

WEATHER REPORT.

For Virginia: Fair, with rising temperature; fresh to brisk north to east winds.

Norfolk and Vicinity. WEATHER FORECAST FOR TO-DAY. Fair and warmer; fresh northerly winds.

TEMPERATURE, RAINFALL AND HUMIDITY. Maximum temperature 32, Minimum temperature 3, Normal temperature 42, Departure from normal minus 24, Departure since Jan. 1 minus 167, Rainfall in past 24 hours Trace, Rainfall since last of month 3.99, Mean humidity 64.

CALENDAR. Sun rises, 6:53 a. m.; sets, 5:46 p. m.

TIDES. Norfolk:—High water, 0:40 a. m., 12:57 p. m. Low water, 6:59 a. m., 7:04 p. m.

DIED. SELIG.—At her residence, No. 59 Fenwick street, Monday, February 13th, 1899, at 8:15 a. m., Mrs. SARAH SELIG, aged 69 years.

Monuments and Gravestones. The selection of a suitable memorial in marble or granite can be readily made from our stock. We carry the largest assortment of finished designs in the South.

THE COUPER MARBLE WORKS (Established 50 Years) 159-163 Bank St., Norfolk, Va.

AMUSEMENTS.

VAN WYCK'S ACADEMY OF MUSIC. THURSDAY, FEBRUARY 16, 1899. Third Lecture in Norfolk Lyceum Course.

AUDITORIUM THEATRE. S. E. Cor. Nebraska and Union Sts. JAS. M. BARTON, Prop. and Manager.

MEETINGS. Headquarters Pickett-Buchanan Camp, C. V., Norfolk, Va., Feb. 15th, 1899.

ATTENTION COMRADES.—YOU are requested to meet at your hall THIS (Wednesday) EVENING at 8 o'clock, to make final arrangements for laying the corner-stone of our monument to the Confederate dead.

NOTICE. There will be a called meeting of CENTRAL LABOR UNION on FRIDAY at 7:30 p. m., at Bricklayers' Hall, Main street, Norfolk, Va.

NOTICE.—THERE WILL BE AN annual meeting of the stockholders of the ATLANTIC INVESTMENT COMPANY, of Norfolk, Virginia, at the office of A. W. Cornick, No. 272 Main street, Norfolk, Virginia, on the 11th day of February, 1899, at 10 o'clock a. m.

BUSINESS NOTICE. We wish to announce to our friends and the public that we have associated ourselves with Mr. S. Dozier, 206 Main street, and earnestly solicit the patronage of our friends and the public.

Notice of Removal. J. E. R. CARPENTER, ARCHITECT, has removed his offices from No. 409 and 410 Columbia Building to No. 502 and 503 Citizens Bank Building.

Chest Protectors, Chest Protectors, Chest Protectors.

Trotter's Drug Store, 388 Main St., Cor. Church St.

BUY A PIANO. That will last you a lifetime, one that will improve with age and usage.

FACTORY WAREHOUSES. MONTICELLO HOTEL, Granby St. JOHN J. FOSTER, Manager.

TEETH! Full Set, \$5.00. Gold Filling, \$1.00. Silver Filling, 50c. up.

ALBANY DENTAL PARLORS, DR. W. W. FREEMAN, Mgr., 374 Main Street.

COURT DECISIONS.

Notes of Important Cases Recently Decided, Which are of Interest to Our People.

DIGESTED BY W. B. MARTIN, (Exclusively for Virginian-Pilot.)

GARBER VS. SUTTON.

Supreme Court of Appeals of Virginia, November 17, 1898.

CONTRACT TO SELL LAND WILL NOT BE RESCINDED BECAUSE OF INCUMBRANCES WHICH HAVE BEEN REMOVED BEFORE DECREE IN SUIT TO RESCIND—CONTRACT OF SALE OF LOTS ACCORDING TO PLAT NOT RESCINDED BECAUSE STREETS ON PLAT ABOLISHED BY SALE UNDER A SUBSEQUENT DEED OF TRUST.

