

lowing which the Eastern State Hospital was lengthily investigated. As a sequel to this investigation, Dr. Foster, as superintendent, was dismissed by the General Hospital Board, the dismissal to take effect on January 1, 1907. On January 23, Dr. Foster secured from Judge Tyler, of the Circuit Court of Williamsburg, a writ of certiorari, which directed Colonel Lane, Commissioner of Hospitals, and Dr. Brunk from interfering with Dr. Foster in the discharge of the duties of superintendent.

This, it is said, was to keep Dr. Foster in office until he had secured a trial at the hands of the general board. The trial was held, the verdict being the dismissal of Dr. Foster, despite an order served on the board by Judge Tyler.

An injunction was issued on January 24th by Judge Scott, of the Circuit Court of Richmond, restraining Dr. Foster from in any way interfering with the affairs of the Eastern State Hospital and directing Judge Tyler to turn over the asylum to Dr. Brunk, the superintendent selected by the general board.

To-night the papers served on Judge Tyler and Dr. Foster by order of the Supreme Court directed that no further action should be taken by either of them until the case is decided by the Supreme Court. There is, therefore, no contempt towards the Supreme Court for Dr. Foster to retain his office, but this state of affairs does not hold good, touching the injunction issued by Judge Scott, of Richmond, whose rule calls both Dr. Foster and Colonel Lawless his counsel before him on Wednesday to show cause why they should not be punished for contempt in not obeying his mandate. That is how affairs stand at the hospital to-night.

If, on Tuesday, the Supreme Court decides against Dr. Foster, the fight is all over, and Dr. Brunk will not be again interfered with in taking charge of the hospital, but if the court decides that Judge Tyler's injunction was proper, then Dr. Foster will continue as superintendent and the case will come up on February 14th before the Circuit Court of Williamsburg, to be determined according to law. So Dr. Foster, according to his counsel, still has a fighting chance, although it would seem as if the odds were heavily against him.

Write on Judge Tyler. A writ was also served this afternoon on Judge Tyler by City Sergeant Lawson, in which he was enjoined by the Supreme Court from interfering in any way with the case in question until he had appeared on February 14th before the court and showed cause why the writ of prohibition issued by him should hold.

The morning events at the hospital would, under ordinary circumstances, have been eventful, for it was decided by the special board, in session, to try Dr. Southall, second assistant physician, on February 14th, on charges against him by the general board. Congressman Robert

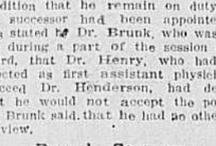
"Berry's for Clothes."



In full swing—The Wedge is in! February prices to be split! Never such an opportunity before to make your money do double work. No clipping round the edges—no embroidery scissors, but a big mallet and we are splitting the prices near the middle—look at this.

Suits that were \$18 and \$20—to-day, \$12.75. Overcoats that were \$18 and \$20—to-day, \$12.75. Other grades, same way. Same way in Boys' Wear.

Ditto Shoes, Hats, Shirts, Underwear, odd Trousers, Vests, etc., etc.



Southall, of Amelia, brother of Dr. Southall, will appear as his counsel. The resignation of Dr. Henderson, first assistant physician, was accepted on condition that he remain on duty until his successor had been appointed. It was stated by Dr. Brunk, who was present during a part of the session of the board, that Dr. Henry, who had been selected as first assistant physician to succeed Dr. Henderson, had declared that he would not accept the position. Dr. Brunk said that he had no other man in view.

Foster's Statement.

Dr. Foster gave out this statement to-night: "I am not fighting for the position of superintendent, but to have the evidence in my case heard before a fair tribunal. I will also say that, despite statements published to the contrary, the inmates of Eastern State Hospital are properly cared for—as well cared for as any in the country."

Every one here seems to think that no further attempt will be made to dislodge Foster until after the hearing before the Supreme Court on Tuesday. Dr. Brunk will remain at the hospital, however, ready to take charge at any time the affairs of the hospital may be turned over to him.

All I get to-night, but who can tell what the day may bring forth. A. P.

LEGAL PAPERS ARE NUMEROUS IN THE HOSPITAL MATTER

Supreme Court Enjoins Judge Tyler, and Judge Carter Scott Issues Rule Against Col. Lawless and Dr. Foster.

Whatever may be the final outcome of the apparently interminable controversy between Dr. L. S. Foster and the General Board of Directors of State Hospitals, one thing is clearly demonstrated—that the Governor and the Attorney-General are behind the board, and will employ all the powers at their command to see that the findings of that body are carried out. To use a mild term, his Excellency has become exasperated. The turn matters have taken, and yesterday morning directed a letter to the Attorney-General, calling upon him to proceed in any way he might think best to bring about a finality, and that the poor inmates of the institution should not be victimized as a result of a quarrel between men.

