

The Circulation of the DISPATCH-NEWS Yesterday Was 4,166

Staunton



Spectator

How About the Poor Kiddies' Christmas?

21ST YEAR. NO. 111.

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SPECIAL LUNACY THEORY ENTERS

Warm Legal Battle on in Francisco Case

SIMILAR POINT IS NOW BEFORE SUPREME COURT

Defense Brings Out New Reason For Trouble Between Father and Daughter

Three firms of lawyers on each side were yesterday continuing a judicial battle over the H. C. Francisco estate in the circuit court, and developing it into one of the most notable equity cases that have engaged the attention of the local bar in many years. It is interesting in view of the property at stake, the "human interest" element concerning a deceased daughter and three disinherited infant grandchildren, the local prominence of the parties involved and especially to legal specialists, introduction of the still debated "theory of special lunacy."

By this "theory of special lunacy" the lawyers mean a legal theory that for the practical purposes of a judicial decision a person may be adjudged in practical effect insane on the subject specifically at issue in the case which happens to be on trial. There has been one other case in the judicial history of the state found by the counsel arguing the Francisco case, but this has not gone a full course through the courts, so as a precedent one side or the other may argue that it is not yet "binding."

New Story Developed.
Application of the theory of special lunacy in the Francisco case is the contention made by counsel for the contestant of the will (E. O. McCue, litigant guardian of the three McCue children) that Mr. Francisco displayed such specific irresponsibility in holding his daughter, Mrs. Frank C. McCue, blameable as an infant for the death of her mother. Building up a basis of defense of the will by cross examination of the witnesses against it, still yesterday being heard by the court, the counsel for the beneficiary, Mrs. Lyle, a niece of the testator, are seeking to show that any animosity shown by Mr. Francisco for Mrs. McCue was not thus to be explained but rather by an incident concerning division of the property which occurred when she attained her legal majority. This incident arose from a grant of property made to Mr. Francisco by Mr. Glendye, maternal grandfather of Mrs. Frank C. McCue, providing that the latter should receive half of the property at the time mentioned. She insisted on the division then, only \$8,000 was realized, while later Mr. Francisco obtained \$25,000 for his corresponding proportion, and Mr. Francisco was said to be very much irritated at the insistence, when, in his opinion, a delay would have been financially very advantageous. It was remarked yesterday that the property now could not be had for less than \$50,000 or \$60,000.

Will be Drawn Out.
"Bushels of evidence" in rebuttal is promised when the supporters of the will again have their turn in court, and it can be seen that the case will probably extend well into next week. In support of the will 41 witnesses were summoned, and over 20 by the contestants.

The contest is being conducted by E. O. McCue, of Charlottesville, Harman and Walsh and J. M. Perry, of Staunton; the defense of the will ("plaintiff" in court) by Timberlake and Nelson, Curry and Curry and H. J. Taylor. The estate that must stand the expense of the contest is valued at upwards of \$25,000.

FOR INTERNATIONAL PEACE
WASHINGTON, D. C., Dec. 14.—The board of trustees of the Carnegie endowment for international peace held its annual meeting in the capital today. The annual report of the executive committee was received and plans discussed for the future work of the organization.

PUBLIC OFFICIAL ON TRIAL
JERSEY CITY, N. J., Dec. 14.—Stephen M. Egan, county collector of Hudson County, was placed on trial today under an indictment charging him with the embezzlement of public funds.

VOTE TO EMPLOY BUILDING EXPERT

Council and Aldermen Accept Committee Report

TO DETERMINE SAFETY OF PRIMARY STRUCTURE

Find Patrons Unwilling to Let Children Attend Condemed Building

Before the Board of Aldermen convened last evening for the regular monthly meeting, eight members of the Common Council assembled in special session, and adopted a submitted report of the joint committee recently appointed to act with the public school authorities. This quorum of the Council also authorized the joint committee to secure an expert to make a conclusive examination of the Baldwin street primary school building. In this action the Board of Aldermen concurred when it was called to order by President Lang immediately after adjournment of the special council meeting. The engineering expert will therefore be secured. Details of the procedure will be determined in early subsequent conference among the committeemen, and necessary appropriation will be made at some future city legislative meeting, after selection of the expert.

