

THE NEWS OF NORFOLK ON PAGES TWO AND THREE.

WEATHER REPORT.

Washington, July 21. Weather forecast for to-day: Virginia—Threatening Saturday, with showers at night; probably showers Sunday; variable winds. North Carolina—Probably showers Saturday and Sunday; variable winds.

Norfolk and Vicinity. WEATHER FORECAST FOR TO-DAY. Fair; moderate temperature; variable winds. TEMPERATURE, RAINFALL AND HUMIDITY. July 21, 1899. Maximum temperature 81. Minimum temperature 71. Normal temperature 78. Departure from normal plus 3. Departure from normal since January 1st minus 58. Rainfall in past 24 hours 0.9. Rainfall since first of month 12.98. Mean humidity 90.

CALENDAR. Sun rises at 5 a. m. and sets at 7:21 p. m. TIDES. Norfolk—High water at 8:22 a. m. and 2:27 p. m.; low water at 2:24 a. m. and 8:30 p. m.; high water at 2:03 a. m. and 2:06 p. m.

DIED. PERRY—At St. Vincent's Hospital, Friday, July 21st, 1899, at 8 o'clock a. m., JANEY G., daughter of Mary and the late Joseph Perry, aged 22 years. The funeral will take place from St. Mary's Catholic Church THIS (Saturday) MORNING at 9:30 o'clock. Friends of the family are invited to attend.

AMUSEMENTS.

Ocean View Theatre. Week of July 17, 1899. OSCAR P. SISSON, Manager. WALTER GARRY, Stage Manager.

BILLY VAN, MISTRELL. SWIFT & HUBER, MUSICAL TEAM. STEWAR & GILLEN, Comedy Sketches and Boxers. MATTI BOOKUM, SERVO-COMIC.

Mr. O. P. SISSON. Assisted by the Charming Artist. Miss ESTER WALLACE. In New and Pleasing Sketches.

GRAND RE-OPENING OF THE ALLIUMPTORIAN THEATRE FOR THE SUMMER SEASON ON MONDAY EVENING, JULY 17TH. The house will be cooled with electric fans and liquid air. New faces and up-to-date Vaudeville entertainment. Prices, 10, 15 and 25c.

PLANS AND ESTIMATES FOR A MODERN JAIL AND POLICE STATION are invited by the City of Norfolk, Va.

\$25.00 REWARD! For the arrest of ZEKE WILSON. Negro; dark, 25 years old; about 5 feet 6 inches tall; weight 160 pounds; lit closely cut. Wanted for the robbery of \$300.00 in cash and \$58.21 in checks—one check \$50.14, payable to Jaes E. Dues; one check \$8.20, payable to A. L. Perkins.

Colonel Day Here. CENSUS ENUMERATORS—LOOKING AFTER SENATOR MARTIN'S FORCES. Colonel C. Fenton Day, chairman of the Democratic Committee of this district, was here yesterday in conference at different times of the day with a number of local politicians. It is understood that the main object of Colonel Day's visit here was to confer with certain friends as to the appointment of census enumerators for Norfolk. It is said that he has practically placed the distribution of this patronage in the hands of Mr. John Whitehead, who has been offered second place under Mr. H. S. Smith, of Suffolk, who has been recommended by Senators Daniel and Martin for census supervisor. Mr. Whitehead will shortly make a number of recommendations for enumerators' places. Messrs. C. G. Kizer, R. A. Pitt, John Whitehead and Congressman Young met Colonel Day and others at the office of Judge D. Tucker Brooke and discussed these appointments yesterday.

