

COURT DECISIONS.

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

Notes of Cases Recently Decided Which Are of Interest to Our People.

PATTON V. GARDINER.

Supreme Court of Vermont. November 20, 1899.

WHERE A DEFENDANT OFFERED TO SELL PLAINTIFF A MONUMENT AT A FIXED PRICE, TO BE APPLIED ON DEFENDANT'S DEBT TO PLAINTIFF, AND PLAINTIFF ACCEPTED THE OFFER, THE TITLE TO THE MONUMENT PASSED TO PLAINTIFF.

The court says: The defendants offered to sell a monument to the plaintiff for \$125, to apply on account. The plaintiff said, 'I will take it.' There was no delivery, but the monument remained in the defendant's possession until it was attacked in this suit. The defendants considered it a sale and a payment of so much, but the plaintiff did not so consider it. But there was an offer, and an unconditional acceptance, identical with the terms of the offer, made for aught that appears, with the intention on both sides of creating or changing legal relations. As it does not appear that the plaintiff misunderstood the offer, nor thought it different from what it was, his acceptance must be construed to be an acceptance of it as it was in fact made, and, therefore, the promises were mutual, and a consideration for each other, and made a bargain and sale. As a future application of the price was not contemplated, the contract was effective to apply it at once as part payment of the account, and, as the monument was thereby paid for, and nothing remained to be done but for the plaintiff to take possession of it, the title passed as between the parties. Reversed in part.

DISEASED CATTLE.

SENT BACK TO RICHMOND BY U. S. INSPECTOR FAVILLE, OF NORFOLK.

Sunday's Daily Press, of Newport News, says:

"It may or may not be true that some people are trying to dump diseased cattle into Norfolk and Newport News, but it is a fact that five head of cattle were sent back to Richmond from this city last week, because they were afflicted with actinomycosis, which, in plain, non-technical, Anglo-Saxon, means 'lump-jaw.'"

"It was on October 28 that Health Officer W. P. Creasy was notified that the diseased cattle were here. They had been shipped from the Union stockyards, Richmond, to Mr. W. H. Sears, a Newport News butcher. Dr. Creasy called upon Mr. Sears, who hitched up his horse and buggy and took him out to his slaughter-house, where the cattle were found."

"Mr. Sears told the health officer that he had just received them from Richmond, and did not know that anything was the matter with them, though he was rather suspicious upon seeing that all five of them had lumps on their jaws and under their eyes. He declared that he was willing to ship them immediately back to Richmond, if Dr. Creasy thought best."

"Dr. Creasy, not being well versed in the disease of cattle as in the case of human beings, thought it best to call in a veterinary surgeon, and was considering the advisability of asking the State Veterinarian to come down and look at the cattle. After a consultation with Mr. Sears, however, it was agreed to call in Dr. Faville, of Norfolk. Mr. Sears readily agreeing to pay all expenses and to abide by the decision."

"Dr. Faville came over and looked at the cattle the following day, being met at the depot by Dr. Creasy and taken to the slaughter-house. He was asked to put his opinion of the case in writing, which he did, the letter having just been received by the health officer. In this communication the veterinarian said that the five cattle were badly affected with actinomycosis, or 'lump-jaw,' and were such as he would reject, were they offered for export or slaughter. They were not, wrote Dr. Faville, fit for human food, and should be otherwise disposed of. Such cattle, when discovered in any of the great packing plants, are driven off to the soap factories without ado. Dr. Faville mentioned the fact that several lots of cattle similarly diseased had been received in Norfolk within the past few years."

"Dr. Faville's oral opinion was rendered, however, before the letter was written and, in accordance with it, Mr. Sears shipped the cattle back to Richmond. "Dr. Creasy acquits Mr. Sears of blame or any intention of wrong. He could not have known what kind of cattle would be shipped him, and as soon as he discovered that they were diseased he made every effort to facilitate the investigation and was quick to send the cattle back where they came from. The lumps had the appearance of having been raised by blows that might have been received in transit, as is often the case, and, with the exception of the 'lumps,' were in, apparently, fine condition."

