

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

COURT DECISIONS.

DIGESTED BY W. B. MARTIN.

EXCLUSIVELY FOR VIRGINIAN-PILOT.

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

DINGUE v. UNRUE.

Supreme Court of Appeals of Virginia. March 29, 1900.

CASE IN WHICH A MASTER WAS HELD LIABLE FOR THE DEATH OF A SERVANT WHILE ENGAGED IN HIS WORK.

The court says: The refusal of the court to set aside the verdict and grant a new trial is assigned as error.

The case having been properly submitted to the jury, their verdict cannot be disturbed, unless the evidence is plainly insufficient to sustain it.

There is evidence tending to show that the deceased was between 16 and 17 years of age at the time of his death; that he was of weak mind; that he would go to sleep when on duty in dangerous places, and had what some of the witnesses denominated "the sleepy disease"—had to be watched to protect him from injury when in dangerous places; that his mental incapacity was known to the defendants; that he was placed at work in a dangerous drift, under the authority and control of a foreman who was only 17 or 18 years of age, and was not competent (of which fact the defendants had notice) to have charge of the dangerous work of cleaning out a drift into which large quantities of mud, water and barytes had been precipitated a day or two before; that the defendants had notice of the dangerous condition of the mine; and that while the deceased was working in the dangerous drift referred to there was a new fall and rushing in of water and mud, which caused his death.

The evidence of the defendants tends to show that the deceased was not mentally weak; that he had been working for the defendants in various capacities for more than two years; that he was an inexperienced and capable servant; that, although the foreman in charge was young, he was an experienced and competent man for the work; that, while the place in which the deceased was working was dangerous, it was so from the character of the work, and not so by reason of the negligence on the part of the defendants; that the deceased knew its dangerous condition, but made no effort to escape when told to do so, although the other servants working with him in equally or more dangerous positions did escape without injury.

We shall not attempt to state the details of the evidence, which covers more than 100 pages of the printed record, but have merely called attention to what it tended to prove as to material questions on either side, to show how conflicting it was. The questions involved were those of negligence and contributory negligence. They are questions peculiarly within the province of the jury, and especially where the evidence is conflicting. The jury saw and heard the witnesses. They found for the plaintiff. The learned circuit judge who presided at the trial refused to disturb their finding. Neither can we, since we cannot say that the evidence is clearly insufficient to support it. The judgment must be affirmed.

BRUSH v. SMITH.

Supreme Court of Iowa. April 14, 1900.

WHERE VETERINARY SURGEONS TESTIFIED THAT CERTAIN HOGS HAD HOG CHOLERA, IT WAS ERROR TO INSTRUCT THE JURY THAT EXPERT TESTIMONY IS RECOGNIZED BY THE LAW AS THE LOWEST ORDER OF EVIDENCE.

This was an action for damages for the breach of a contract as to the sale of hogs.

The court says: Plaintiff produced two veterinarians who gave evidence respecting the disease known as hog cholera, and who testified that the hogs plaintiff purchased were infected with the disease at the time of his purchase. [Here follows that part of the instruction of the court as to the value of expert testimony which was objected to, and the court continues:] That it announces the correct rule in a certain class of cases, as to where the evidence relates to the genuineness of handwriting, is conceded. But it is argued that in the instant case it was erroneous. The right of the court to give cautionary instructions regarding such evidence is admitted, but it is claimed it was error to instruct in this case that expert testimony was the lowest order of evidence. No doubt, this evidence, being merely the opinions of witnesses, should be received with caution; for it is well known that a witness testifying to an opinion is more likely to be mistaken than a witness who testifies to a fact. But, while it is to be received with caution, it is not always true that it is of little value, or the lowest order of evidence. In some cases it might be of great value, and of the highest character. The disease among animals denominated "cholera" is so well known and established, has been the subject of so much investigation by experts, and its symptoms and effects have become so well recognized by professional veterinarians, that we think evidence given by them, based on proven facts, should not be disparaged as was done in this case. As was said in State v. Townsend: "In view of the peculiar character of the case, we do not think that medical evidence should be regarded as the lowest order of evidence. The attempt to grade the evidence was calculated to mislead the jury, and the instructions cannot be sustained." Reversed.

VIRGINIA BEACH.

