

THE NEWS OF NORFOLK ON PAGES 2, 3, 5, 10 & 15.

COURT DECISIONS.

DIGESTED BY W. B. MARTIN. EXCLUSIVELY FOR VIRGINIAN-PILOT.

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

HINTON V. PENN M. L. INS. CO. Supreme Court of North Carolina, February 20, 1900.

A COURT OF VIRGINIA CANNOT RENDER A JUDGMENT WHICH WILL BIND A RESIDENT OF NORTH CAROLINA, UNDER A STATUTE OF VIRGINIA WHICH ALLOWS SERVICE OF SUMMONS WITHOUT THAT STATE, ALTHOUGH SUCH SERVICE WAS HAD, SAID RESIDENT OF NORTH CAROLINA NOT APPEARING IN RESPONSE TO SUCH SUMMONS.

This action was brought by the plaintiff to recover of the defendant company the amount named in a policy of insurance issued by the company upon the life of W. M. Mitchell, and payable to his executors, administrators, and assigns, and which policy had been assigned by Mitchell to the plaintiff. The defendant, in its answer, pleaded an estoppel of records, the nature of which was rendered in the Court of Law and Chancery of Norfolk, State of Virginia. In this suit the administrator of Mitchell brought an action against defendant company for the recovery of the amount mentioned in the policy, and an affidavit was filed therein by one of the officers of the company, in which it was stated that the defendant "claimed no interest in the subject matter of the said suit, but that a third party, John L. Hinton (the plaintiff in the present action), a citizen and resident of North Carolina, had a claim to the amount named in the policy, his claim thereto being that he holds an assignment for value of said policy made to him by the said William M. Mitchell in his lifetime, which alleged assignment has come to the notice of the defendant company."

Under the provisions of the Code of Virginia, notice was served upon Hinton in North Carolina, requesting him to appear and set up any claim he had to said policy, and he failing to appear, the Virginia court gave judgment as the Code required that said Hinton should "be forever barred of any claims in respect to the nature of the matter of this suit against the defendant company."

The lower court instructed the jury that Hinton was bound by this order of the Virginia court, and gave judgment against him, and he appealed. The court says: The court is of opinion that the instruction of his honor was erroneous. All of the evidence showed that Hinton did not appear in the action in the court in Norfolk. In making the order of the court upon the defendant Hinton, claimed the authority to make personal service upon the defendant in North Carolina, under section 2988 of the Code of Virginia. Such an order was invalid and void, and the service made under it was therefore void. Each state has an equal right with the others in point of authority and power, and it is elementary learning that one State, through its courts, cannot extend its coercive power, nor provide for personal service of process, nor affect by judicial determination property outside of its own territory. Any attempt by one State to give its courts jurisdiction beyond its own limits, over persons domiciled, or property situated, in another State, is a usurpation of authority, and is void. This law would not apply, of course, in cases where the courts of one State had made personal service of process upon persons who lived in another State, but who had put themselves within the jurisdiction of that other State. And other methods of giving notice of court proceedings to non-residents are permitted, as service by publication, where the property of the non-resident is brought under the control of the court by attachment or other legal writ; the theory of the law being that the owner is always in possession of his property, and that its seizure will inform him of the seizure, and that he will look out for his interest. And also other methods of service of process will be allowed in cases where property is sought to be partitioned between residents and non-residents. In cases to enforce a contract between such persons concerning property within the jurisdiction; in cases of condemnation of a non-resident's property for public purposes; and also to fix the status of a non-resident as to his relations with a resident within the jurisdiction, as in divorce proceedings. But as was said in Penney v. Neff: "Where the entire object of the action is to determine the personal rights and obligations of the defendants,—that is, where the suit is merely in personam,—constructive service in this form upon a non-resident is ineffectual for any purpose. Process from the tribunals of one State cannot run into another State, and summon parties there domiciled to leave its territory, and respond to proceedings against them. Publication of process or notice within the State where the tribunal sits cannot create any greater obligation upon the non-resident to appear. Process sent to him out of the State and process published within it are equally unavailing in proceedings to establish his personal liability." The attempt, therefore, which was made to make the service upon the defendant, Hinton, through the process from the Court of Law and Chancery in Norfolk, being void, it follows that the judgment based upon that attempted service is also void. Reversed.

