

HOLMES FOR JUDGE

President Appoints Noted Massachusetts Lawyer to the Supreme Bench.

RESIGNATION OF GRAY CAUSES VACANCY

Ill Health Causes Letter to Give Up Position and Seek Rest.

APPOINTEE SON OF LATE DR. HOLMES

Was on Supreme Bench of Bay State and Attracted Marked Attention.

WILL AWAIT CONFIRMATION OF SENATE

Justice Gray Will Hold Position for Some Time in Accordance with Former Custom in Similar Cases.

WASHINGTON, Aug. 11.—President Roosevelt late this afternoon announced that he had appointed Hon. Oliver Wendell Holmes, chief justice of the supreme court of Massachusetts, to be an associate justice of the supreme court of the United States, vice Mr. Justice Gray, resigned.

The resignation of Justice Gray was due to ill-health. Several months ago he suffered a stroke of apoplexy, which some time later was followed by another. He has not appeared on the bench since he was stricken the first time. His advanced age—74 years—old against his recovery with serious fever. Realizing that he probably never would be able again to assume the place which he so long had filled with distinguished ability and honor, he decided a short time ago to tender his resignation to the president.

With the exception of Mr. Justice Harlan, he served on the bench of the United States supreme court longer than any of his present colleagues. He was appointed an associate justice by President Arthur on December 19, 1881, his services extending therefor through a period of nearly twenty-one years. Judge Holmes, whom the president has selected as Mr. Justice Gray's successor, is one of the most distinguished lawyers and jurists of Massachusetts. His career on the bench, particularly as chief justice of the Massachusetts supreme court, has attracted wide attention. Like Justice Gray, he is a native of Massachusetts. He is a son and namesake of the late Dr. Holmes, the poet and essayist.

Restoration Not Unexpected. WASHINGTON, Aug. 11.—Justice Gray's resignation was not altogether unexpected. It was recognized that he would be unable to resume his duties on the bench and the general impression was that he would resign at or before the beginning of the next term of court in October. His successor, it is said, will not take his place on the bench until after his confirmation by the senate. This is the unwritten practice in the case of appointments to the supreme court.

Justice Gray has been at Nahant, Mass., his summer home, for some time. During his long career on the bench of the supreme court Justice Gray delivered a number of important opinions. He was remarkably exact and deliberate and frequently spent considerable time in the preparation of his decisions. His specialty was will cases, although he participated in the decision of many important cases before the court. Justice Gray was with the majority of the court in the decision of the income tax case and the insular cases. Another case of recent date was that growing out of the Spanish-American war, in which Justice Gray decided against the right of the government to seize certain fishing vessels of the property of Cuba, which the United States authorities claimed were giving aid and assistance to the enemy. Justice Gray was always an ardent republican.

Judge Holmes Does Not Talk. BEVERLY, Mass., Aug. 11.—Chief Justice Oliver Wendell Holmes was informed of his appointment to the supreme bench by the Associated Press at his summer home at Beverly Farms tonight. He said: "I do not like to be interviewed and I have nothing to say except the Associated Press is the first to inform me of my appointment."

He was asked if he would accept, and he replied: "Oh, yes; I shall no doubt accept."

Further than this he did not care to talk. He did add that he was greatly pleased that the appointment should come to him.

Sketch of Judge Holmes. BOSTON, Aug. 11.—Judge Holmes, who has been honored by appointment to the United States court bench, was born in Boston in March, 1818, and graduated from Harvard university in 1841.

He served in the Twentieth Massachusetts regiment in the civil war, rising to the rank of lieutenant colonel. Later he served as aide to Brigadier General H. G. Wright, commanding the first division, Sixth army corps. In December, 1865, he became a law student in the office of P. M. Morse, and graduated from Harvard law school in 1866. He was admitted to the Suffolk bar in 1867 and afterwards began active practice of law with his only brother, Edward Jackson Holmes. On December 8, 1882, Governor Long appointed him associate justice of the supreme judicial court of Massachusetts. In place of Judge Otis P. Lord, resigned. On July 23, 1899, the late Governor Wolcott appointed him chief justice of the Massachusetts supreme court to succeed Hon. Walbridge D. Field, deceased.

