

LOCAL NEWS CONTINUED FROM PAGE TWO—TELEGRAPH CONTINUED FROM PAGE ONE.

WEATHER REPORT. WEATHER FORECAST. Washington, August 9. Forecast for Thursday and Friday: For Virginia: Unsettled weather, with showers and thunderstorms Thursday and probably Friday, with somewhat higher temperature; fresh to brisk southerly winds.

Norfolk and Vicinity. WEATHER FORECAST FOR TO-DAY. Fair to-night, Thursday warmer, with showers and probably thunderstorms; fresh east to south winds.

TEMPERATURE, RAINFALL AND HUMIDITY. Maximum temperature, 81. Minimum temperature, 59. Normal temperature, 77. Departure from normal, 4. Rainfall in past 24 hours, 0.22. Rainfall since 1st of month, 2.8. Mean humidity, 85.

CALENDAR. Sun rises 5:17 a. m.; sets 7:02 p. m. TIDES. Norfolk: High water 11:25 a. m., 11:27 p. m.; low water 5:14 a. m., 5:31 p. m.

DIED. MURKIN—At the residence of her parents, No. 205 Calvert street extended, Wednesday, August 9th, 1899, at 5 p. m., MARY TERESA, infant daughter of Peter M. and Alice J. Murkin, aged 4 months.

MEETINGS. A SPECIAL MEETING OF UNITED BROTHERHOOD OF CARPENTERS AND JOINERS is called for Friday night, August 11th, at 8 o'clock, layers' Hall, Main street, at 8 o'clock sharp. A full attendance is requested, as business of importance is to be transacted.

ASSIGNMENTS. OSCAR P. SISSON, Manager. WALTER GARRY, Stage Manager. Week of Aug. 7, 1899.

WILL STANTON, THE WONDERFUL ROOSTER. TINA CORRI, A CHARMING SOUBRETTE. JACK SYMONDS, THE MONOLOGIST. GENAIO AND THEOL, FLEXIBLE EQUILIBRISTS. MILES AND RAYMOND, "BABY IN THE CRADLE."

Piano Clearance Sale. We are getting ready for a big Fall trade and have ordered large shipment of Pianos from our factory. This means we must dispose of every Piano in our warehouse within next few days.

Stieff Factory Warerooms, MONTICELLO HOTEL, GRANBY ST. Office of City Collector, Norfolk, Va., August 1st, 1899.

Taxes on Dogs Are Now Due, And must be paid by 10th instant to avoid penalty. Males, \$2; Females \$4. JAS. F. REID, City Collector

Bennett's Tea and Coffee Store. If you want first-class Tea and Coffee come to headquarters and try Our Blend 25c. Coffee. COFFEE AND PEANUTS ROASTED FOR THE TRADE. 19 NEW MARKET SPACE, Old Phone 32.

SLAB WOOD! GUARANTEED DRY AT C. B. WHITE'S 147 KELLY AVENUE. Special Price for Large Quantities. Both phones. my28 codm

COURT DECISIONS.

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

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

HUDSON V. MAX MEADOWS L. & CO. Supreme Court of Appeals of Virginia, July 11, 1899.

IF A BILL FOR SPECIFIC PERFORMANCE SHOWS ACTS IN PART PERFORMANCE OF THE CONTRACT, AND THAT THE PARTIES CANNOT BE PUT IN THEIR FORMER POSITION, A DEMURRER SHOULD BE OVER- RULED.

IN SUCH SUIT ON A CONTRACT FOR THE SALE OF LAND A REFERENCE MAY BE HAD AS TO THE TITLE, AND ENCUMBRANCES BE BROUGHT BEFORE THE COURT TO ASCERTAIN THEIR LIENS.

This was a suit in equity to enforce the specific performance by the defendant of a contract for the exchange of real estate. The lower court sustained a demurrer to the bill and the plaintiff appealed.

Upon what ground the demurrer to the bill was sustained does not appear. It is contended, however, that because of the encumbrances set out in the bill, it does not make a case which a court of equity can specifically enforce, as the encumbrances cannot be made parties to this suit, and that the bill shows that the complainant can be compensated in damages for any injury he sustained by reason of the failure of the defendant to comply with the alleged contract.

We are of opinion that upon neither of these grounds should the demurrer have been sustained. By the demurrer the allegations of the bill are admitted to be true, and they set out a contract certain and definite in its terms, and the acts in part performance refer to, result from, and are alleged to have been made in pursuance of the contract, and are such as, if shown, if sustained by the proof, that the party can be restored to the position in which he stood before the making of the contract in question.

It is not a fatal objection to a bill of this character that it shows that there are encumbrances outstanding upon the property the complainant claims and asks the court to set aside, and to convey to him by title deed, and to discharge, and even if the bill prayed that the encumbrances be made parties defendant, it should not be dismissed on demurrer.