COLLUM V. STATE. Supreme Court of Georgia, January 25, 1900.

A CHURCH IS NOT A "PUBLIC BUILDING" WITHIN THE MEANING OF SECTION 725 OF THE PENAL CODE. The court says: The plaintiff in error was indicted under section 725 of the Penal Code, which reads as follows: "If any person shall designedly destroy, injure or deface any public building, its appurtenances or furniture, or shall use the same for an indecent purpose, he shall be punished as for a misdemeanor, besides being liable for the damages." The specific charge against the accused was that he "did enter the Silver Creek Presbyterian Church, a public building, and did use the same for an indecent purpose," the particulars as to which were sufficiently set forth in the indictment. "This indictment, the ground of which was that a church is not a "public building," within the meaning of the above-cited section of our Penal Code. We think the demurrer was well taken, and ought to have been sustained. Although the house referred to in the indictment was there designated as a "public building," the accused did not, by demurring, admit that it was a building of that character, if it would not be such within the meaning of the statute. It can never be held that a church is a public building, in the sense in which the word "public building," as used in this code section, relate exclusively to buildings owned by the public as such; as, for instance, the State capitol, court houses, city halls, and the like. These words probably refer to a "church" which forbids any other constitution, and neither the State nor any other militia district, or municipality, can own or control a "church," and, if a church building should become the property of the public, it would instantly cease to be in any sense a "church." It makes not a particle of difference from what source or sources the means for erecting a church edifice are derived, or whether, after it is erected, it belongs to a church corporation or to an aggregation of individuals holding as tenants in common. It is, at last, in any view of the matter, only private, and not public, property, and therefore not a building which the language used in section 725 of our Penal Code was designed to protect from injury, destruction, or defacement. Reversed.

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VARDEN AGAINST DUNN

Hampton Roads Golf and Country Club's Star Day.

The Champion of the World and Ex-Champion of America Make an Epoch in Golfing in Virginia—Some Wonderful Plays and New Records.

The advent of Harry Varden, world champion golf player, at the Hampton Roads Golf and Country Club yesterday, marked an epoch as distinct in the annals of the raging fad as the Hegira of Mohammed does in the chronology of "The Faithful," and whatever greatness in the game may accrue, be achieved or ruthlessly trust upon this section in the future, all will be purely relative in fireside story to the time when Harry Varden broke the records of the Hampton Roads links. Varden himself didn't appear over elated or conscious of his achievement; in fact, he made the impression of being an exceedingly pleasant, unobtrusive and modest young-fellow, who knew golf pretty thoroughly and heartily enjoyed it. Willie Dunn, of New York, ex-American champion, was almost equally democratic and not all peace that put Varden at his best most of the time. The result was a game abounding in brilliant plays, considerable hard work and some remarkable shots.

Weather and grounds were decidedly against a record and calculated to test the courage and genuineness of enthusiasm of the spectators. It was genuine "Heelan" weather, reminding one of one of Black's descriptions of heat and bog, dike and pond. Shimmering and sheen of cloudy sky, ruffled with blue, in thin swells, giddy pools and through this weather and not all condition of grounds a half hundred ladies and full as many gentlemen, who, for anything else or at most any other time would have thought twice before they faced the wind, vaded the pools and moughed through the mud, even with golf costumes, and not all present were in plaids and kilts and tartans, or their conventional substitutes. Still the show was worth it, and as a health exercise and tonic was delightful.

The match was an exhibition affair between Messrs. Varden and Dunn, and numbers of others went over the links and tried them for future reference and some scores decidedly close to the professionals were made at that.

