

Rising temperature; fair and warmer Tuesday, Wednesday fair and warm; southerly winds.

# The Washington Times

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Number 2833.

WASHINGTON, TUESDAY, APRIL 22, 1902.

Price Two Cents.

## WASHINGTON STATE CAN BEGIN ITS SUIT

### Decision of Supreme Court in the Northern Securities Merger Case.

#### CHIEF JUSTICE READS OPINION

#### Objections to Action of Minnesota Not Present in Matter Under Consideration.

#### CITATION OF A PRECEDENT

#### Deemed Best to Grant the Application—Decision Rendered Without Regard to Merits of the Controversy—J. J. Hill Not at all Worried.

The application of the State of Washington to file an original bill for an injunction against the Northern Securities Company, which was argued last Monday in the United States Supreme Court, was yesterday granted by that tribunal.

In granting the leave to file, Chief Justice Fuller read a brief opinion, citing the precedent established in the matter of the application of the State of Louisiana to file a bill for an injunction against the State of Texas, and without expressing any opinion on the merits of the controversy.

#### The General Rule.

The general rule governing such cases requires subpoenas to be issued to the defendants at least sixty days before the day fixed for the return, so that the case cannot come on for hearing before the first day of the next term of the court, which will be the second Monday in October.

Disposing of the application, Chief Justice Fuller reviewed the action of the court upon similar applications, the latest one being that of the State of Minnesota for leave to file a bill against the same parties. But there all the necessary parties could not be brought into the case without defeating the constitutional jurisdiction of the court.

#### Pending Application Granted.

In this case, he said, that insuperable objection did not arise, and as the court in the exercise of its original jurisdiction should proceed with the greatest caution, giving the fullest consideration to all arguments advanced, the pending application was deemed it best to grant the pending application.

#### J. J. HILL NOT WORRIED.

#### Property Rights Cannot be Disturbed, Says Great Northern's President.

NEW YORK, April 21.—James J. Hill, president of the Northern Securities Company, and of the Great Northern Railroad, who is new in this city, said today that the decision did not worry him in the least.

"The main point at issue is not affected by permitting the State of Washington to bring an action against the Northern Securities Company," he said. "No matter what is done, our property rights cannot be taken from us. The men who formed the Northern Securities Company own certain railroad properties. I do not see that any construction of the law can interfere with our rights to hold properties legally acquired."

"Then you feel confident that the Northern Securities Company will emerge from this litigation successful?" "I feel confident that what we can we shall be able to retain. Suppose that the courts decide that there shall be a change in the form of ownership. That cannot alter the actual conditions of control. Some men have a copy of the law and some have the garment cut another way, but each man is entitled to his coat so long as he pays for it and enjoys legal ownership of it."

#### CROKER NOT TO RETURN.

#### Published Reports Denied by Lewis Nixon at Tammany Hall.

NEW YORK, April 21.—It was said at Tammany Hall this morning that there is no truth in a published report that Richard Croker has decided to return to New York next August.

Lewis Nixon, who is supposed to be in regular communication with the chief, asserted that Croker would not be here before the end of the coming campaign. Nixon said, further, that all reports about Croker returning at any time to take charge of Tammany Hall were without foundation.

Frank Campbell, chairman of the Democratic State committee, is expected to come to the city tomorrow or Wednesday to make arrangements for permanent State headquarters.

#### DASHED INTO OPEN SWITCH.

#### Seaboard Air Line Passenger Train Wrecked at Dewitt, Va.

PETERSBURG, Va., April 21.—Late yesterday evening the Seaboard passenger train on the Seaboard Air Line was wrecked at the forty-two-mile siding at Dewitt, in Dinwiddie county.

As the train approached the siding Engineer Buckner noticed the danger signal was out, and he at once applied the emergency brakes, but it was not in time to prevent the collision. The train ran into an open switch and collided with several freight cars which were standing on a sidetrack. One of them was loaded with about 15,000 feet of telegraph boards, and when the train ran into it the boards were sent flying through the cab of the locomotive, but neither the engineer nor fireman was hurt. The passengers were all badly shaken up, but none was injured.