Special excursion tickets again on sale, good for round trip, meal, and bath, only \$1, at Atlantic Hotel. Good on all trains. Ask ticket agent for this ticket.

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PUBLIC SCHOOLS HAVE CLOSED

Continued from Page 3.

Varsa Osborne, Bertie Slade, Annie Herrick.

Medallist—Hazel Finch. Promoted—Hazel Finch, Myra Jordan, Maggie Bell, Lottie Capps, Annie Guy, Olive Gorsuch, Hettie Hudgins, Annie Herrick, Rena Holmes, Lula Kelly, Varsa Osborne, Lillian Oberdorfer, Rosa Ryan, Bertie Slade, Essie Tischler.

Eighth Grade Graduates—Miss Annie Reynolds, Miss Edna Leggett, Miss Katherine Jones, Miss Addie Wilson, Miss Myra Gonsuch, Miss Annie Shapiro, Miss Alma Kahn, Miss Ida Davis, Miss Jennie Hecht, Miss Maggie Williams.

Medal—Miss Annie Reynolds. Seventh Grade—Promoted—Florence Cohn Bessie Kern, Sallie, Lathrop, Lena Lowenthal, Blanche Metzger, Mildred Pittz, Bessie Williams, Jennie Wittok.

Certificates—Misses Elsie Bennett, Bessie Kern, Blanche Metzger, Bessie Williams, Jennie Wittok.

The following program was rendered by the pupils: Lullaby—"Sleep, Honey Sleep," school.

Duet—"Danse Ecossaise," Misses Hattie Blake and Lathrop.

Recitation—"Why the Widow Mourns," Miss Gracie Morris.

Guitar and Mandolin—selected, Masters Oberdorfer and Johnson.

Song—"Where Is My Boy To-night?" Master Will Heatherton.

Recitation—"The Christening," Miss Olive Gorsuch.

Piano Solo—"Pond Lilies," Miss May Banks.

Vocal Solo—"Always," Miss Annie Jacobs.

Recitation—"A Sad Mistake," Miss Jessamine Lyon.

"Sweet and Low," Tennyson, Misses Jordan, Blake, Collins, Guy, Jacobs.

Recitation, "The First Spat," Miss Davetta Levy.

Vocal Solo—Selected, Miss Maud Collins.

Violin Solo—Selected, Master Stearnes Dodson.

Vacation Song, school.

Presentation of Medal—Superintendent Dobbs.

Presentation of Gold Certificate.

Presentation of School Certificate.

Presentation of Promotion Cards.

Charlotte Street School.

SESSION OF 1899-1900, EIGHTH YEAR—J. L. BOUSH, RECTOR.

Medallist—Webster Stevens Runaldue, vens Runaldue.

Certificates of Graduation—Webster Stevens Runaldue, William Thomas Law, Walter Barham Jones, George Parker Church, Ira Tilton Holt, M. L. T. Davis, Jr., Charles Slaughter, John Thompson, Richard Stearns Dodson, Hugh Whitehurst, Edward Ehrlich Smith, Kessler Winfield Cahler, H. Colmore Bradford, Walter Percival Gray.

Worthy of Mention—Claude Bain, Verner Cannon, Clyde Davis, Norman Guy, Walton Grandy, Ernest Henry, Allen Marshall, Leonard Moritz, Leroy Rawlings, Emmanuel Summerfield, Alexander Wood, Ernest Whitehurst, Lloyd Williams, Russell White.

Earle Coleman, Jacob Carper Pugh, Samuel Edward Simmons, John Edward Dozier, Rollin Powell, Hyman Myer Schepeler.

Honorable Mention—Vernon Vall, George Theodore Curdts, Harry Mason, Claude Morris, John Gilbert Grubb.

Not Absent a Day During the Term—Edward Ball, Walton Fleish, James Little, Rutledge Williams, Jacob Pugh.

Absent One Day—Laurence Postle, Bernard Wasserman, John Dozier.

SIXTH GRADE—MISS MARY E. GRAMMON, TEACHER.