The match was for thirty-six holes or four times over the links, but only twenty-seven holes were played, the score standing twelve and nine to play in Varden's favor, which made Dunn's winning an impossibility, so the game was called and nine holes more were played as an exhibition run purely, resulting in Varden winning, two up and one to play.

The round of the links was as follows: (1) Vanity Fair, 234 yards, single bunker; (2) Great Expectations, 319 yards, single bunker; (3) Fool's Errand, 445 yards, single bunker and wide ditch in valley; (4) Easy Street, 220 yards, single bunker; (5) Harry's, 233 yards, dip and bunker; (6) Prairie, 363 yards, double bunker and clear; (7) Chillicothe Pass, 238 yards, swamp and brush; (8) Hobson's Choice, 256 yards, deep ditch and high brush or wide marsh and hilly knobs; (9) Santiago, 304 yards, straight-away course. Total distance, 2,610 yards.

The score (official) of the 27 hole match was as follows:

FIRST ROUND. Holes. Varden. Dunn. (1) 4 4 (2) 4 4 (3) 5 6 (4) 0 0 (5) 4 5 (6) 6 6 (7) 4 5 (8) 4 4 (9) 5 4 Total 38 40 \*Varden gave hole rather than play out.

SECOND ROUND. Holes. Varden. Dunn. (1) 4 5 (2) 5 5 (3) 4 5 (4) 4 4 (5) 5 6 (6) 4 6 (7) 4 5 (8) 4 3 (9) 7 6 Total 42 48

THIRD ROUND. Holes. Varden. Dunn. (1) 4 5 (2) 5 6 (3) 5 6 (4) 4 4 (5) 4 4 (6) 5 7 (7) 4 5 (8) 4 5 (9) 3 5 Total 35 41 Grand Total 113 129 Total holes actually played, 25 \*Dunn gave Varden this hole rather than play out.

Summary: Gross, 27 holes; Varden, 16; Dunn, 4. Gifts, Varden 1, Dunn 1. Ties, 7. Net score, Varden, 12 up, 9 to play. Easy Street proved anything but easy atret, as each player lost a hole here through the nature of the ground, while Chillicothe Pass and Hobson's choice were Hills Difficulty, and called out the finest plays of the day; Varden making a double star play on his third round at the latter hole, cutting his ball from the mud with his brassy, clean over the swamp and tree-tops for a hundred yards to the green, a play which drew a round of applause from the crowd, to be followed a minute later by a wonderful put by Dunne, scoring on his third play.

To make the Chillicothe, just before this, Varden used his iron and dropped his ball the exact distance needed, and only some fifteen yards to windward. In this third round had Varden put his ball in hole at Easy Street, as a fourth hole would have made a total of 38 for the round and established a new record for the links. The scorers decided the play made and the record established.

At Fool's Errand in this round Varden made a 240-yard drive, establishing a new record for the links in this line. Another magnificent drive of 180

IN LEGAL CIRCLES

Condemnation Proceedings in Princess Anne to Be Set Aside.

Proceedings in Norfolk Tribunals of Justice Yesterday—A Liquor Law That Does Not Apply to Cities Suit for Divorce—The Flemming Case.

P. J. Morris, attorney for Mary Smith, colored, who is charged with larceny, has secured bail for his client, becoming surety himself in the sum of \$100. The case was set for the April term.

Clarence S. Howell and Wilbur R. Stakes were yesterday granted permission to carry concealed weapons by Judge Hancock. Tony Gomma, a native of Italy, was granted naturalization papers. DOES NOT APPLY. The law passed by the last Legislature, requiring persons desiring to secure liquor licenses to give thirty days' notice of their application by posting a notice at the front door of the County Courthouse and at their places of business, does not, Judge Hancock says, apply to cities.

