

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

COURT DECISIONS.

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

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

MAIA'S ADMR. V. EASTERN STATE HOSPITAL.

Supreme Court of Appeals of Virginia. November 23, 1899.

A PUBLIC CORPORATION CONSTITUTED SOLELY FOR CHARITABLE PURPOSES IS NOT LIABLE FOR THE NEGLIGENCE OF ITS SERVANTS OR AGENTS ARISING FROM A CAUSE FOREIGN TO THE OBJECTS FOR WHICH IT WAS CREATED.

Maia's administrator brought suit against the Directors of the Eastern State Hospital for the insane, to recover damages for the insane, alleged to have been caused by the negligence of the defendants, or its agents, in requiring, or permitting, the instatement, while a patient, to dig and excavate in the side of an embankment, without providing proper supports to prevent the overhanging earth from falling on him. The defendant demurred to the declaration, the lower court sustained the demurrer and plaintiff appealed.

The first question to be considered is the character of the defendant corporation. Is the defendant a public corporation—an agency of the State—exercising exclusively governmental functions? An examination of the statutes creating and continuing this hospital shows that it was created and exists for purely governmental purposes and is under the exclusive ownership and control of the State. It has no stockholders, no members even, except directors, having no interest in it or its affairs, who are appointed by the Governor and with the consent of the Senate, and are in fact public, rather than corporate officials.

It is plain upon the authorities that the defendant is a public corporation, governed and controlled by the State, and acts exclusively as an agency of the State for the protection of society and for the promotion of the best interests of the unfortunate people of the Commonwealth of insane or disordered minds.

The next question is whether the defendant, a public corporation—an agency of the State exercising exclusively governmental functions—is liable for the injuries complained of in the declaration.

In the case of Sayre v. Northwest Turnpike Co., 10 Leigh, 454, it was held that the action would not be because the defendant corporation was composed exclusively of officers of the government, having no personal interest in it, or its concerns, and only acting as the organ of the Commonwealth in effecting a great public improvement. This conclusion is fully sustained by the weight of authority.

The directors in this case clearly had no right to pay damages for the grievance complained of out of any funds under their control. Those funds were appropriated by the State to pay the expenses of caring for and maintaining the inmates of the hospital and not for paying damages resulting from the negligent management of those in charge of it. If such damages were chargeable on the funds, or property under the control of the directors, their payment might prevent the accomplishment of the very object for which the money was appropriated.

That an unfortunate inmate of the hospital should suffer from the negligence or misconduct of the persons administering the powers of the corporation, or their agents or employees, is indeed a hardship, but we do not think this hardship should be remedied by giving damages to such a one or his representatives at the expense of the other inmates of the hospital or of the taxpayers of the State. For such negligence he should be left to his remedy against those by whose negligence he was injured and whose liability for their own acts of negligence must be determined by the rules of law applicable to such cases. Affirmed.

McCASKILL V. MCKINNON.

Supreme Court of North Carolina, November 14, 1899.

IN DETERMINING WHETHER A HOMESTEAD HAS INCREASED OVER THE VALUE OF \$1,000 EXEMPT, IT IS IMMATERIAL WHETHER THE INCREASE IS IN THE MARKET OR INTRINSIC VALUE.

This was a proceeding for the reallocation of a homestead. From an order for a reallocation the defendant appealed.

The court says: The real and only matter before the clerk was whether or not the homestead of the defendant had appreciated in value as much as 50 per cent. since its allotment in 1877.

It appeared that 80 acres of the homestead lying nearest to the town of Maxton had been sold under a mortgage executed prior to the allotment of the homestead. And it appeared from all the testimony on that point that the increased value of the homestead was due, not to improvements in the quality of the land, or upon the buildings, but only because the town of Maxton had been built up and greatly improved after the allotment of the homestead by means of which the market value of the surrounding lands was increased. To determine, therefore, the value of the homestead at the time of the hearing, it was necessary to find the value of what was left after the sale of 80 acres of it under the mortgage; for a resident debtor, at all times, under the constitution and laws, is entitled to have exempted from execution a homestead of the value of \$1,000. The clerk made a finding, as we have seen, that he did not consider the value of the 30-acre tract which had been sold under the mortgage, in estimating the value of the homestead; but, upon a painstaking examination of the whole record, it appears that that finding was made without any evidence whatever to support it. The finding of the clerk on