The train consisted of a locomotive, baggage car, and four Pullman cars. The locomotive and baggage car were badly wrecked, but no damage was done to the Pullmans, which did not leave the main track.

#### Kaiser Accepts Rhodes' Trust.

BERLIN, April 21.—Newspapers here state that Emperor William has expressly intimated his readiness to accept Mr. Rhodes' legacy for the education of Germans at Oxford University.

## HOT WAVE IN RIVALRY WITH SPRING BLIZZARD.

#### Kansas and Missouri Sizzle, While Wyoming, Montana, and Utah Shiver With Cold.

CHICAGO, April 21.—According to reports received here tonight the hot wave that struck Chicago this morning prevailed all over the Northwestern country. The mercury here at one time this afternoon registered 84 degrees. From Kansas the reports indicate high temperatures ranging from 90 to 96 degrees.

#### NEW PARTY INCORPORATED.

Articles of the Liberal Democracy of New York Filed.

#### GOV. ODELL OFF FOR SOUTH.

#### Goes to Charleston to Attend "New York Day" Exercises.

Gov. B. B. Odell of New York last night departed from Washington, where he had spent the day, for Charleston, where he will participate in the exercises of "New York Day." He was accompanied by his father, his brother, and several others.

#### ENDED HIS LIFE IN FEAR OF INSANITY

#### Law Clerk Wrote Letters to Friends, Then Fired Fatal Shot.

#### GLOOM CAST OVER WEDDING

#### Joseph H. Sutton Was to Have Been Usher at Marriage of Classmate Today—Attended Farewell Bachelor Dinner on Saturday Evening.

NEW YORK, April 21.—Joseph Holden Sutton, managing clerk of the law firm of Hollis, Wagner & Burghardt, of 129 Broadway, shot himself in the Hotel Manhattan Sunday night. The discovery of the young man's death was brought about by the arrival at the hotel early this morning of a number of friends of Mr. Sutton, who had received letters from him saying that he was going to kill himself.

#### NO TARIFF REVISION LIKELY THIS SESSION

#### House Leaders Opposed to Disturbing Trade Conditions.

#### Talk of a Caucus for the Purpose of Securing Appointment of Committee to Revise the Dingley Law.

In spite of the inevitable discussion of tariff revision trailing in the wake of the vote on the Cuban reciprocity bill in the House, there appears to be no substantial reason to believe that there will be any successful movement at this session of Congress looking toward a revision of the tariff.

#### CARPENTERS GO ON STRIKE.

#### Federation Unionists Refuse to Work With Members of Other Orders.

The Brotherhood of Carpenters of local unions Nos. 150 and 884, including about seventy-five or one hundred men, went on strike yesterday. The action was taken because the Brotherhood carpenters say they will not work with carpenters who do not belong to their union.

## THE PRESIDENT WANTS CUBAN LEGISLATION

#### Said to Favor Any Bill That Will Bring Islanders Relief.

#### CONGRESS TO BE THE JUDGE

#### Tariff Concessions Needed More at This Time Than When He Sent His Message to Congress—Confers With Leaders.

President Roosevelt has within the past day or two talked with several influential Senators on the subject of Cuban legislation, and it is positively known that he stands ready to approve any bill that may be passed by Congress, whether it contains a proposition for abolishing the differential on refined sugar or whether it does not. The President is anxious for some legislation, and he leaves the details entirely to Congress.

He thinks that the claims of the Cubans are more urgent now than at the time he sent his message to Congress urging tariff concessions, and he is exceedingly anxious that the Senate should pass some sort of bill at an early day.

#### Attitude of Beet Sugar Men.

The beet sugar men are now beginning to feel the full force of the peculiar attitude in which they have placed themselves by their votes in the House. First they voted to load down the proposition for a per cent reduction with an amendment removing the differential on refined sugars, and then they voted against the whole bill for the purpose of killing it. Now they want their Republican colleagues in the Senate to adopt the same attitude.

