C. Kirby and Miss Laura K. Mitchell at Stony Creek. Deaths—Captain T. N. Deacon, of Tappahannock; S. W. Siddle in Danville; Mrs. George Buren at City Point; W. H. Gorman in Augusta; Robert Lankford in Staunton; Mrs. John Newcomb in Gloucester; Hon. Joseph A. Bristow in Middlesex; Mrs. Julia Depriest in Hampton; Mrs. Honora Ryan in Alexandria; Mrs. M. Oldham, Sr., in Accomac; A. B. Tarrant in Norfolk.

NORTH CAROLINA.

Young white man arrested on serious charge in Wayne county—Burglar caught at Newbern by tell-tale $300 check—Colonel J. N. Staples left valuable real estate in New York and Greensboro—Charters granted at Raleigh—May 26th fixed as date for hearing case of James Wilcox by Supreme Court—Carnival in Raleigh—To bridge the Pasquotank—Mayor nominated in Henderson.

GENERAL.

Eloquent speeches and grand parade mark opening day of ceremonies of dedication of the fair buildings at St. Louis; weather very cold and disagreeable, but enthusiasm unbounded; great ovation to former President Cleveland—Text of the decision of the Supreme Court denying bill sustaining decision of the lower court in its decision against Jackson Giles, of Alabama, who sought to upset the State Constitution—Nine persons killed by powder explosion in Pennsylvania—President Baer testifies before Interstate Commerce Commission that he has the power to close the mines of the Reading Coal and Iron Company if he sees fit—Voting trust of three to control the Cramps shipyards—Fifty-six persons known to have been killed by sliding of the top of Turtle Mountain upon the sleeping people of the village of Frank—Jury finds Howard guilty of the murder of Goebel and sentences him to life imprisonment—Secretary of War approves recommendation of board providing for the erection of artillery school and officers' quarters at Fortress Monroe—President Loubet lands at Marseilles after visit to Algiers—Paul du Chaillu, noted explorer, is dead—Cornerstone of a great steel plant laid at Brunswick, Ga.—Virginian teacher opens the bathing season at Atlantic City, surprising everyone by taking a plunge into the chilled water—United States government purchases a Confederate battle flag in Baltimore for the sum of $25—Prices of stocks failed to respond to effort for an advance, and market was not active.

VIRGINIA HORSES FOR MOHAW VALLEY CIRCUIT

(Special to The Times-Dispatch.)

BOSTON, MASS., April 30.—Among the entries announced to-day for the Mohaw Valley Circuit meeting at the Poughkeepsie track, are the ffollowing rom Virginia:

2:25—trot, $2,000 purse, chestnut horse Estuary, by F. M. Harrison, Richmond. 2:17—trot, $2,00 purse, Harrison's bay gelding Clarion, and chestnut horse Estuary. 2:13—pace, $1,000 purse, L. K. Bryan, Hampton, Va., bay gelding Walnut B., Harrison's gray gelding Newsboy.

TOWN OF WEST POINT FIRE-SWEPT

Scores of Houses Are Laid in Ashes.

ENGINE IS SENT BY SPECIAL TRAIN

Richmond Responds to an Appeal for Assistance.

TWO BLOCKS OF HOUSES HAVE BEEN DESTROYED

The Flames, Driven by a Night Wind, Sweep in the Direction of the Terminal Hotel, Defying All Efforts to Check Them—Business Part of the Town is Affected.

Flames which broke out shortly after midnight in the heart of the business portion of West Point, had at 3:30 o'clock this morning laid in ashes the two squares on Main Street, betewen Sixth and Seventh. Driven by a high wind, they were sweeping in the direction of the Terminal Hotel, defying all efforts of the residents to check them.

The town is in a perfect fever of excitement, and fears are felt that the destruction will be very great, and will only end when the inflammable material within its reach has been consumed.

