

VOL. XXVI. No. 19.

THURSDAY, FEBRUARY 6, 1913.

PRICE: THREE CENTS IN Greater New York. FIVE CENTS everywhere else in U. S. A.

JEWELLED HEELS WORN BY WOMEN

Attend Pre-Lenten Recital with Rhinestones in Heels of Slippers

FASHIONABLE GATHERING

Split Skirts Cause Men to "Rubber" and the Psyche Knot Gets an Opportunity to Shine

AMONG THE BOX-HOLDERS

Several Promising Artists on Program—Dancing one of the Features of the Evening.

Dame Fashion had its inning as usual at the Craig Pre-Lenten Recital and Assembly, given at Palm Garden Thursday evening, January 30. As in former years the hall was crowded with fashionably attired men and women, and the glittering array of finery made an alluring picture.

Every box was taken, and during the recital but few seats on the main floor were vacant. The large attendance and the presence of so many representative citizens substantiated the oft-repeated



Wearing Jeweled Heels

assertion that the Pre-Lenten Recital and Assembly is the most fashionable public event of the year in Greater New York.

J. Thomas Butler of Philadelphia, who appeared to advantage as a reciter last year at the Pre-Lenten recital, repeated his former success. In giving an imitation of how Bert Williams would recite "Let It Alone" at the Pre-Lenten, Mr. Butler scored the highest hit of the evening.

Rowland W. Hayes, a very promising vocalist, who is studying at one of the vocal schools in Boston, made a favorable impression. "Just Because" by Harry T. Burling, "Onaway, Awake, Beloved" from Coleridge-Taylor's "Hiawatha," and a selection from "Rigoletto" showed him to have a trained voice which possesses much sweetness.

Miss Helen Elise Smith is a young pianist of whom much is expected in the future by her friends and admirers. She showed at her best in the "Hungarian Rhapsody, No. 15," by Liszt.

Mrs. Constantia Brown-Reckling, mezzo-soprano, intelligently rendered "Pieta Signore" from "Sardella" by Puccini, the "Boat Song" by Harriet Ware, and Nevins' "Rosary."

After the recital the patrons danced to the music furnished by Craig's Orchestra.

Some of Those Present. The occupants of the boxes were as follows: Box 1—Mr. and Mrs. John W. Massey, Mr. and Mrs. Burke, Mrs. Thomas R. Riley, Mrs. Adele Rigby of Brooklyn, Mrs. Royal Bownes and George B. Hall.



A Maiden in a Split Skirt

R. Chisum, Charles Jones of Trenton, N. J., and Joseph W. Cooke.

Box 3—Mr. and Mrs. Walter F. Craig, Mr. and Mrs. Reckling of Baltimore, Bishop and Mrs. Alexander Walters, Mr. and Mrs. F. Watkins, Dr. and Mrs. J. C. Anderson of Plainfield, N. J.; Miss Elsie Davis, Miss Mary Only, Mrs. Louise Baxter, W. Hill of Bridgeport.

Box 4—Miss Amanda Kemp, Mrs. George Arthon, Miss B. Black of Philadelphia, Mr. and Mrs. Bingham Diamond, Mrs. Worthing Smith and O. Burdick.

Box 5—Prof. and Mrs. W. E. Burghardt Du Bois, Mrs. Major Charles Young, Mrs. Charles Burroughs and Miss Jarvis.

Box 6—Mr. and Mrs. W. H. Vaughn, Mrs. L. Norton, Mr. and Mrs. John Dias, Mr. and Mrs. Hudson, Dr. and Mrs. Wright of Brooklyn.

Box 7—Mrs. E. Z. Attwell, Mr. and Mrs. C. S. Venie, Mr. and Mrs. Neusome, Mr. and Mrs. S. B. Bookert.

Box 8—Mrs. N. A. Williams, Mrs. M. L. Hunter and son, Dr. and Mrs. L. Delsarte, Mr. and Mrs. F. C. Bain, Miss Alma Manson and Miss Lottie Bain.

Box 9—Mr. and Mrs. John Ringold, Mrs. John Brown, Mr. and Mrs. N. M. Bee, Mrs. Scudder, J. W. Boyd and Miss Alice Thomas.

