with the exception of the first day. People had drifted in in two an dthrees from all sections until every seat was taken and many were standing.

The gentlemen of the jury, who were all in their seats, were asked to retire shortly after the judge came in. Counsel for all sides and Judge Sims then retired themselves for a final look at the instructions argued the day before, but not decided upon until yesterday morning. In about half an hour court reconvened, the jury returned, and the instructions, as finally agreed upon, were read to them. These instructions are as follows:

1.

The court instructs the jury that the law presumes that the defendant attended properly to the duties of his office and the burden of proof to show the contrary by a preponderance of the evidence is on the Passenger and Power Company.

2.

The discretion which the law imposes in the sheriff of calling for troops when the county authorities are unable to preserve the peace is a responsible and delicate one, and should be exercised with great caution, and in making up his mind on this point he had the right to consult, and, in part, rely on the knowledge and advice of competent people, and in deciding whether he so far violated his duty with respect to calling for troops as to have been guilty of gross neglect of official duty, the jury should consider the condition of affairs in the county, the location of the lines and property of the complainant in said county with respect to its nearness to the city of Richmond, and also the condition of affairs within the city, as they appeared to him, or as they should have appeared by the exercise of proper diligence before the shooting occurred on the night of the 24th of June.

3.

Unless the jury believe from the evidence that the sheriff acted with gross negligence, as defined below, in failing to call for troops until the 24th day of June, they should find in his favor on this point.

Meaning of Malfeasance.

5.

The jury are further instructed that by the word "malfeasance" is meant the doing of an act which is positively unlawful or wrongful—the performance of some act which the respondent had no right to do; and that by the word "misfeasance" is meant the wrongful and injurious exercise of lawful authority—the performance of an act, which might lawfully be done, but is done in an improper manner, by which another person receives an injury; the word "incompetency" in the statute is to be taken in its common meaning and general acceptation. From this it will be seen that the issue before the jury is reduced to the single charge against the defendant of gross neglect of official duty, as no evidence has been introduced tending to support any of the other charges; but.

The jury are further instructed that the words "gross neglect of official duty" are relative terms. Where the official duty is comparatively unimportant, it would require a great want of care in order to convict an officer of "gross neglect." But if the occasion is one of serious moment, as, for instance, riot, tumult or resistance to law which may cause breaches of the peace, involving damage to human life or serious bodily harm, or injury to property amounting to felony, then a failure or omission of the officer to quell or suppress such riot, tumult or resistance to law or to use all means given by law to discover or restrain the same, which a reasonable and prudent man would use under like circumstances to protect his own life or himself from serious bodily harm and his property from like injury, respectively, would be considered in law as "gross neglect of duty."

6.

The court further instructs the jury that:

The duty imposed by law on the sheriff of a county, when there is riot, tumult or other resistance of law or imminent danger thereof in his county, which is or should be known to the sheriff, is to preserve, by every means available for that purpose and which the law gives him, the peace unbroken.

7.

The moment he has reasonable apprehension of a breach of the peace, riot or other resistance to law, he is entitled and is, in fact, bound to intervene, and may arrest on view all persons breaking or attempting to break the peace, and if he does not do so, and is guilty of negligence as above defined in not doing so, he should be found guilty of gross neglect of official duty.

Restrain Rioters.

8.

He must, by his personal exertions, as well as by such force as he can command, restrain rioters or others committing breaches of the peace, and, if necessary, pursue, arrest and take them. The foregoing are obligations arising from the nature of the office.

9.

The question which you are to determine in this case is whether the defendant sheriff has done those things which the general rules of law require of sheriffs; whether he has kept the peace and restrained any rioters there may have been which he could have restrained by such means as he had as well as by his own personal exertion, and whether, if he did not, he could and should have restrained such rioters and kept such peace with the civil force and means at hand, and if they were not sufficient by calling on the Governor for troops; if such public peace has not been kept or such rioters restrained, or if injury has ensued to the complainant by such failure of the sheriff to do his duty in any one of these respects, because of his negligence as above defined, you should find the defendant, Simon Solomon, guilty.

10.

You are further instructed that the complainant, the street car company, has a lawful right to run its cars over the streets and roads of the county of Henrico. In operating its cars, it was entitled to the full protection of the laws of this Commonwealth, and it was the duty of the sheriff of said county and those under his authority to see that this protection was given. This was due not only to the complainant and its property and the lives of its employes, but also to the public (men, women and children), using the same and who might be deterred or prevented from using this means of rapid transit by threats, intimidation or unlawful attacks upon said cars. To see that life and limb were not endangered, both that of the public and the employes of the street car company, and that the rights and property of said company, and including its cars, were not assaulted or injured, was the duty of the sheriff. It was his duty to use reasonable diligence to ascertain whether assemblages, acts and assaults were likely to ensue as a result of this "strike."

Use All Means.

