

COURT DECISIONS.

DIGESTED BY W. B. MARTIN
EXCLUSIVELY FOR
VIRGINIAN-PILOT.
Notes of Cases Recently Decided
Which Are of Interest to
Our People.

WATSON V. BLACKSTONE, JUDGE,
Supreme Court of Appeals of Virginia.
September 27, 1900.

THERE CAN BE NO APPEAL TO THE CIRCUIT COURT FROM THE ACTION OF A CORPORATION COURT IN THE MATTER OF GRANTING LIQUOR LICENSES, AND SECTION 5 OF THE ACT OF MARCH 6, 1890, ALLOWING SUCH AN APPEAL, IS UNCONSTITUTIONAL AND VOID.

The following order was entered in the case, the court delivering no opinion:

This day came again the parties by counsel and the Court having maturely considered the petition aforesaid and the arguments of counsel, is of opinion that section five of an act approved March 6, 1890, as amended by an act passed March 7, 1900, "prescribing the mode of obtaining license to sell wine, ardent spirits, malt liquors, or any mixture thereof" confers upon the Circuit Courts power to entertain an appeal from and to review the action of Corporation and Hustings Courts in respect to granting or refusing such licenses; and being further of opinion that by virtue of section 14 of article 6 of the Constitution of this Commonwealth, Corporation and Hustings Courts are vested "with similar jurisdiction which may be given by law" to the Circuit Courts, and are therefore of co-ordinate dignity with the Circuit Courts, and being further of opinion that the act aforesaid, in so far as it undertakes to confer appellate power upon the Circuit Court by appeal, writ of error or certiorari to review an action of the Corporation or Hustings Courts, is, for the reasons aforesaid, null and void, it is therefore adjudged and ordered that a writ of prohibition be awarded according to the prayer of said petition commanding the defendants to proceed no further in the Circuit Court of the City of Newport News upon the appeal granted in the Corporation Court of the City of Newport News to said Circuit Court in the matter of the application of Charles Delaney for a license to sell wine, ardent spirits, malt liquors, or any mixture thereof, and it is further adjudged and ordered that the service of an office copy of this order upon the said defendants shall have the same force and effect as the execution upon them of a writ of prohibition issued in pursuance hereof. And it is further adjudged and ordered that the plaintiff recover against the defendant, except the said J. W. G. Blackstone, Judge as aforesaid, their costs by them expended in the prosecution of this proceeding.

Which is ordered to be certified to this said Circuit Court of the City of Newport News.

TIESLER V. TOWN OF NORWICH,
Supreme Court of Errors of Connecticut
October 4, 1900.

IT IS NOT THE DUTY OF A MUNICIPAL CORPORATION TO REMOVE A CARRIAGE BLOCK FROM A HIGHWAY UNLESS ITS SIZE, LOCATION AND SURROUNDINGS WERE SUCH AS TO OBSTRUCT THE PUBLIC IN THE USE OF THE HIGHWAY.

This was an action for injuries sustained by the plaintiff from stepping on an icy carriage block in the street, near the sidewalk. From a judgment for plaintiff the town appealed.

The court says:

The duty of a town to remove possible obstructions from a highway is modified by rights pertaining to adjoining proprietors and to the public in the use of the way. Every adjoining proprietor has a right of access to the travelled part of the highway. If separated from the driveway by a sidewalk, he has a right of access with his carriage across the sidewalk, if convenient to enter his carriage at the driveway, he may use a stepping stone or carriage block for that purpose, provided this can be done without unreasonably obstructing or endangering public travel. So a carriage block may properly be set up before a public place for the use of the general public. A slight possible obstruction must be endured for the sake of the general convenience in using the way. Towns are not made insurers of safe travel, and their duty in providing a sufficiently safe highway is necessarily affected by the special rights of adjoining proprietors, as well as by beneficial results to the travelling public as a whole, and by the necessities of business.

In the present case it was not the duty of the town to remove the carriage block, unless its size, location, surroundings, etc., were such that, in view of the adjoining proprietors' rights, it unreasonably obstructed or endangered the public in the use of the sidewalk, whereas if a stone of the same size were on the sidewalk without any reason or excuse, it might be the duty of the town to cause its removal. The charge does not make this distinction clear. While it may be objectionable as far as it goes, it does not go far enough. Indeed, upon the admitted facts and testimony of the plaintiff, as they appear in the record, the trial judge might have been justified, while distinctly submitting all questions of fact to the jury in expressing his own opinion that the weight of the testimony showed that this carriage block did not unreasonably obstruct or endanger public travel. Reversed.