Box 10—Miss R. A. Gregory, Mrs. I. V. Poole, Miss Vernice Hamilton of Washington, D. C.; Mrs. Georgia Hillton, Mrs. H. P. Darden, Mr. and Mrs. Pete Williamson, Mr. and Mrs. William Webb, Mr. and Mrs. John Judah, W. H. Keith, Arthur Carter.

Box 11—Mr. and Mrs. E. H. Burney, Miss Daisy Tapley, Misses A. and H. Shaw, Mrs. Tapley, Mrs. M. Robinson, Mrs. J. H. Gowans, Mr. and Mrs. J. H. Anderson, Mr. and Mrs. Frank Stewart, Mr. and Mrs. J. N. Anderson, Julian Keith, Arthur Carter.

Box 12—Mrs. William Latham, Mr. and Mrs. Roland Burton, Mr. and Mrs. H. W. Greer, Mrs. Sarah Caldwell and G. P. Tucker.

Box 13—Mr. and Mrs. Joseph H. Braden, Miss Lucy Moore and Mr. John Wilson.

Box 14—Mrs. A. R. Williams, Mr. and Mrs. Taylor, Mrs. K. Dixon, Mrs. Lucy M. Sommers, Mr. and Mrs. Charles Lomax.

Box 15—Miss Daisy Johnson, Miss Laura Jones, Miss Nadie Brown, E. R. Hill, Henry Martin and Linwood Brown.

Box 16—Walter E. Fenderson, Mr. and Mrs. Paul Prayer, Mrs. William Marshall, Miss Pauline Turner, Miss Margaret Jackson, Mrs. Abram and Mrs. (Continued on Page 5)

JERSEY CITY WOMAN DIES SUDDENLY

Mrs. Maisie Pickrum Brown Becomes Ill After Attending Whist Party

JERSEY CITY, N. J., Feb. 5.—Tuesday afternoon, January 28, Mrs. Maisie Pickrum Brown, 189 Woodlawn avenue, wife of J. Thomas Brown, headwaiter at the Keystone Restaurant, Pennsylvania Station, New York City, was a guest of the Tuesday Afternoon Whist Club at the home of Mrs. T. A. Spraggins.

Returning home she was taken suddenly ill and took to her bed. Typhoid pneumonia had set in and notwithstanding all that medical science and expert nursing could do, she died Sunday afternoon, February 2.

Mrs. Brown was a prominent member of the Lafayette Presbyterian Church and was identified with a number of the leading women's clubs of Jersey City. She was originally from Augusta, Ga., and with Mr. Brown, came to Jersey City some twelve or fifteen years ago.

She leaves her husband, a son, J. Thomas, Jr., a daughter, Marguerite, just two years and two months old, a mother, Mrs. John Pickrum, two brothers and three who live North, and three sisters who were held Wednesday afternoon, February 5, from the Lafayette Presbyterian Church, the Rev. Charles S. Freeman, pastor, officiating. Interment was at New York Bay Cemetery.

Palbearers were Thomas H. Cabanis, Dr. T. W. Robinson, J. H. Sallas, J. E. Smith, W. F. Douglass, James H. Smalley, A. L. Cornish & Company. Undertakers, had charge of the funeral.

LITTLE HOPE FOR SEGREGATION BILL

Will Most Likely Fail of Passage in St. Louis Municipal Assembly

OPINION OF COMMITTEE

Colored and White Members Say Problem Cannot be Solved by Crystallizing Prejudices in Legislation.

Special to THE NEW YORK AGE

ST. LOUIS, Mo., Feb. 4.—Since the report made recently by the special committee on the housing of Negroes, appointed by the Committee on Racial Service Among the Colored People, in which the committee, composed of five Negro citizens and five white citizens, after an exhaustive investigation, declared its opposition to the legal segregation of Negroes on the grounds that such a step would be un-American and illegal, the consensus of opinion is that the measure will fail of passage in the Municipal Assembly and will not become a law to disgrace the name of the fourth largest city in the United States.

The colored members on the committee are Albert Burgess, David E. Gordon, the Rev. George E. Stevens, James L. Usher and Edward S. Williams. The white members are Roger N. Baldwin, the Rev. John W. Day, Dr. John Green, Jr., E. A. Hildenbrandt and Oscar L. Whitelaw.