#### Some of the Republican Senators believe that it would not be especially difficult to persuade the Senate to pass the bill as it came from the House, and thus leave the beet sugar men as the heaviest losers in the bargain.

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#### Chinese Town Still Safe From Attacks of Rebels.

HONGKONG, April 21.—The report which was current several days ago to the effect that Nan Ning Fung, Kwangsi province, had been captured by the rebels appears to have been untrue. The town is still safe.

#### REGENCY NOT DISCUSSED.

#### Dutch Cabinet Meets, But Question Is Not Brought Up.

AMSTERDAM, April 21.—The cabinet met today instead of Tuesday, as usual. The change was at first regarded as lending color to the rumors that a regency would be established during the illness of Queen Wilhelmina.

#### FEAST OF PASSOVER CELEBRATED BY JEWS

#### Week of Fasting Begun With Services in Synagogues.

#### Places of Worship Crowded—Matzoth Principal Article of Food for a Week.

The Jewish Passover began yesterday evening at 6 o'clock. From that time until sunset Saturday evening the Hebrews will not eat leavened bread. Services were held at all of the Jewish temples, synagogues, and halls at sunset yesterday.

#### GATHERING AT DALLAS.

#### Thirty Special Trains Arrive in City With Confederate Veterans.

DALLAS, Texas, April 21.—Thirty special trains, most from beyond the limits of Texas, 100 Confederate veterans and other visitors to Dallas today, direct to this city. The thirty other special trains are now within the limits of the State.

#### TO TRY C. R. SMITH.

#### Court-Martial Will Convene at Manila Next Thursday.

MANILA, April 21.—The court-martial for the trial of Brig. Gen. Jacob H. Smith, the commander of the American forces in Samar, who was accused in the trial of Major Waller of having ordered the killing without trial of natives there, will convene here on Thursday next.

#### SERIOUS FIRE IN LONDON.

#### Flames Break Out in the Barbican and Destroy Two Blocks.

LONDON, April 21.—Shortly after 11 o'clock last (Monday) night fire broke out in the Barbican, formerly a watch tower, in Clerkenwell.

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Services will be held at all of the Jewish places of worship today at 11 o'clock and again at sunset this evening. There will be no more services held after tonight until Friday morning, when they begin again and end on Saturday evening, the object being to hold services on the first and last two days of Passover week.

#### Marconi Charter Amended.

TRENTON, N. J., April 21.—The Marconi Wireless Telegraph of America filed an amended charter today reducing its authorized capital stock from \$100,000 to \$250,000. This provides for the retirement of the preferred and the issuing of new but common stock.

## CAPT. NAPOLEON LAJOIE ENJOINED BY HIGHER COURT

#### Pennsylvania Supreme Court Reverses Reserve Clause Decision

Napoleon Lajoie, the great all-around baseball player, was yesterday enjoined by the supreme court of Pennsylvania from playing on any team other than with Philadelphia National League. The decision comes as a severe blow to the Athletics, of which club he is captain.

#### NO POLICE ESCORTS FOR CARS IN 'FRISCO

#### MUNICIPAL BUILDING IN THE OMNIBUS BILL.

#### Measure Complete by House Committee Provides Appropriation for Structure.

Representative Mercer, chairman of the House Committee on Public Buildings and Grounds, stated yesterday that the omnibus public building bill which has just been completed by the committee will be reported to the House the latter part of the week.

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On the eve of the opening of the American League season the fight opens with renewed vigor, and there is every indication that the case will be carried to the Supreme Court of the United States.

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#### The Pennsylvania Supreme Bench Reverses Decision of Lower Body.

#### BODY BLOW FOR AMERICAN LEAGUE

#### May Seriously Affect Stars Now on Washington Club.

#### BAN JOHNSON COMING HERE

#### Delehanty, Orth, Townsend, and Wolverton Say They Will Quit Before Denying National League Uniform—Legal Fight Grows Hotter.