Certificates of Scholarship—Cecil Gurley Bell, Louis Broady, Frank Cason, Charles Crump, Martin Freeman, Herbert Gerst, Moses Gottlob, Morton Hecht, Harry Tuder Jones, Kenneth Swank Jones, John Y. S. Mitchell, Jr., Marshall N. Whitehurst, Milton Augustus Scott, Clarence Thompson, Solomon Tischler, Fred Wasserman, Paul N. Wright, Henry Cecil Young.

Honorable Mention—Clyde Livingstone Derby, Forrest Eley, Marshall Friedman, Malvern Hall, Henry Daniel Holt, Louis C. Isaac, Roderick Lessele, Joe Markel, Jacob Powell, Earle Raymond Stacy, Cecil Stell.

Neither absent nor tardy during the session—Martin Freaney, Milton Augustus Scott.

FIFTH YEAR—M. F. DEY, TEACHER.

Testimonials of Merit—N. N. Roberts, C. M. Gray, H. B. Merritt, A. L. Eggleston, J. T. Bonney, Harry Barkley, Wm. J. Hosier, H. B. Vaughan, Leroy Cruser, Adolph Kramer, C. M. Deal, O. B. Law, P. H. Grunewald, A. B. Camp, T. D. Hays, P. R. Guess, A. E. Church, Robert McBlair, Neville Merritt, R. H. Page, Herbert Lassiter.

Passed with an average of 75 and upwards on every lesson fifth year—N. N. Roberts, C. M. Gray, H. B. Merritt, J. T. Bonney, W. J. Hosier, H. B. Vaughan, Leroy Cruser, Adolph Kramer, O. B. Law.

Not absent a day—J. T. Bonney, Harry Barkley, P. R. Guess, R. B. Page, H. H. Roberts.

Distinguished in third year—Armand Doyle, Noble L. Day, Kenneth W. Gardner, Mervin Stern.

Pen for improvement in penmanship—Charles Milton Gray.

FOURTH PRIMARY—MARTHA ADKINSON, TEACHER.

Section A—Testimonials of Merit: Ernest White, Wallace James, Harry Egan, Ralph Dawson, James Eley, William P. Jones, Bernard Bell, Marshall Holt, Edgar Salomonsky, George Steiner, Edgar Runaldue, Edward Parker, Israel Broady, Leon Whitlock, Abe Abram, Edward Yeagle, Roland Nu, gent, Albert Frasier, Harry James, Harry Good, Solomon Cohn, Charles Cannon, Glenn Garrison.

Pupils Worthy of Mention—Walter Comper, Byrd Mulken, Earl Townsend, Morris Krampf, Charles Bernard.

Pupils Present Every Day in the Year—Ernest White, James Eley, Albert Frasier, Wallace White.

Leonard Shanks, Alfred Bagley, Richard Morris, Gordon McNair, Amerleas Reynolds, Abram Segal, John Hudgins, Bernard Pitt, Irwin Vanos.

Second Section—Harry Martin, Sampson Heller, James Dosier, Joe Henley, Gordon Cannon, Archie Page, Forrest Hill, Herbert Freaney, John Barkley, Harry Parker.

Honorable Mention—First Section: Andrew Dalton, Alfred Minutolo, Willie Taylor, John Trimyer, Richard Peake.

Second Section: Zac Lyon, Robert Koolage, Harry Kroskin.

Not Absent During the Session—James Dozier, Harry Martin.

THIRD PRIMARY—LELIA H. CLAY, TEACHER.

Third Primary—Roll of Honor: Luther O'Brien, Stephen Cuthrell, Harry Thompson, George O'Connor, Roy Deal, Thurman Deal, Solomon Miller, Montgomery Browne.

Honorable Mention—Peter Knapp, Edgar McClure, Webster Browne.

Third Primary—Roll of Honor: John Bradley, Simon Whitlock, Charlie Twiford, Leroy Wood, John Greenwald, Alexander Hamilton, Charles Anderson, Frank Rives, Willie Twiford, Walter Alexander Vernon Chapman, Winslow Hill, Thomas Tebo, Arthur Plotkin, Eugene Roberts, Raymond Young, Edgar Ricardo, Charlie Pettis, Emmett Wright, Charles Beaver, Clarence Montague, Frank Miller, Amos Bowen, Raymond Nichols.

SECOND PRIMARY—LUCY F. GRAVES, TEACHER.