In concluding its findings the committee had this to say:

"Our committee is unanimously of the opinion that the problem of the relation of white and colored people cannot be solved by crystallizing prejudices into legislation. It would frequently prevent colored people from improving their condition by moving into better neighborhoods; it would discriminate against their rights as American citizens, and would from a moral standpoint proclaim political as well as social inequality between the races. It would prevent the realization of the essential doctrine of American life—equal opportunity for all, regardless of race or creed.

"Incidentally, it would doubtless work a hardship on white property owners and agents in restricting the transfer and rental of property, much more costly than the injuries to property values to-day.

"We cannot believe that any broad-minded American, alive to the traditions of his country, and to the teachings of Christianity, can regard the legal segregation of races as either American or Christian. It would be just as logical to advocate the segregation of any race to which the dominant race in our community is in any way antagonistic.

"This committee believes that the problem can be solved only by the intelligent effort of white and colored people working together consciously for a betterment of conditions.

"This joint committee, representing both white and colored men, is pledged to use its best efforts in solving the problems presented, either in any particular case of friction in any neighborhood or in regard to the housing of colored people in our city as a whole. Such voluntary co-operation between white and colored people will go further toward better understanding and the prevention of ill-feeling than the un-American crystallization of prejudices in a law which at best is unworkable as it is illegal."

WANT BIG SLICE OF LIBERIA.

According to the London Times, an agreement has been concluded between the representatives of the Liberian government in London and Messrs. Lever Brothers (Limited), which awaits indorsement by the Liberian Legislature. The agreement, if ratified, may be expected to raise a number of questions in the international sphere. According to its terms Lever Brothers can acquire, within ten years' time and in successive stages, a lease of Liberian territory aggregating 12,000 square miles, or more than one-fourth of the entire area of the country. The lease is due to expire in December, 1946, when it can be extended for 999 years. The Liberian government receives a rent of \$5 per square mile leased. The rights acquired by the lessee are comprehensive; they include the monopoly of gathering and preparing the fruit of the oil-palm; the monopoly of enjoyment and usage of the land in any form whatsoever, including cutting and exporting timber, and the monopoly of trade with the natives.

WAITERS MAKING GOOD

Proprietor McGlynn of Hotel Rensselaer Writes R. M. Madison that Negro Waiters and Chefs Can Give Good European Service—More Hotels to Employ Colored Help.

Special to THE NEW YORK AGE

TRAV, N. Y., Feb. 5.—Hotel managers in many of the cities in this State are watching with more than ordinary interest the experiment inaugurated by Proprietor John McGlynn of the Hotel Rensselaer, who several weeks ago discharged all his white waiters and chefs, and substituted colored help to give European service. Mr. McGlynn, who is president of the State Hotel Men's Association, is one of the most influential hotel men in the North, and when he complained that he was tired of foreign help and declared that the colored man should be given a fair chance as waiter and in the culinary department, many of the association's members coincided with his views.

That there are no more new colored waiters in any of the other leading hotels throughout the State is due to their presence in large numbers at Palm Beach and other Southern winter resorts. It has been given out from reliable sources, however, that if the colored help at the Rensselaer prove satisfactory Negro waiters and chefs will be given permanent employment in many of the first-class hostilities.

That such a state of affairs will be probable in the near future is evidenced by a significant letter written a few days ago by Mr. McGlynn to R. M. Madison, who has been for sixteen years steward of the Delaware and Hudson Company, with headquarters at Albany, and through whose efforts colored help was recently installed at the Rensselaer. In referring to the Negro waiters and chefs now working at the Rensselaer Mr. McGlynn has informed Mr. Madison that he is getting better service than in past years. Mr. McGlynn makes the prediction that he is going to have big success in the culinary department with colored help.

Mr. McGlynn denies that he put in colored waiters at the Rensselaer because his white help struck. He says he received word that the white waiters were striking in the large hotels of other cities and at once made arrangements with Mr. Madison to get Negroes to fill the places of his white waiters and chefs, who were greatly surprised when told to "skiddoo."