To prevent such violation of the law, as well as the dispersing of any riot or other breach of the peace or resistance of law that might occur, or which he might reasonably apprehend would occur, and to prevent physical injury to or destruction of the property of complainant, or to arrest those committing such unlawful acts, the sheriff was bound to use all means which the law afforded and to do all that he knew or ought to have known was in his power to do that a reasonable and prudent man would have used or done under the circumstances, as set forth in paragraph number five above, and if the ordinary means of civil force which he had under his orders and authorty were not sufficient to prevent in his county acts of disorder, lawlessness or breaches of the peace or riot or resistance of the law, if the jury believe that such did in fact occur therein, and that the defendant would have so recognized the situation in the absense of negligence, as above defined, and if he had used this diligence above-defined, then it was his duty to call upon the Governor for troops, and if the jury believe from the evidence that Simon Solomon, sheriff of the county of Henrico, negligently as above defined, failed to learn of any breach of the peace, threats, intimidation, assaults, throwing of stones or other missiles, shooting with deadly weapons at said cars or the persons in charge thereof, or the passengers thereon, in the county of Henrico, that did in fact occur in such county, or negligently and perversely disregard the same, or failed with the facts before him, or which, by the exercise of the diligence requred by law, as above defined, to be exercised by such officer, he might have had before him, to act in the premises as a man of ordinary prudence, honesty, courage and activity would have acted and failed to use those means which an honest man would have used and did not do all in his power, both by said means or by his personal exertion to prevent violations of or resistance to law that may have occurred in the county of Henrico, they should find the said Solomon guilty of gross neglect of duty.

11.

The officer who is clothed with the authority to call upon the Governor of the State for the armed forces of the Commonwealth in aid of his civil authority in time of riot, tumult, resistance of the law or imminent danger threof if bound to use the diligence above defined—to know the exact occasion when the troops should be called for, and if he fails on such occasion through negligence as above defined to call for troops, and injury to persons or property or to the public peace in said county ensues, then he is guilty of gross neglect of duty, as set forth in the statute, and the jury must so find.

12.

Has Not Immunity.

Merely because a ministerial officer has a discretion to exercise as to the methods and instrumentalities to be employed in the discharge of a duty imposed upon him by law, he is not in consequence thereof possessed of the immunity of a judicial officer. Although the calling out of the militia under section 368 of the Code depends upon the discretion of the sheriff, yet when he negligently as above defined refuses or fails to call them out on a proper occasion, he takes upon himself the responsibility of any injury which may result therefrom to the public peace and good order, and the occurring of said violation of the public peace will justify his removal. Mere honesty of intention, nor the fact that he fully believes that the best thing was not to call out the militia, will not excuse him unless such belief would mave been entertained, under the circumstances by a man of ordinary prudence and honesty.

Mr. Bryan Opens Argument.

After the instructions were read the arguments of the case began. As anticipated yesterday Mr. George Bryan, representing the Commonwealth, opened.

From the manner in which Mr. Bryan entered into the case it became evident at once that the argument would not be the brief and perfunctory affair expected by the defense, but a powerful influence in the trial, perhaps making some things appear differently from what they had done up to this time. Clear, positive, direct, the argument of Mr. Bryan from its first word indicated a positive conviction by the Commonwealth that the sheriff was guilty of the charge—gross neglect—and that lawful punishment should be visited upon his head.

With a few words introductory about his position in the case, stating that he had absolutely no connection with the prosecutor—the Passenger and Power Company—but that he was merely, without fee or reward, serving the Commonwealth in the inability of the proper Commonwealth officer to serve, Mr. Bryan proceeded, as he said, to go at once in midias res. He drew the lines closely and positively and limited his words to the single issue—the failure of the sher'ff to know of the disorders proven by the prosecution to have existed. Reverting constantly to the evidence in the case, he showed how day by day there had been disorders in the county—force used in efforts to get men to leave the employ of the company; stones thrown at cars; citizens struck and their lives endangered with missiles, a sample of which had been produced in court; blood shed; mobs assembled. He showed how witnesses had appeared, stating positively that they had seen and encountered these sundry disorders—Mr. Moore, who was on a car when a motorman was dragger off; Mr. Bodeker, who was abused and threatened by a mob of three persons; Mr. Craigie, who was struck and painfully hurt; Mr. Neff, whose car was fired upon; Mr. Pendleton, who was in the 'bus, when a mob chased it into Richmond, stoning it and pa'nfully injurying a person therein; and others who testified to things just as bad.

Positive and Negative.

In the face of this overwhelming testimony the best the sheriff could do was to introduce men to say that they had not seen the aforesaid—testimony which amounted to practically nothing. Mr. Bryan drew the line sharp and fast between negative testimony and positive testimony. If two men could say that they actually saw things, it would offset the statement of twenty men willing to say that they had not seen the same things. So it was with the sheriff. He had gone around and talked with people who didn't see things, and upon their advice he had acted, apparently forgetting that it was his duty as sheriff to decide for himself. He must have been distracted or dopey, said Mr. Bryan, when he consulted the cigar man, the soda water seller, the milkman, and determined upon his course according to the advice they gave. It was absurd to come to the court with this ridiculous fustian for an excuse.