This was a suit to rescind a contract for sale of lots in the town of Luray, and to recover back the amounts paid on account of the purchase money. The plaintiffs claimed that a good title to the lots could not be made because there were incumbrances on them, and that the lots had been sold by a plat on which streets were laid out, which streets were abolished by a sale under a deed of trust given by the seller. The court held that the contract should be enforced, not rescinded, and said: The second ground of objection alleged, that incumbrances upon the lots sold appellants prevented appellee from making a good title is not tenable. The deeds of trust given upon its property by the Valley Land and Improvement Company expressly reserve from their operation the lots theretofore sold, and it further appears that said deeds of trust as well as all judgments against the Valley Land and Improvement Company prior to its deed to it, M. Sutton (the defendant) had been paid and released before the date of the decree complained of.

It is contended that because some of the streets and alleys embraced in the plat of the lands have been abolished by sales under deeds of trust the appellants are entitled to a rescission, for the reason that they are thereby deprived of the use of these streets and alleys. All lots previously sold were expressly reserved from the operation of these deeds of trust, and hence the rights and privileges which appertain to the lots in question by virtue of the deed were not affected by said deeds of trust, and appellants still have the right to assert their claims to the use and benefit of the streets and alleys in that portion of the land sold under the same. The streets and alleys abolished by these sales in no wise affect the use and enjoyment of the lots in question, and all the streets and alleys necessary to the complete enjoyment of said lots remain as laid out on the plat. This city on paper is one of the numerous speculative enterprises inaugurated about the time of the transactions under consideration took place. The anticipated development utterly failed, and before the purchase money for the lots in question was paid, the whole scheme ended in disaster without fault of the appellee, and without prejudice to his right to recover the purchase money appellants contracted to pay.

STATE VS. PIERCE. Supreme Court of North Carolina, December 23, 1898.

INDICTMENT FOR BURNING GIN HOUSE, THOUGH BAD UNDER CODE SECTION 95, SUB-SECTION 6, IS GOOD UNDER SUB-SECTION 2, AND THE SUB-SECTION CREATES AN OFFENCE, THOUGH IT DOES NOT STATE IT A FELONY—ABSENCE OF DEFENDANT FROM COURT ROOM DURING PART OF CLOSING ARGUMENT IN CASE NOT A CAPITAL ONE NOT REVERSIBLE UNLESS HE IS CLEARLY PREJUDICED.

Pierce was indicted for burning a gin house and found guilty. He moved in arrest of judgment on the ground that the indictment did not follow the words of Code Section 95, sub-section 5, as amended. The court says: The objection would be well taken if this indictment was sustainable only under sub-section 6. But it is a valid indictment under Code Section 95, sub-section 2. The defendant, however, insists that sub-section 2 does not create an offense, because it merely prescribes that every person convicted of the act therein described shall be imprisoned in the penitentiary not less than five, nor more than ten years, and does not expressly add that such person shall be guilty of a felony. The objection is without force. The doctrine is well settled that where the statute either makes an act unlawful, or imposes a punishment for its commission, such act becomes a crime, without any express declaration that it shall be a crime or of its grade.

During the argument there was a recess of the court at noon and defendant was taken to jail. Upon reassembling of court one of defendant's counsel began his argument to the jury. Defendant had not been brought into court, but the court did not notice his absence until defendant's counsel had proceeded with his argument about a minute, when the solicitor suggested that the defendant was in custody and not in court. Thereupon defendant's counsel stated he would waive defendant's presence and proceeded with his argument. About ten minutes later the sheriff produced defendant in court. No exception was taken to this at the time, and it was too late to make this exception for the first time in the appellant's case on appeal. But had the exception been taken at the time, it would not have availed the defendant, in a case

not capital, unless it had been clearly made to appear that he had been prejudiced thereby. The other exceptions in the case do not require discussion.

ROBB VS. PENNSYLVANIA COMPANY FOR INSURANCE. Supreme Court of Pennsylvania.

BANK DEPOSITOR NOT CHARGEABLE FOR LOSS INCURRED BY BANK WHICH PAYS A CHECK, TO WHICH HIS NAME WAS FORGED BY A CLERK, BY MEANS OF A RUBBER STAMP PROCURED BY DEPOSITOR, AND WHICH WOULD MAKE A FAC SIMILE OF HIS SIGNATURE, OF WHICH THE BANK HAD NO NOTICE.