Among those employed at the Rensselaer are: T. W. White, second waiter; S. Crawford and H. P. Taylor, captains; J. A. Henderson, secretary. Waiters—E. L. Lamont, S. Cain, B. Johnson, E. Vick, R. Jones, H. Moody, G. Baskerville, J. Cochran, L. Daniels, J. Gover, A. C. Fluchman, J. Dames, T. Harrison, J. Boxill, C. Gray, A. E. Gilham, J. Moore, C. Rivers, R. Tinker, W. O. Green, T. Knuckel, J. T. Hope, R. B. West, W. T. Stevenson, J. L. Coards, E. L. Flemming, W. E. Johnson, J. E. Mishaux, B. Daniels, J. Davis, Daniel Mishvan, chef; D. Williams, second cook; R. W. Stewart, H. Alexander, T. Ward, W. Johnson, H. H. Hart and B. B. Anthony.

NEWSPAPER MEN MEET

Executive Committee of National Negro Press Association Hold Interesting Session.

Special to THE NEW YORK AGE

PHILADELPHIA, Pa., Feb. 4.—Tentative plans for improving race papers among all lines were discussed at the mid-winter session of the executive committee of the National Negro Press Association, held here last Saturday at the headquarters of the Emancipation Exposition Committee, 1352 Lombard street.

Besides members of the committee a number of active newspaper men and visitors were also present. A resolution was adopted commending President Taft for naming Fred R. Moore, editor of THE AGE, as Minister to Liberia.

Following invocation by the Rev. Dr. W. H. Credett, R. W. Thompson, president of the association, introduced Harry W. Bars, a member of the State Legislature; T. Thomas Fortune, the veteran editor; Everett J. Waring, Bishop B. T. Tanner, Dr. A. B. Jackson, Dr. Credett and others. Each speaker made remarks praising the good work race journals are doing. Dr. Credett was profuse in his words of praise for the colored press. He declared that the ministry should be foremost in advising the race to patronize race papers.

Henry Allen Boyd, of the Nashville Globe, corresponding secretary of the association, made an illuminating report of his unceasing efforts for the upbuilding of the association.

Daniel H. Murphy, of the Baltimore Afro-American Ledger, suggested that the various papers exchange items of interest each week, confining the same to the immediate locality of the newspaper sending out the same. Fred R. Moore of THE NEW YORK AGE, strongly opposed Mr. Murphy's idea. He declared that a blacklist of unreliable agents and advertisers were things that should demand immediate co-operation.

The Rev. F. L. Jones, of Baltimore, was elected to the second vice-presidency. T. Thomas Fortune, of New Jersey; the Rev. E. B. Topp, of Missis-

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ACQUIRE CONTROL OF THE LAFAYETTE THEATRE

Martinson and Nibur Figure in Big Harlem Theatrical Deal

EQUAL ACCOMMODATIONS

New Management Announces That Colored Patrons Will Be Admitted to All Parts of the House.

Tuesday, Martinson and Nibur, the well known liquor dealers of Harlem, acquired full control of the Lafayette Theatre, the new house located at Seventh avenue, between 131st and 132d streets. Nearly \$100,000 is said to have been involved in the transaction. Benjamin Nibur, who represented Martinson and Nibur when they were proprietors of the Crescent Theatre, has assumed management of the house.

Martinson and Nibur secured possession of the Lafayette Theatre after several weeks of dickering. Negotiations have been pending since December, but it was only this week that the majority of stock was secured.

The new management will first present vaudeville and motion pictures, and later on there is some possibility of a colored stock company being put on. The price of admission will be as follows: For evening performances, balcony, 10 and 15 cents; orchestra, 15 and 25 cents; box seats, 35 cents. At matinees, balcony, 5 cents; orchestra, 10 cents; box seats, 35 cents.

As but three shows a day will be given the house will have an opportunity to play many of the best colored and white acts, and clean entertainment is furnished.

The Lafayette Theatre has had quite a stormy career. It opened last November with Martinson and Nibur on the board of directors and Benjamin Nibur in control. Although the theatre is located in what is destined to be a colored neighborhood, the colored patrons were not admitted on the first floor, and quite a commotion was raised. Then Benjamin Nibur resigned as house manager and Martinson and Nibur announced they had withdrawn from the board because of the discriminating attitude of the majority of the directors. But few colored persons patronized the Lafayette Theatre on account of the drawing of the color line.

Messrs. Martinson and Nibur stated to a representative of THE AGE that both colored and white will be treated alike, and every effort will be made to make everybody feel at home.

The operations of Martinson and Nibur in Harlem are interesting. About fifteen years ago they opened a small retail liquor store and gradually branched out until to-day the firm is one of the wealthiest and most influential in Harlem. Most of Martinson and Nibur's business has been with colored people, and they have many friends in the colored section.