The statement of the court to the jury in the instructions was to the effect that the sheriff, in deciding about troops in Henrico, would have to consider the conditions in Richmond. Did he do this? He knew that there was riot and tumult and disorder in Richmond, but he paced his office serenely, sang himself a lullaby, as it were. The county was, perhaps, a thing apart. It had an imaginary line between it and Richmond, where excitement was rampant. None of this excitement and disorder, of course, could flow over this line. Did the sheriff not know that a stone wall would not stop a mob, much less an imaginary line? He should have known. But he kept serenely in his course, and when the judge of the county asked him to call out troops; when the officials of the Passenger and Power Company did the same; when the very Governor of Virginia, who knew things that Solomon didn't know, but should have known, ventured respectfully to suggest that it might be well to send troops into the county; when all these things happened, Solomon, the sheriff, yet continued in his blind course, and said: "No; I refuse!"

Took Up for Workingmen.

Mr. Bryan ridiculed the statement of the sheriff that to call out troops would be to wave a red flag in the face of a bull—the workingman. The speaker said he had once himself been a laborer and that no man was more than he in sympathy with the workingmen. He resented the suggestion that the workingmen would object to the preservation of law and order. He agread that the thugs, footpads and assassins would be incensed at the presence of the military, but he had no sympathy with these people, and did not care whether they were incensed or not.

He thought the sheriff had made a grave mistake and that he should be made to stand the consequences of this mistake. He had allowed armed guards on the cars when he knew that it was unlawful, and that he should have put his own men there, as he had promised to do.

In conclusion Mr. Bryan said that there had never before been such a case as this. He asked of the jury that they make of the first offender a salutary example that would act as a warning to other men.

Mr. Smith's Argument.

Mr. Smith arose to speak. He said he regretted that after the many laborious days the jury had spent in the case he must add still further to their fatigue by addressing them upon the merits of the case. He felt that the jury were as competent as the lawyers to weigh the evidence in the case. Since, however, there was to be discussion, discussion there must be, and he, like his friend, Mr. Bryan, proposed at once to get in medias res.

It appeared, said Mr. Smith that the prosecution was not by the Passenger and Power Company at all. Mr. Si ding was not in court; Mr. Huff was not in court; Mr. Buchanan was not in court; there were not in court other gentlemen connected with the operation of the cars. The prosecution was not by these men. It was by the legal and the medical departments of the Passenger and Power Company.

"A combination of lawyers and doctors," suggested Mr. Carter.

"Yes, and when lawyers and doctors combine and disagree what are we going to do?" replied Mr. Smith.

Criticised Mr. Bryan.

Then Mr. Smith went on to refer to some of the other arguments made by Mr. Bryan, and among other things he touched upon the remark of the Commonwealth representative that men should and must trust men, else society would fall to pieces. In this statement Mr. Smith agreed, and he declared that the Henrico people should trust their sworn officers—Solomon, the sheriff; Lewis, the magistrate; Ratcliffe, the chief of police; Sands, the Commonwealth's attorney—men who had for years served the county and who had never failed in the performance of their duty. The people of the county should trust these men. Then the speaker referred to Mr. Bryan himself, and attempted to show that his position was an anomolous one. Mr. Bryan had been asked by Mr. Sands to serve for him. He agreed, and straightway came into court, prosecuted the sheriff and criticised him for doing a thing which Mr. Sands had told the sheriff to do. "Yes, let us trust men," said Mr. Smith sarcastically.

Proceeding, Mr. Smith declared that he would not go into details in this discussion of the alleged disorders existing in the county. In the first place, he declined to believe that such a condition did actually exist, but admitting that a stone was thrown at each car as it went along, this was no reason for a demand for military protection. He ridiculed the seriousness of these reported disorders, which were brought to light long after this alleged occurrence; of which nobody knew anything; of which in but one solitary instance was a report made by the company to the sheriff, in which instance the sheriff promptly investigated and put down such disorder as there was; he ridiculed these alleged disorders and attacked Mr. Bryan's definition of a riot. He had, he said, left out the most important element necessary to constitute a riot. It is true that three persons might be a mob and cause a riot, but on the other hand, three persons might act in concert and yet not be a mob and cause a riot. A riot was a tumultuous assemblage, tending to create public terror. Were the three men who tried to persuade an employe of the Passenger and Power Company to leave that company a riot? Were certain other petty disorders, said to have existed, of the nature of riots? Did they create public terror? Mr. Smith laughed at this idea. Mr. Bryan, he declared, had let the cat out of the bag when he said certain of the prosecution witnesses were out "to see the fun," when they encountered trouble. They were out, said the speaker, not to be killed, to be stoned, to be cursed, but "to see the fun." It was fun, not tumult, these little things.

These things explained the position of the sheriff—a position which compared more than favorably with that of Mayor Taylor and the authorities of Richmond. The Mayor of Richmond did not do as Mr. Bryan wanted the sheriff to do: act upon his fears and apprehensions of what might by a combination of circumstances occur, and call for the troops at the very inception of the trouble. He did not act while his police said they could handle the situation. When he called for troops all three of his captains had told him they were powerless; when he called for troops there had been within the city of Richmond three riots—actual riots, tumultuous assemblages, tending to create public terror. Mr. Manning, the police commissioner of Richmond, of whom Mr. Bryan had spoken so highly, himself testified to these things. Now, view the other side. There had been no riots in Henrico; the Henrico police declared themselves amply able to manage the situation. But on the moment there was a riot—the night of the 24th—a riot which began in Richmond and extended to Henrico, the sheriff promptly called for troops. It took three riots to convince Mayor Taylor; it took but one, but the very suggestion of great trouble, to convince the sheriff, and he promptly acted upon the conviction.