At 3:05 o'clock this morning a train consisting of an engine and one car left the Southern depot here, bearing No. 5 engine, No. 4 truck and their crews. The time of the run to West Point is an hour and ten minutes.

The appeal for aid came soon after 1 o'clock, but considerable time was lost in preparations, and there was further delay, owing to the doubt whether any but salt water could be secured. In the event that no other was available the department here felt fearful that its valuable engine would be ruined.

Communication with the Western Union operator at West Point elicited the information that the fire had started in the most dangerous section of the city, and that an hour after its inception and entire block had been destroyed, the flames leaping across the street to the adjacent square, despite the utmost efforts of the excited people.

Steadily the flames kept on their course. Soon another block had disappeared, and the destroying element started on a third.

The fire started about Eighth and Main Streets, and was driven by the wind in the direction of the river, along which lie the Terminal Hotel and the extensive buildings of the Beach Park Company, controlled by Mr. George Guvernator, of this city.

At this hour the information is that the fire is steadily approaching this section. The stores and residences along Main Street extend to within a short distance of the hotels, and to add to the danger, board walks run in every direction, making a connecting link.

Owing to the intense excitement prevailing in West Point, precise information was difficult to obtain, that received being through the courtesy of the Southern Railway and Western Union operators. No one was able to indicate how the fire started, and the damage already done is problematical, though it will amount to many thousands.

VOTING TRUST FOR THE CRAMPS

Three Men Now to Determine Policy of Giant Shipbuilding Company.

(By Associated Press.)

PHILADELPHIA, April 30.—At a special meeting to-day of the board of directors of the William Cramp Ship and Engine Building Company, the following voting trustees were elected:

E. T. Stotesbury, of Drexel & Co.; Richard H. Rushton, president of the Fourth Street National Bank of this city, and G. F. Baker, president of the First National Bank, New York.

The directors finally approved the $5,000,000 loan and the $1,500,000 additional stock. The directors were reticent concerning the business transacted at the meeting, but it is stated on good authority that all of the directors resigned and that no action was taken on the resignations. The board did not reorganize.

The directors who resigned are: Thos. Dolan, Clement A. Griscom, Morton McMichael, Samuel Dickson, Charles H. Cramp, Edwin S. Cramp, William H. Barnes and Henry Seligman.

In the new voting trust Mr. Stotesbury will represent the deposits of stock which have been made with Drexel & Co. The resignation of the directors was for the purpose of allowing representation for the interests which have supplied the $5,000,000.

DYNAMITE KILLS NINE

Terrible Explosion in Pennsylvania Powder Factory.

BUILDING IS DEMOLISHED

Dragged Him from the Burning Ruins at the Risk of Her Own Life—Plant Destroyed That of the Crescent Powder Company in Penn.

(By Associated Press.)

HOLLIDAYSBURG, PA., Apri 30.—The extensive plant of the Crescent Powder Company, at Canister, about ten miles south of here, was completely wrecked by a series of four explosions this morning. Of the thirty employes, nine were killed outright and all the others were badly injured by being blown about the buildings in which they were employed. The dead:

FRANK M'KERNAN.
ROSS KENNEDY.
GEORGE FAY.
ANDREW GARRILLAC.
CHARLES ROSS.
WILLIAM LYONS.
GUISEPPE MALEO.
FRANK STRASSER.
JOHN PETROVINSKI.

A WOMAN'S BRAVERY.

The ages of the dead ranged from twenty to twenty-five years. Seven of them were Americans and two were Italians. The list of injured includes Adam Taggart, of Pittsburg, the superintendent of the company, who was found unconscious in his office by his wife and was dragged out of the burning building by her at the peril of her own life.

The first explosion occurred among the material in the mixing house, blowing the building to atoms and also destroying the two punching houses and the office. Nothing was left of these structures. Fire in the other buildings arose. The force of the explosion was felt in towns five miles away and all houses in the locality were damaged. The bodies of the deal are unrecognizable. The fire of the deserted plant continued throughout the day and no person ventured near the doomed structures, fearing additional explosions.