The court says that if the depositor had been negligent in allowing the forger to have access to the stamp the loss would rest upon him instead of upon the bank.

TEMPLES OF EQUITY.

YESTERDAY'S RECORD OF THE VARIOUS COURTS.

Justice Tomlin presided in the Police Court yesterday and disposed of the following cases:

Emma Rankin, colored, drunkenness and fighting; fined \$3.

Mattie Taylor, colored, robbery from the person; dismissed.

Levy Jones, colored, lunacy; held for a commission.

Charles Stiff, colored, sick vagrant, recently out of the pesthouse; ten days in the jail hospital.

Sarah Anthony, colored, assaulting Emma Rankin, colored; fined \$3.50.

George Morris, colored, felonious assault; continued for ten days.

Andrew Upshur, colored, an old offender, stealing a coat and vest valued at \$5.75 from W. S. Hobson, colored; six months in jail.

The continued case of John Morris, colored, charged by Mary Alice Doles, colored, with breach of promise of marriage, was called, and on motion of the defense, continued until Friday. Morris was rebailed.

GENERAL COURT NOTES.

Yesterday was janitor's day around the Court House and Janitor Bunting and his assistants were busy most of the day clearing snow from the court yard walkways.

Rev. E. D. Tucker, D. D., qualified before Judge Hancock in the Corporation Court yesterday as guardian of Herbert N. Tucker, under a bond of \$300, with John F. Lawler, surety.

In the Clerk's office the following deeds were admitted to record: George W. Dey, J. W. Hunter and T. R. Borland, trustees of the Home Mutual Building Association of Norfolk, to said association, lot, improved, Kelly street, corner of Brambleton avenue; \$1,200.

Adella Mercer and husband to George W. Duvall, A. B. and Michael Selmer; lots and buildings numbered 163 and 164 Chapel street; \$7,150.

Clerk Royster is detained at home by sickness, but expects to be out in a few days.

Clerk Bowden has received a letter from Judge Waddill saying he will not be here until the present sitting of the Superior Circuit Court is over, which will possibly be next week.

VALENTINE'S DAY.

THE SNOW INTERFERES WITH THE USUAL PLEASURE.

The snow, in a great measure broke up the fun anticipated by the young folk in sending valentines last night, and likewise broke up a considerable amount of business that would otherwise have been done in the valentine department of the book stores. As it was, very little of the fun supposed to redound from poking comic caricatures under front doors was indulged in, and to-day the store keepers will occupy the time in packing the "loft ovens" for another year, and their daily martins will be that more propitious weather will hover over Norfolk on next Valentine's Day.

Of course, a few of the youngsters braved the cold and snow and recklessly gave away the highly colored penny pictures that usually create laughter in the household; but it was a one-sided sort of fun and didn't last very long.

STREET CLEANING.

ASSISTANT STREET INSPECTOR JAUQUES DOES GOOD WORK.

Assistant Street Inspector Jaques had thirty-three men at work cleaning the snow from the crossings yesterday and made fine progress. The men also worked Monday, but their progress, compared to yesterday, was slow on account of the severe weather.

Chairman Hofheimer, of the Street, Sewer and Drain Board, was on the streets yesterday and co-operated with Mr. Jaques in opening the crossings and spurring property holders up to cleaning their sidewalks.

An opening was made through the snow from the Fire Department building to Main street, so as to facilitate egress and ingress in the event of a fire.

People have responded with a reasonable degree of promptness to the requirement of the city that they clean their sidewalks. To-day is the last day of grace, and all who neglect to avail themselves of it will expect a summons Thursday morning to show cause why they shall not be dealt with as the law directs.

It is a Noble Scheme.

Rev. Carl E. Grammer, rector of Christ P. E. Church, speaks of the Virginian-Pilot's "Home Study Circle" as follows:

"Gentlemen:—I am delighted with the prospectus of the 'Home Study Circle.' The Virginian-Pilot has begun a Chatanooga among us, and I hope will meet with some measure of the success of that wonderful educational agency. The subjects of study are well selected, are liberalizing and at the same time practical and will be handled by competent specialists. I hope that many of the readers will follow the course continuously. It is a noble scheme.

CARL E. GRAMMAR.