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

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 \$300 to the value of the lot. Examine the excavation for a 40 foot by 36 foot cellar at the corner of Forty-second street and Holly avenue, Riverview.

THE RIVERVIEW PARK CO.,
C. M. RANDOLPH, President,
H. C. WHITEHEAD, Secretary. It

A white shirt for a \$1.00 that has a \$1.50 value.
RUDOLPHI & WALLACE,
333 Main Street.

VIRGINIA ELECTS TEN CONGRESSMEN.

Continued from Page 1.

WISE WILL CONTEST.

Williamsburg, Va., Nov. 7.—While the election for President did not pan out to the satisfaction of all good Democrats here, they are nevertheless taking the news quietly and hope to do better next time. The vote throughout this section was the largest ever polled both parties putting in their full strength. The handsome majority gotten by the gallant Maynard will not deter "Dr. Dick" from making a contest for the seat. He stated this morning on the streets that he would contest and would put in the penitentiary some of those fellows (meaning Democrats) for confident of winning the seat, and speaking of it as if all they had to do was to knock at the door and be admitted.

M'KINLEY IS TALKING.

SPEECHES AT SEVERAL PLACES EN ROUTE TO WASHINGTON.
(By Telegraph to Virginian-Pilot.)

Pittsburg, Pa., Nov. 7.—President McKinley's trip from Canton toward the national capital to-day has been one continuous ovation to the twice-elected head of the nation. At every stop there have been great outpourings of the people, business has been suspended and many factories along the line have added their thousands of workers, men and women, to those who have joined in enthusiastic greetings. The President has appeared at each stop, shaking hands from the rear platform and making short speeches at the more important towns. Mrs. McKinley has received her share of the popular tribute, men and women struggling to present her with flowers. Patriotism, the flag and the volunteers' uniform have figured everywhere, and the trip has been in the nature of a triumphal journey to the capital.

HIS FIRST SPEECH.

The President made his first speech of the day when the train arrived at Alliance. The town had turned out en masse to meet him with bands and banners. When the President appeared there were deafening cheers, to which he bowed and smiled acknowledgment, and then said:

"My fellow-citizens—I have not failed to observe the verdict of Alliance, given on yesterday (long continued applause), and I cannot refrain from expressing to you in passing my very great appreciation of this vote of encouragement and support from my old friends and neighbors of Stark county. (Great applause.) I observe that majorities rise with prosperity (great applause) and that the American people never fail to support the flag. (Applause.)

"I thank you and bid you good afternoon. (Tremendous applause and cheering.)"

AT SALEM.

In the big factor town of Salem, the President bowed his thanks, and when order was partly secured, he said:

"My fellow-citizens, it has been many years since I had the privilege of meeting an audience in the city of Salem, and I assure you that my greeting and welcome to-day give me very sincere pleasure.

"You are here to celebrate a victory won, not by a single party, but by the people of all parties. (Great applause.) I go back to my public duties at the capital encouraged by your confidence, but deeply conscious of the grave responsibilities which your action of yesterday imposes upon me. I can only ask of all my countrymen their sympathy and support in the solution of the great problems that rest upon the United States; and I am sure that all of us will humbly petition the guidance of that Divine Ruler, who has never failed this Government through all of its vicissitudes from its beginning to the present hour. I thank you and bid you good afternoon." (Tremendous applause and cheering.)

ALASKA.

A MILITARY TELEGRAPH LINE COMPLETED.

(By Telegraph to Virginian-Pilot.)

Washington, Nov. 7.—General Greely, chief signal officer has received a dispatch saying that the military telegraph line has been completed from Port Egbert, or Eagle City, Alaska, to the international boundary line near Dawson. The Canadian line extends from the boundary to Dawson, and from that city southward to Skagway. There is a gap of about 35 miles in the line from Dawson to Quesnelle, and the Canadian company are considering the advisability of covering this line by couriers during the winter. The building of the line had to be abandoned on account of severe weather. As the line reaches Skagway, it is within three days' sail of the telegraph office at Victoria, and this brings the troops of the United States at Port Egbert, within telegraphic communication with the Department here, save the three days' delay.

A Marchioness Divorced.

(By Telegraph to Virginian-Pilot)

London, Nov. 7.—The Marchioness of Anglesey has been granted a divorce from her husband, who is head of the Page family. The case was heard in camera.

You have read of the cures by Hood's Sarsaparilla, and you should have perfect confidence in its merit. It will do you good.