The special report submitted for the information of both chambers on public school matters was signed by R. E. Nelson, chairman, R. L. Stratton, W. H. Landes and L. W. H. Peyton, as the joint committee appointed at the November meetings of the Board of Aldermen and the Common Council for the purpose of meeting and conferring with the City School Board of Trustees on the subject of buildings. The report said:

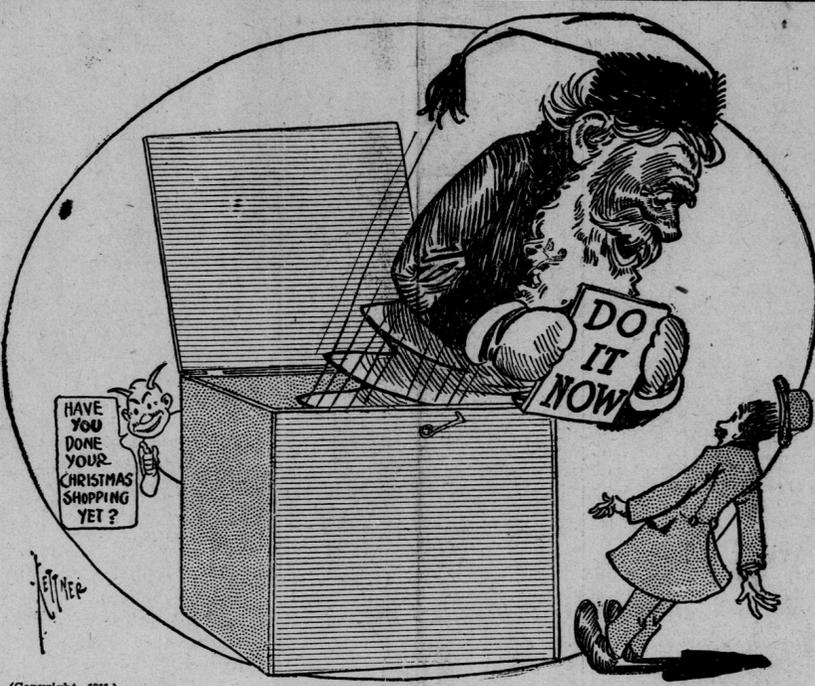
The Report.
To the Honorable Council of the city of Staunton:
Gentlemen—The undersigned joint committee appointed at the November meetings of the respective chambers for the purpose of meeting and conferring with the City School Board of Trustees on the subject of the public school buildings and the relief of the crowded condition of the building now in use, begs leave to report as follows:

"We made a personal examination of the public school properties, especially the Main street buildings and the Baldwin street building and the Baldwin street building and the Baldwin street building, met in conference with its members and discussed the situation in all its bearings. At that meeting there were submitted a sketch and plans made by T. J. Collins & Sons, architects, together with a communication from the architects embodying a discussion of the suggested changes and additions in the Main street building. In their discussion of the subject Messrs. Collins & Sons suggested two propositions; one was to do away entirely with ten of the rooms now in use there and which are considered as unfit for the purpose because they cannot be properly lighted and for other sufficient reasons, leaving eight good, well-lighted and ventilated rooms, and so remodel the building as to make it an up-to-date school structure for use of one of the three divisions, that is to say, either for a primary grade, grammar grade or high school.

Suggested Remodeling.
"The other suggestions—and the sketch and plans followed this idea—was to remodel the present building into an eighteen-room, three-story building, answering all the school-law requirements and conveniences. This would necessitate doing away with the front part of that portion of the school plant known as the Bagby building, now used for the high school with six class-rooms, the plan being to extend the main building on each side, bringing the additions forward to the street line. The present rear rooms of the Bagby building could then still be used, say, for the classes in industrial science and other purposes than strictly classrooms.