Who? Colonel Day and Mr. Whitehead are said to be working in perfect harmony in this matter and all other matters politically. Mr. Whitehead has recently stated several times in public addresses that he would carry on his behalf as named as census supervisor in the place of Mr. Smith. While Colonel Day's visit here was ostensibly for the purpose of conferring with political friends as to the appointment of enumerators, it is hinted that he came principally in the interest of Senator Martin's candidacy for re-election. The friends of the junior Senator have already begun the fight for him in Norfolk and Portsmouth, and the

Any dealer licensed to sell liquors anywhere can supply you with Pure Whiskies. No dealer anywhere can give you, under any other brand, at any price, whiskey that is any more PURE or that is any more good for medicinal use. Don't lose sight of this important feature. G. O. Taylor Whiskies cannot be bought from any dealer at any price. We supply it in sealed bottles, which bear on face and neck labels of our firm name signature. We are the only ones for medical practitioners' prescriptions, and when we sell it to the trade we warrant it Pure Whiskey.

THE VULCAN'S NEW COMMANDER. Yesterday's Baltimore Sun says: Captain Easter, of the Merchants' Miners' steamer Berkshire, was today ordered to Philadelphia to command of the steamer Vulcan. It is the Bethlehem, was purchased by government from the Merchants' Miners' Company at the beginning of the war and changed into a floating iron shop. It is expected Captain Easter will be changed to Baltimore, where she will be changed to the needs of the passenger service and her name changed back to Vulcan. The steamer Berkshire, which has been commanded by Captain Easter, was yesterday for a complete overhauling, painting and repainting, which like one week.

COURT DECISIONS.

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

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

NAT. LIFE ASSO. V. HOPKINS. Supreme Court of Appeals of Virginia. June 15, 1899.

WHERE IT SEEMS PLAIN THAT THE REMEDY AT LAW IS FAR LESS ADEQUATE THAN IN EQUITY WHERE THE RIGHTS OF ALL CAN BE DETERMINED IN A SINGLE SUIT, A COURT OF EQUITY HAS CONCURRENT JURISDICTION WITH COURTS OF LAW.

THE ALLEGATION OF A CONSPIRACY TO GET INSURANCE BY THE SUPPRESSION OF MATERIAL FACTS WILL WARRANT THE INTRODUCTION OF EVIDENCE OF SUCH FACTS.

This was a suit in chancery by the administrator of Hopkins upon policies of insurance issued by defendant company to his intestate. The lower court gave a decree for the plaintiff and defendant appealed.

The court says: There was a demurrer to this bill which the court overruled, and in this way the issue is made certain. The suit was brought by an administrator for the settlement of his decedent's estate, the assets consisting of four policies of insurance taken out upon the life of his intestate, and by him assigned to three persons, all of whom were proceeding by suit to collect the whole of the policies assigned to them. It is averred that they had no interest, beyond the payment of certain premiums, in the proceeds of the policies. It may be that the administrator of Hopkins had a remedy at law, but the remedy at law is far less adequate and complete than in equity, where the rights of all concerned can be ascertained and determined in a single suit. Under such circumstances it is well settled that a court of equity has concurrent jurisdiction with courts of law.

It is contended also by the appellee that the pleadings did not warrant the introduction of this evidence; that fraud must be pleaded and proved. The answer of the defendant company states that "Miller, acting on behalf of the appellee, entered into a conspiracy with them to secure the desired insurance from respondent, suppressing the fact that Hopkins had been rejected by the Northwestern Association as aforesaid, and that, failing in this, the said Miller and Hopkins applied to respondent for the insurance as a 'rejected risk.' That language can have but one meaning, which is that their first effort was to secure an ordinary policy, paying the usual premium, from the defendant company, making no reference to the above effort to procure insurance in the Northwestern Company; that in execution of this purpose, Miller took Hopkins to Drs. Ross and Blankenship to be examined, but they refusing to approve him for insurance, the fact that he had been thus examined was suppressed in the application made to the National Life, upon which a 'rejected risk,' which requires a much higher premium, in which full disclosure was made of the dealing with the Northwestern Masonic Aid Association. That statement of the charge of suppression of material facts, was sufficient to warrant the introduction of the evidence before recited, which was admitted without objection. That Hopkins had been examined by two examiners of the appellant and it is wholly immaterial that the fact would have been issued had it been known, but, however that may be, it was a material fact fraudulently suppressed as well as a breach of warranty and bars any recovery upon the policies. Reversed.