Sunday School Officers Elected.

Lekles Memorial M. E. Sunday school elected the following officers Sunday: T. H. Shumadine, superintendent; F. Odendahl, assistant superintendent; S. S. Booker, secretary; L. B. White, treasurer; C. O. Barron, Jr., organist; Miss Della Stewart, organist. Queen Street M. E. Sunday school has elected the following officers: James H. Watters, superintendent; W. W. Vicar, assistant superintendent; Job H. Gourley, secretary; Benjamin Reynolds, treasurer; Charles E. Scott, organist; George B. Maynard, first assistant organist; James L. Thompson, second assistant organist; Naomi Reynolds, organist; Fred J. Peterson, pianist.

A white shirt for a \$1.00 that has a \$1.50 value.

RUDOLPHI & WALLACE, 333 Main Street.

"Newest Discovery" extracts teeth painlessly. N. Y. Dental Rooms only, No. 374, corner Main and Talbot sts. N. E. of monument; established nearly 20 years. Ennes, Dentist, New phone, 1661.

PEOPLE'S FORUM.

NOTE.—The People's Forum being freely open to all parties, classes, persons, views and capabilities, the Virginian-Pilot is responsible for none of the statements nor opinions expressed therein, nor for the style in which they are set forth. The ignorant and uneducated shall be heard here equally with the learned.

Norfolk, Va., Nov. 3d, 1900.

Editor Virginian-Pilot:

The announcement that our foreign shipping is to be transferred from this port to Newport News seems to me far to have evoked not the slightest opposition, or led to a single act on the part of our business men to forestall so signal a disaster. The surprising statement has been made through the press that it would be a good thing for this port. In view of the fact that our foreign shipping is a blessing to us, I would suppose that we would be benefited also by having a transfer of local shipping. It is well known that one of the greatest commercial benefits of this harbor is the shipping interest. This matter of transportation facilities has been vaunted as the advantage par excellence to which we have confidently looked to make us the greatest city of the South. In view of the premises it is most astonishing that not a word has been spoken or a movement made to retain, and to increase our export business. We need to act and to act promptly. The business men should assemble and devise plans to save this city from a loss that will be irreparable. It will be too late when the transportation companies have completed their arrangements. This is a vital question, affecting the interest of every citizen of this section.

Not Against Organized Labor.

Editor Virginian-Pilot: Dr. Richard A. Wise denies that he knew that the printing office of R. H. Darby, Washington, was not a union office, being carried there by a republican newspaper man, after failing to get the work promised in time by other offices.

He says he has never failed to vote for the eight-hour law and everything in favor of organized labor which has come before him in Congress or in the Legislature of Virginia.

Very respectfully, J. R. WADDY.

November 5, 1900.

BRIEF ITEMS OF INTEREST.

The pupils of St. Mary's Male Academy are arranging for an entertainment to be given in their hall, on Holt street, November 28th. An excellent program has been arranged and the entertainment promises to be, as usual, a high class amateur exhibition.

All active and honorable members of the Volunteer Y are requested to meet to-night at the home of Miss Mattie Albright, corner Monticello avenue and Charlotte street, at 8 p. m.

Miller & Rhodes have placed one of the largest as well as the most expensive signs in the South on the front of their new building. The letters are hand carved and heavily gilded. The work was done by Artist O'Keefe.

Circle No. 5, King's Daughters, will meet this afternoon at 4:30 o'clock. To-day being national election the Circle Exchange will be closed.

The Burgess building, corner of Main and Atlantic streets, was partially filled with smoke Sunday morning about 11 o'clock, caused by the kindling of a fire in a cellar stove, and parties thinking that the building was on fire gave the alarm, which brought the department out.

A slight blaze at Linton's lunch room, No. 65 Commercial Place, about 4:45 a. m. yesterday, was the result of an overheated stove. The only damage done was the burning of the flooring through. Loss, about \$25.