The question always is, whether or not the complainant has a contract which he can and will enforce. To enable the court to determine this question, we can see no reason why a reference to ascertain the state of the title to the property in question should not be made, nor why parties interested in the subject matter should not be made parties to the suit, if necessary, although they were not parties to the contract sought to be enforced, but mere encumbrancers or lien holders.

The fact that an encumbrancer is brought before the court, that the nature of his encumbrance may be ascertained, does not necessarily involve the enforcement of his lien or encumbrance on the property is not produced by merely bringing him before the court in order to ascertain the amount or character of his encumbrance. Reversed.

CONARY V. SAWYER. Supreme Judicial Court of Maine, February 13, 1899.

ALL THE PROPERTY OF A PARTNERSHIP, INCLUDING THE SHARE OF AN INDEBTED PARTNER, PASSES TO THE ASSIGNEE UPON INSOLVENCY PROCEEDINGS BY CREDITORS OF THE PARTNERSHIP, AND IS HOLDEN FOR THE PARTNERSHIP DEBTS, EVEN IF THE INDEBTED REPUDIATE HIS LIABILITY FOR SUCH DEBTS.

This was an action of trover by an infant to recover the value of certain goods which were part of the assets of the former firm of Conary & Dow. The plaintiff was engaged in trade with Dow under the said name of Conary & Dow. Under insolvency proceedings instituted by certain creditors of said firm the sheriff took possession of the property of said firm including the goods described in the plaintiff's declaration. The firm was adjudged insolvent, the defendant chosen assignee and under a proper assignment from the insolvent court he took possession of the property. The plaintiff notified all parties that he was an infant and disclaimed all liability for the debts, and claimed to hold his interest in the firm property free of the same.

The court says: The question to be determined is, can an infant member of a partnership, who has disclaimed his liability for the partnership debts, maintain an action against an assignee duly appointed under insolvency proceedings instituted by creditors against the partnership, for goods of the partnership which have been fully paid for by the firm prior to the commencement of such proceedings, and which were at such time partnership assets? The plaintiff contends that inasmuch as he was a minor and had disclaimed his personal liability for the debts of the firm, he has an individual interest in such of the partnership property as had been fully paid for at the time when the insolvency proceedings were instituted.

authority. A partner has no individual property in any specific assets of the firm, but an interest in a partnership property, to receive therefrom only what remains after partnership debts are satisfied. Partnership property cannot be applied, as against creditors of the firm, to the payment of the private debt of a partner. It cannot be attached as the property of a partner. The interest of the plaintiff in the partnership assets was in what might be remaining of such assets after the payment of the debts of the firm. The fact that the plaintiff was a minor does not take his case out of the general principles above stated. It will be observed that he did and does not disaffirm his contract or co-partnership, but only his liability for firm debts. He claims title to the goods sued for, as a partner; such goods having been paid for by the firm and being partnership assets.

NOTE.—The People's Forum being freely open to all parties, classes, persons, views and capacities, the Virginian-Pilot is responsible for none of the statements nor opinions expressed therein, nor for the style in which they are set forth. The ignorant and uneducated shall be heard here equally with the learned.

PEOPLE'S FORUM.

Martin and Hanna Methods. Editor Virginian-Pilot, Norfolk, Va.:

Dear Sir,—I think you deserve the thanks of all lovers of good government for the fight you are making against Senator Martin and HANNA METHODS in Virginia. He has adopted the same tactics that Quay, Hanna and Gorman have been using in their respective States to control public sentiment by controlling as many papers as they could be bought up or subsidized, and thereby control the editorials of said papers in their own interest.

The Charlotteville Progress, published in this city, is owned by controlling interest by Mr. Samuel B. Woods, a close, personal friend of Senator Martin. You doubtless have noticed his course in opposing the Senatorial reform movement.

I firmly believe that Senator Martin is in the conspiracy with Gorman, Croker and other rascals to defeat the nomination of Wm. J. Bryan and to compromise the Chicago platform in 1900.

It has been stated by the New York Herald, Washington Times and other papers recently that Senator Martin was using his influence with Gorman and Croker for the purpose above mentioned, and Senator Martin has never denied the same, publicly, that I am aware of.

Jeffersonian Democrat. Charlottesville, Va., Aug. 7, 1899.

P. S.—Since Governor Tyler has announced his candidacy for the U. S. Senate against Mr. Martin the Progress has been a STAUNCH SUPPORTER OF BRYAN AND THE CHICAGO PLATFORM.

Liquor Selling at Lambert's Point. Editor Virginian-Pilot: On July 17th last, one of our good Norfolk county citizens put an article in your paper concerning this whiskey and beer selling (without license) here on Lambert's Point.

I have ever since been anxiously waiting for some of our citizens to make some move toward having it stopped, but no one has ventured as yet, therefore I think it my duty to write these few lines, as it is for the good of Norfolk county as well as for our people.