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

Young Couples Can Get

Their first lessons in economy by buying their outfits here. We know what we're talking about; we know our prices cannot be matched in this city. This may sound like boasting, but that doesn't alter the facts in the case. We are ready to prove what we say if you will come and look over our line of goods. Our three-story building, extending from Church to Newton street, with ten thousand square feet of floor space, is filled to overflowing with furniture, carpets, stoves, matings, &c.

WILLIAMS & SYKES,
561 and 563 Church St., near Queen.

"Newest Discovery" extracts teeth painlessly. N. Y. Dental Rooms only, No. 324, corner Main and Talbot sts. N. E. of monument; established nearly 20 years. Ennes, Dentist. New phone, 1,681.

FALL TERM BEGINS.

Twenty Grand Jury Cases and Four Criminal Trials.

Important Session of the U. S. Court—Railway Pays \$3,000—Whitehurst's \$10,000 Suit—Election Cases Continued—Morris Walk Sentence.

The Fall term of the United States District Court begins to-day. There are twenty indictments to be considered by the grand jury. At the conclusion of the work of the grand jury the court will adjourn until the first Monday in December, when the Government will be ready to proceed with the Prince trial.

Gen. Edgar Allan, U. S. District Attorney, arrived here yesterday to prepare for the important term of this District Court.

The list of officers that will be presented to the grand jury for consideration embraces not only a larger number than usual, but some of them are cases the like of which has never been before the United States District Court here before. Even if they were unimportant cases there are enough of them to occupy the attention of the court for several weeks.

In addition to those, however, there is the case of Michael H. Prince, former police captain, to appear before the court on the charge of murder, for the killing of Charles J. Cannon. Cannon was killed on the property outside of postoffice building on Main street, and therefore he will be tried in the United States Court.

There is the case of Frank S. Oliver, charger with the crime of assault at Old Point, on the reservation of the United States, and, therefore, in the jurisdiction of the United States District Court under Judge Edmund Waddill.

There is the case of Frank Moran, a boarding-house keeper on Main street, who is charged with shanghaiing sailors and defrauding them of their wages.

There is the case of Otto Klan, of Newport News, who is charged with smuggling articles into the United States without having paid duty thereon. Some of the articles on which the duty had not been paid were found in his possession, namely, a box of cigars, 12 bottles of brandy and 25 bottles of gin.

These cases may not be all tried, but they will doubtless be called at this term and set for trial hereafter if not tried.

No doubt the grand jury will develop other cases of interest for offenses of various kinds, which cannot be published until the indictments have been found.

RAILWAY PAID \$3,000.

The suit of the negro boy W. S. Carter, who lost a leg by being shot by Special Officer Barrom, of the Norfolk and Western railway, was compromised yesterday, Carter agreeing to accept \$3,000 from the Norfolk and Western railway. A jury gave him a verdict for \$5,000.

WHITEHURST SUIT.

Witnesses for the city have been summoned to testify in the \$10,000 damage suit of Whitehurst vs. the city of Norfolk, which is to be tried in the Court of Law and Chancery to-day, as follows: E. R. Joyner, S. G. Williams, John Spann, George M. Heppel, M. J. Cannon, E. L. Mason, M. J. Vellines, George E. Power, Bernard McDermott, and Dr. S. A. Sutton.

ELECTION CASES CONTINUED.

J. W. Archer, the negro preacher, and Dennis Boykin, colored, arrested on Tuesday for attempting to vote illegally in the Fourth ward, appeared before Justice Taylor yesterday morning for trial. The Commonwealth was not ready to proceed, and the cases were continued until to-day. Archer and Boykin were both released upon their own recognizance.

MORRIS WALKER'S SENTENCE.

Morris Walker, colored, filled a trunk in the house of R. H. Winn, colored, and stole clothing belonging to John Brown, Jordan Morgan, Henry Keloase and John Amey, all colored, and was sentenced to six months in jail by Police Justice Taylor yesterday.

OPEN ON ELECTION DAY.

James H. Harris, colored, proprietor of a saloon at the corner of Smith and Queen streets, was arrested on a warrant charging him with keeping his place open on election day. The case was called in the Police Court yesterday and was adjourned until to-day.

REAL ESTATE TRANSFERS.

J. B. McLean, trustee, to Deanie E. Burcher, personal property at 76 and 78 Avon street; \$25.

Security Real Estate Company to J. H. and R. J. Gourley, property at the northeast corner of Reeves and Brown avenues; \$3,000.

J. H. Gourley to F. M. V. Randlett, lot with improvements on the north side of Highland avenue, near Maltby avenue; \$1,500.