"There is serious objection to the three-story plan, not only in

HURRY UP!



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AUGUSTA CO. MAN DIES IN BALTIMORE HOTEL

E. F. Zinns of Basic, Head of Mining Co. Stricken While in a Taxicab

BALTIMORE, Dec. 14.—Stricken suddenly with a violent attack of asthmatic coughing yesterday afternoon while in a taxicab on his way from Union Station to the Hotel Emerson, E. F. Zinns, of the Zinns Iron and Mining Company, of Ve-cuvius, Va., suffered a lesion of the heart and died in the lobby of the hotel a few seconds after leaving the cab. His body was taken to the rooms of C. F. Evans, undertaker, 11 West Mount Royal avenue.

It was at 5:30 o'clock when an elderly, well-dressed man entered a taxicab driven by Chaffeur Georg Dietrich, at Union Station and gave directions to be driven to the Hotel Emerson.

When nearing Mount Vernon Place the passenger called to the chaffeur to "hurry up, get me there as quick as you can." Disregarding speed ordinances, Dietrich put on the speed clutch and raced for the hotel. Mr. Zinns seemed to be in the throes of a violent fit of coughing, but Dietrich did not pause to investigate. They reached the hotel and the man got out and walked unsteadily up the steps into the lobby.

Mr. Zinns, who had made his home in Basic City for a number of years, had long been a severe sufferer from asthma, and the last month, prior to Monday of this week had been spent at the Virginia hotel here, he having come to Staunton to take medical treatment. He left for Baltimore Monday afternoon.

MILLION AND HALF IN GOLD IN DANGER

GIBRALTAR, Dec. 14.—The gale which drove the P. & O. steamship Delhi ashore early yesterday, after dying down, again sprang up today, and tugs which were attempting to get close enough to the stranded vessel to take of the mails and \$1,500,000 in bullion had to stand off. Fears are expressed that the ship will break up and that the mails and specie will be lost.

All the passengers, including the Duke and Duchess of Fife and their two daughters, were taken off safely and placed aboard a rescuing ship.

EMPTY STOCKING FUND STARTED

Who'll Help to Fill Them for Staunton's Poor Little Ones?

Well, it was a starter, anyhow. The contributions to the Empty Stocking fund, which will be turned over to the Associated Charities for use in bringing Christmas cheer to the deserving poor children of the city, did not come in with a rush yesterday, but enough was received for a foundation for a respectfully sized fund, the total for the day being \$6.15.

The way to do something for the deserving little ones in the way of making their little hearts glad on Christmas morning is to send or bring in your contribution NOW. It will be turned over by the Dispatch-News to Mr. Hoge or the committee for use as in previous years.

The amounts received yesterday were:

The Dispatch-News \$ 5.00
H. M. Lewis 1.00
Miss L. E. Sneed15

Total \$ 6.15

WED AT FORT WORTH.

Miss Lutie Luckett Moore and Wallace M. McFarland were married yesterday afternoon at 5 o'clock at Fort Worth, Texas.

The Weatherman Says

In this day of enlightenment I count it a disgrace for any man to go about with whiskers on his face. The microbes love such brushes, so the scientists declare, and millions of them make their nests in just that kind of hair. I think the law should be construed to keep for running loose the man whose plume is streaked up with vile tobacco juice. I think against the flowing beards the wives should take a hand, for how a woman can endure them I can't understand. A man may say "God put it there, and hence I have a right to wear it, even though it give pain to another's sight." But God, too, gave each man a face, and then arranged it so those whose features brought them shame might let their whiskers grow.

THE FORECAST:

Rain Friday and probably Saturday. Northeast winds increasing over east portion and becoming variable Saturday.