If our officers of the law would only do their duty and keep their eyes peeled they could stop just about from three to five loads of beer in crates every day or night. Most of it is hauled in farm carts, covered with sacks or anything that will keep anybody from suspecting such a cargo.

"Keep your eyes open, neighbors, and notice what and what you pass on the road between here and Norfolk."

I believe that this nuisance can be stopped at once, if our officers would arrest such persons. Why is it? Are they afraid?

I also see that our revenue tax collector has not made his appearance on the scene. I am sure that he does not know in what condition affairs are here.

Let us hope that something may be done soon. "A CITIZEN." Lambert's Point, Va., Aug. 9, 1899.

The Tale of Wight Meeting. Editor Virginian-Pilot: In the account of the mass-meeting at Isle of Wight Courthouse, appearing in to-day's Virginian-Pilot, the impression is gathered that Wm. Shands, one of the candidates for the Senate, is for Governor Tyler for U. S. Senate, and would so vote if elected.

This may or may not be true, but it will, if the nominee of the Suffolk convention, vote for that candidate, who is the choice of the delegates comprising a majority of the delegates comprising same. If the convention should fail to give any expression of his choice he will vote as he believes a majority of his constituents desire, after careful inquiry and investigation.

glorious modus vivendi, in which these words were read: "The saddest spectacle ever witnessed is that now presented of the whole human race in more or less uncertainty as to their future and final state." If for this human race that race is understood which acknowledges change even in articles of faith made by prominent ministers of the Gospel of Christ, as it is said there; who, according to the apostle in his second epistle to Timothy, chapter 3d, verse 7, are always learning and never attaining to the knowledge of the truth, surely nothing is more true. But if for this human race the author of that article includes the Roman Catholics, nothing is more untrue; for all true Roman Catholics firmly believe all the articles of faith contained in the Apostles' Creed, so called because composed by the Apostles who were sent by Jesus Christ himself to teach mankind all the truths of salvation. Now believe the last article of the Creed: I believe in life everlasting. Now by reading in the same Creed, the living and dead, the Roman Catholic professor aims to believe that the good at the last judgment shall be treated differently from the bad; the good shall be eternally rewarded and the bad eternally condemned. And, finally, the Roman Catholic, by positive professing in the same Creed, to believe in the Holy Ghost, the Holy Catholic Church, professes also firmly to believe all the teachings of the Catholic Church without exception, and consequently also the dogmas of life everlasting, and of the difference of rewards and punishments in eternity. Therefore, two hundred millions and more of Roman Catholics cannot be comprehended in that human race which is in more or less uncertainty as to their future and final state. Our divine Saviour, to preserve men from errors in matters of salvation, gave them an infallible teacher.

Now who is this teacher? The Church which He promises to continually build upon. Peter, against which the gates or powers of hell shall not prevail. (Matthew XVI, 18.)

Some prelates may, indeed, have led a not very edifying life, for they were always men, notwithstanding their elevation in the Church; but the Church, as preached to the people an anti-Christian or immoral doctrine.

Those who chain the spiritual boat of their soul to this faith may yet be tempted, but they shall never wreck about divine faith. Those who refuse to believe in the Church, and of every kind of doctrine and uncertainty all their lifetime, and consequently more violently impelled to a life of sin. There is no other source, in fact, of the so many homicides, infanticides, suicides, assassinations, thefts, etc., but the faith which is lost.

A ROMAN CATHOLIC.

Would-Be Burglar Caught. A negro named Emmett Morse was arrested last night by Officer Harrison while attempting to break into the house of J. E. Fulford, at No. 100 Bermuda street.

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A Virginian Judge Dead. (By Telegraph to Virginian-Pilot.) Washington, D. C., Aug. 9.—Judge Charles P. James, formerly a justice of the Supreme Court of the District of Columbia, died to-day at his home in Leesburg, Va., of old age.

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GEORGIA FARMERS.

HEAR PLAIN TALK ON PROPOSED NEGRO IMMIGRATION. Quitman, Ga., Aug. 9.—At the meeting of the Georgia State Agricultural Society here to-day the race problem came prominently to the front as a topic of discussion. Hon. Pope Brown, president of the society, an extensive and prosperous planter of the State, asserted that the white man and the negro are at the paring of the ways, and said the former should assist the latter in his efforts to leave this country.

That portion of his annual address on the negro question was loudly applauded. In this connection he was also bold and unequivocal in declaring that the South should stop looking to the North.