PHILADELPHIA, April 21.—The supreme court of Pennsylvania yesterday reversed the decision of a lower court dismissing the bill of complaint of the Philadelphia Club against Napoleon Lajoie.

The bill was filed to prevent Lajoie from playing with any other club than Philadelphia. The court, in its decision, says the National League contracts are reasonable and consideration fully adequate.

#### Lajoie Alone.

The cases of Lajoie, Fraser, and Bernhardt were brought together in common pleas court No. 5 and it was agreed that Lajoie should be made the test case, and its decision will bind the other two.

#### Colonel Rogers will immediately have the record in the Lajoie case certified back to common pleas court No. 5, when it is likely injunctions against the three players will be asked for if they do not return and report for duty.

#### Early yesterday afternoon Orth, Delehanty, Townsend, and Wolverton, of the Washington Club, received the following communication from the Philadelphia National League Club:

"Supreme Court reverses court below in Lajoie case. Decides our contract absolutely binding on you. You are hereby ordered to report forthwith to me at Philadelphia hall, to discuss the performance of duty under your contract. Refusal to obey this order will be at your peril."

#### After reading the telegram the players talked among themselves and discussed the probable outcome.

#### Loftus Soon Recovers.

The hearing of the case would have on other members of the American League clubs, and especially the personnel of the Washington team, became at once apparent, and for a moment the Washington manager recoiled with fear. He soon recovered himself, however, and after quietly considering the matter remarked that the decision of the court, in his opinion, would not result seriously for the Washington club.

#### When approached on the subject Mr. Loftus seemed rather averse to discussing the matter, apparently desiring to effect a length and time consuming positive statement. He ventured the assertion that none of his players would be affected by the decision.

#### Was the Main Topic.

The four Washington players who are directly interested in the case are Wolverton, Delehanty, Orth, and Townsend. All four of the men had heard the news before they started in to play yesterday's game with Georgetown, and of course it was the main topic of conversation during the time the players were seated on the bench.

Third baseman Wolverton stated in response to a question as to how he felt regarding the ruling that he did not regard it seriously, and that he was confident the National League could not make good their efforts to compel him and his associates to return to the Philadelphia National League team.

"Our contracts with the Philadelphia Club," said Wolverton, "were drawn for one year only, and we refused to renew them. I do not think that any court will attempt to restrain us from playing upon the decision handed down by the supreme court of Pennsylvania."

#### "One thing I know, we shall not play ball in Philadelphia this season. For my part, I shall not return to the Philadelphia Club no matter what the court decides."

#### Philadelphia Not for Del.

"As for me," said Delehanty, "there is nothing that could induce me to catch another ball for the National League. I am done with them forever, and under no circumstances will I take up a bat again. I do not think that any court will attempt to restrain us from playing upon the decision handed down by the supreme court of Pennsylvania."

Orth admitted that the reserve clause in the contract provided that in case the officials of the Philadelphia Club desired to retain their services it was only necessary to notify them that they would take advantage of the clause.

#### Players Differ.

This, Orth stated, the Philadelphia management had done, having communicated with them in the winter to that effect. Wolverton, however, claims that no contract was forwarded to them and that therefore the right to play was never reserved, and the contract was forfeited.

Among baseball patrons the news spread rapidly, and there was great interest received at the League headquarters. It is expected that John J. Rogers will follow up his victory in the Lajoie case, and that he will come to Washington at once and apply for a restraining injunction to prevent the men participating in the opening game on Wednesday.

Ban Johnson is also on his way here, and the outlook is for a merry war during the next few days, which will be awaited with breathless interest by the baseball enthusiasts of Washington.

Colonel Rogers' telegram congratulating the National League on the reversal of the Lajoie case was the only official news of the Pennsylvania supreme court decision received at the League headquarters. It was sufficient to put Secretary N. E. Young in brighter spirits than he has been in two years.

#### He hardly considered the possible effect of the decision.

(Continued on Fourth Page.)