MORE DYNAMITE.

There are 2,340 boxes of dynamite stored in the buildings and greater calamities are predicted should another explosion occur. Terror-stricken farmers and limestone quarreymen have flocked into the town of Williamsburg for refuge.

The Crescent Powder Company supplied the powder and dynamite used in the large limestone quarries of the United States Steel Corporation in this county and is owned by Pittsburg capitalists. There were eleven buildings in the plant of which number five are still standing. The estimated value of the plant was $85,000.

ACTION WAS LEGAL, SAYS MR. SOUTHALL

Hon. Robert G. Southall, Congressman for the Fourth Virginia District, arrived in the city yesterday from his home in Amelia county, and was greeting his former associates at the Capitol yesterday. Last night Mr. Southall took in the Confederate Bazaar. The Congressman was chairman of the House Committee for Courts of Justice which investigated the case of Judge Campbell. When asked as to the conflicting reports of the Senate Committee on the case, Mr. Southall stated that he believed the House had proceeded properly and had done all it could have done in the premises. He was not certain as to the entry on the journal the day the resolution of removal was adopted. Mr. Southall expressed pleasure that in any event he would not have to go through the ordeal of that investigation work again.

THREE-CENT FARES ARE BUT A MEMORY

Company Cuts Off the Cheap Tickets on Its Clay Street Line.

Beginning with this morning the sale of the socalled "three cent tickets" (or five for fifteen cents) of the Clay Street line will be discontinued. Tickets already on hand, however, will be accepted as fare on this line, subject to the conditions heretofore applying to these tickets.

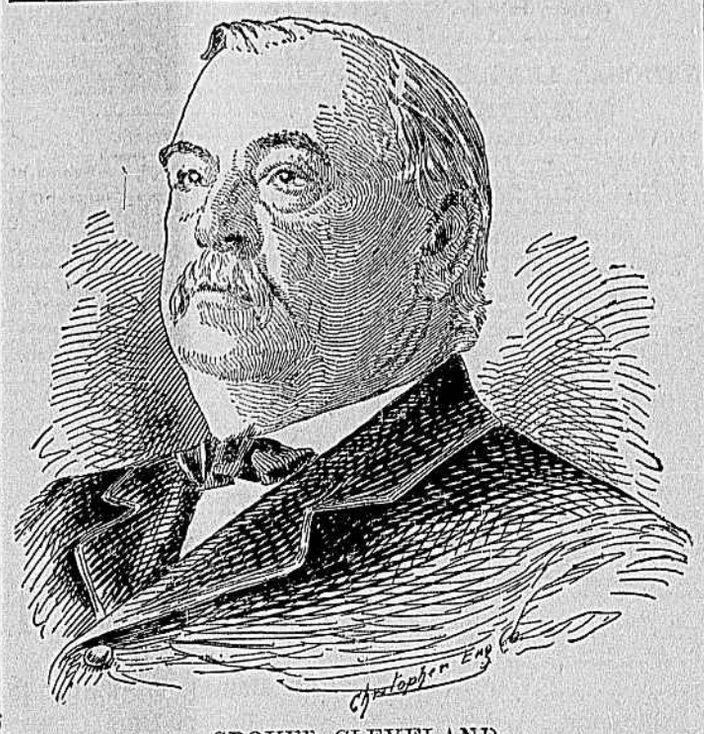
The company is of the the opinion that there is no good reason why the people of Church Hill, West Clay Street or Beach should be provided with cheaper transportation than people who live in Fulton, on West Main Street, or around the Hollywood loop.

And it has been found that the reduced fare of the Clay Street line results in an uneven distribution of the traffic of the company, making it more difficult to render a satisfactory service. People who would naturally travel on other lines are attracted to this line by its cheap fare, resulting in the overcrowding of the cars of this line, while some cars of other lines are running comparatively empty.