F. M. V. Randlett to West End Annex Company, the same property; \$1 and other considerations.

SUIT DISMISSED.

The suit of Einstein Bros. against William and F. N. Holtzman was, on motion of the plaintiff, dismissed from the docket in the Court of Law and Chancery yesterday.

MARRIAGE LICENSES.

Harry Eugene Chase to Lillian Riddick Porter.

Ernest B. Wilson to Clara Gertrude Fox.

Charles Edward Wood to Maude Aileen Bulluck.

CAPE HENRY SYNDICATE.

Judge Hanckel granted a charter to the Cape Henry Syndicate yesterday to engage in the real estate business and to build wharves and docks. Capital, from \$2,000 to \$5,000. Officers: L. D. Starke, Jr., president; F. Richardson, secretary and treasurer; W. D. Southall, secretary and treasurer, and J. Edward Cole, attorney. These, with W. H. Taylor, Robert W. Shultice, E. E. Field, W. W. Galt and D. Carpenter, compose the Board of Directors.

IN THE POLICE COURT.

Not an unusual number of cases appeared in the Police Court yesterday morning. The election was orderly and the people were sober and peaceful. There were nineteen cases, and \$64.50 was collected in fines.

Matt Walker, colored, stealing a vest from J. W. Spagat; dismissed.

Mason Young, colored, obstructing the street; fined \$7.25.

Henry McCabey and Charles Felton, colored, vagrancy; in jail each.

Edward Jones, colored, disorderly conduct; fined \$7.25.

M. W. Litchfield, drunkenness and carrying a concealed pistol; fined \$51.75.
Robert Tabb, colored, disorderly conduct; fined \$4.75.
Willey Knight, colored, assaulting A. Liggett; fined \$4.75.
Irene Perry, colored, abusive language; fined \$7.25.
Sidney Litchfield, colored, larceny; continued until November 13th.
John Bishop, vagrancy; ordered out of the city.

AFFAIRS IN CHINA.

MINISTER WU AND SECRETARY HAY CONFER.

(By Telegraph to Virginian-Pilot.)

Washington, D. C., Nov. 7.—Minister Wu called at the State Department to-day and talked with Secretary Hay for half an hour about the proceedings of the foreign ministers at Peking. The department takes the ground that, while the ministers themselves are trying to get together on common grounds, to present a united front to the Chinese in the negotiations, it would be highly impolitic to make public any little dissensions or differences. So all that can be gathered officially is that fair progress is making.

Minister Wu was concerned at the situation at Pao Ting Fu, where the Germans seem to have condemned to death certain high Chinese functionaries. This subject promises to lead to energetic remonstrance from the Chinese Government. Mr. Wu handed to Secretary Hay the following:

"Cablegram dated November 6th, 1900, from Viceroy Chang Chin Tung, received by Minister Wu on the morning of November 7th:

"The other day I received a telegram from Chen, governor of Shen Si, informing me that Yu Hsien had committed suicide by swallowing gold leaf, which news I wired to you. I have now received another telegram from Governor Chen stating that he has not yet received confirmation of Yu's death, and he fears it is not reliable. I have, however, learned that Yu Hsien has left Shen Si and that the governor of Shan Si, Hsi Liang, is taking the responsibility of suppressing all rioters. Please convey the above to the Honorable Secretary of State."

THE EMPEROR WILL RETURN.

Rome, Nov. 7.—The Peking correspond-

FARMERS provide yourself with Pain-Killer at this season of the year, when colic, cholera morbus, dysentery, diarrhoea, &c., may disable your hands—use it in every case of the kind, but be sure that you trust to no other remedy but the old, long tried Perry Davis Pain-Killer which never failed. Avoid substitutes, there is but one Pain-Killer, Perry Davis'. Price 25c. and 50c.

Repairing Promptly Done.
READ THIS...
We need room for our holiday stock, which is arriving daily, so to close out quickly a big lot of odds and ends which we have on hand, we'll offer them for the next few days at actual cost and in some cases even less—The lot includes fine Trunks, Bags, Suit Cases, Pocket Books, and all kinds of leather goods—some slightly damaged, its true, but even at that at the prices we offer 'em they're wonderful values and you can't afford to ignore such an opportunity for a saving—Here's a few of them and there are many others—let us show them to you.

