

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.)

AYERS V. HITE.
Supreme Court of Virginia.
September 27, 1899.

ANY VARIATION MADE IN A CONTRACT WITHOUT THE CONSENT OF THE SURETY THEREON RELEASES HIM.

THE LIABILITY OF A SURETY ON A RECEIVER'S BOND IS LIMITED TO FUNDS COLLECTED UNDER THE DECREE REQUIRING THE BOND, AND DOES NOT COVER OTHER AMOUNTS COLLECTED UNDER FUTURE DECREES.

The question involved in this case was whether the surety on the bond of a receiver appointed by the court was liable for the failure of the receiver to account for funds collected by him under a decree made subsequently to the one which appointed him and which required said bond to be taken. The lower court held the surety liable and he appealed.

The Court says:
The decree of November 20, 1876 [the first decree above referred to] so far as it has any bearing upon the question before us is as follows: "It is ordered and decreed that W. E. Craig, who is hereby appointed a receiver, do collect the balance of purchase money due from said Long and Siple, and disburse the same as per directions of decree of June 19, 1873, herein, after having executed and filed with the clerk of this court a bond payable to the Commonwealth of Virginia in the penalty of \$5,000, conditioned for the faithful discharge of his duty under this and all future orders of this court in this cause."

Craig, with Ayers as his surety, executed and filed with the clerk the bond required and the conditions of the bond conform to the requirements of the decree.

The court by its decree of June 3, 1895, held that the bond executed by Craig as receiver under decree of November 20, 1876, "by every reasonable implication," should be held to cover the duties of the receiver, not only in regard to the moneys directed to be collected by him under that decree, but all moneys that may have come into his hands under the decrees in the cause subsequent to said decree of November, 1876.

This decree, in effect, holds Ayers liable for the \$4,000, with interest thereon from July 1, 1884, as to which Craig received, defaulted, although the fund was received by him under the decree of June 25, 1876, and notwithstanding he had properly disbursed the funds received by him under the decree of November 20, 1876.

In this view we are unable to concur. "Sureties stand upon the letter of their contract. Their liability is always strictissimi juris."

"Nothing can be clearer than the doctrine that the liability of the surety is not to be extended, by implication

beyond the terms of his contract. To the extent, and in the manner, and under the circumstances pointed out in his obligation, he is bound and no further."

The bond is conditioned in accordance with the terms of the decree under which it was taken, and the decree specified the duty to be performed by Craig, the receiver, and that was to collect and disburse the balance due on the land of the balance then due on these bonds was about, as is conceded, \$2,200, and the penalty of the receiver or commissioner's bond required is \$5,000, while the amount collected by Craig under the subsequent decree was nearly \$3,000. True, the bond taken under the decree of November 20, 1876, signed by Ayers as surety, contained the condition that Craig should faithfully discharge his duty under that and all future orders of the Court in the cause; but can the language, by any just, fair and reasonable construction, be taken as referring to any duty that might thereafter be imposed by the Court on Craig as receiver or commissioner of the Court not pertaining to the specific funds, he was directed to collect and disburse? Does not such an interpretation as that extend the liability of the surety beyond the fair scope of the terms of his contract?

We are of opinion that the decree appealed from is erroneous and it will therefore be reversed and annulled.—Reversed.

H. B. Lieutenant Gale.

The City Guard met at their room in the Armory last night, and succeeding in electing a second lieutenant after repeated failures. The candidates for the post were Sergeants Gale and Powell. These two gentlemen ran neck and neck at the other meetings of the company and neither received a sufficient vote to elect. At the meeting last night Sergeant Powell decided to withdraw from the contest, and Sergeant Gale was elected unanimously.

"Grasp at it." Many are so intent on "grasping at it" that they lose their health. Hood's Sarsaparilla has helped many a business man on the road to success by making and keeping him healthy.

HOOD'S PILLS are gentle, yet effective. 25c.

Not Not Not!