The company thinks that by making the fares universal over the city, the best interests of the traveling public, as a whole, will be served, and that the company will be able to handle the traffic more satisfactorily, both to itself and to the public. It is not believed that it will make any material difference financially, one way or the other.

Beginning at the same time, the company will place persons taking cars outside the city limits on the same basis, so far as transfers are concerned, with those boarding cars in the city, that is, passengers on the First Street and Lakeside line, the Twenty-third Street line, the Seven Pines line, Hull and Perry Street lines (Manchester) and Northside line, will be issued transfers to the Traction Company cars, if such transfers are requested of the conductor at the time of paying fare, on identically the same conditions as those covering the issuing of Traction car transfers to passengers who board these several suburban lines inside the city limits.

HONOR IS PAID TO VIRGINIANS



GROVER CLEVELAND
(Who Took St. Louis by Storm.)

Brilliant Scene at Dedication of Louisiana Purchase Exposition Buildings—The Speech-Making—Grover Cleveland Received With the Most Unbounded Enthusiasm. Senator Thomas S. Martin in St. Louis.

(Special from a Staff Correspondent.)

ST. LOUIS, MO., April 30.—Virginia bore a distinguished part in the ceremonies incident to the dedication of the Louisiana Purchase Exposition here to-day, and while her official representative, acting Governor Joseph E. Willard, was mounted upon no prancing steed, surrounded by an array of richly-clad colonels, he was near the head of the procession in a carriage attended by Colonel Robert E. Lee, Jr., and they were accompanied by General Fitzhugh Lee, the Virginia commissioners being close behind them.

Virginians Cheered.

The Virginia contingent was often loudly cheered, and frequently outbursts greeted the party all along the way. The day was one of fine success, and it ended the night with perhaps the most brilliant display of fire-works ever witnessed on the continent.

Before the ceremonies proper opened up this morning, Governor Willard and General Lee were at the President's reception at the St. Louis Club, and were shown the utmost attention by President Francis and other distinguished personages.

President Roosevelt recognized General Lee, and rushed over and greeted him warmly, saying: "Hello, General Lee; I am surely glad to see you."

One of the great features of the dedicatory exercises has been the wave of genuine enthusiasm that has greeted former President Cleveland at every turn, and to-night the name of the man who twice led his party to victory is upon every lip, and experienced politicians are saying that it seems to foreshadow the placing of the Democracy in his hand again in 1904.

Cleveland's Triumph.

Mr. Cleveland had a triumphant march into St. Louis yesterday, having been greeted by the wildest shouts wherever he appeared on the platform, and the vast throng at the station here last night almost dragged him from the train with mad delight.

"Gorver, Grover, four more years of Grover," was the wild shout that greeted him along the line of march to-day as he rode at the head of the column beside President Roosevelt, but the grand climax did not come until he arose to speak in the Liberal Arts building later on.

Men and women stood upon chairs and yelled themselves hoarse waving thousands of flags and handkerchiefs in honor of Democracy's great leader, and it must have been twenty minutes before any semblance of order could be preserved.

Senator Carter had just presented him to the vast and waiting throng as the most distinguished citizen in private life on the face of the earth, and then pandomonium broke loose, through all of which the great man stood, his face wreathed in smiles, bowing his acknowledgment in the most gracious manner. When Mr. Cleveland was allowed to proceed, he was wildly cheered at the beginning of nearly every sentence and to-night his splendid oration is the talk of all St. Louis.

THIRTY THOUSAND IN LINE.

The parade to-day was one of the greatest ever witnessed in the West. Three hundred thousand people thronged the broad avenues along which it moved and thirty thousand solders and civilians were in the line of march.

