

THE NEWS OF NORFOLK ON PAGES 2, 3, 5, 6, 7, 9 AND 12.

A Happy Mother's Gratitude

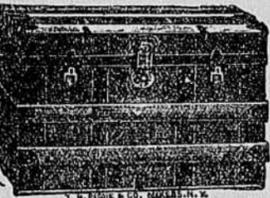
LETTER TO MR. PINKHAM NO. 5785
DEAR MRS. PINKHAM—I have many, many thanks to give you for what your Vegetable Compound has done for me.

Wonderfully Strengthened.
I have been taking Lydia E. Pinkham's Vegetable Compound, Blood Purifier and Liver Pills and feel wonderfully strengthened.

DR. HENLEY'S CELERY, BEEF AND IRON THE GREAT TONIC AND NERVINE
Quickly relieves and permanently cures all Nervous Troubles, Headache, Dyspepsia, Female Complaints, Malaria and all types of disease originating in, or aggravated by, a low and weakened condition of the Nervous System.

NORFOLK TRUNK FACTORY

172 Church St., Near Main
Got Your Trunk?



Do not risk traveling with a poorly constructed TRUNK, which is liable to break and spread your possessions at any moment.

Brisk Bargains in Dress Suit Gases.

ODD AND ENDS—that you can buy at greatly reduced prices. REMEMBER—we keep all trunks in repair free of charge for one year and paint your name and address on trunks and bags gratis.

Repairing Old Trunks a Specialty.

NORFOLK TRUNK FACTORY, The Travellers' Outfitters.

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.

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

BEFORE THE WAR, PLEASE SEND ME A ROAST OF BEEF SINCE THE WAR, SEND ME A ROAST OF HOME KILLED BEEF

OPEN ALL DAY, BOTH PHONES. J. S. Bell, Jr. & Co., Corner Queen and Church Sts. OLD PHONE 65. NEW PHONE 102.

BENJ. L. DOZIER, Livery, Boarding and Transient Stables, 61, 63, 65 Cove Street. S. B. PHONE, 606. Everything new and up-to-date.

COURT DECISIONS.

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

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

CHARLOTTESVILLE V. SOUTHERN R. CO.

Supreme Court of Appeals of Virginia. September 21, 1899.
A HIGHWAY, EITHER IN A CITY OR COUNTY, IS THE PROPERTY OF THE STATE, AND THE RIGHT OF THE PUBLIC TO REQUIRE A RAILROAD COMPANY TO PLACE AND KEEP ITS CROSSING OVER THE SAME IN SUCH CONDITION AS THE LAW REQUIRES CANNOT BE AFFECTED BY ANY ACTION OF THE CITY OR COUNTY.

Under Section 25 of the Code a railroad company crossing a highway must put and keep the crossing in a reasonably safe and adequate condition for the use of the public.

The only question involved in this suit was whether the Southern Railroad Company was obliged to make a bridge over its railway, where the railway crossed a street in the city of Charlottesville, the whole width of the street.

The litigation in this case grows out of the construction of a public highway about the year 1850. The terms and conditions upon which such a crossing could then be made are found in section 25 of the Code of 1873, as amended by act of February 3, 1875.

The true meaning of the statute is, we think, that a railroad company may construct its road across a public highway, but it must do so with as little injury to the highway as is practically possible. It must so restore the highway that its use by the public will not be materially, or at least, unnecessarily, interfered with, and so as to render it less safe and convenient for the passage and transportation of persons or property along the same, except so far as diminished safety and convenience are inseparable from its use by the railroad.

In the view we take of this case it is unnecessary to decide whether or not the original crossing was constructed in accordance with the provisions of the statute. If it had been, it does not follow that the crossing is now such as one as the law requires. The fact of a railroad company in such a case is a continuing one. If the population of the neighborhood or the use of the highway so increased that the crossing originally adequate is no longer so, it will be the duty of the railroad company to make such alteration in the crossing as the changed conditions require.

The highway, whether under the control of the county or city, is the property of the State held in trust for the benefit of the public, and the right of the public to require the railroad company and its successors, the appellees, to place and keep the crossing in such condition as the statute requires has not been affected by anything the county or city has done or failed to do.

The next question is whether or not the railroad crossing complained of is such an one as the law requires, under existing circumstances.

The crossing not being at grade, the railroad company made a cut across the highway and spanned the cut with an overhead bridge. The height of the bridge being greater than the depth of the cut, it became necessary to raise the grade of the highway on either side of the bridge. This was done by

making a fill in the highway for about three hundred yards. The highway is sixty feet wide. The bridge is about forty-eight feet wide and the fill varies in width from forty-seven to fifty-four feet.