Nor was the Attorney-General slow to act, for he not only issued the same view with the Governor, but was at that moment preparing a petition, in conjunction with Messrs. Hinton and Anderson, which was later presented to the Supreme Court, asking for a second writ of prohibition, forbidding Judge D. Gardner Tyler from further interfering with the case. This writ was issued, and it is a sweeping one. The paper is printed in full elsewhere, and explains itself.

A Vigorous Paper.

Attorney-General Anderson's reply to

rules against Dr. Foster and his counsel, Colonel Joseph B. Lawless, requiring them to appear before him next Wednesday at 10 o'clock A. M., to show cause, if any they can, why they are not in contempt of his court.

And so the matter has come to be one of consuming interest, since it has been transferred largely to a fight between legal tribunals, and has passed the stage where the board was dealing simply with Dr. Foster.

Latest Documents in Foster Muddle.

Early yesterday morning Governor Swanson sent Attorney General Anderson the following letter: "February 1, 1907. Hon. William A. Lawrence, Attorney General of Virginia, Richmond, Va.: 'My Dear Sir,—The situation at the Eastern State Hospital for the insane is occasioning great detriment to the interests of the State. If continued much longer there will exist there perfect disorder and chaos. The best interest of the State and the poor inmates of its hospital demand that the matter should be adjudicated and definitely settled at an early date. The controversy has now reached a acute stage where the public interest far overshadows that of any individual. I think the time has arrived for the Commonwealth to do all it can to end this matter speedily and to see that the officials, who, under the law, have control of this institution, are brought under their legal action and authority."

"I, therefore, as Governor of Virginia, do authorize you to take all proper legal proceedings that may seem to you advisable to remedy this deplorable situation, and to exercise fully your authority in the name of the Commonwealth in the prosecution of such proceedings. I am, 'Very truly yours, 'CLAUDE A. SWANSON, Governor of Virginia."

Major Anderson's Reply.

Major Anderson later sent the following direct reply to the Governor, in which he indicated that he was thoroughly of opinion that all the legal powers of the State should be invoked to clarify the situation and to restore order in the interest of the inmates: "February 1, 1907. To His Excellency, Claude A. Swanson, Governor of Virginia, Richmond, Va.: 'My Dear Sir,—Your favor of this instant in reference to the situation at the Eastern State Hospital has just reached me."

"I fully appreciate the unfortunate condition of affairs in which that institution has been involved, and for several days have been giving my most earnest attention and consideration to the subject. 'Proceedings, as you are aware, have already been instituted in the name of the State in two cases, for the purpose of maintaining the authority of the General State Board of Hospitals for the insane."

"I am not fighting for the position of superintendent, but to have the evidence in my case heard before a fair tribunal. I will also say that, despite statements published to the contrary, the inmates of Eastern State Hospital are properly cared for—as well cared for as any in the country."

"I agree with you, that the questions involved rise far above any consideration of any personal or private interest. 'I will do all that is in my power to see that the laws are enforced, and that constituted authority is respected. 'Very truly yours, 'WILLIAM A. ANDERSON, Attorney General."

Action of Judge Scott.

At the instance of Hon. Eppa Hinton, Jr., and upon an affidavit submitted by him, letting out the facts in the case, Judge D. Carter Scott, of the Circuit Court of the city of Richmond, yesterday issued the following rule against Dr. Foster and Colonel Lawless, to appear before him Wednesday next

to show cause why they are not in contempt of his court: "In the Circuit Court of Richmond—In Vacation. Commonwealth of Virginia, of the relation of, &c. vs. J. S. Foster, Order. Upon the affidavit of Eppa Hinton, Jr., this day filed, it is ordered: That a rule do issue against J. S. Foster and Joseph B. Lawless, directing them to appear before the Circuit Court of the city of Richmond on Wednesday, February 6, 1907, at 10 o'clock, to show cause, if any they can, why they are not punished for contempt in violating the injunction order of this court entered by the judge thereof, in vacation, on the 30th day of January, 1907, and extended by the Circuit Court of the city of Williamsburg by delivering a copy thereof to the said J. S. Foster on the 31st day of January, 1907, at 9:30 A. M."

But the climax of the day came with a sweeping blanket prohibition writ from the Supreme Court of the State, directed to Judge Tyler, inhibiting him from taking any further proceedings in the case and fixing next Tuesday as the day for hearing the matter before the highest tribunal before which that matter can ever go.

