

HEARING IN WATERS CASE.

Justice Garretson Will Give Colored Man Chance at Examina- tion.

(Special to the Eagle.)

Long Island City, May 17—Argument was heard this afternoon by Justice Garretson in special term upon an application of James E. Waters, colored, for a writ of mandamus compelling State Superintendent of Public Instruction Skinner and Archibaid McLachlan, head of the State Normal School at Jamaica, to grant him a teacher's certificate. Clarence E. Drew, for Waters, asserted that on account of his color Waters was kept back and not allowed to progress in his studies.

D. E. Ainsworth, assistant state superintendent of public schools, represented the school authorities. He maintained that Waters did not get a certificate from the Jamaica Normal School owing to his failure to pass the examination.

Mr. Ainsworth said that seventeen in the class beside Waters failed, and that there was another colored pupil in the class.

Justice Garretson stated that he did not possess the power to grant a mandamus, but that he would give Waters an opportunity to pass an examination, and if he was not given that chance by the school authorities the court would then act. The matter was put over for three weeks to give Mr. Drew and Mr. Ainsworth an opportunity to confer.

Waters claims to be a descendant of the Montauk Indians. He resides at Great Neck, and his two sisters take in washing in order to enable their brother to pursue his studies.

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