From Interested Parties.

Prior to the night of the 24th, there had been no trouble. There were witnesses who said there was disorder, but was it not as reasonable to suppose that they might be mistaken or that they might have magnified things a bit was to believe, as Mr. Bryan wished the jury to believe, that the sheriff and the men under him had been derelict in their duty. Would Judge T. Ashby Wickham, of Henrico county, whose mere name carries conviction, have appointed a special strike policeman, men who would walk up and down and close their eyes to violation of the law? Here again Mr. Smith scouted the suggestion.

It is true that the Governor had received reports, but they all came from the Passenger and Power Company, who were interested parties. All men know, said the speaker, that the first step to break a strike is to get the military out. The Passenger and Power Company wanted to break the strike and they wanted the military; the clamor for troops began as soon as Farley, chief of the strike-braekers, set foot on the soil. The Passenger and Power Company made reports to the Governor—the legal and medical departments of the Passenger and Power Company. Mr. Solomon had investigated some of these reports and had found them without any foundation at all. He did not rely upon reports; he investigated himself and he acted upon the results of this investigation.

In conclusion Mr. Smith said Solomon was a man wrapt up in his work as sheriff of Henrico; that there was in the State of Virginia no man more proud of the work entrusted to him, which work he endeavored to the best of his ability to perform. After all the debate and disagreement over the matter of troops, Judge Wickham had said to this sheriff: "Simon, if I were not sure that you are as honest in this matter as I am, I would suspend you from office."

"I want no higher endorsement than that in the county of Henrico," said Mr. Smith. "I ask that the defendant be found not guilty of gross neglect of official duty."

Mr. Carter's Speech.

After an hour's recess for lunch the court reassembled and the argument proceeded. Mr. Hill Carter, the second of the attorneys for the defense, prepared to speak.

In setting out Mr. Carter defined the issue before the jury. He showed that Judge Sims had ruled out three of the four charges "that this great corporation has made through the legal and medical department." There is now no question of the intention of the sheriff to do right; the charges of malfeasance, misfeasance and incompetency had been ruled out. There remained for the jury to decide with reference to but one thing—gross neglect of official duty. The other three grave charges made by the company fell still-born before they ever even went to the jury—without even being dignified by a consideration.

Thereafter Mr. Carter went on to refer to the specification made by the company in substantiation of the charge of gross neglect. He read from the petition a statement that the company had demanded troops on Saturday, June 19th, in view of the strikers' parade on the next day. The petition was signed by Mr. Huff and witnessed by Major Martin. Yet when Major Martin was put on the stand he had said that there had been no demand for troops on this day; Sheriff Solomon said the same thing, and declared that the first application to him was made as late as the 23d. And even if application had been made on the 19th, the conference was held between 5 and 6 o'clock in the evening, and a delay to that late hour would certainly have manifested gross neglect on the part of the company. But Major Martin himself admitted that no such demand had been made. Thus dropped out of sight another of the charges made by the company.

Jumped On Them.

In the course of his argument on this point, Mr. Carter paid his respects sarcastically, it is true, to Dr. Carrington, for his mistake in the figures he gave in reference to the earnings of the company; and to Mr. Wells, who, he said, had never yet answered his question as to what he would have done if he had been in the place of the company on the 19th. The "astute lawyer" had been perfectly willing to say what he would have done if he had been sheriff, but he was not willing to say what the company ought to have done.

With rapid review the speaker showed how Solomon had investigated the situation; how the disorders were so slight that the company did not even report them to the police; how it was the law, as givdn in the instructions of the court to the jury, that the sheriff should rely in part upon his own investigations, and in part upon the advice and statements of citizens; how the sheriff did this; how he learned that the conditions were not such as to demand troops; how he refused to call for troops for this reason; how he promptly called for them when these conditions did grow serious. All the while he had carefully investigated every reported trouble. "Why, gentlemen," said Mr. Carter, "he would even go out in the dead of night, when little boys threw stones against a vacant building, making sounds like shots—even under such circumstances he would go out to bring consolation and courage to the agents of the Passenger and Power Company, who like people looking through a mist, made mountains out of a mole hill and giants out of pygmies."

Produced Effect.

Considerable effect was produced by Mr. Carter's argument from the converse of the proposition. He drew a picture of the state of things if the sheriff had called for troops and there had been some one killed. If he had been tried for that and it had been shown that he made the demand against the advice of Lewis, Sands, Ratcliffe and all the others, and it had been shown that death and bloodshed had resulted from the obstinacy, then the jury would have condemned him, and would have done so rightly.

Another picture was drawn by Mr. Carter. The picture of the Lombardy Street shooting, when a mob had gathered in Richmond in a place the police knew was in the city, which place they should have protected, broke out in disorder there and were fired into by guards without adequate cause. He likened the car to Schley's flagship Brooklyn, a sheet of flame, belching fire from both sides. And out of Richmond into Henrico this car came firing, and behind it came the wild and infuriated mob—out of the city—destroying the peace of the county, which had up to that time been orderly and quiet. And what did Solomon, the accused sheriff do? He took these men the mob was chasing to a place of safety. But for him they would perhaps have met a cruel fate. But he protected them—three employes of the company. "And what is the thanks he receives?" asked the speaker indignantly. "This unjust, this iniquitous, this inhuman proceeding against the man who protected their employes from the hands of a mob that came into Henrico from Richmond. They ought to be ashamed of themselves."