We positively will not pay commissions to any one. We do not think it right to add on ten per cent. in the price of a Piano and then give it to some SO-CALLED FRIEND who has used influence in getting some one to buy one of our Pianos. Yesterday a sleek-looking individual called and said he could make a sale for us. We said NO, our prices were so low we could not give any commissions. He then proposed to raise the price of the Piano to his friend and make \$20 extra for himself. WE DID NOT SELL HIS LADY FRIEND. He was a false specimen of those who make it a business of bleeding the Piano dealers. We cannot and will not be led. If we can stand any discount it rightfully belongs to the man or woman who patronizes us, and THEY SHALL HAVE IT. Our prices are the same to all and that is VERY, VERY LOW.

FACTORY PIANO PARLORS,
C. H. ADDISON, Proprietor,
11 Cor. Granby and Charlotte streets.

Eyes Examined Free.

Dr. A. Week manager of the optical department of the Gale Jewelry Company, will examine your eyes free. Defective vision and complicated cases specially invited to call. je26-tf

NORFOLK PRESBYTERY

(Continued from Second Page.)

further attendance on the Presbytery after the afternoon session.

PROPOSED NORMAL SCHOOL.

The question of establishing a normal school within the bounds of the Presbytery for the proper instruction and training of Sunday school teachers was discussed and, on motion of Dr. Mack, Revs. Lafferty, Maxwell, Wellford and Ruling Elder Barksdale, of Portsmouth, were appointed a committee to look into the feasibility of such an institution and submit their report at the spring session of the Presbytery.

EVENING SESSION.

Rev. W. J. King said that Dr. C. E. Bishop, a gentleman of fine attainments, a member of the church in Williamsburg, who desires to use his gifts in evangelical services, was not an elder but a deacon of the church, and desired to know if there was any way by which he could be given authority under the Presbytery to engage in work of this kind, as he was looking toward an ordination in the future to the regular ministry. It was decided that he could be made a licentiate in view of the fact that it was his purpose to be ordained to the regular ministry.

On motion of Rev. R. B. Eggleston, the Presbytery decided that it would be glad to license him to preach under the conditions stated, provided he passed a satisfactory examination.

HOME MISSIONS.

The Chair announced that the next order of business was the report of the Committee on "Home Missions." The exercises were opened with religious services conducted by Rev. E. B. McCluer, who read as the Scripture lesson a portion of the Psalm on the duty and honor of the Church. Prayer by Rev. R. H. Robinson.

The report was then read by Mr. McCluer. It called attention to the fact that since the spring meeting, the East End Mission, at Newport News, had been organized into a church and known as the Second Church of that city. Park Place had also been organized as a church and a chapel had been erected at Prentiss Place by the First Church of Portsmouth, and regular services were held there. A minister had been secured for Tait Memorial Church, who have charge of the chapel at Prentiss Place. Rev. C. D. Glickerson was in charge of the Lambert's Point Church, and that there would be a mission in connection with it soon.

The report urged upon the ministers and churches to recognize the importance of contributing the full amounts to the cause, that the stated supplies have authority to continue their engagements.

The Suffolk Church had been given authority to employ the Rev. J. S. Thomas until the next meeting of the Presbytery.

Revs. E. B. McCluer, Samuel Hall, Major Humphreys, Rev. R. B. Eggleston, Dr. Mack and Rev. W. H. Groves made stirring addresses on the report, after which it was adopted.

On motion of Dr. Mack, a special collection was taken up in aid Rev. W. H. Groves in repairing one of his churches in Gloucester county.

THE REPORT ENDORSED.

Rev. Henderlight offered the following, which was adopted:

Resolved, That the Presbytery has heard with much interest the report of the Committee on Home Missions.

Resolved, That it is impressed with the magnitude and pressing needs of

The renowned Dr. Beyer of Germany writes:

"I use Warner's Safe Cure for patients who suffer from kidney and liver diseases, and it restores them to complete health. I recommend it most cordially in all circles of my acquaintance."

this work, especially as to its directness upon the Norfolk Presbytery.