There will be a meeting of the managers and visitors of the Jackson Orphan Asylum at the institution this afternoon at half past 4 o'clock.

Mr. James E. Dey is critically ill at his residence, No. 254 Bank street.

The Conservatory of Music will have no rehearsal of its chorus to-night on account of the election.

The Norfolk Maennerchor.

The German Singing Society, better known as the Norfolk Maennerchor, which was organized October 18th, held their mass meeting in the Walter's Hall, over The Hub store, No. 374 Main street, which place the society has taken for its headquarters. The society already has 20 members and are taking great interest. The object of this organization is to develop the art of music and song, and for social enjoyment among its members. Applications for membership are coming in rapidly and prospects indicate that the society will be a great success. Not only is interest shown by the Germans, but also by Americans who cannot speak German. The next meeting will be next Sunday, November 11th, at 7:30 o'clock. Mr. Chas. Stiebel, the secretary of the society, is with L. H. Wade, at the corner of Washington avenue and Church street, Huntersville, where he is receiving applications for membership.

Epworth League Mass Meeting.

The Epworth League mass meeting to have been held Sunday afternoon and postponed on account of the inclement weather, will convene Thursday evening, 8th instant, at 8 o'clock, in the auditorium of the Cumberland Street M. E. Church. All Epworth Leaguers are earnestly requested to make a note of the change and attend this meeting, as business of importance will be transacted concerning every Epworth League chapter connected with the Seaside Union.

Rev. J. Ernest Thacker, of the Second Presbyterian Church, one of Norfolk's most talented young ministers, will be present and make an address appropriate to the occasion. The musical program will be under the direction of Prof. J. Folland Rives, organist of the church.

The public cordially invited.

The best that money can buy should be your aim in choosing a medicine, and this is Hood's Sarsaparilla. It cures when others fail.

Election Returns.

Full election returns will be received by private wire at Barton's Auditorium Theatre, corner Union and Nebraska streets, Tuesday night, and will be displayed by a stereopticon on a large screen in conjunction with a fine show.

Fine colorings, select designs, perfect workmanship in the garments tailored by RUDOLPHI & WALLACE, 333 Main Street.

Eyes Examined Free.

Dr. A. Weck manager of the optical department of the Gale Jewelry Company, will examine your eyes free. Defective vision and complicated cases specially invited to call. je26-1f

FALL TERM OPENS.

Law and Chancery Court Has a Will and a Decree.

Adams Indicted and Bailed for \$300 Discharge Refused to a Bankrupt—Work in the Corporation Court Begun With a Full Docket—Judge Martin Presides.

In the Court of Law and Chancery yesterday the will of Solomon J. Wiggins, dated October 25, 1900, was admitted to probate, and J. B. S. Colvert qualified as executor of the estate under a bond of \$600, without surety. Appraisers: Charles S. Curry, Hugh G. Miller, P. J. Morris, William Thoroughgood and Dan Salter. Thomas Townsend vs. W. J. Baxter, Jr., in chancery; decree awarding the plaintiff a verdict for \$1,000, with interest from March 21, 1899, and ordering United States Marshal to pay to the plaintiff the amount due upon five notes for \$10 each belonging to W. J. Baxter, Jr., and held by J. D. Lowenber.

ADAMS INDICTED. Charles Adams, the young man who shot five times at Harry V. Stokes at the City Market last Wednesday morning, was bailed in the Corporation Court yesterday in the sum of \$500, with Mr. N. B. Joyner surety. Adams was indicted by the grand jury yesterday. He will be tried November 13th. BANKRUPT NOT DISCHARGED. In 1883 Mr. Solomon Hamburger got a judgment for \$12,000 in the United States District Court against the firm of Hofheimer & Son, of which Henry Hofheimer was a member. Henry Hofheimer, now a resident of New York, filed a petition in the United States District Court there for a discharge in bankruptcy.