that point having been made without evidence to support it, it follows, therefore, that his honor was in error in affirming that finding of the clerk. All the other findings of the clerk not connected with the alleged increased value of the original homestead, less 80 acres sold under the mortgage, at the time of its allotment, and at the time of the hearing, were irrelevant, in the view of showing the percentage of increase, if any, and there was no error in his honor's striking them out. Especially was the defendant not prejudiced by the striking out of the finding No. 9 by the clerk; for it is totally immaterial, if the homestead has been increased in value 50 per cent. since the allotment, whether that increase had been effected through the money and labor of the defendant by improvements upon the land and buildings, or by improved conditions growing out of the building up of a town in close proximity to the homestead. It is immaterial, in point of law, whether the increase had come in the market value or in the intrinsic value. In either event the effect is the same. The language and the meaning of the constitution are perfectly clear, that a debtor of this State, who takes advantage of the homestead provision, can only have the advantage of a homestead of the value of \$1,000. If the increase is less than 50 per cent., the creditors can proceed in the nature of an equitable action to subject the excess to their debts. Vanstony v. Thornton, 110 N. C., 10, 14, S. E. 637. If the increase should be 50 per cent. or more, the statute of 1893, which we have referred to, enables a creditor to have a reallocation.

Reversed.

ACTIVITY IN BUILDING.

LINES GIVEN BY CITY ENGINEER SINCE DECEMBER 1.

Activity in building is indicated by the following building lines granted by the City Engineer and Building Inspector since December 1st:

James T. Nottingham, two brick stores, Victoria street.

Thomas R. Ballentine, brick addition to store occupied by Russell & Simcoe, Main street.

M. W. Burk, two brick residences, Grigsby Place.

J. B. Loughran, three brick dwellings, Mariner street, between Church and Fenchurch streets.

C. A. Nash, two brick houses on Chapel street and two brick houses on White street.

C. E. Herber, one frame two-story building, Herman avenue, near Camp avenue.

William Dey, one frame addition, two story, 305 Park avenue.

Colonel Thomas Tabb, 217-219 Main street, alterations and addition.

Emma J. Williams, frame addition, two story, Cumberland street.

L. Richardson, one story brick addition, 206 Church street.

A. J. Ford, alteration Gladstone Hotel. City Gas Company, one story frame structure at gas works.

N. B. Morse, one brick dwelling, No. 594 Bute street.

H. S. Ackiss, two frame houses, Puskasi street, on lot No. 11; one story frame addition to 157 Kelly avenue.

Stephenson & Taylor, one story addition to store on Bank street, near Thum.

Security Real Estate Company, two frame buildings on Browne avenue, near Reeves avenue; same, one house on Brambleton avenue, near Hughes avenue.

The Coal Fleet Blockade.

There are now at Lambert's Point upwards of 50 sailing vessels waiting for coal cargoes, and the list is growing little smaller as the days go by owing to the rush of vessels to this port and the demand for coal at Northern ports. Among these belated seafarers are some who have been here a month at least and are now drawing demurrage at the rate of 6c. per ton per diem, which makes the delay costly. The fault is not the Castner, Curran & Bullitt Company's, they state, nor is it the fault of the mines, save in this way: The output is not large enough to supply the enormous demand. The number of bunkering steamships and cargo steamers calling at this port in the last two months is unprecedented, and though the usual amount of coal has been mined and shipped, the exclusion have eaten the output to the exclusion of the sailing vessels. The Norfolk office says little or no coal is going West, in fact the cars in use in iron and coke handling West preclude coal going that way while they also prevent a needed increase of coal shipment to the piers. It is understood that the contracts already made abroad extend to April or May, and no doubt some arrangement will be made shortly to load the coastwise colliers in waiting. When they do come in turn they will be put through with a rush.

Christmas for the Poor.

The inmates of the Almshouse will enjoy a bountiful Christmas dinner, specially provided by the Almshouse Committee of the Councils, Monday. There are about 125 persons cared for at the Almshouse now.

A Christmas dinner will be given the poor at the Union Mission one day next week. It will not be given Christmas day because of other dinners to be given the poor on that day.

The W. C. T. U. will make many children happy by presenting them with Christmas presents. These presents are contributed by the people of Norfolk, and will be given to only those children who otherwise would not be looked after during this season of good cheer. Contributions may be sent to the headquarters of the W. C. T. U., on Fenchurch street, one door from Falkland.

Good Appointments in Sight.

