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ATTORNEY-GENERAL AND JUDGE CLASH

Conflicting Attitude as to Alton Rebate Hinders Prosecutions.

ATTORNEY SIMS MAY LOSE PLACE

His Zeal in Failing to Acquiesce in Department's Immunity Promises to Alton Road Handicaps Effort to Convict in Rebate Cases.

Times-Dispatch Bureau,
Munsey Building.

WASHINGTON, D. C., September 4.—It was openly hinted at the Department of Justice to-day that there was a sharp clash between Attorney-General Bonaparte and Judge Landis, of the United States District Court, at Chicago, which may entail serious results to the government's anti-corporation campaign.

And, incidentally, the official head of the United States District Attorney Sims, of Chicago, may fall. This is owing to his apparent reluctance to carry out the policy of the Attorney-General as regards the Alton case. The failure of District-Attorney Sims to read to the special grand jury the letter he received from the Attorney-General, advising that no prosecution be made, is viewed by department officials as indicating a lack of loyalty, to express it most mildly.

It may be stated on absolute authority that Attorney-General Bonaparte himself is far from approving the course of the district attorney.

There is no question that Judge Landis is absolutely his own master in this case, so far as following his own predilections is concerned, but the fear is expressed that, should he fail to grant the Alton immunity after its officials gave the government the information necessary to convict the Standard Oil Company in the celebrated rebate cases, which information was secured upon promise that there should be no prosecution, it will be extremely difficult to secure the conviction of any other company charged with rebating. Railway corporations will not supply the information, without which conviction will be practically impossible.

It is admitted that should Judge Landis stand pat and charge the jury to indict the Alton officials, his charge would have far greater weight than the letter from the Attorney-General to the district attorney, expressing the opinion that the faith of the government had been pledged against prosecution. It is probable that the letter of Mr. Bonaparte will be published, in order to make his position clear.

As to District Attorney Sims, it is quite natural that, having devoted much of his time to framing a case against the Alton, he may now be averse to a policy that will not permit of the use of the evidence he has collected. That he is more or less in sympathy with the position assumed by Judge Landis is regarded here as a fact; but that, as an officer of the Department of Justice, he should subordinate all other feelings to that of loyalty, pressing home the conclusions of his superiors, is none the less strongly urged.

BONAPARTE ON ALTON RAILWAY

Attorney-General Issues Statement as to Status of Famous Case.

LENOX, MASS., September 4.—Attorney-General Charles J. Bonaparte tonight issued a statement regarding the Standard Oil case in the Illinois court. The Attorney-General's statement is as follows:

"On August 14th Judge Landis asked in substance that the Department of Justice consider portions of the transcript of testimony in the case of the United States against the Standard Oil Company of Indiana in order to determine whether the Chicago and Alton Railroad Company, its officers and employees, were entitled to the benefits of an agreement, assuring it and them of immunity against criminal prosecution in connection with the granting of certain rebates to the Standard Oil Company.

"The department, in compliance with the desire of Judge Landis, examined the above-mentioned records and carefully investigated the entire subject, and, as a result of such investigation, the Attorney-General on August 29th wrote Edwin W. Sims, United States attorney at Chicago, informing him in substance that the agreement was shown to have been made in June or July, 1906, by C. B. Morrison, Mr. Sims's predecessor in office, that Mr. Morrison's action appears to have been duly authorized at the time by the department; that, in the opinion of the department, the arrangement had greatly facilitated the indictment and conviction of the Standard Oil Company, and that while certain portions of the evidence might be fairly open to unfavorable comment, the department regarded the government as bound in good faith and also as a matter of public policy to give effect to the agreement.

"Mr. Sims was instructed to read this letter when the grand jury reconvened in September and to take such further action to the foregoing end as might seem to the court and to himself appropriate in the premises.

Sims Has New Evidence.

"The department learns that Mr. Sims did not comply with those instructions by reason of his having had called to his attention very recently certain new, and, in his judgment, material facts, which he thought should be submitted to the department for its further consideration, before its conclusions should be finally announced. For this purpose, he asked and was granted by the court a delay of three weeks. The department is not as yet advised as to what are the facts thus ascertained by Mr. Sims. It has great confidence in his sound judgment and devotion to duty, and awaits his report before taking further action in the premises. Inasmuch, however, as the circumstances of the case may be liable to misconstruction, it is deemed proper to submit now the present statement to the public."