The Hamburger Tobacco Company, of which Solomon Hamburger is the representative, opposed the discharge of Henry Hofheimer, on the ground that he had property that had not been disclosed. When the case came before the referee in bankruptcy he decided that the discharge could not be granted.

There will be an attempt to find and attach the property.

JUDGE MARTIN PRESIDES.

The November term of the Corporation Court began yesterday, Judge W. B. Martin presiding for Judge Lincoln, who was engaged with the Electoral Board counting the ballots to be used in to-day's election. No trial will occur till Thursday because of the election.

The following grand jury was empanelled: I. Moritz, P. H. Thomas, W. W. Fezler, W. T. Hyslop, M. McKeever and J. A. Butt.

The following true bills were found: C. W. Bain, J. H. Goldsmith, Curtis King, Bill Darden, George Warner, grand larceny.

Edward Wilson, William Johnson, W. W. Reid, alias Jones, James Williams, Isiah Riddick, alias Charles White, and Bill Darden, housebreaking.

Charles Adams, felonious shooting. Criminal cases were set for trial as follows:

November 8th—James Williams, William Johnson, J. H. Hoffman, Sarah Anthony, Willie Coffey, George Carroll, J. B. Brown, Harry Young, Martha Walker and Sam Stone.

November 9th—Daniel Giles, W. F. Irwin, James Hicks, Robert E. Freeman, George Bell, Cora Jones and Henry Rubatz.

November 13th—Charles Adams, William Darden (two cases), W. W. Reid, alias Jones, and Ed. Moseley.

November 14th—George Warner, Curtis King, Rosa E. Johnson, Isiah Riddick and C. W. Bain.

November 15th—J. H. Goldsmith.

IN THE POLICE COURT.

In Justice Taylor's court yesterday there were forty-five cases, for which there were mostly fines and jail sentences, but \$35.25 in cash was paid. Some of them were:

Margaret Harris and Charles Thomas, both colored, drunkenness and disorderly conduct, fined \$4.25 each.

Charles Varbias and Hans Sacher, vagrancy; thirty days in jail each. Frank Schroeder, assaulting B. Kisser, fined \$7.25.

Charles Smith, colored, housebreaking, continued until November 10th.

Kelly Ruffin, colored, larceny of \$1.20 from Moses Hargroves; ninety days in jail.

Jack Copeland, nuisance; \$100 good behavior bond for four months. Fannie Paxton, colored, drunkenness and disorderly conduct; fined \$4.25.

John J. Kellenger, nuisance; fined \$7.25. Ed. Moseley, colored, disorderly conduct; fined \$7.25.

Mary Thomas, colored, breach of the peace and profanity; fined \$7.25. Nelson Boone, colored, carrying a concealed pistol and threatening to shoot Lizzie Peoples, 41 Hull street; fined \$5.25 and six months in jail.

William Thomas, drunkenness and disorderly conduct; fined \$4.25. Annie Thomas and D. Glover, both colored, public nuisance; fined \$7.25 each.

Johnson Hickey, drunkenness and sleeping on the street; \$100 good behavior bond for four months. D. M. Trout, threatening James G. Walker; continued until Wednesday and the defendant bailed.

REAL ESTATE TRANSFERS. Jennie P. Lee to George McIntosh, property at the northeast corner of Chapel and Mosley streets; \$1,150. Jessie E. Townsend to Charles H. Diggs, lot with improvements at the southeast corner of Bute street and Monticello avenue; \$3,500.

Michael McKeever to Joseph W. Spang and J. L. Bunting, property on the north side of Washington street; \$500. Reuben D. Cleveland to Titon Conklin, two lots fronting 50 feet on the west side of Riverview avenue, Atlantic City ward, with all riparian rights; \$7,500.

Annie E. Dalby to Sallie Williams, Elsie Wilson and Alice Blufford, property fronting 22 feet 6 inches on Church street; \$100. Ellen G. Hobday to M. L. T. Davis & Co., lot and buildings on Water street; \$2,500.