After purchasing the Crescent Theatre from Flugelman and Johnson they soon decided to venture on a more extensive scale in the theatrical business and interested other capital, which resulted in the building of the Lafayette Theatre. Differences relative to the policy pursued caused them to withdraw from the Lafayette Theatre, and they then set about to buy all the stock, which they succeeded in doing Tuesday.

"BLONDIE" BROWN ARRESTED

Joseph Brown, better known as "Blondie" Brown, who was appointed an assistant janitor in the Assembly at Albany, was arrested Monday night charged by the authorities with committing a criminal assault on a little school-teacher girl. It is reported that the tempt was made upon another little girl at the same time, but that she escaped.

Brown lives in the twenty-first assembly district, New York City, and it is reported that he was appointed to his position as assistant janitor by Robert N. Wood, democratic leader. The charge is a serious one.

TO TOUR THE WEST.

PULLMAN, Wash., Feb. 3.—Prof. F. A. Golder, of the Washington State College, located at this place, is arranging an extensive itinerary during the month of March for Dr. Booker T. Washington, of the Tuskegee Institute in Alabama, who is to deliver a series of lectures and addresses under the auspices of universities, chambers of commerce, boards of trade, etc., in Washington, Montana, Idaho and Utah.

His program as already worked out by Mr. Golder contemplates a series of arrangements covering nearly a month, visiting the following places: Bismarck, N. D.; Billings, Bozeman, Butte and Helena, Mont.; Spokane, Pullman, Walla Walla, North Yakima, Seattle and Tacoma, Wash.; Portland, Ore.; Boise, Idaho, and Salt Lake City, Utah. There are not a great many colored people in this immediate section, but they, too, are usually enthusiastic and are vying with each other to make Dr. Washington's visit a success.

ABOUT CUBAN NEGRO

John de Braro Writes From Havana, Declaring that His Race Pays Too Much Attention to Politics and Not Enough to Business.

According to John de Braro of Havana, Cuba, in a letter to THE AGE, the status of the Cuban Negro is nothing to boast of. He says that four centuries of slavery have made the Cuban Negro a man without love for social life and without a desire for commercial union; that the only force the Negro exerts in Cuba is during the election periods. Then he is the true life of the political parties. According to Mr. Braro the Cuban Negro has no commercial, industrial or scientific personality.

In Havana the Negro population is 72,000. The principal occupations of the Negro there are shoemaking and paper selling. The Chinamen, far less in number, are united and are working industrially and commercially, not politically. The Spaniards, another important element, are the merchants, the business men.

The immense Negro population of Havana has not, as the Spaniards, a great association, as the Centre Gallego, with 25,000 members; they have only several social clubs to provide recreation, give balls and hold chess tournaments.

The ideal of the Negro in Cuba is found in politics. The youth live only to be orators or lawyers, to go to the Congress. They do not live as the American Negro, developing agriculture, industries and commerce. They are poor of ideal and poor of energy. They see their only salvation in politics which Mr. Braro declares is an error.

The writer asserts that after the insurrection for the liberty of Cuba the whites lost their treasures and their life now is in the public administration. They are the masters of all there, and the true salvation of the Negro is to take the opposite way to the whites.

Cuba is a very rich country; agriculture is in its virginal period now, and the Negro can, as the American Negro, make his condition less hard by working in the agricultural, commercial and industrial way. The writer thinks the American Negro should be an example to the Cuban Negro in his high ideals and his condition of industrial and financial independence.

To-day the Cuban Negro has not a literary man of world reputation. After Placido and Manzano (the first is the second poet of Cuba) they have no other noted poet. Riquet is said to be a mediocre bard. The only poet of prominence is Perimiro Ramirez Ros, and he is not as the two named. Ros is to-day a very young congressman and his culture is special. This poet is of the Greek school; he loves with all his soul the splendid period of Greek civilization, the century of Pericles.

The writer declares that the Cuban Negro poets are not as the American—Paul Laurence Dunbar for example—the singers of the ideals and beauty of their race. Their muse is the eternal fair woman, and as that is dangerous here they grind out invocations to the great historical periods in Greece and Rome and France in the Louis XIV epoch. They never sing of the Negro woman.

The best verses of Riquet and the entire work of Ramirez Ros are in imitation of the white poets.