NO PLACE FOR MAN IN DESPERATE PLIGHT

Badly Hurt, Lyons is Finally Locked In Cell of Jail.

NO FACILITIES AT CITY HOME

Police Commissioners Make a Vigorous Complaint Against Conditions—Mr. Gordon Says Board Will Call on Court if No Action Is Taken.

Is there no place in the city of Richmond where a man in the last stages of delirium tremens, and apparently likely to die from injuries inflicted on himself, may be placed, where he, at least, can do no further harm and can receive proper medical attention?

George M. Lyons, a strapping white man, said to be forty years old and a resident of Washington city, came staggering into the First Police Station yesterday morning about 7 o'clock and offered to give himself up to the police, being somewhat confused as to what charge was against him. No warrant was out for the man, and he was allowed to go. Shortly afterward Policemen Bryant and Sherry brought him in on the charge of drunkenness in an advanced stage, and he was locked in a cell. Later in the day Lyons developed pronounced symptoms of delirium tremens, hurling himself about in a violent manner and doing himself considerable injury by striking his head and body against the iron bars and the hard floor of the cell.

Refused to Take Him.

The city ambulance in charge of Dr. Hinchman was called, and the man was treated and quieted for a time. Late last night he became violent again, throwing himself about in his delirium and becoming a ghastly sight from bloody cuts over his head and body. The City Hospital was notified, but refused to take the man in, the officials saying that they had no place for a violent patient. Lyons rapidly grew worse, and Captain Whitlock, in charge of the station, became alarmed as to his condition. No provision is made for sick prisoners at the station house, and two men had to be kept constantly in the cell to prevent the man from doing himself harm. His condition was growing more and more serious, and it was feared that he would die. Captain Whitlock again conferred with the City Hospital, and Superintendent Davis stated that he would take the man in and do what he could for him, and the ambulance was sent to the First Station once more.

After examining Lyons, Dr. Hinchman refused to carry him to the home, declaring that he had absolutely no place to keep a patient who was in his condition, and who, if not watched for every minute, might hurl him out of an upstairs window. Dr. Hinchman stated, however, that he regarded the man's plight as most critical, and that it was altogether possible he would not survive the attack, which was becoming an unusually violent one.

Finally Detective Sergeant Forrest Bailey suggested the padded cells at the city jail, where lunatics are usually kept, as the only safe place for a person in the condition of Lyons. Captain Whitlock communicated with the jail officials, who refused to receive the patient without warrant of commitment. It was then after midnight, but the officers at the station considered the matter so serious that Captain Whitlock determined to call Justice Crutchfield, and, with the consent of Dr. Hinchman, the justice was awakened and brought to the 'phone.

After a full explanation of the case to the magistrate, in the course of which Justice Crutchfield interposed to express vigorously his opinion of the facilities at the City Home, the man was finally ordered to the city jail, where a padded cell was made ready for him, and with the assistance of several policemen he was taken there by Dr. Hinchman in the city ambulance. Dr. Blackwell, of the force of jail physicians, was summoned, and placed Lyons under treatment. His condition is regarded as critical. He has evidently been on a protracted spree, and in the opinion of the physicians has taken some drug in addition to whiskey.

What Commissioners Say.

Police Commissioners Chris Manning and W. Douglas Gordon were at the First Station last night at the time the prisoner became most violent, and both assisted Captain Whitlock in procuring relief, 'phoning for several private physicians who were not to be found.

Mr. Manning expressed himself frankly on the lack of proper facilities at the City Hospital, preventing the removal there of a man against whom the police had absolutely no charge, and who was evidently in imminent danger of dying from lack of attention. Mr. Manning said that the present arrangement with regard to the criminal ill was most cumbrous and unsatisfactory to the police board. He stated that when any one was taken ill at the jail or at the station-house and was taken to the City Home for treatment, it became necessary for the police department to detail one or more officers from their regular duty to go to the hospital and guard the prisoner. The patient might have fever for weeks, or might have some contagious disease, but the present arrangement requires an officer from the city police force to be constantly on guard, however much his services might be needed elsewhere, or however much the cost might be to the police board.