SUIT FOR DIVORCE. Through Mr. P. J. Morris, attorney, Mrs. Florrie Porter entered suit for divorce yesterday from her husband, Fred Porter. The suit was brought in the Court of Law and Chancery. PROPERTY TRANSFERS. Lillie M. Henley et al. to William E. Capps, third interest in lot with improvements fronting 25 feet on the south side of Highland avenue, 25 feet east of Gibbs avenue; \$500. Mary V. Neely to James H. Hill, lot with improvements fronting 25 feet on the east side of Reservoir avenue; \$950. Hadden Ryan to L. W. Bright, lot with improvements fronting 30 feet on the north side of Bute street, 30 feet from St. Paul street; \$200 and other considerations.

POLICE COURT. Mary Thomas, colored, supposed to be insane, was ordered held for a commission in lunacy. Laura Harris, colored, charged with stealing blankets from Lizzie Whitaker, was dismissed.

Frank Florino and Rocco Mazzeo, charged with fighting, were told to go and sin no more. Richard Boman, colored, paid \$6 for attempting to steal from Edward Devine.

William Frenchie, colored, was taxed \$10.50 for damaging household goods, the property of T. Hunter. FLEMING'S CASE. Two daughters of O. L. Fleming, of Princess Anne county, the convicted slayer of young Clarence Snyder, of this city, visited him at the city jail yesterday. The different members of Mr. Fleming's family visit him frequently and remain with him to the last minute of the time limit. The motion for a new trial in his case will be argued next Tuesday in the Princess Anne County Court.

CONDEMNATION PROCEEDINGS. The April term of the Princess Anne County Court will convene Monday. It is said that Judge B. D. White will render his decision in the matter of the condemnation proceedings instituted by the Princess Anne, Cape Henry and Lynnhaven Bay Railway Company to secure a right of way for their proposed line. The Condemnation Commissioners' report, which has been fought by the Norfolk, Virginia Beach and Southern Railway Company, will be set aside and the proceedings dismissed. It is said, and the proceedings are said, that the commissioners' award was inadequate. Only the nominal award of \$2 was allowed by the commissioners for the right of way on a Virginia Beach thoroughfare, on which six acres of ground would have been used by the railway. It is understood that the fight made by the Norfolk, Virginia Beach and Southern railway was in its own behalf, and also in behalf of the cottagers, who live on the proposed right of way. Mr. J. W. Wilcox represented the railway, and Mr. A. J. Ackles, Commonwealth's Attorney of Princess Anne county, represented the company asking for the condemnation of the right of way.

OTHER LOCAL ON PAGE 10 "Still Waters Run Deep." In your body lies the vital fluid, the blood. It makes no noise, but it gives you life. If it is strong, pure, full in volume and vigorous, you reap the benefit. If not, the still waters of life, tainted and poisoned, are well-springs of disease. Hood's Sarsaparilla purifies the water of life at its source. It makes the blood healthful and keeps it so, as nothing else can.

Family Medicine—"We value Hood's Sarsaparilla very highly. When we feel the need of a medicine we take it and it keeps our systems in good order." N. J. Leighty, Booth, Kansas.

Eczema—"Hood's Sarsaparilla and Hood's Olive Ointment cured eczema very quickly. I would not be without them." Mrs. Rayner, 126 Kellogg Street, Fall River, Mass.

Tired Feeling—"We take Hood's Sarsaparilla for our spring medicine and whenever we have that tired feeling and we find it is good." Mrs. John Work, Cochranton, Pa.

Hood's Sarsaparilla Never Disappoints. Hood's Pills cure liver (bile) and constipation and only cathartic to take with Hood's Sarsaparilla.

Died in England. Mr. Percy L. Clinton, in charge of the Virginian-Pilot's linotype machines, yesterday received a letter from London, Eng., conveying the sad intelligence of the death of his sister, Miss Margaret Clinton, March 15th, of paralysis. She was 39 years of age and had suffered twelve years with the dread disease. Relief was sought in vain for her in the best hospitals of the British metropolis.