MISS JANEY G. PERRY. Miss Janey G. Perry, daughter of the late Mr. Jeremiah Perry, who has been under treatment at St. Vincent's Hospital, died at that institution at 8 o'clock yesterday morning in the 37th year of her age. Her funeral will be solemnized from St. Mary's Catholic Church at 9:30 a. m. to-day.

MRS. ROSA KAUFMAN. The obsequies of the late Mrs. Rosa Kaufman, wife of Mr. Henry S. Kaufman, who passed away at her home, No. 2 Fenchurch street Thursday morning, were held from the residence at 5 o'clock yesterday afternoon, and were largely attended. The services were conducted by Rev. Dr. B. Ebersson, of the Ohef Sholem Temple. The floral tributes were very handsome. The remains were laid to rest in the Hebrew cemetery. Following were the pallbearers: Messrs. Isaac Hofheimer, M. Frankfort, A. Reese, Max Tischler, D. Adelsdorf, J. Salomonsky, Louis Posner and S. Westheimer.

AN INFANT'S DEATH. Lee Spaulding Guy, the infant son of Mr. and Mrs. Lee S. Guy, of Ghent, died Thursday at Avon, Va. The funeral will occur in private from the residence of the parents of the child, Ward avenue, Ghent, this morning at 10 o'clock.

DEATH OF MR. NATHAN E. MUNDEN. Mr. Nathan E. Munden, a member of the crew of Life Saving Station No. 3, a few miles south of Virginia Beach, departed this life at his home at the station yesterday morning after a short illness of typhoid fever, aged 29 years. He was the son of Mr. and Mrs. W. T. Munden, of Back Bay, Princess Anne county, and a nephew of Mrs. L. H. and E. J. Whitehurst, of Norfolk. A widow and two children survive him. He was an experienced life-saver, having served in that capacity for seven years. He was well and favorably known in the county and Portsmouth, where the news of his death will be received by his many friends with expressions of deep sorrow. The funeral will be held from Oak Grove Baptist Church, near Creeds station, on the Currituck division of the Norfolk, Virginia Beach and Southern Railroad, at 3 o'clock this afternoon.

WORTHY COLORED MAN DROPS DEAD. While working in the sun at Face's brick plant at Atlantic City Ward yesterday afternoon, William Christian, a much esteemed and reliable colored man, 32 years of age, was taken with a sudden illness. He died at 4:30 p. m. Dr. Dupuy, who was called in, stated that death resulted from hemorrhage. Christian was a married man and lived near the brick plant, where he had been employed for about four years. Coroner Newton, upon investigation, decided that no inquest was necessary.

WE ARE MAKING A SPECIAL RUN ON FINE QUALITY DIAMONDS. Learn our prices for first-class goods. THE GALE JEWELRY CO.

But for the fact that Mr. Penneo was

COURTS YESTERDAY

A Lady Sits With Justice Tomlin in Police Court.

Children of Walter C. and Mrs. Lydia Lowry Divided by Verdict in Divorce Case—Cases Set For Trial in the Corporation Court.

In the divorce suit of Mrs. Lydia Lowry against her husband, Walter C. Lowry, a verdict was given in the Court of Law and Chancery for the plaintiff. By this verdict the children of the divorced couple are divided, the two sons, James and Walter, going to the father, and the daughter to the mother. The question as to alimony was settled out of court.

NOTARY QUALIFIED. Mr. W. W. Sale qualified in the Corporation Court as a notary public. Judge Hancock has docketed the following cases for next week:

CASES DOCKETED. Tuesday—Sugarman vs. Kessner, and Darling and H. L. Page & Co. vs. Mrs. Mary L. James.

Wednesday—The case of Substitute Plaintiff James C. Tyson, charged with felonious assault, J. W. Staines, Thursday—C. W. Carper vs. E. W. Bray, trading as the American Candy Company.

Friday—The hearing of the bill of exceptions in the Tripoli street matter, filed by Judge T. S. Garnett. In this case a writ of Certioration Commissioners is asked for.