Temperatures Yesterday.
8 a. m. 36 4 p. m. 38
12 m. 37 6 p. m. 37

FRATERNITIES TOAST CLOSE OF THE YEAR

Greek Letter Men of S. M. A. Banquet Before Leaving for Homes

Youthful ebullition of spirits, Staunton Military Academy pennants, Greek letter fraternity emblems, harmonious floral decorations, tastily printed menus and sprightly toasts to the closing year were mingled last night at the two leading hotels.

For the main feature of the day for the Military Academy vacation close of school were the fraternity banquets in the evening. Delta Sigma Nu comrades, to the number of thirty-five, occupied the main dining room at the Augusta. The Upsilon Chapter of the Chi Sigma Chi fraternity, with eighteen members, and the Alpha Chapter of the Theta Pi Omega fraternity, with twelve members, were accommodated in private dining rooms at the Virginia.

These functions were stag party affairs, but what shared the thoughts of Christmas home going in the minds of the cheerful banqueters was neatly indicated by a most appealing portrait of a typical young woman artistically done on one of the menu covers, of which the available edition was early exhausted.

The streets of Staunton all through the day witnessed the movements of many hurrying grey uniforms, and the depots resounded at every train departure hour with hilarious farewells.

ALDERMEN PASS MINOR LIQUOR ACT

When signed by Mayor Wayt, the ordinance regulating the sale of liquors to minors, as adopted at the last regular meeting of the Common Council, and patterned after the similar ordinance in effect at Richmond, will be city law. The Board of Aldermen last night concurred in the action of the other chamber.

H. L. LANG MAY RESIGN AS PRESIDENT OF ALDERMEN

That Mr. H. L. Lang would offer his resignation as President of the Board of Aldermen at the January meeting of the chamber was a report in circulation yesterday. He replied that he had no pronouncement to make on the subject when questioned by a reporter at the close of the Board's meeting last night. Mr. Lang has in the past several times spoken of his inclination to resign the duties of the special position on account of the pressure of private business.

There was some expectation that the lighting plant project would be brought up at the aldermen's meeting last night, but this expectation was not verified.

BOYS' FIGHT FOR FIREWORKS

Aldermen Vote to Suspend Ordinance Once More

DOWN-TOWN STREETS ALONE ARE EXEMPT

One-Hundred and Fifty City Youths Win Lawmakers by Petition

Fireworks may be discharged on Christmas day in Staunton, except on the down town business streets. So the Board of Aldermen decided by resolution last night. The streets specified as exempt from the celebration were Main, from Church to Market; Johnson, from Church to Kalorama, and Augusta, New and Lewis, from Frederick to the C. & O. depot.

Four boys have been circulating a petition for the privilege of celebrating Christmas with fireworks in Staunton this year, after the now long established custom throughout the Southern states. It has heretofore been the local practice to suspend application of the city ordinance against fireworks on Christmas so that the children might indulge in the sport on the one day, but the merchants of the city took action against a further continuance of this special exception.

Hence the counter activity of these four boys, who are Al T. Lewis, Jr., Winniett Harman, Ernest Harman and James Dore. By last evening they had obtained the signatures of 150 of their youthful comrades. The petition was circulated for presentation at the meeting of the Board of Aldermen last night.

The Aldermen first heard reading of the petition from the merchants, then that from the youth. After some reminiscent oratory, mostly in favor of the boys and boyhood memories, action was taken intended to satisfy both.

ROANOKE OFFICER COMING FOR CLARK

No response to his letter concerning Detective L. E. Clark, now held on the charge of abduction as the outcome of the bigamy proceedings, having come yesterday afternoon, a telegram was dispatched by Commonwealth's Attorney Carter Braxton to Commonwealth's Attorney R. W. Time, of Roanoke county. A reply was received last evening that an officer from his jurisdiction would arrive in Staunton in course of the night to remove Clark to the scene of his further troubles.

LOUISE HOMER A MOTHER.

NEW YORK, Dec. 14.—A little visitor, who is hailed as a coming contralto, arrived at the home of Mr. and Mrs. Sydney Homer, No. 13 East Sixty-fourth street, at 10 o'clock yesterday morning. Mrs. Homer is the famous Louise Homer, of grand opera.