Read announcement "Home Study Circle"—5th page.

All glasses prescribed by Dr. Weck guaranteed. Examinations free. 210 Main street.

THE CITY FATHERS MEET

Consider Matters Before Common Branch Last Week.

WATER BOARD RESOLUTION

Washington Street Improvements—Pay Increased—More Money For the Keeper of the Almshouse—Street Car Companies Right Considered—Queen Street Bridge Resolution Defeated.

A meeting of the Select Council was held last night, with Mr. Greenwood in the chair, and the following members present: Oberndorfer, Kahn, Jacobs, Vail, Bonney, Pannill, Spann, Consolvo, Mayer, Holland.

The minutes of the last meeting of the Select Council were read and approved.

The minutes of the last meeting of the Common Council were read and action taken as follows:

On the resolution authorizing the treasurer of the Water Board to deposit in any or all banks, authorized city depositories, adopted by the Common Council December 6, 1898, the Select Council non-concurred January 19, 1899, and the Common Council February 7th, adhered to its former action. The Council rescinded its former action and concurred with the Common Council. Names—Bonney, Consolvo, Oberndorfer, Pannill.

WASHINGTON STREET. This Council concurred with the Common Council in the matter of appointing commissioners to ascertain cost and appropriating \$150 to pay cost.

PAY INCREASED. In the matter of increasing the salary of the chairman of the Street, Sewer and Drain Board from \$500 to \$1,000 per annum, to be in force for six months, the increase was adopted.

WATER BOARD ORDINANCE. The ordinance giving greater authority to the Water Board in the matter of making contracts, employing persons and fixing their pay, as reported in the Virginian-Pilot, was, on motion of Mr. Vail, unanimously adopted. The report adopted by the Common Council, authorizing the city treasurer to remit to N. M. Harris & Co. for coupons due at his office, was concurred in.

MORE PAY FOR KEEPER. The pay of the keeper of the almshouse was increased to \$1,000 per year, as provided by the resolution adopted by the Common Council. This Council concurred unanimously.

The Select agreed with the Common Council in remitting to W. B. Rogers \$10.30 erroneously paid.

RIGHT CONFIRMED. An ordinance which was approved and passed by the Common Council confirming the right of the Norfolk Street Railroad Company to the use of the York street bridge, was adopted by this Council, the Norfolk Street Railroad Company paying \$10,000 in consideration of the rights granted.

QUEEN STREET IMPROVEMENTS. The report of the committee on the proposed bridge and street improvement at the creek separating Brambleton and the First Ward, at a cost of \$3,000, one-half of the cost to be borne by Brambleton Ward and the other half by the city, was read.

Mr. P. J. Morris was accorded the right of the floor and stated that the interest of Mr. W. B. Rudolph and his brother, Mr. C. F. Rudolph, would be seriously damaged if the improvements are made at this time. He asked that action be deferred till they were financially able to meet the additional cost which would be incurred by them.

Mr. Jacobs said that he sympathized with the Messrs. Rudolph, but that the improvement was an important one. Mr. Morris said that he thought as a matter of personal interest to Mr. Rudolph that he should be given time.

Mr. Oberndorfer moved that the resolution be laid on the table. The motion to lay on the table was then taken on the resolution to appropriate the money and the vote stood 6 ayes, 4 nays. To appropriate money requires a two-thirds vote of the members-elect and the president declared the resolution lost, Messrs. Oberndorfer, Kahn, Consolvo and Holland voting no.

LETTERING STREETS. Five hundred dollars was appropriated to letter streets as adopted by the Common Council.

IMPROVEMENTS ON WALKER STREET. This branch concurred with the Common Council in ordering the improvement of Mariner street, east of Walker street.

It was stated that several property owners desired to erect houses on this street, which was at present in bad condition.

MONEY FROM BONDS. Mr. East's resolution appropriating the \$55,000 from the sale of the Raleigh and Gaston bonds to street improvements, came up and a vote was taken without discussion, and the Chair declared that the resolution was lost.

Mr. Jacobs asked to be heard, and spoke in favor of putting the whole amount into street paving. He thought it would be a proper monument to the memory of the Council.

Mr. Oberndorfer said it was without a precedent that as much money as \$55,000 should be appropriated without reference to a committee.