PROPERTY TRANSFERS. A deed was recorded in the Clerk's office transferring from H. D. Fear to Rachel Goldstein the lot with improvements at the northeast corner of West Highland and Railroad avenues; \$2,300.

THE POLICE COURT. With a lady seated by Justice Tomlin during the disposal of the police docket yesterday morning, Justice had the appearance of being tempered with mercy. The representative of Mercy, seated by the dispenser of justice, was Mrs. J. W. Perry, wife of Police Officer Perry, of Philadelphia, who is spending a vacation in Norfolk. As the law-breakers ambled up to Justice Tomlin's bench a wondering look was gleaming out of the white corners of their eyes. Some were so bold as to press an inquiry in these glances toward the lady on the bench, thinking that perchance she was there to typify Mercy. But Mrs. Perry was only a spectator, who, with her husband, was sat on the other side of Justice Tomlin, were comparing the Norfolk brand of justice with the Philadelphia brand.

Pasquales Ditefano, an Italian, was charged with hitting a little American with a watermelon rind. Two dollars and costs for Pasquales. Milton Brown, colored, split open the lip of his sweetheart, Amy Carney, with a brick. Sergeant of Detectives Heppel appeared as a witness in this peculiar love breach. Brown was fined \$20.

William Brown, a white boy, arraigned for stealing copper from St. Vincent's Hospital, was given 15 days in jail. The other boy, Frank Borghold, was discharged.

Rosetta Foreman, colored, keeping a disorderly house at No. 273 Nicholson street; fined \$11.

Annie Johnson, colored, trespassing on the premises of James Hicks, colored, at No. 13 Newton street; fined \$6.

Aurora Clark and Della Holmes, both colored, disorderly conduct; fined \$6 each.

Johanna Scott, colored, stealing; discharged. George Christ, an Italian, cruelty to a child; discharged upon the payment of \$1 cost of court.

MR. WM. BRUCE SHOT. TAKEN FOR A SHARK AND BADLY HURT. A very unfortunate affair occurred at Port Norfolk between 12:30 and 1 o'clock Friday morning, by which Mr. William Bruce, a wealthy and popular resident, received a very serious wound from a pistol shot, fired by one of a party of three men who were in a sail boat near by.

Mr. Penneo, keeper of the bath-house and pier at Port Norfolk, who told the Virginian-Pilot's informant of the occurrence, stated that he noticed Mr. Bruce swimming on his back in front of the pier, and saw a sail boat moving towards him with three white men in it.

Mr. Penneo thinks the men, on seeing an object moving about in the water, took it to be a shark, as he heard one of them cry out: "There goes a shark," and immediately a pistol was heard. Almost simultaneously with the report Mr. Bruce was heard to cry out to the men in the boat: "You have shot me."

After being struck by the ball, Mr. Bruce swam to the stern of the pier and climbed to the wharf and dressed himself. On examination it was found that he was shot immediately under his chin, the ball passing out of the right side of his face just below the checkbone, shattering a portion of his jaw.

The men in the boat ran it close alongside the pier and made it secure, and then left ostensibly to get a physician, but never returned. Mr. Penneo brought Dr. Corbell. After putting a temporary bandage on the wound, from which Mr. Bruce had lost considerable blood, he removed him to his office, where he rendered him all necessary surgical aid.

Dr. Corbell says that although Mr. Bruce's injuries are of a serious nature, they are not necessarily fatal. He was suffering much pain yesterday, and is unable to talk.

Mr. Penneo says that while he does not know the names of the parties that were in the boat, he can identify two of them, as they have been frequently seen on the pier at Port Norfolk.

The place where the unfortunate shooting occurred, by which one of the most influential citizens of Port Norfolk was seriously hurt and his facial expression probably disfigured for life, is a popular bathing resort, where large numbers of people, both ladies and gentlemen, enjoy a surf bath at night, many of them indulging in the healthful pastime until midnight, and the occurrence of Friday morning is considered reckless, if not criminal, carelessness.