Mr. Gordon also expressed himself with regard to the lack of medical facilities provided by the city, and indorsed the proposition of Dr. Ennion Williams for a city hospital, with a ward or floor for the criminal ill.

"The matter is all the fault of the Council," said Mr. Gordon. "The city has spent $80,000 on an annex to the City Jail for hospital purposes, but so far it has never been equipped or put in use. The Council has done nothing about the matter, and we have absolutely no place for the sick in the station houses or jail. The Police Board will certainly call the matter to

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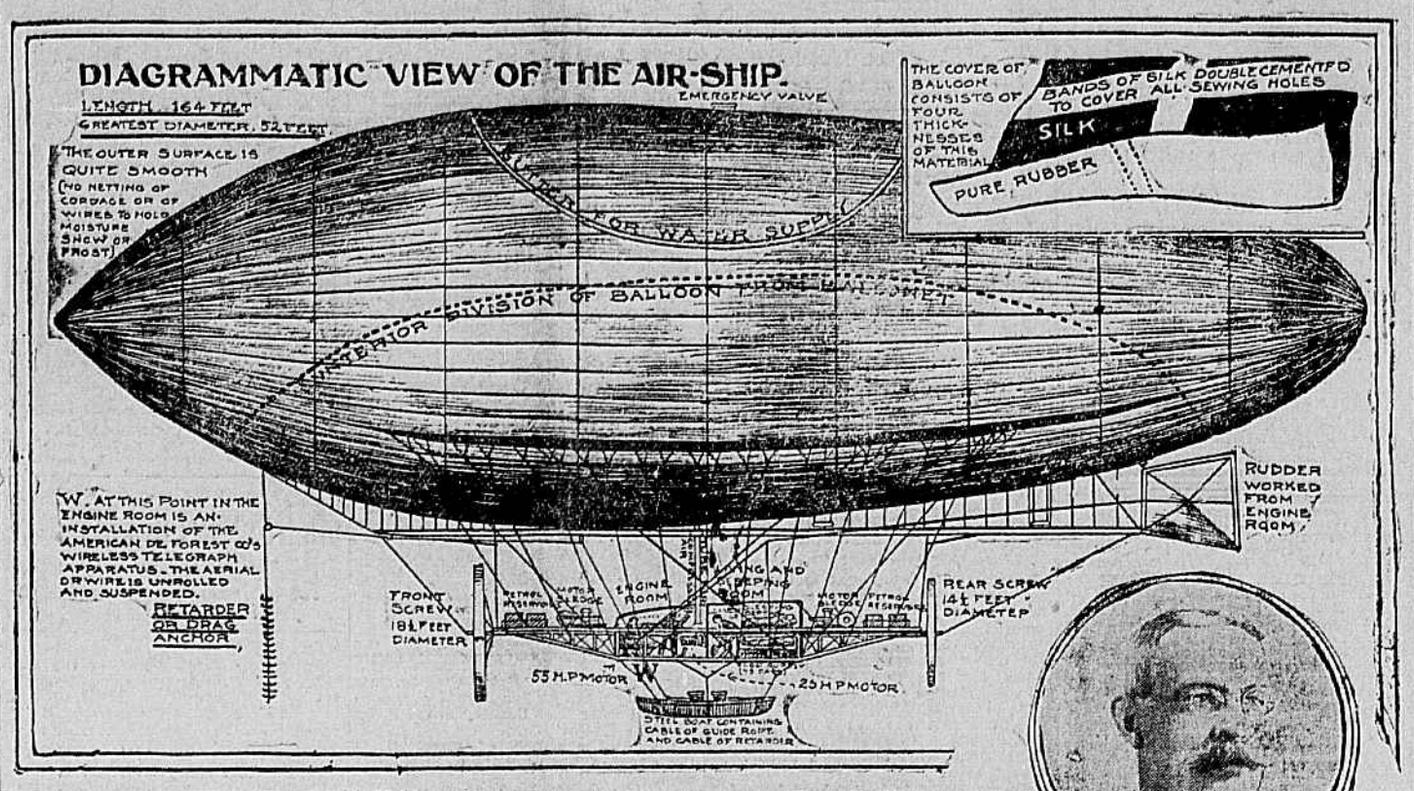
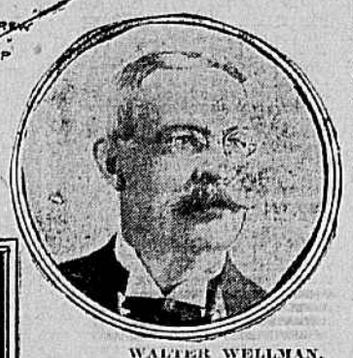
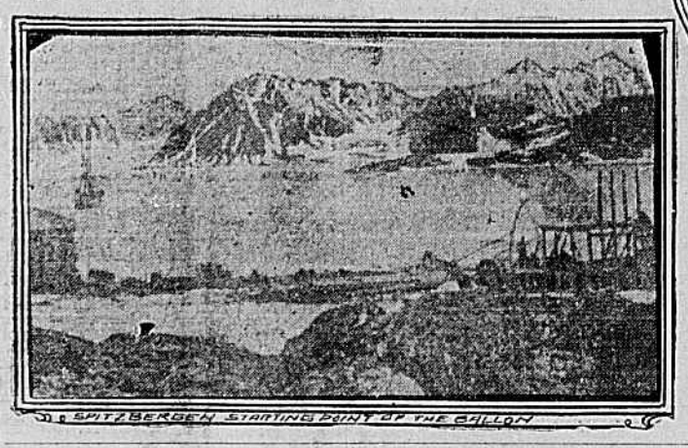
GREAT WELLMAN AIRSHIP AND THE MAN WHO HOPES TO SAIL IN IT OVER FROZEN SEAS FROM SPITZBERGEN TO NORTH POLE





