

THE NEWS OF NORFOLK ON PAGES 2, 3, 5 AND 6.

COURT DECISIONS.

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

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

TALCOTT V. WABASH R. CO. Court of Appeals of New York. June 13, 1899.

WHERE A COMMERCIAL TRAVELER BUYS A TICKET AND PAYS FOR HIS SAMPLES AS EXTRA BAGGAGE, THE CONTRACT FOR TRANSPORTATION OF HIMSELF AND PERSONAL BAGGAGE AND FOR THE SAMPLES ARE INDEPENDENT CONTRACTS, AND WILL SUPPORT SEPARATE ACTIONS.

IN SUCH CASE THE TRAVELER'S EMPLOYER CAN SUE ON THE CONTRACT TO TRANSPORT THE SAMPLES.

This was a suit by plaintiff to recover the value of certain property destroyed while in transit to New York. Cullom, who was a commercial traveler and in the employ of plaintiff, bought of defendant company a ticket and had four trunks checked to New York. He told the baggage agent that they contained samples and was required to pay some \$18 for extra baggage. Afterwards, in transit, most of the property was destroyed, of which about \$300 belonged to Cullom and \$350 to plaintiff, the value of his samples. Cullom assigned his claim to plaintiff before suit brought.

The court says: It is clear that the plaintiff's agent made two contracts for the transportation of himself, and not to exceed 150 pounds of baggage, and the other for the transportation of merchandise. Millard v. Railroad Company, 68, N. Y. 411. This case leaves no room for discussion as to the independent character of these contracts; for, upon a state of facts analogous to those before us, it was held that an action brought to recover for the loss of baggage was not a bar to an action brought to recover for the loss of merchandise, because the two actions were based on separate contracts. The contract made by the purchase of the ticket bears but slightly upon the contract made several hours later by the transportation of the baggage, as the function of the ticket, so far as the checking of the trunks was concerned, was exhausted by checking Mr. Cullom's personal effects. The railroad company by placing that man as baggage agent in its baggage room, and furnishing him with checks, held out to the public that he had general authority to check the ordinary baggage of passengers. By furnishing him with blank card board checks for "excess baggage," stamped "From Chicago to New York," and signed by its "general baggage agent," it further held out to the public that he had authority to contract for the transportation of extra baggage from Chicago to New York, and, necessarily, to decide what kind of goods should be included under the head of extra baggage, at least to the extent of including the samples of commercial travelers, owned by their employers, in view of the universal custom proved in that regard. The baggage agent in question, therefore, stood, as to Mr. Cullom, in the place of the railroad company. The number and appearance of the trunks were some evidence that they contained merchandise, and the agent was expressly told that they contained samples. On being informed that Cullom wished to have them checked to New York, he required the payment of \$18 for transporting them as extra baggage to that place, and delivered a check stamped with the name of the company he represented, and with the words "From Chicago to New York." The referee was, therefore, authorized to find as a fact, that the company agreed, aside from the contract to transport the passenger, for a new and independent consideration, to transport the trunks containing merchandise to the City of New York, and, as a conclusion of law, that the plaintiff, as undisclosed principal, could enforce the agreement.

FAMOUS MFG. CO. V. WILCOX. Supreme Court of Illinois, June 17, 1899.

THE JURISDICTION CONFERRED BY THE GENERAL APPEARANCE OF AN ATTORNEY FOR A DEFENDANT WHO WAS NOT SERVED WITH PROCESS, CANNOT BE DIVESTED BY THE ATTORNEY'S WITHDRAWAL FROM THE CASE BEFORE ENTRY OF JUDGMENT.

This was an action of debt upon a judgment. In the suit in which the judgment had been obtained the defendant had not been served with process, but his attorney, one Rich, had entered a general appearance and demurred to the declaration. Afterwards the said attorney withdrew from the case and the demurrer was overruled and judgment rendered for plaintiff. The lower court gave judgment for the plaintiff and defendant appealed.

The Court says: Where the record in which a judgment is rendered shows an appearance by attorney, that is regarded as presumptive evidence of the authority of the attorney to act. The fact seems to be clearly established that Rich was authorized to appear for appellant. It is, however, said that, when Rich withdrew his appearance, it left the case as if no appearance had been entered. We do not concur in that view. The withdrawal of Rich as an attorney from the case did not withdraw the demurrer which had been filed on behalf of appellant, nor did it withdraw the appearance of appellant. A general appearance, as was the case here, stands in lieu of the service of process, and the party whose general appearance has been entered a cause is no more entitled to withdraw from the case than one who has been regularly served with process. Affirmed.