Riverview, Just North of City Park. Street cars now running through Riverview. Ride out and take a look at this fine water front property. When a person is building a home on a 50 foot lot, a good cellar adds at least \$500 to the value of the lot. Examine the excavation for a 40 foot by 30 foot cellar at the corner of Forty-second street and Holly avenue. RIVERVIEW PARK CO., C. M. RANDOLPH, President, H. C. WHITEHEAD, Secretary. tf

High grade underwear and hosiery. RUDOLPHI & WALLACE, 333 Main Street.

OTHER LOCAL ON PAGE 6.

The Shoes that you wear

should be stylish and serviceable—and comfortable.

If they're Hornthal shoes they are—for Hornthal shoes

have no superiors.

Hornthal shoes are guaranteed shoes. The makers vouch

for the goodness of every pair—and so do we!

That's better than taking chances with shoes of unknown

qualities—isn't it?

Men's \$3.50 "WALK-OVERS" walk over the best \$1 shoes that you ever wore.

HORNTHAL & SON, 272 Main Street.

CURED AS SOUND AS A DOLLAR.

Emaciated, Pale and Badly Run Down by Catarrh!

HE IS ENTIRELY WELL NOW

Mr. Gorley says: RUN DOWN, LAST SPRING AND SUMMER BY CATARRH of the nose throat and stomach, I WAS SO PALE THAT MY COMPLEXION WAS JUST THE COLOR OF WHITE WAX, and ANYONE COULD TELL JUST BY LOOKING AT ME THAT I WAS A VERY SICK MAN. At that time I was employed as a traveling salesman and I consulted many physicians in the various cities I visited.

MORE THAN A DOZEN DOCTORS in Danville, Lynchburg, Staunton, Cumberland, Md., and Norfolk, TRIED THEIR SKILL ON MY CASE, BUT I ONLY WENT FROM BAD TO WORSE. I PAID OUT OVER A HUNDRED DOLLARS IN FEES, but WITHOUT BENEFIT. They did not seem to know what ailed me or what to do to remedy my trouble. If I had been staying in Norfolk, and had consulted DR. FERRY at once, but being on the road I tried others and did not go to him until I HAD GIVEN UP ALL HOPE OF GETTING RELIEF ELSEWHERE. UNDER DR. FERRY'S TREATMENT I BEGAN TO IMPROVE AT ONCE AND PROGRESSED STEADILY UNTIL NOW after a couple of months treatment I FEEL AS WELL AS I EVER DID IN MY LIFE. I have known DR. FERRY ten years and know that he is a skillful physician and conscientious gentleman, whom it gives me pleasure to recommend to those needing his services.

A. L. GORLEY, 415 Clay Avenue, Brambleton—now employed at the Navy Yard.

Rooms 3 and 4 No. 374 Main Street, over "The Hub." Specialties—CATARRH and all diseases of Eye, Ear, Nose, Throat, Chest and Stomach.

Hours, 9 a. m. to 12:30 p. m.; 2 p. m. to 6 p. m. Sunday hours, 10:30 a. m. to 12:30 p. m. Tuesday night, Thursday night and Saturday night, 7:45 p. m. to 8:45 p. m.

CONSULTATION ALWAYS FREE. Medicines furnished, Terms moderate. Eyes examined for glasses free of charge.

DRY SLAB WOOD

Dry and Green Oak Wood. Dry Pine Wood.

COAL OF ALL KINDS.

Prompt Delivery.

CHAS. E. SCOTT & CO., 200 LOVITT AVENUE, Old Phone, 221. New Phone, 1124

Important Notice! Special limited quantity of FINEST HAVANA CIGARS.

For box trade at factory prices. Hamberger's Cut Rate Ticket Office

A WORD TO PHYSICIANS.