Roll of Honor—First Division: Herman Floyd Church, Dudley H. R. Wig, Henry Gordon Law, Vernon Holland, Oscar Larmour, Linwood George, Palmer Derby, Floyd Turner, Clarence Sumwalt, Earl Walker, Benjamin Allen, Eugene Wyatt Arthur Barrett.

Second Division—Harry Jones, Leonard Fulford, Elsworth Bonney, Harry Coats, Leslie Lewis, George Morris, Samuel Spandoffer, Paul Taylor.

SECOND PRIMARY—HONORABLE MENTION.

First Division—Lloyd Whitehead, Charles Carmine, Misson Bassett, Charles Bassett, Bernard Kayton, Oswell Lovett, Q. Fulford, Cabbie Anderson.

Second Division—Eddie White, Kenneth White, Archie Sykes, Willie Andruce, Willis Elliott, Herbert Hudgins, Harry Shiprow, Lucy F. Graves.

FIRST PRIMARY GRADE—MABEL LOUISE COLE, TEACHER.

Roll of Honor—Section "A"—Sam Broady, Barry Wilson, Henry McBlair, Alec O'Brien, Tommy Rolland, Daniel Bernard, Fred Winfield, Thane Odell, Gilbert Hunt, Sam Allen, Henry Tripple, Taylor Compton, Herman Steinhilber, Donald Merritt, Vance Veith, Jaken Krampf, Lee Goldsmith, Jerome Kern, Percy Jones.

Section "B"—Frank Dixon, John Knapp, Adolph Knapp, Charlie Wilkinson, Jake Kayton, Manuel Kantrowitz.

HONORABLE MENTION.

Section "A"—William Chapman, Lawrence Atkinson, Charles Mitchell, Sam Goodman, Frank Mitchell.

Section "B"—Donna Allen, Benny Wientfeld, Warren Stewart, Dana Dozier, Douglas McNair, Clifton Stewart.

FIRST PRIMARY GRADE—ANNIE D. WORMSHAM, TEACHER.

Roll of Honor—Max Markel, Willie Flek, George Lawrence, Russel Wood, Fred Teagle, Frank Stroud, Alex Nugent, Frank Sherry, Sol Tischler, Sam Tischler, Rives Darden, Henry Vanos, Isaac Jacobs, Harry Church, Wythe Moore, Martin Sykes, Louis Everett, Luther Dear, Foster Thompson, Arthur Minuto, John Guess, Robert Gomez, Arthur Godfrey Blount, Darden, Raymond, Onell, Harry Miller.

Honorable Mention—Sam Leavitt, Isaac Jacobs, Hicks Rives, Reuben Bryner, Max Lowenthal, Cleveland Parker, Henry Legum, Willie Hathaway, Simon Greenberg, Walter Eustace, Russel Walton.

Present Every Day During the Year—Alex Nugent.

Boush Street School.

JAMES P. BRITT, RECTOR.

Graduates—Miss Lula Armstrong, Miss Beulah Bell, Miss Winnie Cherry, Miss Ada Gerrish, Miss Lizzie Haynie, Miss Pauline Koerner, Miss Carrie McCoy, Miss Lida McWilliams, Miss Lenore Russ, Miss Etta Sharp, Miss Louise Titmus, Miss Ellen Walker, Miss Lee Williamson, Miss Pansy Coffee, Miss Ethel Black, Miss Nellie Buchanan, Miss Fannie Duncan, Miss Nettie Lozrey, Miss Sadie Hill, Miss Winnie Loto, Miss Belle McWilliams, Miss Blanche Miller, Miss Priscilla Russell, Miss Hilda Taylor, Miss Mary Stuart Townsend, Miss Marion Wells, Miss Marshall Wynne.

Medallist—Miss Ethel Black.

Honorable Mention—Miss Hilda Baleson, Miss Bessie Polack.

SECOND GRAMMAR GRADE—MARY S. HUGHES, TEACHER.

Certificates—Mollie Saron, Mary Holt, Sarah Grimes, Helen Armstrong, Nancy Bernard, Lillian Lundie, Addie Bell, Shaffer, Grace Kegebeln, Louise Tucker, Mollie Peberworth, Eleanor Kelly, Laurie Williams.