While the Virginia representatives here are doing all in their power to promote the success of the St. Louis Exposition, they are by no means unmindful of the great show which Virginia proposes to give on Jamestown Island in 1907, and to this end General Lee, Director-General Lowenberg, Commissioner Patton and a number of the Jamestown Executive Committee are here urging President Francis, of the St. Louis Exposition to allow Virginia to use a number of the latter's exhibits and General Lee and Mr. Francis being close friends, of long standing, they will likely succeed.

SENATOR MARTIN THERE.

Senator Martin arrived here last night and took part in the proceedings as a member of the Senate Committee on Expositions.

Senator Danel had intended to be present, but was detained by professional engagements.

The stay of the Virginians here has been one round of pleasure, and Governor Willard and General Lee have been overwhelmed with invitations of various kinds.

Last night Governor Willard dined the Virginians at the Planters' Hotel and was toasted as the next Governor of Virginia amid much enthusiasm, the toast was proposed simultaneously by Colonel A. M. Bowman and Capt. W. W. Baker, of Chesterfield, and was drunk standing by all present.

Governor Willard's party will leave here Saturday night and will reach Richmond Monday morning.

C. A. B.

WIND WAS FURIOUS

This and Dust it Created Only Untoward Incidents of Day.

(By Associated Press.)

ST. LOUIS, MO., April 30.—The buildings of the Louisiana Purchase Exposition were formally dedicated to-day with all pomp and ceremony. In every way, save one, the exercises were a success, and this one circumstance was the weather. The wind blew fiercely from the west, sending great clouds of dust whirling into the faces of the troops as they marched past the President, and at times so nearly blinding the President that it was well-nigh impossible for him to see across the street, upon which the troops were marching.

Added to the discomfort of the wind and dust was a temperature which sought for the marrow and generally reached it. The ladies, who, on the strength of the warm weather of yesterday, came in summer dresses to the reviewing stand, suffered keenly, and but for the thoughtfulness of officers commanding the guard thrown around the reviewing stand, who provided them with blankets, many of them would have been compelled to leave the place. Both President Roosevelt and ex-President Cleveland remained in the reviewing stand exposed to the icy wind until the end of the parade, although their faces were blue and their limbs stiffened by the cold.

Despite this heavy handicap, however, the ceremonies proper were splendidly handled, and the programme was carried out to the letter.

The parade, which took place in the

(Continued on Third Page.)

NEARLY ALL LIQUOR MEN HAVE PAID UP

City Collector Cunningham Takes in Twenty-five Thousand.

With the announcement that yesterday was the last in which to pay city license taxes, there was a rush towards the City Hall, as a result of which City Collector Frank Cunningham and his corps of clerks were busy from early morn until 6 o'clock raking in the shekels and passing over the counter in return receipts. Over $25,000 was taken in, and not a great many merchants will suffer themselves to pay the penalty of delinquency.

Captain Cunningham says that ninety per centum of the liquor dealers have paid up, and those few who failed to show up with the necessary funds were either unavoidably detained or intend going out of business on account of heavy taxation.

During the day six whiskey men called at the office and gave notice that they would retire from the business forthwith, paying license tax for the quarter which has just expired, the amount to be prorated according to the rate assessed by the City Finance Committee.

All those who did not pay their license taxes yesterday are subject to fine in the Police Court for each additional day they do business without the necessary permit, but very few will be brought up on this score.

POWER TO CLOSE MINES

President Baer Testifies Before Commerce Com'n.

AGREEMENT IS REACHED

Coal Roads and Coal Companies Work Together—Mr. Baer Says as Head of Company He Has Power to Close Mines.

(By Associated Press.)

NEW YORK, April 30.—President Baer, of the Philadelphia and Reading Railroad and the Temple Iron Company, resumed testifying to-day before the Interstate Commerce Commission. Alluding to his testimony yesterday that he would try to put the price of coal up until it reached $5, he said sales at a given price meant delivery within the month when the order was placed.

"There has been a steady increase in the consumption of coal since 1897," said Mr. Baer, in reply to a question whether the increase in the production of coal since 1898 had not been enormous.