Bazaar for Queen Street M. E. Church. There will be a mass-meeting of the congregation and all friends of Queen Street M. E. Church, South, Wednesday evening at 8 o'clock to discuss plans and outline the work for a bazaar this church anticipates holding in the near future. A full attendance is earnestly requested.

PRACHERS MEETING.

METHODIST AND BAPTIST PASTORS SUBMIT REPORTS.

In the absence of the president, Rev. L. B. Betty presided at the Methodist preachers' meeting yesterday morning. Prayer was offered by Rev. J. E. Shenk, of the Lutheran Church. Large congregations were reported at all the churches Sunday.

Rev. W. T. Williams reported several new members received in the Sunday school at LeKles Memorial Church and had a large gathering at the Sunday school rally in the afternoon and a most delightful and interesting service.

Rev. R. H. Bennett stated that the Ladies' Missionary Society of McKendree Church had raised \$240 for the cause of missions—an increase over the former year's work.

Rev. Dr. W. J. Young addressed the Sunday School Association at Park View Church, Portsmouth, Sunday afternoon.

Rev. J. E. Shenk, of the Lutheran Church, had his usual services and spoke for the colored Y. M. C. A. Sunday afternoon.

Rev. W. H. Crowder, of the East Norfolk circuit, received seventeen members on profession of faith at Denby's Church.

Rev. L. B. Betty gave a most interesting and instructive outline of his sermon at Monumental Church Sunday morning from the text, "Thou Shalt Be a Blessing." It embraced a review of the life of Abraham, his character and the lessons taught from his life opened up the largest field for God in our Christian lives. Abraham's life possessed the most attractive moral virtues. He was unselfish, kind and liberal. In his life we are taught to have a just recognition of the rights of our fellow-men. Abraham's highest estimate of life was to follow the "Golden Rule." This same principle was most perfectly illustrated in the life of Christ. He gave physical bread to His disciples in order that they might partake of spiritual bread, and in order to measure up to the requirements of the divine rule we must have a character founded upon the teachings of God's word and to know how to use our privileges for the good of men.

Rev. R. F. Beadles was announced to give an analysis of one of his next Sunday sermons at the next meeting.

THE BAPTIST MINISTERS. The regular order at the Baptist Ministers' Conference yesterday morning was a devotional service, conducted by Rev. J. P. Essex, of Carrsville. Dr. A. E. Owen presided, as both the president and vice-president were absent.

Dr. J. J. Taylor reported eight received by letter during the month of September.

Rev. J. P. Essex preached at Fourth Street, Portsmouth, morning and night, and reported five professions of faith in the Sunday school.

Dr. Hall, of Norfolk, baptized one. Rev. G. W. Cox, of Lambert's Point, received one by letter.

Rev. Samuel Saunders received one by letter.

Rev. Tyree Whitehurst supplied at Central Avenue, Norfolk.

Rev. W. P. Hines, of Portsmouth, received one by experience.

Rev. C. K. Hobbs, of Salem Church, baptized twelve.

The Norfolk Baptist Sunday-School Association met at Grace Church.

The Portsmouth Baptist Sunday-School Association met with the West Norfolk Baptist Church.

Rev. J. T. Riddick reported that he is holding a meeting at Deep Creek, with Rev. J. W. Mitchell assisting him.

Baptist Sunday School Association. The September meeting of the Baptist Sunday-School Association of Norfolk and Berkeley was held with Grace Baptist Church Sunday afternoon.

The exercises were presided over by the president, Mr. McK. Woodhouse, of Chesnut Street Church, Berkeley. After the usual devotional exercises the reports from the schools were read. They showed an increase of attendance and exceptionally good contributions to the Baptist Orphanage at Salem, the average amount of the schools being \$50.

The association was addressed by Mr. A. E. Walker, of Park Avenue school, and Rev. Dr. A. E. Owen, on the subject of "How to Conduct a Bible Class." Both speeches were interesting and instructive.

Misses Arabella Winston and Annie Dey were requested to prepare papers to be read at the next meeting on "The Primary Method in Sunday-School Work."

The association adjourned to meet at Spurgeon Memorial Baptist Church on the fourth Sunday in October. Benediction by Rev. L. R. Christie.

Home Mission Conference. The Woman's Parsonage and Home Mission Society of the Methodist Church, South, of Norfolk district, will hold its district conference at Queen Street Church, Norfolk, Wednesday, October 11th.

The general funds of this society are divided, half returned to the treasury of the State contributing it, to be used in assisting needy churches to build parsonages, and the other half used to support schools for mountain people, and for Cuban refugees. It is not merely a money-raising society; each local society may undertake such work in its vicinity as the membership thinks advisable. Several cities have mission boards, made up of committees from local societies within their limits.

A Board of City Missions for Norfolk is to be organized at the coming district conference.