Supreme Court's Writ.

The Supreme Court of Appeals of Virginia, at the relation of John G. Osborne, Haynes L. Morgan, et al., vs. D. Gardner Tyler, Judge of the Circuit Court of the city of Williamsburg and county of James City, and L. S. Foster, (Prohibition against injunction proceedings.)

Order.—On reading the petition of the Commonwealth of Virginia at the relation of John G. Osborne, Haynes L. Morgan, et al., vs. D. Gardner Tyler, Judge of the Circuit Court of the city of Williamsburg and county of James City, and L. S. Foster, (Prohibition against injunction proceedings.)

It is ordered, That a copy of said petition and notice of the intended application for said writ be forthwith served on the Hon. D. Gardner Tyler, Judge of the Circuit Court of the city of Williamsburg and county of James City, and L. S. Foster, as provided by law, and that said application be set down for hearing on Tuesday, the 5th day of February, 1907, at the hour of 10 A. M., and this court deeming it proper so to do.

Both further orders, That all proceedings in the cause pending in the said Circuit Court of the city of Williamsburg and county of James City, mentioned in said petition, and sought to be prohibited in accordance with the prayers thereof, be suspended, pending the prohibition writ, and that no further order of this court, or the final decision of this cause from exercising or attempting to exercise jurisdiction sought to be exercised therein.

Had Partial Hearing.

The Corporation Commission yesterday held a partial hearing on the petition of Williamsburg and county of James City, mentioned in said petition, and sought to be prohibited in accordance with the prayers thereof, be suspended, pending the prohibition writ, and that no further order of this court, or the final decision of this cause from exercising or attempting to exercise jurisdiction sought to be exercised therein.

COAL EXHIBIT.

Plans Made to Have Best Showing at Jamestown Ever Made.

BRISTOL, TENN., February 1.—R. C. Eber, secretary of the Virginia Coal and Timber Association, arrived here to-day from Big Stone Gap, Va., where he attended a meeting of the committee of coal and coke producers, who have in charge the movement for an exhibit at the Jamestown Exposition. The committee also plans for the greatest exhibit of the kind ever undertaken among Virginia operators. Banks declares that the most remarkable and novel feature of the exhibit has ever seen will result. Much money will be spent as a means of carrying out unique and imposing designs in the display.

Rescue Day.

Monday will be Rescue Day at the West End Mission, No. 806 West Cary Street. Three services will be held in the mission, as follows: 7:30 P. M. will be given up to rescue work, and missions in the city will speak. "The Power of the Gospel Among the Lost" will be the subject of an address. At these services all are welcome.

THE WEATHER

Forecast: Virginia—Rain and warmer Saturday and Sunday, clearing and cooler on Monday. North Carolina—Rain and warmer Saturday; Sunday fair; colder in extreme west portion; frost; southwest winds. Richmond's weather was warmer and rainy. Range of the thermometer: 9 A. M. 35 6 P. M. 42 12 M. 38 9 P. M. 40 5 P. M. 35 Average... 38.1-3

Conditions in Important Cities. (At 8 P. M., Eastern Time.) Place, Ther. H. T. Weather. Asheville, N. C. 50 52 Rain. Augusta 48 52 Rain. Atlanta 48 52 Rain. Buffalo, N. Y. 35 38 Cloudy. Charleston 54 57 Rain. Chicago, Ill. 35 38 Rain. Cincinnati, O. 35 38 Rain. Davenport 36 40 Cloudy. Detroit, Mich. 34 37 Rain. Evansville, Ind. 40 44 Rain. Hartford, N. C. 44 44 Rain. Jacksonville 70 74 Clear. Kansas City 34 37 Cloudy. Memphis 48 52 Rain. New Orleans 70 76 Clear. Oklahoma City 38 40 P. cloudy. Pittsburg, Pa. 35 38 Rain. Raleigh 44 44 Rain. Savannah 55 61 Rain. Norfolk, Va. 38 42 Rain. Philadelphia 40 44 Rain. Vicksburg 62 66 Rain. Washington 34 38 Rain. Wichita, Kan. 38 42 Rain. Yellowstone 14 32 Rain.

Miniature Almanac. February 2, 1907. Sun rises... 7:15 HIGH TIDE. Sun sets... 5:33 Morning... 7:28 Moon rises... 1:24 Evening... 7:43

RICHMOND VISITORS AT THE MECKLENBURG

January Has Passed Quickly at This Increasingly-Popular Virginia Winter Resort.