Mr. Baer said the coal road and coal companies developed an agreement for mining and distributing coal in summer from all mines on a percentage basis. The owners of mines were willing to restrict the output, so the coal road agreed to carry all coal in summer as soon as mined, but in no case when it was found the market would take more were the cars refused. Mr. Baer said:

"The Reading Coal and Iron Company has power to restrict the output of its mines. As head of the corporation I have the power to close mines.

NO PERCENTAGE AGREEMENT.

"here is no percentage agreement that no man should mine more or less, though there was as to the distribution of cars in summer."

Commissioner Prouty asked Mr. Baer if in raising or reducing traffic of his road for a certain month he did not take into consideration the traffic percentage as regards other coal roads of the month or months previous. Mr. Baer denied that he did. His only concern was about his own properties, independent of all others.

Replying to further questions by various members of the commission, Mr. Baer said the average royalty paid by his company in mining coal was 30 to 33 cents a ton.

"The cost of mining our coal," he said, "has been running at $1.88 a ton."

To reduce the freight rate on hard coal to that of soft coal would destroy the Reading Railroad.

AS TO FREIGHT RATES.

Mr. Baer said there had never been any meeting or agreement to make uniform freight rates for anthracite on the coal roads. Railroad charges, he said, should be such as to enable roads to earn profits representing a percentage equal to the prevailing rate of interest. He said the capitalization of the Reading is fair and honest; that the stockholders are entitled to a fair return on their investment; that the Reading could not reduce its hard coal freight rate and hope to earn that return. It was the hope of his administration, he said, to enable the Reading within a year or two to pay 4 per cent. on its first and second preferred stock.

BURGLARS CARRY OFF GREAT PILE OF MONEY

(By Associated Press.)

RAVENSWOOD, W. VA., April 30.—Burglars entered the postoffice last night, blew open the safe and escaped with nearly $10,000 without leaving a clue as to their identity. No one knew the place had been robbed until Postmaster McAdams opened the office this morning.

HOWARD GUILTY, SAYS THE JURY

Punishment Fixed at Life Imprisonment—Jury Nearly Unanimous for Death.

(By Associated Press.)

FRANKFORT, KY., April 30.—In the third trial of James Howard for the killing of Governor William Goebel, over three years ago, the prisoner was found guilty.

The jury first reported that it could not agree. Judge Cantrill then sent its members back with instructions to remain until an agreement was reached. A half hour later the jury again reported with a verdict of guilty, and fixing the punishment at life imprisonment.

The jurors all voted for a verdict of guilty, the disagreement being as to the extent of punishment. Death was favored by all but Juror Burkes, who announced that he would under no circumstances vote for the death penalty and a verdict for life sentence was agreed upon.

A RICHMOND COUPLE WED IN WASHINGTON

(Special to The Times-Dispatch.)

WASHINGTON, April 30.—A party consisting of Mr. and Mrs. Harry D. Winner and Mr. and Mrs. B. Morgan Shepherd, of Richmond, accompanied Mr. R. G. Carlton and Miss Mary C. T. Shepherd to Washington, where the latter couple was married yesterday afternoon by Rev. D. F. Sprigg, of No. 1530 Sixteenth Street, this city. After spending a few hours at the Raleigh, they returned to Richmond on the afternoon train.

RALEIGH MINISTER AS BISHOP OF MISSISSIPPI

(By Associated Press.)

JACKSON, MISS., April 30.—The Diocesan council of the P. E. Church of Mississippi to-day elected Theodore Brattan, D. D., of Raleigh, N. C., bishop of Mississippi. Rev. John G. Murray, D. D., of Baltimore, who was elected bishop last night, declined the honor.

OPINION OF JUSTICE HOLMES

Decision in Alabama Constitutional Test

BILL IN EQUITY NOT RIGHT PROCEDURE

If Law is Invalved Court Cannot Be Party to Fraud.