WALTER WELLMAN.



PUT HER IN "JIM CROW" CAR; SUES

Absolutely Novel Suit Entered at Suffolk by Mrs. Rosa Stone.

FORCED TO SIT WITH NEGROES

This Her Claim—Negro Said, "Miss Rosa, This Is No Place for You.

SUFFOLK, VA., September 4.—A suit which is said to be without precedent in any court was entered here this afternoon, when Mrs. Rosa Stone, wife of William Stone, a farmer of Myrtle, Va., entered suit to recover $1,000 damages from the Norfolk and Western Railway Company for being forced to ride in a "Jim Crow" car with negroes. Mrs. Stone, who is a white woman, boarded the train at Myrtle, and naturally seated herself in an apartment reserved for whites. Presently the conductor appeared and required her to move among the negroes, notwithstanding her protests. A negro woman who knew Mrs. Stone remarked: "Miss Rosa, this is no place for you." Whereupon Mrs. Stone sought to return, but was restrained. Mrs. Stone remained in the car until the train reached Suffolk, where she got off. Mrs. Stone, who is light complected and has a thin skin, was considerably tanned. Attorney Edward, counsel for the plaintiff, said to-night that persistent search had failed to show record of a similar case in any court.

WILL WELLMAN SAIL FOR POLE?

Reported to Have Said He Would Leave Before September 6th or Not at All.

CHICAGO, ILL., September 4.—Mr. Walter Wellman has but one more day in which to start for the north pole in his airship La Patrie. He is reported to have declared that he would leave Spitzbergen before September 6th or not at all. No reports have yet reached here that he sailed to-day; in fact, the last news from him was to the effect that he was ready to cut loose from terra firma, but that the wind was unfavorable, and he was waiting for a change.

Scientists are not inclined to view the Wellman attempt seriously. In order for him to reach the pole and return, his ship must be in the air sixty hours, while the longest period any air navigator has yet remained in control of his ship is eight. It is also taken into consideration that Wellman has far greater difficulties of climate and weather to overcome than they.

HERVEY DENIES NAME IS SCOTT

Strike Leader, in Washington, Gives Out Statement—Coming Back To-Day.

C. S. Hervey, president of the Local Telegraphers' Union and leader of the strike here, who has been absent from the city several days, is in Washington, where last night he gave out a statement emphatically denying that his name is Scott, and not Hervey, as asserted in a dispatch from Augusta and by a man who claimed to be a detective looking for him.

In his statement Hervey declares that the detective is "a Western Union bluff," and that he will hold The Times-Dispatch responsible for the article. He also announces that he will return to Richmond this afternoon.

The sole allegation made by The Times-Dispatch was that Hervey had been known in Augusta as C. A. Scott, and this assertion it reiterates.