Since the crossing was made, the corporate limits of the town of Charlottesville have been extended beyond the crossing, and the highway at that point, which was then a public road in the county, has now become a part of the main street of the city of Charlottesville. An electric street car line runs on the street. Where the street is sixty feet wide, as it is in most places, there is ample room between the street car track and the southern limit of the street for a sidewalk, but it is shown that there is not sufficient room for a sidewalk upon the bridge and fill south of the street car track.

The record shows that this is the most important street in the city, and much traveled at the point where the three crossings were placed. It was ascertained that there passed over the bridge for three successive days an average per day of more than three thousand persons and over five hundred vehicles. Upon this state of facts it cannot be said that the railroad crossing, which includes the bridge and fill, is such a condition as the statute requires. There is nothing to prevent the railroad company from making the crossing as wide as the street. It is necessary for the convenience of the public. The fact that it will cost a few thousand dollars to widen the crossing is no sufficient reason why it should not be done.

Reversed.
BARFIELD V. MULLING. Supreme Court of Georgia. May 30, 1899.
THE COURT SHOULD NOT, WITHOUT CONSENT OF PARTIES, ALLOW THE JURY TO SEAL THEIR VERDICT AND DISPERSE, DURING A RECESS OF THE COURT.

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The case sufficiently appears from the opinion of the court. The court says: It appears from the record that, after the jury had retired to consider the case, the hour arrived for the court to take the noon recess, and the court instructed the bailiff, without the knowledge or consent of the defendant's counsel, that in case the jury agreed upon a verdict before the court reconvened, they could return a sealed verdict at that hour. When court reconvened, it appeared that the jury had agreed upon a verdict during the recess, and had dispersed. Defendant's counsel objected to the reception of the verdict, and moved the court to declare a mistrial in the case. The justice, in his anxiety to do what he considered to be the right thing, did not hear his instructions to the jury returning a sealed verdict, but nothing is stated by him from which it could be inferred that the court had heard the instruction given to the bailiff. The court overruled the motion to declare a mistrial, and the verdict was received in open court. The judge overruled the prayer for certiorari, and the defendant excepted.

When a jury has retired to consider the case submitted to them, and make up their verdict, they should not be allowed to disperse until they have returned a verdict in open court, and a mistrial has been declared, unless the parties or their counsel consent that the verdict may be rendered in some other manner. Delivering a sealed verdict to the judge or other officer of the court, out of court, or delivering a sealed verdict to any person, to be carried into court in the absence of the parties to the case or their counsel, is a proceeding not known to strict law, and is not authorized under any circumstances except by consent of the parties or their counsel. When a verdict is returned in open court, and it does not cover the issues submitted, it is within the power of the judge to deliver further instructions to the jury, and permit them to consider the case again, and save the parties the expense of another trial. This right is lost to the parties after the jury has dispersed before the verdict is published. When a verdict is rendered in open court, the losing party has a right to request the judge to permit the jury to be polled; and this right is lost if the jury disperses before the verdict is received. There being in the present case no express consent for the jury to disperse, and nothing which would authorize a holding that there was an implied consent on the part of counsel, the reception of the verdict and the failure to declare a mistrial was improper, and the judge erred in overruling the certiorari. Judgment reversed. All the justices concurring.

Ladies' Tailoring. "Clare," importer and designer, announces that she will be ready to announce to offer the ladies of Norfolk the very best service in ladies' tailoring and dressmaking, at her parlors, in the Haddington building, rooms formerly occupied by the Art League. "Clare" was formerly with Lord & Taylor, of New York, and has had seventeen years' experience under the best ladies' tailors in the business. Her suits, street costumes, waists, capes, wraps, golf and bicycle costumes and garments of every description made in the very latest mode and guaranteed satisfactory in every particular. Children's fine work a specialty. She will be pleased to have ladies call and examine her full line of samples and otherwise inform themselves as to her work and methods.

Rev. Dr. Young's Sunday Night Sermon. The Sunday night sermons with which Dr. Young is closing up his four years' pastorate at Epworth M. E. Church, are devoted to a discussion of Christ, the divine teacher and author of redemption and salvation, and they are having the desired effect, upon large congregations in the uplifting of the church spiritually, and in deeply impressing all with the great need of a divine saviour who can provide for every want of the soul. His subject tonight will be: "What the People of His Day Thought of Christ." There will doubtless be an overflowing congregation to hear the discourse.

An Engagement. Mr. James D. Shadbolt and Miss Geneva Aydlott, of this city, were married at Gatesville, N. C., Friday. The families and friends of the young couple were taken by surprise by this marriage. Through the groom had been a suitor of Miss Aydlott for some time, nothing was known of their intended marriage until after it had taken place.