Three assessors and a clerk will be appointed shortly by Judge Hancock, and a salary of \$1 per day will be paid each of the assessors. It will be their duty to assess the real and personal property of every resident of the city. This is a plum, and no doubt there will be a list of "early birds" after the worm in a few days.

Dr. Bull's Cough Syrup. The best remedy for Coughs, Colds, Grippe, Whooping Cough, Bronchitis, Hoarse-ness, Asthma, Whooping Cough, Croup, Smallpox, etc. Dr. Bull's Pills cure Constipation. Trial, 50¢ for 50¢.

CAN PRACTICE NOW.

NORFOLK PHYSICIANS PASS EXAMINING BOARD.

The following applicants passed the Medical Examining Board at the fall meeting, held at Lynchburg, November 27-30, 1899:

L. T. Royster, Norfolk, Va.; Walter Byrd Pollard, Norfolk, Va.; Edmund Lee Tompkins, Washington, D. C.; Elbert W. Blakeslee, Newport News, Va.; Joseph Edward Rawls, Holland, Va.; E. C. S. Tallaferrro, Ware Neck, Va.; Lafayette Hall Jordan, Mt. Jackson, Va.; James Park Edmonds, Gate City, Va.; Arthur Lee Wilson, Lynchburg, Va.; Robert E. Wine, Quicksburg, Va.; Howard Armstrong, Baltimore, Md.; Robert H. Pretlow, Ivor, Va.; E. L. Lawrence, Richmond, Va.; Daniel Miller Saunders, Chillumie, Va.; Thomas N. Jacob, Richmond, Va.; James Benham Lucas, Graham, Va.; Robert C. Rind, Radford, Va.; Robert C. Bryan, Richmond, Va.; Edward A. Gorman, Alexandria, Va.; William C. Browne, Washington, D. C.; J. B. Woodson, Lowesville, Va.; C. P. Hutchison, Aldie, Va.; William R. Gwathmey, School, Va.; Thomas J. Pain, Bristol, Tenn.

Heptasophs Elect Officers.

Harmony Conclave No. 11, Heptasophs, or S. W. M., elected the following officers for the ensuing term:

Archon—Charles I. Stenzle. Chancellor—J. T. Keg-bein. Provost—H. T. Plummer. Precept—E. S. Buck. Scribe—H. C. Willis. Treasurer—A. F. Morrisett. Inspector General—J. Paul Jones. Trustees—J. D. Armstrong, H. T. Plummer and P. Mordica. Representatives to Grand Conclave—Charles I. Stenzle and Georg W. Gale. Columbia Conclave No. 7, Heptasophs, or S. W. M., has elected the following officers: Archon—W. F. Berry. Chancellor—O. G. A'l'n. Provost—G. T. Williamson. Recording Scribe—John Hall. Financial Scribe—C. E. Pitts. Treasurer—R. D. Smithers.

Double Wedding in Richmond.

Mr. and Mrs. Fred S. Myers, of Richmond, have issued invitations to a double wedding, the contracting parties being their daughters, the Misses Stella and Florence Myers, and Messrs. Frank S. Loeb, of Pittsburg, Pa., and Joseph B. Hecht, formerly of Norfolk, now of Greater New York, respectively. The ceremony will be the most brilliant in Richmond in years, and will take place at Temple Beth Ahaba, Dr. Edward N. Calisch to be the celebrant. The reception is to follow at the Jefferson Hotel. Mr. J. Edward Campe, of New York, who is here at present visiting, will attend the ceremony.

New Sound Steamer.

The steamer "Guide," of New York, arrived here yesterday to proceed to New Bern, N. C., to go on the sound. She has been bought by New Bern parties. Her former owner, Capt. Thos. Pitt, brought her here and returned to New York last night with the crew, which came down on her. A Norfolk crew replaced them.

OTHER LOCAL ON PAGE 6

'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 for my pure blood. I told him it was Hood's Sarsaparilla that made it pure." George P. Cooper, Co. G, 25th U. S. Inf., Washington Barracks, Washington, D. C.

Rheumatism—"Myself and a 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 ills; the non-irritating and only cathartic to take with Hood's Sarsaparilla.

BEST FOR THE BOWELS

If you haven't a regular, healthy movement of the bowels every day, you're sick or will be. Keep your bowels open, and be well. Force, in the shape of violent physic or pill poison, is dangerous. The smoothest, easiest, most perfect way of keeping the bowels clear and clean is to take

CANDY CATHARTIC Cabcarets TRADE MARK REGISTERED REGULATE THE BOWELS

KEEP YOUR BLOOD CLEAN

Read and be Wise.