The little girl will be christened Hester Makepiece Homer, after a great-grandmother of Mr. Homer, and the first of her ancestors to be born in America. This great-grandmother was born in Watertown, near Boston, in 1680.

CATTLE ORDINANCE STANDS.

City regulation of the driving of cattle through the streets will continue as recently in force. The Board of Aldermen decided last night that the present ordinance shall remain as it is, when called upon at the regular meeting to dispose of a proposition from the Common Council to require more drivers or keepers.

GEORGIA HOTEL MEN MEET

AUGUSTA, Ga., Dec. 14.—The annual meeting of the Georgia Hotel Men's Association opened for a two days' session in this city today with an attendance of several hundred of the leading hotel men of the state.

REFUSE STREET EXTENSION.

Petitions from Thomas D. Ransom and James Crawford, for the extension of streets through allotment additions in the northern part of the city, were refused by the Board of Aldermen last night.

CAVALRY TROOP FOR STAUNTON

Local Company of National Guard to Get Detachment

WILL BE RECRUITED FROM THE COUNTY

Interest is Centered Now in Bill Before Congress to Pay the Militia

Country boys of the neighborhood will be enlisted as a troop of cavalry in the First regiment of the Virginia National Guard. So far there is no national guard cavalry in the state, nor does the legislature at present make any provision for an organization of mounted troops, technically as such. But permissive provision is made for what the enactment terms a "mounted detachment." There may be one of these to a regiment, drawn from the membership of some particular company of the regiment, and located at the home seat of the company to which it is assigned. Such a detachment, or "troop," may consist of thirty mounts. The horses must be provided individually by the members, in view of the present expenditure allowance made by the state, except at times of regular encampment, so in organization of the new cavalry body the regiment officers expect to pick the quota of men from the county.

Will Need Enlistments.

"I have told Captain Wayt that the guards may have the mounted detachment for the First regiment," said Colonel W. J. Perry yesterday, "so this cavalry organization will be stationed at Staunton. To obtain the proper number of men, Captain Wayt will need to make company enlistments, bringing the membership of the guards up to its full quota. This new enlistment will include men suitable for the mounted detachment."

When this "troop" shall have been organized, the First regiment will be represented in Staunton by three different features of regimental make-up, besides the headquarters staff, the three being the detachment, Captain Wayt's "Guards," and the First Regiment Band, of which Prof. Thomas H. Beardsworth, of the deaf mute school, is the bandmaster. There are four First regiment companies in Richmond, and other companies in Alexandria, Lynchburg, Leesburg, Danville, Fredericksburg, Farmville and Charlottesville.

Interest in Salary Bill.

Of paramount present interest to the military men of Staunton is the bill now in the hands of the military committee of the House at Washington providing for a federal grant of 25 per cent of the pay allowed in the regular service to men enlisted in the national guard, the bill in favor of which the Staunton Chamber of Commerce and other influential organizations have already strongly expressed themselves in resolution and recommendation. "Enactment of this bill would mean the annual expenditure of \$10,000 in Staunton," said Colonel Perry.

The chairman of the House Committee on Military Affairs happens to be Congressman Wayt, of Charlottesville, but as yet he is not favorably inclined to the measure, though it has the support of both the Virginia senators. The state military people are bringing all argument and personal influence properly available to bear on the attitude of Congressman Wayt. Hope had until recently been entertained that action on the bill would be secured before Christmas, and it is still the supposition that a vote on the measure will be taken soon after the holidays.

MRS. RANSON TO LEAVE HOSPITAL

It will be a cause for general regret that Mrs. Baldwin Ranson has resigned as superintendent of the King's Daughters' Hospital, a position she has held with the greatest satisfaction to the board and the general public since March 1, 1910. Mrs. Ranson feels that there are demands on her which she can not fulfill with the present duties she has.