Colored Child Inmate. In the Police Court yesterday Justice Tomlin ordered a commission of lunacy in the case of Manie Booker, a 9-year-old colored child living with her mother, Mary Booker, No. 24 Allyntown. She has been insane for five years and became violent some weeks ago.

Telegraphing to Mars. The idea advanced that we may possibly be able some time to communicate with the planet Mars is a perfectly sound one. Those who laugh at it merely emphasize their lack of imagination and knowledge of the march of progress. Years ago man of the march of progress could not cross a stream a hundred yards wide. He could communicate with his fellow men only so far as his hoarse voice would reach. Medical science knew no positive cure for the worst of all diseases—dyspepsia. But we have progressed. Steam crosses the ocean, electricity communicates across the continent and Hostetter's Stomach Bitters has proved a boon to medical science and to humanity in general. It strikes at the root of almost all sickness—the stomach, and by making it strong supports the system, cures indigestion, constipation, biliousness, dyspepsia and general debility. A private Revenue Stamp should cover the neck of the bottle.

THOMAS A. BARRETT

DIES OF INJURIES RECEIVED AT ST. VINCENT'S FIRE.

Fireman Thomas A. Barrett, who was injured by the falling roof of a portion of the St. Vincent's Hospital in the fire last Thursday morning, died at his residence, No. 29 Cumberland street, Sunday afternoon about 2:15 o'clock, never having fully regained his senses after the serious injuries he sustained. By his death the fifth victim of the big fire is claimed.

The deceased did faithful and heroic work at the hospital fire up until the time he was injured. Just as the last firemen were leaving the burning building to fight the flames from the outside. When his death was announced the fire bell was tolled slowly for a half hour. Yesterday the engine houses were draped in mourning, and the flag on the City Hall was lowered to half mast.

A VETERAN FIREMAN. The deceased was 43 years old, and had been a member of the fire department for the past twenty-two years, with the exception of short intervals. He was stationed at the Queen Street Engine House, and has a brother, Mr. Frank Barrett, a fireman, stationed at engine house No. 1. He leaves a wife and two children, besides a host of friends, who sorrow at his loss. The funeral will take place this afternoon at 3 o'clock from the First Baptist Church, and about half the firemen, those who can be spared, will attend in a body. Deceased was a member of Brambleton Lodge No. 56, K. of P.; Virginia Company No. 2, Uniform Rank, K. of P.; Black Hawk Tribe No. 57, I. O. R. M., and one of the I. O. O. F. lodges. He carried life insurance in the endowment rank of the K. of P. for \$2,000.

An inquest was held by Coroner Newton yesterday afternoon. After hearing the evidence of Dr. Speight, the physician of the deceased, and Captain W. H. Knight, of the Queen street engine house, a verdict was rendered that deceased came to his death from fracture of the skull and other injuries, received while in the discharge of his duties at the St. Vincent's Hospital fire.

Dr. Speight testified that he found Fireman Barrett suffering from hemorrhage from the ear shortly after the injury occurred, and his right arm and left leg were broken, and there were indications of a fracture at the base of the skull. He was violently delirious and on the evening prior to his death his temperature began to rise, indicating cerebral meningitis, which, in Dr. Speight's opinion, was the immediate cause of his death.

Captain Knight testified that just before the injury occurred Firemen Foster and Barrett were at the nozzle. Chief Ryan discovered fire in the main hall around the stairway, and the laths were cut away and the fire put out. It had now become too dangerous to remain inside the building and they were ordered on the outside. Just as Firemen Foster and Barrett reached the steps leading to the porch the mansard roof above them fell, striking full upon Mr. Barrett and injuring Fireman Foster.

HIS WIFE AND CHILDREN. The wife and two children of Mr. Thomas A. Barrett, the fireman who died Sunday afternoon from the effects of injuries sustained in the fire which destroyed St. Vincent's Hospital Thursday morning, are in need of financial assistance. Mr. A. W. Goldsmith, manager of the Hub Clothing Company, promptly undertook the task of relieving their necessities, and will continue the humane work. Contributions left at the Hub will be turned over to Mrs. Barrett. The following subscriptions were made last night:

The Hub, \$15 00  
Charles Ayldate, James Conalley, Pallie Waddy, Mr. Jacobusky, Leslie Fine, Gibson C. Hasto, Mr. Bromberg, G. Metzger, G. Duches, M. Dodson, Mr. White, John Birdsong, James Martin, T. Eggleston, Charles Jackson and B. Monroe, of the Hub clerical force, 7 50  
James A. Pugh, 1 00  
M. McKeivitt, 1 00  
Cash, 50, 50, 50, 50, 2 00  
Cash (a sympathizer), 5 00  
Cash, 2 00  
\$32 50

Special attention is called to the reader of the Norfolk and Washington Steamboat Company announcing reduced rates to the Dewey celebration at New York via Washington, D. C., good to return on October 4th, for \$11 for the round trip, which will also give passengers by this route the reception of Admiral Dewey at the Capitol of the Nation.