Mr. Clinton has one brother in the Suffolk Regiment, now serving in South Africa, and another lately went to the front.

NEW SHOE STORE

It was with pleasure that our representative called upon the new firm of Hornthal & Morris, 272 Main street, and looked over their line of "Footwear." They have the finest display of shoes ever presented to the public in this city, and one of the most magnificent stores in the South, fitted out in the very latest and most attractive style.

They carry only up-to-date stock, stylish and comfortable footwear, and guarantee to all comfort and durability, combined with the latest and most attractive shapes from the finest manufacturers in the States. They have spared neither money nor time in the selection of their stock.

Mr. Hornthal has had several years' experience, and will be pleased to see his friends.

Mr. Morris, formerly with the Lowcountry Shoe Company, takes this opportunity to inform the public that he has lost none of his qualities as an experienced shoe "fitter." "Comfort his motto." His number is 272 Main street.

These gentlemen have secured the valued services of Mr. Archie F. Aydelotte, one of the most courteous young gentlemen in the city, and find him here. Among the popular young men with this new enterprising firm is also Mr. Edward Hofflin, who never loses a chance to make friends, and will give you satisfaction. It will be worth your while to call on these gentlemen before selecting your shoes for Easter.

Fill your wants in Earl & Wilson's Collars and Cuffs and Shirts at RUDOLPH & WALLACE, 323 Main street.

Y. M. C. A. Notes. Through the generous kindness of the Gale Jewelry Company the Board of Directors are enabled to offer as a prize to the winner in a special membership contest, which is being inaugurated on next Tuesday night, a superb solid gold Hunting case, fifteen-jeweled, nickle-movement watch, worth \$65. All members interested in competing for this prize are invited to meet the committee having the matter in charge Tuesday at 8 p. m. in the directors' room, and learn full particulars concerning the rules which are to govern the contest. The watch can be seen in a window of the jewelry company, Main street.

Mr. J. H. Nininger, who made a strong impression upon his hearers at the oratorical contest Friday evening, will address the men's meeting to-day at 4 o'clock. Vocal solo by Mr. W. H. Ward. All men invited. Owing to circumstances, which we had no control over, our gymnasium boys were disappointed in the anticipated pleasure of playing their third game with the Portsmouth team. The gap was filled by a hotly-contested game between two picked teams of the home association, resulting in a score of 33 to 38 in favor of Blues. The line-up was as follows:

Blues—H. B. Russell, captain; Arthur Clay, Woodie Gardner, E. H. Miller, F. F. Priest.

Whites—N. Jacobs, captain; Max Lanford, H. J. Rutter, J. H. Hannah, Eddie Rhea.

Two twenty-minute halves were played. The score at the end of the first half was 19 to 19. The game was very exciting and thoroughly enjoyed by the large audience present. The game was his noted for the many beautiful plays, all of which were liberally applauded.

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THE SAKS STORE

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Did You Read Our "Fit Reform" Announcement Yet?

We hope you did—found to know of its benefits—its advantages. We wish you to continue the subject to a personal acquaintance of the claims we make. Never before has it been certain that every build of man could be fitted in whatever style of Suit or Top Coat that suited his preference.

Now the doubts and mishaps of special orders or alterations are entirely overcome. "Fit Reform" is perfection in Clothes-making.

It governs every Suit and Top Coat in our stock from \$10 up. And it is exclusive with us—registered in the United States Patent Office under official name.

Have you seen the new Ragland Coat?

Men's Fancy Vests. Fine Worsteds, patterns in silk, and wearable. There are both Single and Double-breasted among them—and \$3 was the price they were made to.

Big Monday Specials Among the Men's

Men's Spring Hats \$1.65, Men's

Most worth \$2.75—just a few only worth \$2.50. Some Derbys in all new Spring blocks—but many Fedoras and Golf Hats of latest shapes and colorings. These are the famous "Velvet-finish" Hats, with silk bands and bindings and genuine leather sweat bands.

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