Resolved, That the Presbytery commends most heartily the diligence and faithfulness of the committee, endorses its safe and conservative and yet zealous and aggressive measures in behalf of the work, and is profoundly gratified to the Great Head of the church for the bountiful blessings bestowed and the most encouraging progress made.

THE NEXT SESSION.

The Presbytery, by unanimous vote, decided to hold its next meeting with Makemie Church, Eastern Shore, Va., on the second Tuesday in April, 1900, at 8 o'clock p. m.

The next order announced was the examination of Rev. W. H. Groves with the view of his admission into the Presbytery.

Rev. C. D. Glickerson examined him on experimental religion and it was satisfactory.

His examination on theology was conducted by Rev. E. B. McCluer with the same result.

On church government his examination was conducted satisfactorily by Dr. Mack, and on motion, his examination was sustained as a whole and he was admitted into the Presbytery.

A NEW CHURCH.

A petition to organize a church at Sadler's Point was presented by Rev. C. W. Maxwell with sixty signatures. On motion, a commission, consisting of Revs. McCluer, Groves, Lawson and Elder Samuel Sterling, was constituted to organize said church.

Resolutions of thanks were extended to the Park Place Church for the princely manner they had entertained the Presbytery during its session, and to the city press for favors and courtesies.

The proposition from the Albemarle Presbytery to the Norfolk Presbytery, to take control of a portion of its territory, was referred to the Committee on Home Missions.

The request of Dr. Lucy to be relieved from membership on the Home Mission Committee was granted, and his place was supplied.

After reading the minutes and making necessary corrections they were approved, and the Presbytery adjourned with prayer by the Moderator.

Look out for Hoster's Weiner.

LIEUTENANT AND ENSIGN.

TWO OFFICERS CHOSEN BY NAVAL RESERVES.

The Second Division of the Virginia Naval Reserves held a meeting last night and elected Mr. Banks, of the Chesapeake Lumber Company, as Lieutenant of the Junior Grade, and W. J. Hickey as Ensign.

The Lieutenant of the Junior Grade of this division resigned some time ago, and Mr. Banks, who was at one time adjutant of the battalion of Reserves, was the unanimous choice of the division as his successor.

The Lieutenant commanding this division is R. S. Weaver.

Norfolk Solree Academy.

The third weekly solree of the Norfolk Solree Academy will be held next Tuesday night at Masonic Temple. These weekly gatherings are very enjoyable to all who attend, and promise to form one of the pleasant social features of the winter.

These solrees are in charge of Messrs. Ernest Aydelott and R. Wesley Benson. Music is furnished by Prof. Kruger's orchestra. The attendance is about twenty-five couples at each solree.

A Residence Burglarized.

A burglar entered the residence of Mr. W. A. Weeks, 100 Bank street, last night about 11 o'clock and got away with clothes to the value of about \$100. His burglarship, with whom the police have not yet made acquaintance, entered the house from a second story window on the side. The clothing stolen was in the second story rooms. The detectives are at work on the case.

10 DAYS' LONGER.

OUR SPECIAL PIANO SALE will be extended for ten days by special request of many customers who live out of the city and could not get here sooner. The same very low prices will be given. \$300 Piano at \$207, and a \$200 Piano at only \$117.

FACTORY PIANO PARLORS,
11 Cor. Granby and Charlotte streets.

An old remedy that has proven its value in curing headaches and pains has made its appearance here—Hick's Capidine.

Despite the scarcity of cloth, we have succeeded in importing the second lot of Drummond soft-finish worsteds. You must be an early caller to see this high grade goods. RUDOLPH & WALLACE, 333 Main street.

Office
Board S. S. and Dr. Coms.
Norfolk, Va., October 10, 1899.

BIDS WILL BE RECEIVED AT A public auction to be held at 11 o'clock a. m. on THURSDAY, the 19th day of October, for the purchase of all the buildings and parts of buildings required to be torn down for the opening of Tripoli street, from Rute to Wolf street.

No building will be delivered to a purchaser until the amount bid for the same has been paid to the City Treasurer.