We are headquarters for all railroad watches. We carry the largest line in the city. Call and see our stock and learn prices. The Tale Jewelry Co.

OTHER LOCAL ON PAGE 6

G. AND MILLINERY OPENING.

Fall and Winter Fall and Winter MILLINERY.

Wednesday and Thursday, Sept. 27 and 28.

Miss M. Gillerlain, 366 MAIN STREET.

Finely selected line of FRENCH PATTERNS; also a large stock of Millinery Novelties.

A skin without blemish and a body nourished with pure blood. Such is the happy condition produced by CUTICURA SOAP and CUTICURA Ointment, externally, and CUTICURA RESOLVENT, internally, in the severest cases of torturing, disfiguring, itching, burning, and scaly humors.

Sold everywhere. Price, The Box, \$1.25; of CUTICURA SOAP, 50c; Ointment, 25c; RESOLVENT, 50c. POTTER DRUG AND CHEM. CO., Sole Props., Boston. See "How to Cure Itself," 64-page book, free.

DISPLAY OF...

FALL MILLINERY!

LADIES: our opening of PATTERN HATS and BONNETS will take place this week, Wednesday, Thursday and Friday, September 27, 28 and 29.

We extend herewith a polite invitation to the Ladies to attend this Exhibition, assuring them that they will be pleased by the inspection of the elegant styles which will be displayed.

Mrs. P. RIES, 162 CHURCH STREET.

The Saks Stores

234-236 MAIN STREET.

Opening of Second Season of Men's Armor Strength Cheviots.

Last year, if you remember, we announced the introduction of a Winter-weight Cheviot Suit that should be worthy of the same confidence given Russian Navy Serge for summer wear. That was Armor Strength Cheviot—a label registered by us in the United States Patent Office—for Men's Suits, made of a weave specially loomed for us—possessing unusual strength and durability—hence the name—"Armor Strength." We sold very nearly 3,000 suits of it—and we haven't heard a single complaint—NOT ONE. And truly we did not expect one—couldn't see how there could be one—for from shuttle to counter only the best of talent and material were employed.

The second edition is ready now. Identical with last season—except the garments have been cut in the new styles upon our "Fit Reform" patterns. The quality is the same—the specifications are the same. The price is the same.

\$12.50

—and the best suit that can be sold for \$12.50 beyond all question. Read the specifications:

Fabric—Long staple wool, free from shoddy and flock. Weight—24 ounces to the yard. Strength—in both warp and filling 6 per cent. higher than the English standard. Color—Blue and Black; pure dye and absolutely fast. To 15 ounces of the wool 1 ounce of dye. Body Linings—Armstrong's English Double Warp Wool Italian. Sleeve Linings—Fine Cambric Twills. Styles—Single and Double Breasted Suits, with Single and Double Breasted Vests and Three-button Cutaway Frocks, following "Fit Reform" patterns. Make—Equal to that in any garments sold for 50 per cent. more.

All sizes up to 44-inch breast measure. And the strongest guarantee that can be possibly given accompanies every Suit of "Armor Strength" Cheviot.

OUR GRAND

Fall Opening Display

Of Imported and Domestic.

Pattern -- Hats

—AND—

BONNETS.

ALSO ALL THE VARIOUS NOVELTIES OF THE APPROACHING SEASON WILL TAKE PLACE ON NEXT

WEDNESDAY, September 27.

OUR OPENING SHOWINGS ARE ALWAYS NOTED FOR THEIR GORGEOUS ARRAY OF

Beautiful Effects

AND OUR DISPLAY THIS SEASON PROMISES TO OUTSHINE ALL OUR

FORMER EFFORTS,

THE MAJORITY OF OUR HATS BEING

Exclusive Styles of Noted Designers,

ARRANGED FOR OUR OWN TRADE,

And a visit to our store Opening Day will amply repay you.

CORPMAN'S,

378 Main Street.

MOTT'S PENNYROYAL PILLS

They overcome Weakness, irregularity and omissions, increase vigor and banish "pains of menstruation." They are "LIFE SAVERS" to girls at womanhood, aiding development of organs and body. No known remedy for women equals them. Cannot do harm—life becomes a pleasure. \$1.00 PER BOX BY MAIL. Sold by druggists. DR. MOTT'S CHEMICAL CO., Cleveland, Ohio.

Sold by BURROW, MARTIN & CO.