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BIDS OPENED

Contracts Will Be Let For Dismal Swamp Canal Improvements.

The Entire Work Will Cost About \$225,000—Virginia Dredging Co., the Lowest Bidders—Ten Feet of Water Required.

The work of dredging the approaches to the Dismal Swamp Canal will be commenced in about forty days. Yesterday bids were opened for this work at the United States engineer's office in this city. The bids were as follows: P. Sanford Ross, of Jersey City, N. J., \$247,500; Virginia Dredging Company, of Richmond, \$175,200; Sanford & Brooks Company, of Baltimore, \$190,400; Morris & Cummings Dredging Company, of New York, \$219,750. The bids for timber and brush protection to the banks along the work dredged, where needed, were for timber protection, \$3,741, \$2,000, \$1,600 and \$2,500, and for brush protection, \$1,250, \$1,500 and \$1,100, per linear foot, respectively, in order named.

This work, when completed, will give a depth of ten feet of water in the approaches. The work is divided up into section No. 1, Deep Creek, Va., which extends from the Southern Branch of the Elizabeth river, to the locks of Dismal Swamp Canal at Deep Creek, a distance of three miles. Section No. 2, Turner's Cut, N. C., to extend from the locks of the canal at South Mills, 4.2 miles, to the Pamununk river. Section No. 3, Pamununk river, dividing the sheet at Ship Yard bar and points in the upper part of the river. Section No. 4, Croatan sound, near Croatan light, where there is a shoal. Section No. 5, which is all bank and brush protection, mostly in Turner's Cut.

The entire work will take about \$225,000, and the specification require it to be completed on or before January 1st, 1902. It is probable the contractors who secure this work will complete it in eighteen months or less.

DOZIER VS. WHITEHURST. PLAINTIFF SECURED PERPETUAL INJUNCTION AGAINST DEFENDANT YESTERDAY.

In the Court of Law and Chancery yesterday morning, Judge Martin rendered his decision in the case of S. Dozier vs. L. H. Whitehurst, granting the plaintiff a perpetual injunction restraining defendant from advertising himself as the successor in business to the late dry goods firm of Whitehurst & Dozier in Turner's Cut.

Up to the first of February, 1899, these two gentlemen were parties in a dry goods business in this city. On this date they separated and divided their stock of goods. Mr. Dozier taking the old stand of Mr. C. E. Jenkins, Academy of Music building, and Mr. Whitehurst continuing in their old stand, and advertising himself as successor to the old firm.

Mr. Dozier began suit to restrain such use of the old firm name, and a temporary injunction was granted him in March last. The present decision of the court perpetuates this injunction, giving judgment for the plaintiff.

BRAMBLETON WARD. Mrs. J. M. Whitley, of Suffolk, and Misses Edith Wardwell and Ella Park, of Baltimore, are the guests of Mrs. Floyd Chapman, of Lovitt avenue.

A picnic party composed of some twenty young ladies and gentlemen of Brambleton, chaperoned by Mesdames H. L. Taylor, James Holmes and Lambert, went to Ocean View yesterday, where the day was spent in boating and fishing until evening, when the party, after enjoying an elegant supper, returned home highly delighted over their outing.

Mr. James Addison had occasion to leave his store on Clay avenue for a short time yesterday afternoon, and while he was absent a negro intruder and took the loose change from the money drawer. As the thief was leaving Mr. Addison returned and gave chase. The culprit in making his escape dropped part of the money on the street, and it was picked up by Mr. Addison.

The Epworth League of Trinity M. E. Church will meet for devotional exercises at 6:30 to-morrow night.

Mr. and Mrs. R. Curtis and family, of No. 607 Highland avenue, will leave to-day on a three weeks' vacation at Ocean View.

COMING TO NORFOLK. VIRGINIA PHARMACISTS WILL HOLD NEXT MEETING HERE.