Honorably Mentioned—Hazel Barnes, Hattie Larmour, May Pitt, Eugenia Mayer, Emily Grubb, Augusta Thornton, Rena Chase, George Miller, Clarine Ross, Irene Morris.

Medallist—Mollie Saron.

THIRD GRAMMAR GRADE—J. B. BYRD, TEACHER.

Certificates of Merit—Christophine Clay, Lola Haynie, Marie Minetree, Addie Dozier.

Honorably Mentioned—Tilly Judkins, Atala Wood, Louise Deans, Nellie Helms, Marie Field, Lillie Wright, Alma Barham.

INTERMEDIATE DEPARTMENT—MISS BLANCHE BAKER, TEACHER.

Testimonials of Merit—Alta Stevenson, May Grant Wall, Carrie Virginia Bell, Mary Lewis Sharp, Clara Tebault Godwin, Lula Jones, Alice Weinberg, Edessa May Reasler, Ella Curdts, Dolly Coates, Nellie Nelson, Alice Corlie Smith, Nannie Rebecca Holt, Virginia Randolph Tucker, Genevieve Kessler.

Honorably Mentioned—Jessie Barham, Mabel Toms, Esther Gerrish, Louise Minetree, Regina Smith, Emily Ward, Edna Wade, Virginia Gray.

For Penmanship—Louise C. Minetree.

For greatest improvement in Writing—Mabel Toms.

Neither absent nor late during year—Nellie Nelson, Lula Jones.

Absent only one day—Carrie Bell, Ella Curdts, Carrie Tripple, Virginia Tucker, Edna Wade.

FIFTH YEAR—IVLYAN S. MOSS, TEACHER.

Certificates—Belle Barkley, Ida Bell, Annie Dyson, Gertie Hall, Lily Harding, Nettie Jones, Lillian Land, Ethel Larmour, Ethel Meeks, Eria Metcalf, Rena Miller, Patty Stephens, Pauline Tebault, Marlon Titmus, Lucile Velines.

Honorably Mentioned—Carrie Allen, Sadie Alexander, Alice Baum, Eula Coleman, Augusta Finck, Willie Garrison, Anna Johnston, Nina Mills, Blanche White, Nannie White, Nettie Weinberg.

Not absent during the year—Belle Barkley, Annie Dyson, Willie Garrison, Eria Metcalf, Pauline Tebault, Marlon Titmus, Blanche White.

THIRD PRIMARY—MISS LILY S. BETTS, TEACHER.

Roll of Honor—Lillian Kegebeln, Mildred Dawson, Edie Hogwood, Della Biltz, Mary Kown, Lillian Haynie, Marguerite Allen, Etta Cannon, Minnie Roughton, Annie Nelson, Irma Vail, Boris Hosier, Mary Salsbury, Carrie Steed, Daisy Johnston.

Honorably Mentioned—Annie Smith, Eva White, Jennie Frasier, Arenas Holt, Hazel Mills, Della East, Bettie Land, Edith Page, Mary Wilson, May Northern, Edna Morton.

Not absent or tardy during the year—Della Biltz, Della East.

FIRST PRIMARY—MRS. V. M. MINETREE, TEACHER.

Honorable Mention—Certificates: Ruth Bell, Bessie Murray, Susie Harding, Floy Baum, Kale Lazzari Helen Rosenberg, Edith Hanbury, Helen Heyl, Minnie Herbert, Ruth Gornto, Amelia Duncan, Lucy Hunt, Sallie Frederick, Virginia Anderson, Berenice Rudick, Florence Foster, Mary F. Hodges, Eva Larmour, Tessa Sweney, Loretta Gates, Mildred Whitehurst, Eugenia Doyle, Louise Davis, Gladys Minetree, Mary B. Jones, Helen Barclay, Bessie Goodman, Laura Speight, Dora Goodman, Mabel Davis, Doris Wood, Ann Jones, Annie Miller, Lucile Murden.

SECOND PRIMARY—MISS M. G. COGGIN, TEACHER.

Roll of Honor—Annie Belote, Sarepta Barkley, Julia Cason, Gretchen Veith, Emily Thornton, Emmie Dear, Myra Whitehurst, Maud Walker, Ruth Ward, Helen Wasserman, Nellie White, Edith Law, Amy Bradshaw, Katie Moore, Fannie Smith.