Musical at Queen Street M. E. Church by Norfolk Conservatory of Music, Tuesday, October 17th, benefit of Epworth League. 10:15-24.

THE NEW MANAGER.

A GREENSBORO, N. C. PAPER SPEAKS OF MR. MORTON, OF THE PRINCESS ANNE.

Next to his wife and babies an experienced hotel man is perhaps fonder of his calling than anything else.

This is the case with Frank F. Morton, who has recently become manager of the Princess Anne at Virginia Beach. His friends here and elsewhere will be glad to know that he is comfortably fixed at one of the largest and finest hotels on the coast. A place commensurate with his aspirations, were he not to show that it is in him in the way of manipulating a hotel.

While the summer season is the principal time for large crowds, it is not unimportant in the winter as well and is not without many attractions. With golf links, tennis courts, bowling alleys, Lake Holly with its numerous row boats, elegant fishing, crabbing, etc., it is enjoyed in winter as well as in summer. The hotel is most charming, with its own electric lights, gas, steam heat, large ball and dining rooms, while the cruising cannot be equaled. It has been said that a fisher is not rich unless it is eaten soon after taken from the water and after one has been at the "Beach" and tried it he becomes convinced, while it is almost the same way with the winter as well. But the bill of fare is by no means confined to water "vegetables," for the finest beef, mutton, fowl and other things are always on the table.

The sights are such that one never tires—the ocean, never still, rolling within plain view from the hotel's large windows; a life saving station being very close by, while Cape Henry is easily seen.

A reduced rate for October, November and December is offered. Hunting is fine in the fall, deer to be found not many miles away, while duck shooting is good right around the hotel. It may seem strange, to people up this way, but those who live at the "Beach" seldom fail to take a dip in the ocean every day or two in winter and they seem to enjoy it.

LAMBERT'S POINT.

Rev. Dr. J. Powell Garland, former presiding elder of the Norfolk District, returned yesterday to Richmond after spending the week with Rev. George H. Spooner at the Methodist Parsonage.

Mr. and Mrs. James Pentress are visiting at Mr. J. P. Pentress', Bowden's Ferry road.

The coal trade at the pier, which has been a little slack for a month, is beginning to increase.

Rev. W. R. Proctor, of Park View Church, Portsmouth, will deliver the address at the crusaders' rally at the Methodist Church this afternoon at 3:30 o'clock.

The British steamship Brinkburn, from Galveston to Havre, France, with a cargo of cotton, was at the pier yesterday.

"The Thorn Comes Forth With Point Forward." The thorn point of disease is an ache or pain. But the blood is the feeder of the whole body. Purify it with Hood's Sarsaparilla.

Kidneys, liver and stomach will at once respond? No thorn in this point. Blood Poisoning.—The surgeon said when he took out the brass shell received in wound at San Juan Hill two weeks before, that it would have poisoned me if it had not been my pure blood. I told him it was Hood's Sarsaparilla that made it pure.

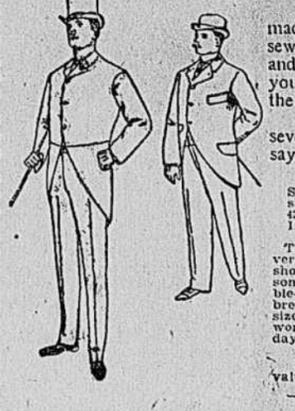
Rheumatism.—"Myself and friend both suffered from severe attacks of rheumatism. Hood's Sarsaparilla cured both. We would not be without it." Wm. H. LESTER, 65 Leonard St., Fall River, Mass.

Hood's Sarsaparilla Never Disappoints. Hood's Pills cure liver ill; the non-irritating and only cathartic to take with Hood's Sarsaparilla.

The Saks Stores

234-236 Main Street.

Great Special Values in Men's Clothing Specially Offered.



300 pairs of Men's Pants, in good patterns, stylishly cut, perfect fitting, and regular \$2.50 and \$3 values. To be had at the price only Monday— \$1.98

350 pieces Men's Fine Winter-weight Underwear, worth \$1.00 a garment, for \$590.

Men's Dogskin and Mocha Gloves—98c. a Pair.

Men's Flannel Nightshirts—69.

Men's Linen Handkerchiefs—13c.

Men's Half Hose—18c. a Pair.

Better Get Your Hat Monday.

Men's Flannel Nightshirts—69. \$1.00 quality, and made of fine Domet Flannel, in neat striped patterns or plaid effects. There's nothing taken out—either in quality or quantity of material. The maker's profit pays the cut. All sizes. Only for Monday.