Each building or part of building is sold with the distinct understanding that the purchaser will take down and remove the same within six weeks of the date of sale, and that no building or part of building is sold below the ground.

All plaster or mortar suitable for filling is not sold with the building to which it pertains, but is reserved by the city. There being much valuable building material to be sold the public is cordially invited to attend the sale.

J. D. HOPFHEIMER,
Chairman Bd. S. S. and Dr. Coms.
oct10-tu,th,sa-3t

The Saks Stores
234-236 MAIN STREET.

Novelties in
Children's Clothing
Boys' Sailor Suits.

The Sailor Suit is very popular this season; it is stylish, dressy, and serviceable and proper for all occasions. We show these in beautiful fancy mixtures and plain red, white, brown, green, and light and dark blue—all trimmed and braided in various pretty effects. Prices range from \$2.50 to \$10.00.

All-wool Cheviot Sailor Suits, prettily trimmed with white or black braid; sizes 3 to 12. Each..... \$3.00

Another lot, trimmed the same way; only better quality of material; sizes 3 to 12. Each..... \$3.50

A magnificent line of Dark Blue and Fancy Mixed Cheviots, various combinations of braids and trimmings; scores of styles; all full blouses and cut and finished in the very best manner; sizes 3 to 12. Each..... \$5.00

Very Fine English Cheviot Blouse Suits, in red, brown and the new blue shade; very elegant goods; very dressy; collar trimmed with 12 rows of black or white silk soutache braid—two shields, one the color of the suit, the other white serge, braided and with embroidered star-line silk tie and hand-made lanyard and whistle with each suit; sizes 4 to 12. Very special value. Each..... \$6.00

Vestie and Brown's Suits, in all the popular colors and styles; prettily braided and finished; sizes 3 to 5. Each..... \$3.00 to \$5.00

A good Navy Blue Brownie or Vestie Suit, 3 pieces, coat, pants and a little vest. Each..... \$2.50

Another one in navy blue—a little better quality. Each..... \$3.00

A full line of this popular style at..... \$5.00

PINEAPPLE SNOW!
Ours is the Finest in Norfolk.

Ice Cream and Ices

Our Pineapple Snow, Ice Cream and Ices are generally admitted to be the finest in Norfolk. Special prices for parties, excursions and lodges. Delivered free to any part of Norfolk. Prices low as the lowest. Goods better than the best elsewhere.

NORFOLK CANDY KITCHEN,
Southern States Phone 673, 21 BANK ST.
je20-7

GRAND OPENING TO-DAY

FEREBEE, JONES & CO.

TAILORING,
FINE CLOTHING,
FURNISHINGS,
HATS. CORNER
Main and Commerce Streets.

A PEEP UNDER
FASHION'S CURTAIN

After many busy days of preparation, we lift the curtain this morning on our Magnificent Stock of Fall and Winter Clothing, Men's Furnishings, and Hats. Every Style and every Fabric that Fashion has smiled upon is here. Every Garment is as Perfect Tailored and Trimmed as skilled hands can make it. The entire stock is in the pink of newness—complete with all those dainty patterns so seldom found in ready-to-wear Clothing. The pinnacle of all this clothing satisfaction is capped with right prices—prices that will appeal to men who wish correct Clothing at a price that is FAIR.

Our guarantee with every garment—no matter what the price.

Suits and Top Coats from \$7.50 to \$35.00

HATS FROM \$1.00 TO \$5.00

KNOX SILK HATS = = \$8.00

SOLE AGENTS FOR KNOX HATS

A SPECIAL

Silk-Lined Top Coat

\$15.00

SPECIAL
NOTICE.

FALL STYLE

—IN—

Custom

Tailoring

The new Piece Goods are all in, and a showing we are mighty proud of.

We needn't touch on the skilled cutting and careful workmanship in our to-order department. You know all about that.

But combining these virtues with those of excellent service is what has given the upward push to this part, as well as all other parts of our business.

FEREBEE, JONES & CO.

Corner Main and Commerce Streets.