Ridiculed the Troops.

"After the riot he called for troops, and listen to me while I tell you what the troops did," continued Mr. Carter, in effect. "There was a distance of 150 feet between where the troops were and the county line to which they had to march. Some of you on the jury are old like I am and you served with Lee and Jackson or perhaps rode behind Stuart as I did. Well, the military at the West-End School got a message to go into the county, 150 feet away. They immediately got so excited that two of them shot themselves and the whole business had to wait while the ambulance came. Mind you this was after all the trouble and everybody had left and things were so quiet that Chief Ratcliffe and all his men had gone home and to bed. Do you know how long it took those soldiers to march that 150 feet. Two mortal hours! They started at 10 and got there at 12! And then what did they do? I asked one of the witnesses. He said they formed a 'hollow squar.' Well they took this 'hollow squar' around a car and marched boldly through the county, which was quiet as a graveyard. Never before was there such a march since the days Xerxes invaded Greece or Hannibal scaled the frosty Alps!"

Shortly after this Mr. Carter concluded. During a large portion of his speech the people in the court-room were convulsed with laughter. Many sharp hits brought smiles to the faces of many. He called Captain Guigon a "Hotspur," and a persona non grata, which he supposed meant someth'ng awful, since the Captain had himself said he was a persona non grata in Henrico county. Finally he grew more serious and when he closed he asked that the accused be declared not guilty of gross neglect of official duty. He hoped the jury would go even further and say that in every respect he sheriff had done his full duty.

Mr. Meredith's Argument

As soon as Mr. Carter got through, Mr. Meredith, representing the prosecution, the last speaker of the day, arose to begin his argument.

In beginning Mr. Meredith declared that he couldn't understand that species of argument that had for its subject the denunciation of the company for its efforts in the direction of law and order; the holding up to scorn of honorable and gallant gentlemen—the soldiers—because they had not, forsooth, lived in the days when Lee and Jackson lived and marched. But he was, he said, familiar with the methods of his worthy friend who preceded him. He was not surprised that Mr. Carter deserted the issues and tried to laugh the case out of court; he was not surprised at his pleasantries—his worse than pleasantries.

"Let us trust him," said the speaker, turning to Mr. Carter; "let us trust one another. I'll make you sick of that phrase yet."

Immediately he spoke of the trust reposed by the Commonwealth in the sheriff when it placed him in that ancient and high office. "Look at the trust placed in this man," declared the speaker, impassionately, "and great God! how he has betrayed it!" He turned his gaze full upon Solomon as he spoke.

Very Sarcastic.

With keen and biting sarcasm and invective Mr. Meredith denounced Mr. Carter for the manner in which he had proceeded. Not in seventy-five years have the city and the community been in such a state. Never before were there such disorder, such midnight assassinations, or attempts at such; never before was there the hidden package of murderous dynamite—the stone flying from the dark; never before had the knowledge that the city harbored such cattle as have appeared in the past thirty days made the hearts of men stand still in fear and terror. One day about forty years ago Richmond was in a fiery veil, when men watched the flames of the moment eat away the hard-earned substance of years—but not then, not even in this moment of distress, were men startled and terrified as they have been during the past thirty days, when there have been found slinking within the purlieus of Richmond and the surrounding vicinity persons—characters—who sought in the dead of night to take the life of innocent men, women and children.

"And yet, and yet," said Mr. Meredith, "this is the condition my friend meets with a jest; he jokes; he laughs at it."

Mr. Meredith admitted that there might be some excuse for the sheriff, since even he could not realize that the community harbored such characters as he had described. But whether this was the case or not, the sheriff was called upon in a moment of great stress to preserve order and enforce law, and he had failed to do so. If this be true, he should be found guilty of the charge.

After Sands and Others.

During his argument following, Mr. Meredith called attention to the fact that the law called upon the sheriff to consider the advice and statements of "competent" witnesses. From this point he took up the men whose advice Solomon had taken, and one by one declared they were incompetent—the milkman, the cigar dealer, the brick maker; all men who knew nothing about the question and whose advice wasn't worth a finger snap. He even belittled the advice of Commonwealth's Attorney Sands, albeit with regret, he said. But Mr. Sands was young—a callow youth—and he didn't know the law. It was a fault of the head and not of the heart. Mr. Sands was simply not experienced. He simply did not know. He did his best and advised the sheriff, but he was not a competent witness.

"Judgment is the possession of age and gray hairs, with a few notable exceptions," said Mr. Meredith, looking into the face of Mr. Carter, who smiled blandly.

Then Mr. Meredith turned his attention to the competent witnesses, whose advice Mr. Solomon refused to take—Governor Montague and Judge Wickham, than whom there were no others so competent to judge. But the sheriff refused to listen to them. He declined to take their advice. He took the advice of the cigar seller, the brick maker, the milkman.