TUCKER TELLS VALLEY FRIENDS HE WILL RUN FOR GOVERNOR

[Special to The Times-Dispatch.]

STAUNTON, VA., September 4.—Hon. Harry St. George Tucker has authorized his Valley friends to make the first announcement that he will be a candidate for the Governorship of Virginia to succeed Governor Claude A. Swanson.

NORFOLK, VA., September 4.—Mr. Tucker was sick to-night and retired early. He would make no statement to-night regarding the governorship.

CHANDLER TO EDIT NEW SCHOOL JOURNAL

Resigns Connection With New York Firm and Comes Back to Virginia.

SCOPE OF PAPER ENLARGED

Publication Will Begin Early in Fall—Report of Committee Appointed.

Virginia is shortly to have a new school journal conducted on comprehensive lines, devoted to the interests of all kinds of public instruction, and edited by Dr. J. A. C. Chandler, one of the leading young educators in this section of the country.

The matter of reviving the publication of the Virginia School Journal, which was abandoned a few years ago, has been pending before the State Board of Education for several months, but it has now been definitely settled, and the services of Dr. Chandler have been secured. Dr. Chandler has severed his connection with Silver Burdett & Co., the New York publishers, with whom he has been associated as an editor for some time, and it is expected that the new publication will begin in this city early in the fall.

Committees Report.

The matter was first seriously considered at a meeting of the State Board held on June 24th. At that time it seemed to be the general idea to run the new journal on a basis similar to that of the old one. Governor Swanson, however, suggested a broader scope, which suggestion was at once accepted. The Governor wanted to bring all the various educational interests of the State together and to make the publication the organ of all.

Under a resolution offered by His Excellency a committee, of which Dr. Charles W. Kent, of the University of Virginia, was chairman, was named to

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JUDGE DUDLEY DEAD IN OFFICE

President of Bank and Former Jurist Dies Suddenly and When Alone.

[Special to The Times-Dispatch.]

WASHINGTON, VA., September 4.—Judge H. M. Dudley, president of Rappahannock National Bank, of Washington, Va., dropped dead last night at about 7:30 o'clock. He was alone in the bank working on the books, and was found soon after he fell. The doctor says that appoplexy was the cause of his death. Judge Dudley was fifty-three years old, was ex-judge of the county court of Rappahannock county, and a most useful citizen, and will be missed by a great many people. He was a brother-in-law of Judge W. W. Moffett, of Roanoke, and was widely connected in this county. He leaves a widow and a daughter, Miss Della Dudley, and a son, Master L. H. Dudley. Judge Dudley's death was a great shock, and cast a gloom all over the country. He will be buried with Masonic honors at his old home place, four miles east of here.

WIFE IS HELD IN MURDER MYSTERY

Believed Widow of Wealthy Cleveland Man Knows More of Tragedy.

MUCH LIKE CASE OF M'CUE

In This Murder Husband Is Killed, Supposedly by Burglars.

CLEVELAND, OHIO, September 4.—Developments in the investigation into the death of John J. Phillips, coal operator, broker, banker and clubman, took a sensational turn late this afternoon, when Mrs. Phillips, widow of the deceased, was taken into custody. Mrs. Phillips has been in highly nervous state since the tragedy Monday, when announcement was made that her husband had been shot and mortally wounded by a burglar. To-day she collapsed, and was not able to attend the funeral. It was shortly following this that, after a conference with Deputy Coroner Houck, who had conducted the inquest, the widow was taken into custody. Deputies will guard her in her home till she recovers sufficiently to be taken to court.

The police believe Mrs. Phillips can give facts concerning the tragedy which would solve the mystery. At the inquest to-day Dr. C. L. Richardson testified that he had not been summoned until 4 A. M., more than three hours after Phillips was shot. He had been called by telephone. Mrs. Phillips admitted him to the house. She exclaimed: "Oh, doctor, something dreadful has happened. Mr. Phillips has been shot by a burglar."

He found the wounded man in bed. He called Dr. Rhodes. After they reached the house Phillips asked them to leave the bedroom a minute, as he wished to talk with his wife. Husband and wife were together alone for perhaps two minutes. He said there was a trace of blood on the stairway.