GIMBEL DISCHARGES ALL COLORED HELP

Twenty Girls Let Out Without Being Given a Moment's Notice.

Although the management of Gimbel Brothers made a statement to THE AGE last week that only seven colored girls were discharged and that employment would be given colored female applicants who were competent the information has been received from a reliable source that twenty colored girls were discharged January 25, and that colored help is no longer desired despite the fact that the store has hundreds of colored patrons.

The colored help was let out in the dead of winter and without a moment's notice. Many of the women previously had steady employment at Wanamaker's and were induced to go to Gimbel's when it opened over two years ago by glittering promises.

Shortly before six o'clock on Saturday, January 25, the colored girls were summoned and Miss Foster made the announcement: "You girls will have to resign; so go down and get your pay." No other explanation was given.

Some of the girls were employed as dusters, while others were maids in the various departments. Last spring the three colored men who were employed at Gimbel's were summarily discharged. Among those to lose their positions were Misses Alma Goode, Susie Davis, Lillian Davis, Anna Johnson, Ethel Vandrows, Maude Quincy, Sophie Woods, Carrie Gordon, Rose Mossom, Lucille Deveaux, Hattie Goode, Amelia Weston, Amelia Wilson, Marguerite Edwards, Alma Owens, Ruth Jones, and Madames Clark, Cann and Satterfield.

THEATRICAL MAN LOSES HIS CASE

Appellate Division of Supreme Court Decides Against H. A. Levy

CAN'T DRAW COLOR LINE

Higher Court Upholds Law Which Provides That There Shall be No Color Discrimination

CAN SIT ON FIRST FLOOR

Decision of Court of Special Sessions Affirmed—Louis F. Baldwin Brought Suit Against Manager of Lyric Theatre.

The Appellate Division of the Supreme Court last Friday held that Harry A. Levy, manager of the Lyric Theatre, was guilty of violating Section 514 of the Penal Law of the State of New York, which makes it a crime to exclude citizens from public places on account of color. On November 2, 1911, Levy was fined \$50 for excluding Louis F. Baldwin and a lady friend from the first floor of the Lyric Theatre. The theatrical manager appealed the case to the Court of Special Sessions, which ruled that the defendant either would have to pay a \$59 fine or go to the city prison for ten days. Justices M. Beul, Franklin C. Hoyt and Joseph J. McInerney upheld Magistrate Appleton without a dissenting vote.

Levy next appealed the case to the Appellate Division of the Supreme Court, which Friday, by a vote of three to two, sustained the findings of the Court of Special Sessions. Justices George L. Ingraham, Chester B. McLaughlin and John Proctor Clarke voted to affirm, and Justices Frank C. Laughlin and Francis M. Scott voted to reverse the unanimous decision of the Court of Special Sessions. No opinion was filed in the case.

The moral effect of the decision is far-reaching and of great importance. As the last resort Levy might appeal to the Court of Appeals of the State of New York. However, all other discrimination cases brought in the future will be based on the decision of the Appellate Division of the Supreme Court until Levy or some other defendant takes an appeal to the Court of Appeals and gets a decision.

It is said that Levy has the backing of the theatrical trust in his fight, which is opposed to seating colored citizens on the first floor of theatres.

INTERMARRIAGE BILL KILLED.

TOPEKA, Kan., Feb. 4.—The judiciary committee of the State Senate killed the bill to prevent the intermarriage of races last Friday. The bill had been already passed by the lower house of the Legislature, and was regarded as an entering wedge to all kinds of "Jim Crow" measures.

It was bitterly fought by leading colored residents, who enlisted the efforts of white Republicans against the bill. It was pointed out by the protestants of the bill that cases of intermarriage between white and colored persons were infrequent and that the measure was intended to humiliate the colored people.

MUST SERVE SODA WATER.

COLUMBUS, O., Feb. 4.—Holding that colored people cannot be denied the privilege of buying in public places, the Franklin County Court of Appeals last week reversed the case of Graham Deuwell against George Forster and others for damages, in which a finding for the defendant was made by a jury in Common Pleas Court.

Mr. Deuwell is a colored attorney and George and Fred Forster own a confectionery store at 235 South High street. Mr. Deuwell alleged that they refused to sell him a glass of soda water. He brought suit for \$500 damages. The case will be retried.