The third and last day's session of the Virginia druggists was held at Natural Bridge Thursday. The final business session that morning resulted in the election of the following officers for the ensuing year: President, Dr. A. W. Eley, of Suffolk; Vice-President, Gilbert Wilson, of Staunton, and C. H. Goldsboro, of Danville; Secretary, C. B. Kiest, of Lynchburg; Treasurer, C. H. Lumsden, of Lynchburg; Local Secretary, P. H. Ingram, of Norfolk; Executive Committee, M. E. Church, of Falls Church; G. R. Robey, of Herndon, and G. P. Mankin, of Falls Church.

The next session will be held at Ocean View, beginning the third Tuesday in July, 1900.

The final banquet was held Thursday night, at which were present the entire delegation.

SKIN IRRITATIONS Instantly Relieved by CUTICURA For irritation, itching, and inflammation of the skin, for scaly eruptions of the scalp, dry, itching, and falling hair, for red, rough hands and facial blemishes, nothing so pure, so speedily effective as warm baths with CUTICURA SOAP, followed by gentle anointings with CUTICURA, purest of emollients and greatest of skin cures.

Hold throughout the world. PUTNEY & AND CO. CORP., Sole Traders, Boston. All About the Scalp and Hair, Free.

Both Phones 1109. Pianos tuned. Piano Buyers, Read This!

We will offer this week several very fine slightly used pianos taken in exchange for the Peerless Silent Piano. Among the lot is one Rosewood Upright, 3 pedals, beautiful tone richly carved, looks like new piano, only \$145.

Another one, Mahogany Case, little better, \$175, and still another, as good as new, \$195.

If you prefer buying a New Piano come and see the STEIFF. We have the stock to select from. You buy direct from manufacturer. Liberal terms, regular prices.

CHARLES M. STEIFF, Monticello Building, Granby Street. Write postal for our special price list.

Important to Lumbermen. The Hassell Lumber Company, Plymouth, N. C., incorporated 1883, under special 30 year charter, enacted by the General Assembly of North Carolina, offers for sale their valuable saw-mill plant and timber leases of ash, cedar, pine and cypress on the Roanoke river. For full particulars apply to A. O. GAYLORD, Plymouth, N. C.

85c. EACH. We also show a splendid assortment of the new flowing end Prince of Wales Club Ties—the same grade that others ask half-dollar for—here at 25c. EACH.

Watt, Rettew & Clay. The New Handkerchief Neck Ties.

Just in time for to-day's selling comes a very complete assortment of these up-to-the-moment neckties, for ladies as well as for men. They are made of extra quality China silk—the handsome bandana effects predominating. Plenty of figured navy blues are also shown—there's not an ordinary looking one in the whole lot. We price them 50c. EACH.

Watt, Rettew & Clay. The Joseph Brown STORE. To-day's Special. We will place on sale to-day 400 yards of Lace-Stripe Organdy—in pink, blue and Nile green—not shop-worn goods, but good quality. To make room for other goods, they will be closed out at 6c. 8c. Cambric at 6 1/2 cents will be a great saving for to-day's shoppers. There is no forgetting about our Hosiery. Selling more than ever. Particularly noticeable in 12 1/2 and 25 cent goods. This torrid heat demands light, cool and comfortable dresses—your wants can be supplied by a visit to Brown's. No Sunday Announcement. Joseph Brown, 220 Main St. DOZIER'S Laces. We are showing a large line of Valenciennes Laces in both edges and insertings. Only such words as "Dainty," "Exquisite" and "Fine" are applicable to them. Vines in a serpentine style straying through finely woven grounds—tiny dots fixed in dainty ground works—well opened wheels, and many other pretty fancy shapes are in the line of designs. We can show you one hundred and twenty-five styles in about one minute, so you need not go elsewhere and wait fifteen minutes before you see the line. It's surprising to see how pretty and fine our Val. Laces are at 25c. apiece. See the others. S. DOZIER, 206 Main St., Academy of Music Bldg. NORFOLK, VA. CHOICE SELECTED SPICES—FOR PICKLING—Trotter's Drug Store, 388 Main Street, Corner Church. ALL GOODS SOLD C. O. D.