The bed in which Phillips was found was much stained by blood. Phillips told the physicians that he wanted as little notriety as possible connected with the affair.

The police ransacked the Phillips home to-day in search of the revolver or other evidence in connection with the case, but as far as is known no revolver was found.

Phillips's secretary reiterated to-day his belief that with the life insurance policies left by him the estate would pay off all of Phillips debts and possibly leave something for the family.

YOUNG MINISTER ACTING AS STATION AGENT LOSES TOES

[Special to The Times-Dispatch.]

SUFFOLK, VA., September 4.—Rev. Samuel Dumville, a young clergyman, who recently accepted a charge in Petersburg, Va., this afternoon had a portion of the toes crushed from each foot at the Norfolk and Southern local station. He was temporarily serving as station agent for his father, who is in Canada. While attempting to deliver orders to the engineer of a moving train he fell beneath the wheels.

J. Holladay Parker, a former Confederate veteran, died last evening at his home near Whaleyville, Va., aged sixty-five years.

RIFLE RANGE FOR VIRGINIA

Move to Have One Established, So State Soldiers May Practice.

WHY THEY FAILED IN OHIO

Had but Little Training, and Fell to Last Place—The Score.

The Virginia Rifle Team, lately returned from the national match at Camp Perry, Ohio, is coming in for some hard knocks these days, as there is considerable interest and unfavorable comment among the general public, who think a better showing should have been made. It is but fair to say, however, that the team are not altogether to blame for the poor showing made.

A representative of The Times-Dispatch called upon a member of the team yesterday and asked him for some explanation of why the Virginia team was last of all the forty-eight teams who competed.

"The fault is hardly to be laid at the door of the team," said the member, who is a well-known officer of the Virginia Volunteers. "It is the State of Virginia that is to blame. It is folly to send raw men to contend with veterans, and expect them to make anything but a failure. The modern rifle is a totally different weapon from that of the old days. High-pressure ammunition and long-range shooting are not to be learned in a day. There is, as the army people express it, 'a heap of sabe' in long-range shooting. Teams that are up in the running are those that have been studying and practicing the game for years. They have ranges, they hold shooting matches and competitions, and finally select their best material. Put the main charge of an experienced man, even if they have to pay a big price for him. He coaches the team, drills them week after week, sometimes for months, before the match. There was some good material on the Virginia team, but they were green, uninstructed, and, of course, could do nothing.

"Here is an example. One man in preliminary practice managed to get on the target, and after that made bull's eye after bull's eye.

"In the match two days later he made a succession of misses. A member of the Pennsylvania team sitting near remarked that it was not the man's fault. He simply did not know how to find the target. This man had good eyesight and steady nerves. With a little instruction and practice he would perhaps make a fine shot.

Has No Practice Range.

"How is it that Virginia was beat out by North Carolina, who was never in a national match before?"

"Well, the story may be told in a word. North Carolina has a range. It is impossible to learn long range shooting or skirmish fire in a shooting gallery. Georgia has had a good team for years, simply because she has had a range."

"Why has not Virginia a range? Is it not true that the Federal government has appropriated money for the purpose?"

"There is available at Washington about $15,000 to build ranges and supply ammunition and other equipment. The general government appropriates for this purpose annually to the State about $12,000, and this amount cannot be used for any other purpose than that for which it is appropriated, namely, rifle ranges, ammunition and expenses of shooting; so there is no lack of funds to start with. The State should, and no doubt will, as soon as proper attention is called to the matter, make an appropriation, say, of $25,000 to put the range in proper condition for camp purposes, such as water, mess and sewerage facilities. It is understood that an available site is to be had and that the owners will be very glad to lease it to the government at a nominal rent. This matter should be taken up at once, and better results will be obtained by the State of Virginia and the showing will be so marked in improvement that the

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LONG FIGHT ENDS AT POLLS TO-DAY

Spirited Campaign In Henrico County Has Aroused Feeling.

CONTEST CLOSE AND FINISH WARM

Candidates Have Canvassed the County from End to End, and Entire Vote, Which Is Less Than Fifteen Hundred, Will Probably Be Polled.

Henrico Primary Election

Polls open 5:44 A. M.
Polls close 6:34 P. M.

Returns will be received at the treasurer's office at Henrico Courthouse until the result is assured.