A Great Speech.

As he went along Mr. Meredith continued to pour a hot and galling fire into the defense. He made a great speech and it created a great impression. He declared that Solomon had failed at a critical moment and that he must suffer for it. There were many things to prove that he had not done his duty, bpt two of these things were particularly strong against him. These two things were the avowed inability of the sheriff to protect the cars on the day of the strikers' parade and the failure to keep his promise with reference to putting on the cars the policemen he had promised Mr. McGuire.

When Mr. Meredit concluded the case went to the jury with the result stated.

Dr. Willingham to Preach.

Rev. R. J. Willingham, secretary of the Foreign Mission Board of the Southern Baptist Convention, will preach at the First English Lutheran Church at 11 A. M. to-morrow. No service at night.

Grace-Street Church.

Rev. R. V. Lancaster, of Abingdon, Va., will occupy the pulpit of Grace Street Presbyterian Church to-morrow, morning and night.

MUST GIVE THEM UP OR PAY FOR THEM

This is Admitted to Be Law Regarding Striking Street-Car Men's Badges.

The names of the striking street-car men who have failed to turn in their badges and buttons were on the civil docket of the Police Court yesterday on summons to show why they should not return the property of their former employes.

They were represented by Mr. L. O. Wendenburg, and Captain A. B. Guigon represented the company. Mr. Wendenburg admitted that the law required the return of the property or the payment in money of their value. It was suggested that the men might want to keep the badges for sentimental reasons. Should they do so they could come and get the balance due them. But the question was what would be due them in this event. The cases went over until next Friday and in the meantime an estimate will be made of the value of the property in the possession of the men.

WAS LUCKY DAY FOR HICKS

Out of His Five Mounts He Piloted Three Winners.

By Associated Press.

NEW YORK, July 31.—The feature of the racing at Jamaica to-day was the brilliant riding of the Jockey Hicks. Out of five mounts he piloted three winners.

Lord Advocate, at odds of 15 to 1, won the Richmond stakes by a head from Sambo, who closed very strong in the stretch. The favorite, Setauket, was badly handled and finished back in the ruck.

First race—six furlongs—Northern Star (9 to 2) first, Syrlin (5 to 2) second, Wealth (4 to 1) third. Time, 1:14 1-5.

Second race—one mile and seventy yards, selling—Irish Jewel (3 to 1 and even) first, Past (6 to 1) second, Court Maid (6 to 1) third. Time, 1:47 1-5.

Third race—five and a half furlongs—Lida Lieb (15 to 1) first, Black Socks (2 to 1) second, Destiny (5 to 1) third. Time, 1:10.

Fourth race—the Richmond stakes, one mile and a sixteenth—Lord Advocate (15 to 1) first, Sambo (4 to 1) second, G Whittier (7 to 2) third. Time, 1:49.

Fifth race—one mile and seventy yards—Sir Roche (4 to 1) first, Salora (20 to 1) second, East Melston (100 to 1) third. Time, 1:48 4-5.

Sixth race—six furlongs, selling—Kingsboro (8 to 1) first, Tithonie (3 to 1) second, Anna Hastings (6 to 1) third. Time, 1:16 4-5.

Results at Hawthorne.

(By Associated Press.)

CHICAGO, ILL., July 31.—Hawthorne summaries:

First race—one mile—Nestoria (20 to 1) first Fullback (15 to 1) second, Alum Water (15 to 1) third. Time, 1:54 3-5.

Second race—six furlongs—Eva's Darling (5 to 1) first, Sweet Tooth (2 to 1) second, Major Dixon (4 to 1) third. Time, 1:16 1-5.

Third race—mile and a sixteenth—Brulare (9 to 1) first, Bondage (4 to 1) second, The Giver (6 to 1) third. Time, 1:49 3-5.

Fourth race—six furlongs—Kentuckian (9 to 10) first, Automotan (6 to 1) second, Silk Cord (16 to 5) third. Time, 1:15.

Fifth race—five furlongs—Appolinaris (7 to 1) first, Chapel (8 to 1) second, Sweetie (3 to 1) third. Time, 1:02 3-5.

Sixth race—seven furlongs—Colonial Girl (5 to 1) first, Tom Curl (10 to 1) second, Headwater (5 to 1) third. Time, 1:28 3-5.

THE DAY ON THE DIAMOND

Records of the American and National Leagues.

PITTSSBURG WON GAME

Had Only One to Spare in Contest With St. Louis—Boston Defeated Giants and Phillies Won from Brooklyn.

Scores Yesterday.

Boston 4, New York 1.
Pittsburg 6, St. Louis 5.
Philadelphia 2, Brooklyn 1.
Cincinnati 10, Chicago 4.

Where They Play To-Day.

New York at Boston.
Pittsburg at St. Louis.
Chicago at Cincinnati.

Standing of the Clubs.

Clubs:	Won.	Lost.	P.C.
Pittsburg	59	28	.678
Chicago	54	38	.687
New York	48	36	.571
Cincinnati	46	43	.517
Brooklyn	41	42	.494
Boston	36	46	.439
St. Louis	33	56	.371
Philadelphia	29	57	.237

NATIONAL LEAGUE GAMES YESTERDAY

(By Associated Press.)