[Special to The Times-Dispatch.] THE MECKLENBURG, February 1.—The usually "gray and tedious January" was this year the most successful mid-winter month in the annals of the Mecklenburg, and the number and personnel of the guests were another proof of the growing popularity of Virginia as a winter resort for Northern tourists against the far-away attractions of Palm Beach and the long-established precedent of a "winter in Florida."

The new orchestra, from Philadelphia, which arrived last week, is a source of great pleasure to the guests, and the delightful concerts which they give every evening are thoroughly enjoyed by the guests, who cannot be beguiled from the lobby until the last sound has died away. The hop Saturday evening was very popular, and many excellent dancers were noticed on the floor. Among them were Mrs. J. T. Werner, Pottsville, Pa.; Miss Jessie Robertson, Chapel Hill, N. C.; Miss Josephine Plummer, Newport News; Mrs. T. S. Hays, Norfolk; Miss Elizabeth Bagley, Jackson, N. C.; Miss Irma Jeffress, Chase City; Miss Isabel Norvell, Chase City; Mrs. T. P. Williams, Danville, Va.; Miss Carhart, Powhatan county, Va.; Miss Annie Thomas, Norfolk, Va.; Mrs. J. M. C. Deane, Mecklenburg; Mr. James Cottrell, Richmond, Va.; Mr. W. West, Raleigh, N. C.; Messrs. Arnew, Cooley, Paris, Walker, Gilmore, Brooks, of Chase City, and Mr. J. G. Sizer, of Richmond, Va. Mrs. W. T. Hughes capped the very pleasant evening.

Mr. and Mrs. M. D. Hoyle, Jr., of Richmond, spent several days here during the past week, and were most delightful additions to the social circle. Mr. Howard Swinford, of Richmond, accompanied by his daughter, Mrs. Frank Taylor, and many other guests, were vacationing from their recent long illness. Both he and Mrs. Tanner have won many friends.

Mrs. T. P. Williams, of Danville, is also a very attractive addition to the circle of permanent guests which she has, coming to the place, while many transients coming and going add the life and motion suggesting a city hotel. Horseback rides in the snow-storm, rabbit hunts in the snow and fox hunts and the amusements during the week, the only real winter work of the season, and all is merry.

Others on the register during the week are Mrs. Carrie B. Law, Cincinnati; Mrs. G. L. Anderson, Amelia county; Mr. Charles H. Webb, New Haven, Conn.; Mr. G. L. Wilkes, Richmond; Mr. G. W. Hansen, Philadelphia; Mr. Ernest Haywood, Raleigh, N. C.; Mr. Parker Scott, Syracuse, N. Y.; Mrs. J. M. Eaton, South Boston, Va.; Mr. A. L. Johnson, Lynchburg, Va.; Mrs. Deane, Mecklenburg; Mr. J. M. and Mrs. Deane, Baltimore; Mr. W. C. Hall, Jr., Chicago; Mr. J. L. Bowie, Albany, N. Y.; Mr. L. M. Preston, St. Louis, Mo.

OBITUARY.

Robert Camm. Telegrams were received here yesterday announcing the death of Mr. Robert Camm, of Charleston, W. Va., at half past 10 o'clock yesterday morning. Mr. Camm was a coal engineer, and recently had given most of his attention to mining operations. He was the son of Mrs. A. B. Camm and the late Captain Robert A. Camm, of the Confederate States Army, and survived by one child, a daughter, Miss Rebecca Camm, who is here, and two sisters, Mrs. Reid Hobson and Miss Gertrude Camm.

Having lived here all the earlier part of his life, Mr. Camm was well known and loved by many friends, and he will be missed by all who knew him. His mother had been notified by telegraph of his precarious condition, and was with him when he died. His body will arrive here over the Chesapeake and Ohio road at the Main Street Station at half-past 7 o'clock this morning. It will be met by a number of his friends and a delegation of Misses, Mr. Camm having been a member of that order. It will be carried immediately to Hollywood Cemetery, where the funeral service will be conducted in the mortuary chapel.

George Carrington.

Mr. George Carrington died yesterday morning. He is survived by one brother, Mr. W. T. Carrington, and two sisters, Mrs. Laura Carrington and Mrs. E. H. Deane. The funeral services will be held at 11:30 this morning in the chapel at the Lee Camp Home.

R. D. Burruss.

Mr. R. D. Burruss died at the home of his daughter, Mrs. A. L. Chapin, No. 1507 West Main Street, yesterday. He was seventy-nine years of age.

Funeral of Mr. W. O. Gode.

The funeral of Mr. William O. Gode, who died in the home of his daughter, Mrs. A. F. Newman, No. 415 North Thirty-fifth Street, yesterday, will take place from the Lee Camp Home at 10 o'clock. Services will be conducted by Rev. J. J. Scherer, Jr.