Best Baltimore Lard... 7c. Good Lard... 10c. Best Corn Meal... 12c. New Beans... 6c. quart. Black Eye Peas... 5c. quart. New Mixed Nuts... 10c. pound. Scoded Raisins and Currants, 10c. package. New Malaga Raisins... 12 1/2c. pound. Shelled Almonds... 35c. pound. Soft Shelled Almonds... 15c. pound. Fox River Butter lb. prints, 30c. pound. Royal Patent Flour... 41 1/2c. barrel. We make special prices on goods in large quantities. Remember our special delivery service is the best in the city. "Three wagons."

VIRGINIA GROCERY CO., 6 AND 62 NEW MARKET PLACE, BOTH PHONES 462.

The Saks Store 234-236 MAIN STREET. Open Late This Evening. Sale of Manufacturer's Stock Children's Suits and O'Coats. You've Never Heard of the Like of This Selling. Every mother of every little boy in Norfolk is interested in this announcement. We've bought 535 Boys' O'Coats and Short Pants Suits from a prominent New York maker—whose goods stand high in the clothing trade—and WHO HAS CLOSED OUT HIS ENTIRE SURPLUS STOCK TO US—in consideration of cash down—and that we'll withhold his name. The latter is of no consequence. You don't care who the maker was, for you've got OUR guarantee to insure you. But attend this sale—and attend it TO-DAY if it's a possible thing—and we'll surprise you with BIGGER VALUES THAN EVER BEFORE at LITTLER PRICES THAN EVER BEFORE. They are D. B. Suits, Vest Suits, Sailor Suits, Midder Suits and all styles in O'coats of various materials. These are Suits and O'coats that retail regularly from \$5.00 to \$9.00. We've divided them into two lots:— Those worth up to \$6 Choice, \$3.15 Those worth up to \$9 Choice, \$4.98 Saks & Company.

THE Lowenberg Specialty STORE SUITABLE GIFTS IN— Jackets, Furs, Golf Capes, Suits, Handkerchiefs, Neckwear and Leather Goods —AT— BENJ. LOWENBERG, 34 Granby Street. OLD PHONE 555.

HOME KILLED MEATS! THE ONLY KIND WE SELL—THE ONLY KIND YOU WILL USE AFTER YOU UNDERSTAND THE MEAT PROBLEM. IT WILL PAY YOU TO SEND US YOUR ORDER FOR A NUMBER OF REASONS. J. S. Bell, Jr. & Co., Corner Queen and Church Sts. Old Phone, 555. New Phone, 1010.

FOR A GOOD BOY! A Good Suit of Clothes or Overcoat. A Sensible Christmas Present. You cannot appreciate the values and appropriateness of our assortment of Presents for Gentlemen unless you see them. Dunston & Silverwood DRESS SUITS FOR HIRE. def-eod-1m. Notice to Customers We hereby announce that a REDUCTION WILL BE MADE ON ALL BILLS for Illuminating Gas consumed after January 1st, 1900, of 10 cents per thousand from the regular rate. Bills will be subject to the usual discount of 20 cents per thousand for prompt payment by 5th of following month. The Company desires to take this opportunity to say that further reductions are under contemplation and that these will be put into effect as soon as practicable. CITY GAS COMPANY.

John F. Small, 302 MAIN STREET. Will remove to 65 Granby street January 1st. Dixie Remedy Co. SYPHILIS! Primary, Secondary or Tertiary Syphilis permanently cured in 12 to 25 days. You can be treated at home for the same price under same guaranty. If you prefer to come here we will contract to pay railroad fare and hotel bills, and no charge if we fail to cure. If you have taken mercury, iodide potash, and still have aches and pains, Mucous Patches in mouth, sore throat, sinuses, copper colored spots, ulcers on any part of the body, hair or eyebrows falling out, it is this Syphilitic BLOOD POISON that we guarantee to cure. We submit the most obstinate cases and challenge the world for a case we cannot cure. This disease has always baffled the skill of the most eminent physicians. Absolute proof sent gratis on application. Also Lost Manhood cured, and make you feel like a boy. Also Gonorrhoea, Gleet, Spermatorrhoea, Whites, unnatural discharges, or any inflammation or ulceration of mucous membranes cured. We guarantee 25 cents or money refunded. Write for blanks and booklets on these diseases. Address THE DIXIE REMEDY CO., P. O. Box 629, Norfolk, Va.