At St. Louis: Ragged fielding gave to-day's game to Pittsburg by a score of 6 to 5. Two pretty running catches by Smoot, and Farrell's one-handed catch of Bransfield's liner in the seventh were the fielding features of the game.

Score: R. H. E.
St. Louis..........0 0 0 3 0 2 0 0 0—5 11 4
Pittsburg ....0 2 0 2 0 0 0 0 2—6 6 1

Batteries: McFarland and O'Neill; Falkenburg, Smith and Weaver. Time, 2:08. Umpire, O'Day. Attendance, 1,800.

At Philadelphia: Brooklyn was defeated by Philadelphia to-day principally through the fine pitching of Duggleby. Both teams played a splendid fielding game.

Score: R. H. E.
Brooklyn ....0 1 0 0 0 0 0 0 0—1 5 0
Philadelphia ....0 0 0 1 0 1 0 0 *—2 8 0

Batteries: Reidy and Jacklitsch; Duggleby and Dooln. Time, 1:27. Umpire, Johnstone. Attendance, 1,328.

At Boston: Williams, Boston's new pitcher, held New York down to three hits to-day and the home team won, 4 to 1. Both pitchers were wild and Mathewson's shortcomings in this respect were costly.

Score: R. H. E.
Boston ....0 0 3 0 1 0 0 0 *—4 6 3
New York.........0 0 0 0 0 0 1 0 0—1 3 2

Batteries: Williams and Moran; Mathewson and Bowerman. Time, 1:40. Umpire, Emslie. Attendance, 2,003.

At Cincinnati: Lundgren was heavily batted by Cincinnati to-day and retired after the fifth inning. Wicker did better. Ewing was not hit hard until the game was safe.

Score: R. H. E.
Cincinnati ....2 0 1 2 5 0 0 0 *—10 14 2
Chicago ....0 0 0 0 0 0 1 3 0—4 11 0

Batteries: Ewing and Peitz; Lundgren; Wicker, Kling and Raub. Time, 2:00. Umpire, Moran. Attendance, 2,500.

AMERICAN LEAGUE GAMES YESTERDAY

Scores Yesterday.

Washington 4, Boston 4.
New York 3, Philadelphia 1.
St. Louis 10, Detroit 3.
Cleveland 5, Chicago 2.

Where They Play To-Day.

Philadelphia at New York.
Boston at Washington.

Standing of the Clubs.

Clubs:	Won.	Lost.	P.C.
Boston	54	31	.635
Philadelphia	52	35	.598
Cleveland	45	39	.536
Detroit	41	40	.506
New York	40	40	.500
Chicago	37	45	.451
St. Louis	36	46	.444
Washington	27	57	.321

At Detroit: Thirteen St. Louis players went to bat in the sixth inning and five singles, a double, two triples, a gift and an error gave them nine runs and the game. It was the hardest hitting of the season here.

Score: R. H. E.
St. Louis ....0 1 0 0 0 9 0 0 0—10 13 3
Detroit ....0 0 0 2 0 0 1 0 0—3 12 5

Batteries Kissinger and McGuire; Terry and Kahoe. Time, 2:05. Umpire, Connolly. Attendance, 2,468.

At New York: The home team took the first of the series from Philadelphia to-day. Hits off Bender, while not numerous, were well bunched and that beat him.

Score: R. H. E.
New York.........0 2 0 0 0 1 0 0 *—3 10 2
Philadelphia ....0 0 0 0 0 0 1 0 0—1 6 3

Batteries: Griffith and Beville; Bender and Powers. Time, 1:40. Umpire, Hassett. Attendance, 2,000.

At Chicago: The locals got but one hit off Joss after the second inning. Flaherty was equally effective until the twelfth, when the visitors pounded him safely four times, and scored three runs, after two men had been retired.

Score: R. H. E.
Chicago ......0 2 0 0 0 0 0 0 0 0 0 0—2 4 7
Cleveland ....0 1 0 0 0 0 0 0 1 0 0 3—5 10 4

Batteries: Flaherty and McFarland; Joss and Abbott. Time, 1:45. Umpire, O'Loughlin. Attendance, 2,030.

At Washington: After struggling for eleven innings to-day's game was called on account of darkness with the score 4 to 4. Boston had the better of the hitting and profited by Washington's errors, but had eight men left on bases.

Score: R. H. E.
Washington ....2 0 1 0 0 0 1 0 0 0 0—4 7 8
Boston ....0 1 0 1 0 1 1 0 0 0 0—4 11 1

Batteries: Patten and Kittridge; Dineen and Criger. Time, 1:55. Umpire, Sheridan. Attendance, 1,459.

Southern League Scores.

Little Rock, 1; Atlanta 0.
Montgomery, 8; New Orleans, 2.
Shreveport, 7; Nashville, 5.
Memphis, 5; Birmingham, 1.

Mr. Taylor at Hospital.

Mr. John R. Taylor, clerk of Hanover county for many years, is at the Memorial Hospital for treatment.

Rev. R. B. Eggleston, of the Third Presbyterian Church, is spending the weeks, between Sabbaths, with his family in Green Springs neighborhood, Louisa county.