BETWEEN THE RACES. Mr. Brown said in part: "It is between the white people of the South and the negroes of the South. The South haters of the North are at the bottom of all the trouble, and we need not flatter ourselves that these South haters are few and far between. There are plenty of them. In my opinion the majority of them have no use for us except when they are making something out of us. Mr. Thurber, of New York, rendered us a great service a few days ago by telling us exactly what he and his people think of us. I think it is time we were letting them alone. Quit running after them, except when they are making something out of us. The small politician also seems to be submitting every question, county, municipal and State, to a white primary. This trouble could be averted and better government would be secured in all cases."

The leaders of the negro race are preaching discontent and whether the scheme of negro colonization is practical or not I am not prepared to say, but I do believe that it is to the interest of the people of the South to aid and abet the negro in his efforts to leave us. A few days ago when certain prominent citizens were called on by the press to say how we should protect our families against certain crimes there was a response that seemed to meet the approval of the press. It was this: "Make a miniature arsenal of every county home." I say if it has come to that it is time for the parting of the ways. Shall we part in peace or strife? I would say, peace, and let us stand not upon the cost."

Among the other speakers was Hon. Hoke Smith, of Atlanta, who discussed "practical education."

Dedication of Illinois Monument. (By Telegraph to Virginian-Pilot.) Chattanooga, Tenn., Aug. 9.—Extensive preparations are being made for the dedication of the Illinois monuments on the Chattanooga and Chickamauga battlefields November 23d.

Major James A. Connelly will make the principal address.

General H. V. Boynton will speak for the Government, Governor Chandler for Georgia and Governor McMillan for Tennessee.

All the Southern Governors and staffs are to be invited.

CASTORIA. The Kind You Have Always Bought. Bears the Signature of Chas. H. Fletcher.

All in sight of monument. "Newest Discovery" extracts fresh painlessly. N. Y. Dental Rooms, Ennes only, 221 Main street, corner Talbot.

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Joseph Chamberlain, British Secretary of State for the Colonies, sent with them a special request to the Governor of New Foundland, Sir Hugh Calhoun, that all assistance practically rendered them. To-day the deputation started on a tour of inspection of the various sections of the island which seem adaptable to their needs.

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WATT, RETTEW & CLAY.

A fetching line of new Umbrellas

Direct from the makers come these handsome twilled pure silk umbrellas, in

black navy garnet purple green changeable



They have exquisite Dresden and Princess handles, silk cases and tassels—mounted on steel rods with paragon lock frames.

They roll very close giving a quite jaunty tone to the entire outfit.

At \$3 they would be fairly priced, but an unusually large purchase enables us to mark them

TWO DOLLARS EACH.

Another equally as good value is a line of

\$1.75 Black Taffeta Gloria Umbrellas, at \$1 each.

These, too, are mounted on steel rods with lock paragon frames, and are shown with rich Congo and natural handles, finished with black silk cord and tassels.

We consider these the best umbrellas at the price that we have ever offered.

On sale at first counter to your left as you enter the store.

Watt, Rettew & Clay

SUMMER RESORTS. VIRGINIA MOUNTAINS HISTORICAL SECTION. Beautiful scenery, pleasant society, Country Club, Saddle Horses and Traps, Swimming Pool, Tennis, Golf and Balls. For circulars address "KANSAS-DOLPHIN," Keswick, Va., or O. R. Allen, local county, Va., au13-99.

EGGLESTON SPRINGS. Take your vacation now at Eggleston Springs, up in the Mountains of Virginia, away from the heat; one day's ride from the coast by N. & W. Ry., Roanoke, Fishing, Hunting, Boating. Cost you no more to board here than at home. Excellent table service. New buildings newly furnished. Write or wire A. S. M. GOLDSMITH & CO., Proprietors, Eggleston, Va. au13-99.

SAFETY FROM FEVER IN THE MOUNTAINS. 2,000 feet above sea level. "The Old Salt" Low rates, a charming place. Call at Register Office for circular and write for terms. SALT SULPHUR SPRINGS CO., Salt Sulphur Springs, West Virginia. au13-99.

Roanoke Red Sulphur Springs. 19 miles from Salem, Va., opens June 1st, 1899. Elevation 2,000 feet. Sulphur, Chalybeate, Freestone and Limestone waters. Reasonable rates. Special attention paid to comfort and pleasure of guests. Write for descriptive pamphlet containing analysis of waters, references, &c. Long Distance Telephone connection. J. H. CHAFFMAN, Manager, au13-99.

Rockingham, Va., Springs. Refuge from malarial. Terms reduced for the remainder of the season to \$2.00 per month. Climate perfect. Health, joy, rest, peace and plenty. Booklets. G. T. HOPKINS & SONS, McLaughlinville, Va. au13-99.

Rockbridge Alum Springs, VIRGINIA. High Altitude, 2,000 feet. Shaded Lawns of fifty acres for outdoor sports. Wonderful Medicinal Waters

Being above the zone of yellow fever is open for the reception of guests from Norfolk and adjacent country. J. E. TAPPAN, Manager. au13-99.

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