Honorably Mentioned—Helen Robbins, Hettie Polack, Alma Goode, Freida Vail, Helen Cox, Mose Harding.

Neither absent nor tardy during session—Sarepta Barkley.

Fourth Ward School.

FIRST GRAMMAR GRADE—RICHARD L. DOBBIE, TEACHER.

Gold medal given by the city, presented to Miss Olive B. Cruser for general excellence.

The following is a list of graduates who qualified to enter High School: Miss Olive B. Cruser, Miss Myrtle Thomas, Mr. Frank C. Richardson, Mr. Thomas Williams, Mr. Claude C. Pierce, Mr. Arthur T. Anderson.

The following have not missed a day this term: Annie Segall, Thomas Williams.

The following received certificates of distinction: Janie Davidson, Jacob Raphael, George McCullough, Amber Cruser, Frank McCullough, Laura Poyner, Hattie Sterling, Louise Jaiser, Annie Segall.

SECOND YEAR—HELEN GRANT, TEACHER.

Prizes—Lucy Smith, Herbert Joyner, Roll of Honor—Mildred Jolly, Lucy Smith, Pansy Butt, Susie Butt, Lucy Vogel, Sadie Segal, Dora Fisher, Dora Steinberg, Mary Serrate, Rebecca Serrate, Jessie Davis, Ida Wynn, Helen Fine, Fannie Beskin, Zella Schlemmer, Vera Fisher, Effie Saane, Earl Hansen, Freeman Ferguson, Thomas Pierce, Leroy Duncan, Walter Johnson, Willie Holland, Gladstone Mackenzie, Annie May Hall, Leroy Ireland, Willie Spruill, Earl Cutchins, Herman Bonney, Anthony Barnes, Philip Cohen, Herbert Joyner, John Joyner.

THIRD YEAR—CLAVA V. NEWMAN, TEACHER.

First Prize—Anna Zeitman.

Second Prize—Morris Peskin.

Roll of Honor—Anna Zeitman, Morris Peskin, Ira Craddock, William Stanton, Thomas Webb, James Stokes, John Lapetina, Patty Willford, Bessie Berry, Fanny White, Edwin Pitt, Rosecoe Ireland, Georgia Wallace, Emily Brent, Ruth Cason, Carry Haight, Arthur Ebner, Alice Hare, Walter Shaw, Marlon Gilbert, Lawrence Cruser.

FOURTH AND FIFTH YEARS—LUCY A. HALL, TEACHER.

Testimonial of Merit—Fifth Year: Rhea Dwyer, Nellie Dwyer, Wiley Atkinson, Louis Hurwitz, Earl Jolly, Louis Raphael, Ethel Guyana, Daisy Pickett, Bennie Joyner, Christian Hansen, James Hare, Carry Poyner, Walter Atkinson, Luther Stanton, Anna Goldberg, Frank Corbet.

Prize—Rhea Dwyer.

Continued on Page 6.

The Saks Stores. Don't Forget the Money-Saving Opportunities Here. to-day—for the Men-Folks and the Boy-Folks. The reductions are genuine—and deep. The tempting values touch the purse most lightly, and out of the variety every wardrobe want can be supplied. \$15.00 MEN'S SUITS FOR \$7.77. 10.00 MEN'S SUITS FOR 5.55. 7.50 MEN'S BIKE SUITS FOR 3.85. 4.00 CHILDREN'S SUITS FOR 2.48. 7.00 CHILDREN'S SUITS FOR 3.98. 39c. SHIRT WAISTS FOR 23c. 3.00 MEN'S WOOLEN BIKE PANTS FOR 1.50. 1.50 MEN'S LINEN BIKE PANTS FOR 69c. 3.00 MEN'S EXTRA PANTS FOR 1.50. 5.00 MEN'S EXTRA PANTS FOR 2.98. 85c. STRAW HATS FOR 49c. 50c. YACHT CAPS, ALL COLORS FOR 16c. 50c. SUSPENDERS FOR 25c. 50c. BALBRIGGAN SHIRTS and DRAWERS 23c. 1.00 NEGLIGEE SHIRTS FOR 54c. Saks & Company. 234-236-238 MAIN STREET.

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