Judge Holmes, in addition to his eminence in law practice, has achieved prominence as a writer and lecturer on legal subjects, upon which in many instances he is a recognized authority. At Harvard university he taught constitutional law in 1870 and 1871 and was university lecturer on jurisprudence in 1871 and 1872. He received the degree of LL.D. from Yale and from Harvard in 1890. On June 17, 1872, Chief Justice Holmes married Miss Fanny Dinslow, daughter of Epos Sargent Dinslow of Cambridge.

DROUTH IN NEW SOUTH WALES

Sheep Dying by the Million and Men Formerly Rich Forced to Seek Employment.

TOWN IS A PILE OF RUINS

Petit Goave in Hayti is Destroyed by Armed Forces.

PRINCE CHEN AT OYSTER BAY

Chinese Party Pays Respects to President and Later Returns in Yacht to New York.

PYTHIANS AT GOLDEN GATE

San Francisco in Bias of Glory Welcomes Knights to Grand Carnival.

CONDITION OF THE WEATHER

Forecast for Nebraska—Showers and Warmer Tuesday; Wednesday, showers and warmer; Thursday, showers and warmer; Friday, showers and warmer; Saturday, showers and warmer; Sunday, showers and warmer.

NEBRASKA LEADS ALL

State Shows Greatest Improvement in Corn Crop During July.

GRAIN OF ELEVEN POINTS DURING MONTH

Pennsylvania Comes Next with Ten-Point Increase in Corn.

IOWA FALLS AT BOTTOM OF THE LIST

Other States Show but Slight Improvement on a Whole.

NEBRASKA SHOWS GREAT WHEAT YIELD

Estimated Average Yield for State is Twenty-Two Bushels to the Acre, with Exception of the Spring Crop.

WASHINGTON, Aug. 11.—The monthly report of the statistician of the Department of Agriculture shows the condition of corn on August 1 to have been 85.5, as compared with 87.5 on July 1, 1902; 84.0 on August 1, 1901; 87.5 on the corresponding date in 1900, and a ten-year average of 84.0.

There has been an improvement during the month of ten points in Pennsylvania, seven in Indiana and Wisconsin, four in Ohio, Illinois and Kansas, three in Iowa and eleven in Nebraska.

This substantial improvement in the most important corn state would undoubtedly have resulted in a marked improvement in the average for the entire country, but for the fact that fourteen of the other states, containing 38.8 per cent of the total acreage, show an average decline during July of 1.0 point.

The statistician estimates the winter wheat crop at about 360,000,000 bushels, or an average of 12 bushels per acre. While the estimate is subject to revision, showing not being sufficiently advanced in the more northerly sections of the winter wheat belt to justify the making of a definite and final estimate at this time, it is based on reports of yield per acre, in bushels, reported from correspondents and special field agents. If the estimate is higher than was indicated by previous report of condition it is due to the fact that the crop is turning out somewhat better than was expected.

TO TRY PAYMASTER PENROSE

General Courtmartial Convened and After Preliminary Work Adjourns Until Tuesday.

FEEL EARTHQUAKES IN ALASKA

Plate Glass Windows Are Shattered and Chimneys Tumbled Down at Skagway.

ALL ROADS MEET THE CUT

Omaha Gets Same Rate on Live Stock Shipments as Kansas City.

STAGE COACH IS WRECKED

One Person Fatally Injured and Several Others Seriously Hurt in Colorado Accident.

WESTERN MATTERS AT CAPITAL

Routine Orders and Appointments in the Postal and Treasury Departments.

EASY WAY OF MAKING MONEY

Wholesale Manufacturer for Forged Banknotes is Discovered in Russian Poland.

WARRANT AGAINST CALIFORNIA GOVERNOR FOR LIBEL

San Francisco Editor Swears Out Warrant Against California Governor for Libel.

ARMY WORKERS CONVENE

Begin Eleventh Annual Convention at Cleveland with Hundred Delegates.

MOVEMENTS OF OCEAN VESSELS

At London—Arrived: Minnehaha, from New York.

ROBBERS GET A GOOD HAUL

Break into Home of an Indiana Physician and Secure \$7,000 in Valuables.

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