CONSPIRACY ALLEGED AND STATE IS NOT PARTY

Harlan's Dissent is Based on Ground That Amount Involved Was Not Sufficient to Give Circuit Court Original Jurisdiction, and Mertts Could Not Be Gone Into.

(By Associated Press.)

WASHINGTON, April 30.—The text of the opinion of the United States Supreme Court in the case of Jackson Giles, of Montgomery county, Ala., vs. the Board of Registrars of that county, which was delivered by Justice Holmes last Monday, was made public to-day.

The opinion says that Giles, a negro male adult, on behalf of himself and 5,000 others similarly situated, sought by bill in equity to secure registration as voters of Montgomery county, which had been refused, and thus test the validity of the suffrage provisions of the new Constitution of Alabama. Justice Holmes says it was alleged by Giles that "the refusal to register the [illegible]ts was a part of a general scheme [illegible] disfranchise them." The Federal C[illegible] Court for the middle district of Alabama dismissed the bill for want of jurisdiction.

It was contended, says Justice Holmes, that the Federal Courts had jurisdiction in equity under sections 629 and 1979 of the revised statutes, providing that every person who, under color of a State "statute, ordinance, regulation, custom or usage, subjects, or causes to be subjected, any citizen of the United States, or other persons within the jurisdiction thereof, to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings or redress."

GROUND OF REFUSAL.

The court said that while there might be some objections raised on technical grounds to the jurisdiction of the Supreme Court and of the jurisdiction in equity, yet the court was of the opinion that the appeal opened the whole case and that the scope of the complaint was entitled to consideration. He then proceeded to announce the impossibility of granting the relief sought, saying in explanation:

"It will be observed, in the first place, that the language of section 1979 does not extend the sphere of equitable jurisdiction in respect of what shall be held an appropriate subject matter for that kind of relief. The words are, 'Shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress.' They allow a suit in equity only when that is the proper proceeding for redress, and they refer to existing standards to determine what is a proper proceeding. The traditional limits of proceedings in equity have not embraced a remedy for political wrongs. Remembering, however, the importance of the case, the court had found itself unwilling to stop short of the final considerations to be taken into account in disposing of it. These were summarized as follows:

SUMMARY.

"The plaintiff alleges that the whole registration scheme of the Alabama Constitution is a fraud upon the Constitution of the United States, and asks us to declare it void. But, of course, he could not maintain a bill for a mere declaration in the air. He does not try to do so, but asks to be registered as a party under the void instrument. If, then, we accept the conclusion, which it is the chief purpose of the bill to maintain, how can we make the court a party to the unlawful scheme by accepting it and adding another vote to its fraudulent lists? If a white man came here on the same general allegations, admitting his sympathy with the plan, but alleging some special prejudice that had kept him off the list, we hardly should think it necessary to meet him with a reasoned answer. But the relief cannot be varied, because we think that in the future the particular plaintiff is likely to try to overthrow the scheme. If we accept the plaintiff's allegations for the purpose of his case he cannot complain. It seems to us that unless we are prepared to say that it is wrong, that all its principal allegations are immaterial and that the registration plan of the Alabama Constitution is valid, we cannot order the plaintiff's name to be registered. It is not an answer to say that if all the blacks who are qualified according to the letter of the instrument were registered, the fraud would be cured. In the first place, there is no probability that any way now is open by which more than a few could be registered, but if all could be, the difficulty could not be overcome. If the sections of the Constitution concerning registration were illegal in their inception, it would be a new doctrine in constitutional law that the original invalidity could be cured by an administration which defeated their intent. We express no opinion as to the alleged fact of their unconstitutionality beyond saying that we are not willing to assume that they are valid in the face of the allegations and main object of the bill for the purpose of granting the relief which it was necessary to pray in order that the object should be secured.

CANNOT ENFORCE POLITICAL RIGHTS.

"The other difficulty is of a different sort and strikingly reinforces the argu-