GENERAL CANDIDATES.

Treasurer—George Watt, William B. Frayser, Henry C. Hechler and John E. Bronddus.

Sheriff—Simon Solomon and L. H. Kemp.

Commonwealth's Attorney—Julien Gunn and Louis O. Wendenburg.

House of Delegates—C. W. Throckmorton.

Senate—T. A. Wickham.

County Supervisor—W. M. Milan and Washington Bottoms.

Overseer of the Poor—C. H. Graves and J. H. Trainer.

Justices of the Peace (three to be voted for)—Myer Angle, Ira Watson, J. W. Tiller, R. N. Bluford, J. W. Camp, George W. Preston, Geo. W. Thomas and E. B. Wharton.

Constable—Douglas L. Temple.

BROOKLAND DISTRICT.

County Supervisor—J. H. Floyd, A. R. Scott and W. C. Saunders.

Justices of the Peace (three to be voted for)—R. T. Sale, M. J. Sheppard, Thomas P. Larus and T. R. Derricott.

Constable—C. O. Burch.

VARINA DISTRICT.

County Supervisor—Frank M. Yahley and R. T. Wilson.

Overseer of the Poor—W. T. Warriner.

Justices of the Peace (three to be voted for)—S. C. Freeman, G. A. W. Brittan, Oascall Arnall and J. T. Timberlake.

Constable—T. H. (Cyclone) Samuel.

TUCKAHOE DISTRICT.

County Supervisor—W. E. Grant and W. R. Fensom.

Overseer of the Poor—J. H. Browning.

Justices of the Peace (three to be voted for)—James T. Lewis, R. A. Smith and J. M. Hehley.

One of the most unique and strenuous campaigns ever known in the old county of Henrico closed last night, and at 5:44 A. M. to-day the various precincts will begin to receive the ballots that will spell victory or defeat for half a hundred aspirants to office. At 6:34 P. M. the contest will close, and within a few hours the results will be known; and many who have been doing wild guessing for many days will sleep to-night in the certainty of success or failure.

Just as the main contest has centred since the beginning around the position of Treasurer, so will the finish to the fight be, as it is that office in the County Courthouse which has been selected as the gathering place of the candidates awaiting the tidings of their fate. Treasurer Frayser has invited his opponents, as well as other political aspirants, to join with him in this "watch-night" assembly, and Deputy Treasurer O'Bannon will preside at the telephone and compile the returns.

Difficult to Pick Winners.

On the eve of the election it is as difficult, as it was ten days ago, to pick the winners. Political experts at the courthouse admit that they cannot risk their reputation by guesses at the results; and though some forecasts have been published, their value is more than doubtful.

In the last Democratic primary about three thousand votes were cast. Annexation of a considerable strip of populous territory, together with a rigid enforcement of the poll tax requirement, have reduced the Democratic vote in the county to less than half, a careful estimate of the number who are qualified to cast ballots to-day being placed at 1,299.

This is the first election held since the annexation, and political wiseacres are looking with anxious eyes for the result. It is generally thought that the so-called Democratic "machine," controlled in large measure by the present officeholders, had its best hold on the people living near the city, many of whom have been annexed. The "outs" assert that the "machine" has no such influence over the farmers and tax-payers of the outlying districts. The negro has been eliminated from the primary, and the vote is limited almost entirely to the taxpaying class, usually a thinking and reading class, who go to the polls and vote according to their own ideas.

With the lack of precedent, therefore, it is impossible to forecast with any certainty what the final returns will show. From the claims of the candidates, practically all have figured it out to a certainty that they cannot be defeated, and will exhibit figures to prove their claims.

The Candidates.

Of the candidates for the treasurership, Mr. George Watt, of Fairfield District, has perhaps made the most thorough canvass, having given practically all his time for the past six months to seeing the voters in all sections of Henrico. Mr. Watt presents as a claim on the attention of the voters the fact that he is the only trained bookkeeper and accountant among the candidates for a position which is pre-eminently a business proposition. Mr. Watt was for twenty-six years the bookkeeper and cashier of a large manufacturing plant in Richmond, and has since become recognized as an expert accountant. He has never before offered for office, and is outside of all political alliances of every sort. He has made no deal with any one, nor has he appointed any one as his assistant. Mr. Watt has an honorable army record, and