Lot of Six Trunks—one of a kind—which we made to sell for \$7 to \$9—slightly damaged, will sell from handling-choice while they last..... **\$3.95**

Small lot of Dress Suit Cases—have been used as samples at our Baltimore Factory—worth form \$2.00 to \$3.00—choice..... **\$1.14**

Lot of Ladies' and Gentlemen's Pocket Books and Card Cases—worth 50c., will go for..... **25c**

Lot of Traveling Bags—made of real leather and leather lined—sold at \$3.50—choice this week..... **\$2.39**

Lot of Men's Genuine Alligator and Seal Pocket Books and Card Cases—the 75c. kind for..... **39c**

Lot of Ladies' Real Alligator Combination Pocket Book and Card Cases, which sell around town for 75c.—go for **45c**

Lot of 14 Fine Trunks—not a one in the lot sold for less than \$15—several 'em for \$11 and \$12—take your pick for the next few days **\$6.90**

Sample lot of Hand Painted Covers and Handkerchief Boxes—velvet lined—regular price \$1.50—your choice **98c**

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Trunk and Bag Factory
249 MAIN STREET.
PHONE 1414.

PIANOS
TUNED
By Our Expert Factory Tuners. All work guaranteed. If your Piano needs tuning or repairing drop us a postal, or call up either phone 1109.

STIEFF'S
66 GRANBY STREET.

eat of the Tribuna, wiring November 3, says:

"News from a private source, coming direct from the province of Shen Si, where the Chinese court took refuge, says that Emperor Kwang Su is about to return to Peking, via Ho Nan."

THE CHINESE WAR.

AN EXPLOSION AT TING LING—BOXER CHIEFS SHOT.

(By Telegraph to Virginian-Pilot.)

London, Nov. 7.—The following dispatch from Major General Lord Campbell has been received by the Secretary of State for India:

"At Ting Ling the Chinese attempted to steal powder and caused an explosion. Two soldiers and three camp followers were killed and four camp followers were injured. A large number of Chinese were killed or wounded, owing to their wadded coats catching fire."

BOXER CHIEFS SHOT.

Taku, Nov. 7.—A British column under General Richardson left Pao Ting Fu October 28th, marching in the direction of Peking. At Tung My Ing the troops tried three Boxer chiefs, destroyers of a chapel and killers of native Christians. The British shot the chiefs.

American Claims Urged.

(By Telegraph to Virginian-Pilot.)

Tangier, Nov. 7.—The United States Consul General is understood to have made further strong representations to the Government officials, urging the immediate payment of the American claims. It is also again reported that an American cruiser is to be sent to enforce the demand.

Patent Leathers
—for men.
The most uncomfortable shoes if they don't fit.
The most comfortable, stylish and satisfactory if they do fit.
It's just as easy to have them fit—that's what we're here for.
Now, before cold weather comes, is the best time to buy. Give the leather a chance to get the set of the foot before the frost can crack it.
Johnson & Murphy's favorite. Made of Hoy's famous patent leather, on correct last. Fine foxing. Latest heel. Button or lace..... **\$6**
And we have others—good ones—for as little as \$4. Some for \$5. The very finest for \$7.
HORNTHAL & SON,
272 Main Street.

FURNITURE
BEST QUALITY
LOW PRICES
STOVES
CARPETS
GOOD VALUES
CRE: DIT
CRE: DIT
JOHN B. LOUGHRAN,
319 and 321 Church St.

A Triumph.
The Incandescent Light is a triumph of inventive genius. It supplies the best illumination and requires no care.
No Bad Odor, No Matches, No Blowing Out.
It's always ready for you to turn on the current. Costs but little, too.
THE NORFOLK RAILWAY & LIGHT CO
OFFICE, 2-24 PLUME STREET. TELEPHONE, 720.
WORKS—COVE STREET. TELEPHONE, 21.

When Knights Were Bold
In days of old the Roast Beef of old England was but one of a dozen dishes of meat. What we eat to-day must be very prime. Our Meats are the demand. At your service all the day.
J. S. Bell, Jr. & Co.,
BOTH PHONES.....

ALBANY DENTAL PARLORS,
374 Main St., Norfolk, Va.
DR. W. W. FREEMAN, Prop'r.
Crown and Bridge Work, or Teeth without Plates. Fine Gold Fillings. Our Plate Work is the BEST. Extraction of Teeth without Pain our SPECIALTY.
ALL WORK GUARANTEED TO BE SATISFACTORY.
We Solicit Your Orders
For Fireproof Heater Cleaning. We employ the best mechanics and endeavor to do work well. Avoid the rush and send your order in at once. See our line of Heating Stoves.
THE COLUMBIA STOVE CO.,
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