A vote was taken and the matter was referred to the Finance Committee also Mr. East's resolution appropriating \$5,957 for the completion of Chapel street.

RESOLUTIONS OF EXPEDIENCY. The resolutions of expediency adopted by the Common Council for the improvement of Yarmouth, Freemason and York street were defeated. The resolution requiring ten votes.

SALE OF STOCK. A letter from the Norfolk Bank for Savings and Trust was read, advising the Councils of the sale of the stock of the Raleigh and Gaston Railroad and giving

ing the net proceeds, was referred to the Finance Committee.

A resolution appropriating \$1,891.69 for schools in Brambleton adopted by the Common Council was also passed by this body.

The ordinance adopted by the Common Council regulating sewerage in Atlantic City Ward was passed, under a suspension of the rules.

PUMPING STATION. The resolution passed by the Common Council appropriating \$4,875 for a pumping station for Brambleton and the Fourth Ward was adopted.

CRANEY ISLAND HOSPITAL. A letter from Mayor Johnston in regard to securing Craney Island for a hospital was read and this branch concurred with the Common Council, and on motion of Mr. Consolvo, Mr. Greenwood was appointed on the part of the Select Council to act with committees from the Common Council and business organizations.

All properly approved bills were ordered to be paid.

NEW BUSINESS. An ordinance granting to J. R. Brown and J. A. Helvin the rights and franchises to conduct and maintain subways in the city of Norfolk was read. Mr. Pannill explained that under the present franchise they have only seven years to run, and that this branch concurred with the Common Council, and on motion of Mr. Consolvo, Mr. Greenwood was appointed on the part of the Select Council to act with committees from the Common Council and business organizations.

The ordinance was adopted and the Council adjourned.

SCHOOL BOARD MEETING

A Committee to Report on Salaries and Grading.

Many Additional Teachers and Larger Appropriations Will Be Required Next Year—Many Matters of Interest Discussed.

The School Board met yesterday with the following members present: Whitehead, Taylor, East, Ruffin, Pannill, Pinkerton, Randolph, Morris, Moran, Greenwood, Flyeash.

Secretary Taylor called the meeting to order and stated that owing to the death of the chairman, Captain Taylor, a chairman pro tem would have to be elected. Mr. Randolph nominated Mr. Fred Greenwood, who was unanimously elected.

The minutes of the last two meetings, one regular and the other special, were read and approved.

Mr. L. W. Davis was elected unanimously to fill the vacancy caused by the death of Captain Taylor.

MR. WHITEHEAD ELECTED. It was decided to go into an election of a permanent chairman of the board, and Mr. T. J. Randolph nominated Col. N. C. Pannill, whom he said had long been a member of the board and is one of its most faithful members.

Mr. Ruffin nominated Mr. John H. Whitehead. The vote resulted: Whitehead, 5; Pannill, 4. Mr. Whitehead thanked the board and at once assumed the duties of the position.

Just after the last regular meeting Miss Frances Gantt tendered her resignation as a teacher of the intermediate schools of Brambleton, stating that she had received an offer of a position in a hospital in Pennsylvania, which she desired to accept, as it would afford her an opportunity to take a three years course in medicine.

SUPERINTENDENT ACCEPTED. Superintendent Dobie accepted her resignation and appointed Miss Gertrude Thompson, of Brambleton, as teacher of the school which, by the retirement of Miss Gantt, was without a position in the county to accept the Brambleton school.

WORKED HER HARD. Miss Gantt went to Pennsylvania and soon discovered that the place she had secured was not a "bed of roses." She had to nurse day and night and had no time to study. Finding that the work was so arduous that it would destroy her health, she returned to Norfolk and wrote a letter to the board asking that her letter of resignation be withdrawn. This matter was discussed by the board at considerable length.

LETTER WITHDRAWN. Col. N. C. Pannill made the point that Miss Gantt's resignation had not been accepted, therefore she should be allowed to withdraw her communication.

Mr. Dobie explained that it would work a hardship on Miss Thompson, who had given up a position in the county.

Mr. Pinkerton said that as Miss Gantt had given up the place on her own motion, which was now being well filled by Miss Thompson, that the latter should be allowed to keep it.