Saks & Company.

Your Home Homelike and Comfortable.



"SEEING IS BELIEVING." If you could see the Monticello Dull Domestic Finish on Shirts, Collars and Cuffs you would believe, was just what you wanted. Let us call for your work.

MONTICELLO MODEL LAUNDRY. 105 Granby St. New Phone 874.

WE WILL, ON WEDNESDAY, OCT. 11, Show a new line of Trimmed Hats and Bonnets. Respectfully, LA MODE.

Mrs. H. Posner, 362 MAIN STREET. Just Received NEW BUCKWHEAT, New Extra No. 1 Mackerel —AND— Fresh Dearfoot Farm Sausage.

J. R. BRIGGS, Grocer, 115 COMMERCIAL PLACE.

Leave price out of it for a moment. There's no other such clothing made to be sold as Saks Clothing. Every inch of goods—every thread of sewing—every line of design—represents the highest possible value and skill and fashion. It's Clothing that is made for specific retailing—right here to you. It is made to be guaranteed—and to live up to the minutest detail of the guarantee.

Now consider the prices. Always lowest—for Monday we shall offer several lots of Suits and two lots of Separate Pants at prices we can safely say have not been approached before.

200 Strictly All-wool and Fast Color Black and Mixed Cheviot Suits, made up in Single and Double-breasted Suits, with single-breasted vests, cut on workman-like cut on "Fit Reform" patterns, and thoroughly tailored all around from \$4 to \$12, and at \$7.50 would be the best suits you ever saw at the price. \$6.75

Three lots of Striped Worsted Suits, in very stylish patterns; cut with broad shoulders and on "Fit Reform" patterns; some are Single-breasted Suits, with single-breasted vests, and others are Double-breasted, with Single-breasted Vests; all sizes and all wash \$12.00 if they are worth a panny. Mon— \$10.00

A staple as good as a bargain, though, is the Armor Strength Cheviot. A 15 value for \$12.50. Color and wear guaranteed.

What remains of last week's special lot of Worsted Pants; neatly striped effects, perfect fitting, and equal to the best of \$5 Pants—Monday \$3.00

Men's Flannel Nightshirts—69. \$1.00 quality, and made of fine Domet Flannel, in neat striped patterns or plaid effects. There's nothing taken out—either in quality or quantity of material. The maker's profit pays the cut. All sizes. Only for Monday.

Men's Linen Handkerchiefs—13c. If you know how to reckon the gauge of linen get out glass and count the threads here, you'll find some of the fineness and sheerness usual in Handkerchiefs that sell at 2c, and more. These are hemstitched—and only 13c.

Men's Half Hose—18c. a Pair. A full case lot of Men's Fancy Striped Half Hose, the newest effects in wide and narrow bars of striking combinations. The Hose is worth 25c. a pair—and a second case will have to be retailed at that. Only for Monday at 18c. a pair.

Better Get Your Hat Monday. Lot of those Men's new, Low-crown, Broad-brim Golf Hats; in clear Pearl, with raw or bound edges and plain or ottoman silk bands. The latest fad in soft Hats—and \$2.50 value—for \$1.65

Men's Flannel Nightshirts—69. \$1.00 quality, and made of fine Domet Flannel, in neat striped patterns or plaid effects. There's nothing taken out—either in quality or quantity of material. The maker's profit pays the cut. All sizes. Only for Monday.

Saks & Company.

Your Home Homelike and Comfortable.



is what every home-loving woman likes, as well as having it beautiful and in the latest up-to-date styles in furnishings. You can purchase handsome Velvet Suits from our superb stock of new styles, in Damask and Hare Cloth, at prices that will surprise you by their smallness. We have many bargains to show you in Sideboards, Fancy Chairs, Tables, &c. when you call. SAM'L C. PHILLIPS, FURNITURE STORES AND CABINETS, 321 to 327 CHURCH ST. (Opposite Postoffice)

A Cosy Fire on an Autumn Evening. Is comfortable and cheery, and when it is made from our superior Splint Coal it can be built quickly and is economical and satisfactory. If we haven't already filled your bin, leave your order and we will fill it promptly. You can't beat our prices, nor the quality of our Splint Coal.

Batchelder & Collins, 'Phone 101, 145 WATER ST.

Buy Now, Before Stock is Exhausted. Our last car-load is nearly sold and the price of material has risen about 10 per cent, so our future price on

Gas Ranges. will have to be materially increased. It will pay to buy now, at 77c. per cubic foot, in place of stove and hot water for cooking. CITY GAS CO.