We have just received from the well-known Fraser & Neave Manufacturing Co., of New York City a complete line of the celebrated Fraser Medicine Cases, including Pocket Vial Cases, Huggy Cases, Medicine Chests and Leather Medical Cases of every kind. These goods are all made in Fraser's own factory, by skilled workmen and of the very best material in the market. We extend a cordial invitation to the Physicians of Norfolk and vicinity to call and examine these cases, and as a special offering for three days only, we quote the following very low prices on these celebrated goods:

Fraser's Obstetrical Bag. Made of strong Black Seal-grain leather, lined throughout with leather or Chamois, suitable for carrying obstetrical and other long instruments, also containing six two-ounce bottles arranged in loops on one side—this is Fraser's regular \$6 Bag—Our special price \$4.69

Fraser's Stimsoy Case. Emergency case, 6 1/2 inches long, 2 1/2 inches high and 1 3/4 inches thick, made of hand-sewn Morocco grained leather and contains six ounce French square screw-cap bottles, lined throughout with leather; usually sold for \$3.50; special price \$2.49

317 Main St. We close at 7 p. m., Saturdays Excepted. S. S. PHONE, 061.

STEIGER'S TRUNK & BAG FACTORY, 249 MAIN STREET, NORFOLK, VA.

Telling Prices and Selling Prices that Win Trade.



Careful buyers have long since reached the conclusion that it pays far better to buy legitimate values that are sold in a business-like way than wasting money in the vain endeavor and expectation to buy good dependable—seasonable—new—fresh—fashionable wearing apparel under a pretext of half price or less.

The substance of this sort of business usually pans out that goods advertised to be sold under such enormous discounts are generally of inferior quality—irregular—shop-worn—or contain other undesirable features that make them, by reason of their antiquity or imperfections, or both, so undesirable that there is nothing else left to do than try to get rid of them on the best terms possible, and even

then the customer gets the worst end of it when it is considered that new—stylish—fresh—reliable—correct fitting garments of standard make-up can be had from the manufacturers on a basis of retail price equivalent to cash wholesale figuresments and to have such advantageous opportunities to select from such a large assortment of patterns and sizes, besides a guarantee that guarantees complete satisfaction—complete wear and complete fit equal to garments made to measure.

Men's and Young Men's Fashionable Winter Suits \$4.95--\$5.90--\$6.85--\$7.40

Four powerful big bargain creations in Men's and Young Men's Stylish Form Fitting Winter Suits, made from fabrics that will wear—hold their color—shape and render good service—plenty of patterns—plenty of sizes—plenty of shapes—there isn't a suit in the entire lot that is of poor quality, regardless of the cheapness of price under which it is quoted.

Men's and Young Men's Fashionable Winter Suits \$7.95--\$8.90--\$9.35--\$10.00

It would take a to-order tailor, and a good one, to equal the workmanship—style—tone—finish and fit of these suits, on sale to-day at only \$7.95--\$8.90--\$9.35--\$10.00 for a pick and choice of sizes—the patterns are in neat stripes—checks and solid colors—of dependable pure wool cassimeres and Cheviots, and the wear can be relied on in every particular.

Men's and Young Men's Fashionable Winter Suits \$11.85--\$12.50--\$13.65--\$14.40

Another set of price scales that are interesting money savers to men and young men, seeking the best and finest value possible to be had for the money spent. These are high grade—perfectly tailored Al suits in every particular—choice patterns and in every respect the most desirable goods that has been brought forward throughout the progress of the season.

BURK & CO. 252-254 Main St. 8-10 Atlantic St.

CLOTHIERS, TAILORS, FURNISHERS, HATTERS. 5 Big Stores. NORFOLK, RICHMOND, NASHVILLE, BALTIMORE, DALLAS.

THOSE FASHIONABLE TWEEDS

in modest Gray, Brown and Greenish mixtures, that the \$40 to \$60 a suit tailors are showing, are here

Ready-to-wear and Fit-at-once, at Prices From \$15 to \$25.

These goods are the products of the very best wholesale tailoring establishments in this country, and it is our business to see that you are suited and properly fitted.

DREWREY'S, 317 Main St. We close at 7 p. m., Saturdays Excepted. S. S. PHONE, 061.