Mr. Ruffin made the point that to refuse to allow Miss Gantt to withdraw her letter would amount to a dismissal. A vote was taken and Miss Gantt was allowed to withdraw the letter in question.

THE LAW WON'T ALLOW. A communication was received from Zion High School asking that the salary of one of its teachers be provided for by this board. The board adopted a resolution stating that it has no authority to make such an appropriation, as the school was not connected with the public school system of the city.

TO INVESTIGATE AND REPORT. A communication was received from the City Councils asking for an estimate of the needs of the schools for the fiscal year ending July, 1900.

It was stated that when the new school houses are opened that twelve additional teachers will be required and that the appropriation for next year will have to be increased about \$15,000.

Mr. Ruffin said that he thought it advisable to ascertain if the schools are properly graded, also that the board be informed if the teachers are properly paid. He thought if they were paid more than teachers in other cities their salaries should be reduced, if they are paid less he desired that their salaries should be increased.

A MATTER OF IMPORTANCE. He thought this a question of importance. He did not propose to be an agitator, and if the board thought lightly of the matter he would not mention it again. Mr. Ruffin's views were endorsed by a number of the members and a committee of five, consisting of Messrs. Taylor, Pinkerton,

Virginia

Tells People How When They

All Weak and Nervous

Follow Her

"I was very nervous with bronchitis and a cough with female difficulties almost crazy. I took scarcely any benefit, but I was greatly helped by Hood's Pills. My friends advised me to try Hood's Pills and I also used Hood's Pills. I feel better than I have in years. When people ask me why I tell them to take Hood's Pills if they wish to be young when they are old. STRINSON, 415 4th Ave., N. Y. C."

Hood's

Is the best—in fact the One All Druggists. \$1; six for \$5.

Hood's Pills are

All

Joseph B.

Ready to supply Dry Goods needs.

Such weather in the South, but rather makes them into their demands.

Specially Alluring Bed Coverings.

The Brown plan money back if it y makes this an absolute place in which to b

Joseph Brown, - 220

Norfolk City Water

BRICK

Sealed proposals will be received in this department on or before the 16th DAY OF FEBRUARY, 1899, at the office of the City Engineer, for the construction of a

BRICK HOUSE OF FOUR ROOMS, with additions, abundant water right at the door, the house covered with shrubbery, choice flowers, etc., etc. Call on or address H. C. JONES, 56 Bank street, Norfolk, Va. feb-15-99

FOR SALE.—AN IDEAL three miles from the city of Norfolk, Va., located on salt water, contains 10 acres, ten acres in woods, high state of cultivation; a mile frontage on salt water oyster grounds, on which raised for family use in the form of a house, with water with additions, abundant water right at the door, the house covered with shrubbery, choice flowers, etc., etc. Call on or address H. C. JONES, 56 Bank street, Norfolk, Va. feb-15-99

NOTICE TO CONTRACTORS. Sealed proposals will be received in the office of the City Engineer, on or before the 16th DAY OF FEBRUARY, 1899, at the office of the City Engineer, for the construction of a

BRICK HOUSE OF FOUR ROOMS, with additions, abundant water right at the door, the house covered with shrubbery, choice flowers, etc., etc. Call on or address H. C. JONES, 56 Bank street, Norfolk, Va. feb-15-99

DAIRYMAN. DAIRY TRADE ARE I UNPARALLELED BY ANY OTHER trade for producing MILK, competition, Michigan Green for Milk Cows also.

D. P. REID.

Ruffin, Randolph and Five pointed to investigate and

MORE APPLICANTS. Several applicants for teachers and substitutes were filed.

The Superintendent's report an average attendance of daily in January.

The Finance Committee ed the payment of bills amounting to \$4,891.69.

On motion, Miss Lois Coe elected as substitute teacher High School when she shall be pleased with the law relative to examinations of teachers.

Examination For Certificates. An examination (conducted) will be held at the close of the year as a basis for the granting certificates to those who avail themselves of the opportunity. These examinations are of expense, to all students more of the courses.

Prior to stock taking we inaugurate a special diam during the next ten days, able to secure some rare ba

THE GALE JEWELRY

OTHER LOCAL