Rev. Dr. E. H. Harding, former Presbyterian pastor at Farmville, Va., now of Enfield, N. C., is in the city, the guest of Dr. Paulus Irving. He came with his son-in-law, Mr. Whitaker, who is sojourning, for a while, at the Virginia Hospital.

Dr. Moore to Preach.

Rev. Dr. Carter Helm Jones, who was expected to preach at Leigh Street Baptist Church to-morrow, is detained at Rawley Springs by the sickness of his wife.

Rev. Dr. Gordon B. Moore will fill the pulpit at Leigh Street to-morrow at 11 A. M. and at 8:15 P. M.

Zodiac sign—The Virgin.

August: so named by the emperor Augustus Cæsar in his own honor.

Reckoned the first month of Autumn in Great Britain but the last month of Summer in the United States.

If your vacation is to be with the Mermaids—here are Bathing Suits—also all other kinds of good Suits; made for all summer occasions.

You'll find August an interesting month if you follow our daily hints.

25 to 50 per cent. reduction nearly all through every department.

O.H. Berry & Co.
MEN'S & BOYS' OUTFITTERS

No Appetite

Means loss of vitality, vigor or tone, and is often a precursor of prostrating sickness. This is why it is serious. The best thing you can do is to take the great alterative and tonic

Hood's Sarsaparilla

Which has cured thousands.

$1--C. & O.--$1
SUNDAY OUTINGS
TRAINS—2—TRAINS.
ROUND $1.00 TRIP TO
Norfolk and Ocean View
Cape Henry and Va Beach, $1.25.

Two fast vestibuled trains leave Richmond (Main-Street Station) every Sunday 8:30 A. M. and 9 A. M. 8:30 A. M. train makes no stop. 9 A. M. train stops at Newport News. A fast, clean ride over rock-ballast track. Only 85 miles to the ocean. Three hours longer at Ocean View than via any other route. Returning, leave Virginia Beach via new electric line 5:30 P. M. Leave Norfolk via Ocean View Railway 7 P. M. Leave Ocean View 7:30 P. M. Old Point 8:15 P. M. Arrive Richmond 10:15 P. M.

Tickets also good on train leaving Old Point 4:55 P. M., Newport News 5:25 P. M., arriving Richmond 7 P. M. Ten hours at the seaside. Only $1.00 round trip on either 8:30 or 9 A. M. train.

"A DIP IN THE OCEAN"
AT
VIRGINIA BEACH TO-MORROW.

Only $1.25 round trip on the "TRILBY" to-morrow. Special Fast Vestibuled Train leaves Byrd-Street Station at 8:30 A. M. Through to Virginia Beach without change of cars. THREE (3) hours longer at Virginia Beach than any other route.

CHANGE OF SCHEDULE NORFOLK & WESTERN RAILWAY.

Train now leaving Richmond 12:20 noon for Lynchburg, Roanoke and intermediate stations will, beginning Sunday, August 2d and thereafter, leave at 12:10 noon—10 minutes earlier. No change in departure of other trains.

C. H. BOSLEY,
District Passenger Agent.

TRILBY TRIPS
TO THE
SEASHORE EVERY SUNDAY.

$1.00 round trip to Norfolk and Ocean View; $1.25 to Cape Henry and Virginia Beach. Special Fast Vestibuled Train leaves Byrd-Street Station 8:30 A. M. Quickest, Best and "ONLY ALL-RAIL ROUTE." No change of cars between Richmond, Norfolk and Virginia Beach.

IT'S A LOVELY TRIP!

To Popular Beach Park; 50c. for round-trip. Special train leaves Richmond every afternoon at 5:30 P. M. Sundays leave Richmond 9:30 A. M. and 4:00 P. M. To go once means to go again.

ESCAPE THE HEAT TO-MORROW

Go on the "TRILBY" excursion to Norfolk, Ocean View, Cape Henry and Virginia Beach. $1.00 round trip to Norfolk and Ocean View; $1.25 round trip to Cape Henry and Virginia Beach. Virginia Beach is the only resort in Virginia where you can take "A DIP IN THE OCEAN." Special Fast Vestibuled Train leaves Byrd-Street Station at 8:30 A. M.

N&W TRILBY TRIPS TO THE SEASHORE
EVERY SUNDAY
VIA
NORFOLK & WESTERN RY.
NORFOLK
OCEAN VIEW
ROUND $1.00 TRIP
VIRGINIA BEACH
CAPE HENRY
ROUND $1.25 TRIP

SPECIAL FAST VESTIBULED TRAIN leaves Richmond (Byrd-Street Station) EVERY SUNDAY at 8:30 A. M., Petersburg 9:05, arrive Norfolk 11 A. M., with through coaches to Virginia Beach, and connecting at Norfolk with SPECIAL CARS for Ocean View. Returning, leave Ocean View 6 P. M., Cape Henry 6:15, Virginia Beach 6:30, Norfolk 7:15, arriving Richmond 10 P. M. THREE (3) HOURS longer at Virginia Beach than any other route.
QUICKEST & ONLY ALL-RAIL ROUTE.
NO CHANGE OF CARS BETWEEN RICHMOND, NORFOLK & VA. BEACH.
R. T. ADAMS, MANAGER.