Mrs. Matilda Kelley.

[Special to The Times-Dispatch.] FREDERICKSBURG, Va., February 1.—Mrs. Matilda Kelley, the wife of Mr. R. Kelley, died at her home here yesterday, aged seventy-four years. She is survived by her husband and one daughter.

Mrs. Jane E. Stratton.

[Special to The Times-Dispatch.] ST. LOUIS, Mo., January 31.—Dispatches from Sedalia, Mo., announce the death there to-day of Mrs. Jane E. Stratton, eighty-nine years of age. She was the mother of B. B. Stratton, for fifteen years editor of the Sedalia Democrat, prior to the consolidation of that paper with the Evening World. She had resided in Missouri for over half a century. She leaves six children.

A Hair Dressing

If you wish a high-class hair dressing, we are sure Ayer's Hair Vigor, new improved formula, will greatly please you. It keeps the hair soft and smooth, makes it look rich and luxuriant, prevents splitting at the ends. And it keeps the scalp free from dandruff. Does not stain or change the color of the hair. J. C. Ayer & Co., Lowell, Mass.

rub it on your chest under your vest Gowan's Pneumonia Cure Cures Pneumonia, Coughs, Colds and Croup. External. All Druggists 25c. and 50c. and \$1.00. It relieves within 4 hours and cures within 4 days. It cures colds, coughs and croup in less time.

ALL EXPECT WAR YET WITH JAPAN

(Continued from First Page.) coast, and at some point in the future course of hostilities, a clash between the pathway of national progress and the part of Japan and the United States will converge to a point of inevitable conflict.

In these words, Senator Perkins of California predicted a clash between the United States and Japan at some indefinite period. He delivered a speech before the National Geographic Society, in which he discussed at length the relations existing between this country and Japan.

There was no statement to-day of the apprehension and uneasiness felt in official circles here over the relations now existing between the United States and Japan. It can be positively stated that this feeling of alarm, growing out of a serious and critical situation, is more general to-night than at any time since the beginning of its development.

The Japanese Ambassador is not accessible to newspaper reporters, he is accessible to newspaper reporters, he is accessible to newspaper reporters, he is accessible to newspaper reporters.

ROOT KEEPS SILENT ON THE SITUATION

WASHINGTON, February 1.—Secretary Root positively refuses to make any statement touching the Japanese situation in its relation to the conference which took place at the White House Wednesday evening between the President and some members of the Cabinet and the Japanese Ambassador.

LOOK INTO METHODS OF COTTON MARKETS

WASHINGTON, D. C., February 1.—By unanimous vote, the House Committee on Interstate and Foreign Commerce decided to-day to make favorable report on a resolution for the investigation of the methods of cotton exchanges by the Department of Commerce.

PNEUMONIA

is often the result of a neglected cold. This fearful mistake is often made when it's too late to remedy the evil.

REXALL GRIPPE PILLS

are guaranteed to quickly cure COLD, BRONCHITIS, LA GRIPPE, and all kindred ailments resulting from COLDS. Your money refunded if it fails. Undoubtedly the best remedy we know of. Sold every day in the year for 25c PER BOX. Polk Miller Drug Co., 834 E. Main. Polk Miller-Childrey Co., 101 E. Broad St.

Oats, Potatoes, Peas, Onion Sets, Clover and Grass SEED... New Crop—Best Grade. Write for Prices and Samples. S. T. BEVERIDGE & CO., 1217 E. Cary St., Richmond, Va.

THE COFFEE MASQUERADE. Advice of the largest coffee dealers in the world is always to buy the old-fashioned Arbuckle's ARIOSA Coffee in the sealed packages. Don't ask for a pound of Mocha and Java, or buy by the price, for coffee fluctuates and you cannot get the same coffee for the same price all the time, unless you pay too much for it. Most of the so-called Mocha and Java coffee is simply nasquading, and is not nearly as good coffee for you as Arbuckle's ARIOSA, the blend of the Brazilian Coffees most suitable to the taste and health of American people. By the principal difference is that Arbuckle's costs you less. It is a mistake to believe that a high price guarantees quality. When you buy Arbuckle's ARIOSA Coffee, you get a full one pound package of the leading Coffee of the world. Its sales for 37 years are greater than the combined sales of all the other packaged coffees. By giving better coffee for the money, we have built up a business exceeding the combined businesses of the four next largest coffee firms in the whole world. If your dealer will not supply the genuine, write to ARBUCKLE BROS., New York City.