

THE NEWS OF NORFOLK ON PAGES TWO, THREE AND FIVE.

ROYAL BAKING POWDER ABSOLUTELY PURE Makes the food more delicious and wholesome

COURT DECISIONS.

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

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

TRIMBLE V. COMMONWEALTH.

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

A STATUTE MAY BE CONSTITUTIONAL IN PART AND UNCONSTITUTIONAL IN PART.

ACT OF FEBRUARY 26, 1898, AS TO CONTEMPTS OF COURT, WHILE BAD IN PART IS VALID SO FAR AS IT GIVES THE RIGHT OF APPEAL.

A PERSON HAVING CUSTODY OF A CHILD AND WHO, WITH THE COURT'S CONSENT, TAKES IT TO ANOTHER STATE, WHERE A COURT APPOINTS A GUARDIAN FOR IT, IS NOT GUILTY OF CONTEMPT IN NOT PRODUCING THE CHILD IN VIRGINIA.

This was an appeal from a judgment declaring defendant in contempt of court for failing to produce a child, who had been committed to defendant's custody by the court, before the court at a time mentioned in the order for its production. The child after being committed to defendant's custody by the court was, with the court's consent, taken to North Carolina to be put at a school, and while there acting under advice of counsel and for the good of the child the Superior Court of Wake county, N. C., had appointed a guardian for the child and placed it with a kind-hearted, honest and industrious citizen to be cared for. Defendant stated the above facts in her answer, and that she was unable to produce the child, and disclaimed any contempt of court.

The court says: With respect to some of the questions presented we refer to the opinion of the court in Carter v. Commonwealth, decided at the present term.

We are of opinion, however, that the act of the legislature of 1897-8, which was in that case adjudged to be unconstitutional in some of its aspects, is a valid statute in so far as it gives this court jurisdiction upon writ of error to review this judgment.

That a statute may be constitutional in part and unconstitutional as to some of its provisions is well settled. \* \* \* Where the parts may be so separated as that each can stand as the will of the legislature, the good does not perish with the bad.

We gather from the record that plaintiff in error took this child, which had been restored to her custody, to North Carolina with the assent of the Corporation Court of Lynchburg, and with the intention of carrying out a commendable purpose sanctioned by the court with respect to the little waif. When in North Carolina, at the suggestion of her sister, and upon her motion, and acting under the advice of counsel, a court of competent jurisdiction in that State was requested to appoint and did appoint a guardian for this child. That guardian seems to have made an arrangement of a benevolent character, and there is no evidence that in thus acting the respondent did so with the object of defeating the jurisdiction and authority of the Corporation Court of Lynchburg. She disclaims any such purpose, and beyond the facts stated, which do not necessarily, or it may be said, even naturally bear such an interpretation, we are of opinion that the offence whereof she was charged has not been established, and that the Corporation Court of Lynchburg acted in the judgment rendered, which is reversed.

FLORIDA C. & P. R. CO. V. COLUMBIA.

Supreme Court of South Carolina, February 28, 1899.

A RAILROAD COMPANY THOUGH COMPELLED BY ITS CHARTER TO DO BUSINESS IN A CITY, MAY BE REQUIRED TO PAY A LICENSE TAX THEREFOR.

This was a suit by the railroad company to recover back from the city of Columbia a license tax for doing business in the city which it had paid under protest. The lower court gave judgment for the city and the company appealed.

The court says: Taking these allegations in the complaint, thus stated in brief, to be true, it seems to us clear that license tax in question was imposed by lawful authority; for they show that the plaintiff is a railroad corporation, doing a portion, at least, of its business within the city of Columbia, with the residents of that city; that the municipal corporation of Columbia has been authorized by the General Assembly of this State to impose a license tax upon all persons, companies, or corporations engaged in any business or avocation of any kind whatever within the limits of the city of Columbia; and that such tax has been imposed by an ordinance passed by the proper authorities of said city. If, then, the legislation mentioned in the complaint, both State and municipal, be a valid exercise of the law-making power, we do not see how there can be a doubt as to the legality of the tax in question. It is not, and cannot be, denied that under the constitution of 1868 the General Assembly may either itself impose a license tax or may empower a municipal corporation to impose such a tax. It is contended that in the act of 1871, conferring the power to impose taxes on a person carrying on any business or avocation within the city of Columbia, the term "business" was used in the sense of the word "avocation," and does not

authorize the imposition of such a tax upon a railroad company which does only a portion of its business within the city of Columbia. It does not seem to us that the act requires, or even justifies, any such construction. Both terms are used in the act, the language of the act being that "power is conferred" to require all persons, companies and corporations engaged "in any business or avocation of any kind whatever within the limits of the city of Columbia" to take out a license, and pay a reasonable charge or tax therefor. If, therefore, a person or corporation is engaged in business of any kind whatever within the limits of the city, such a tax may be imposed; and the complaint shows on its face that the plaintiff is a corporation engaged in business within the limits of the city of Columbia; and the fact that it is also engaged in business of a similar character outside the city limits cannot affect the question. It has an agent, regularly employed, in the city of Columbia, to attend to its business in that city, for the fact that such agent is also the agent of the Southern Railway Company does not forbid his being also the agent of the plaintiff company; and is doing business in the city of Columbia in the same manner, though possibly not to the same extent, as any other railroad company having a terminus in said city.

Finally, it is contended by appellant that, inasmuch as the plaintiff company is a corporation compelled by its charter to do business as it does in the city of Columbia, it cannot be required to take out a license therefor, as the imposition of such a tax is equivalent to the power to prohibit plaintiff from doing that which, by the law of the land, it is required to do. It is sufficient to say that this point is disposed of by the case of State v. Columbia, supra, where the point was decided adversely to the view contended for by the appellant.

Affirmed.

BRAMBLETON WARD.

The "Busy Bees" of Spurgeon Memorial Baptist Church will hold a business meeting at the residence of Miss Nellie Miller, No. 613 West Brambleton avenue, at 8 o'clock to-morrow night.

An important meeting of the Inasmuch Circle of the King's Daughters will be held at the home of Miss Nellie Hall, Lovitt avenue, at 4 o'clock this afternoon.

The young ladies of Spurgeon Memorial Baptist Church gave a "Measuring Party" at the residence of Mrs. E. W. Bray, East Brambleton avenue, last night, which was graced by a large company of the beauty and fashion of the ward. Music and mirth was a chief attraction. Refreshments were served at the close.

Mrs. Harvey L. Taylor, of West Brambleton avenue, who has been suffering for two months with acute rheumatism, is now on the road to recovery.

The rain of Monday night has left a pool of water on the west side of South Kelly avenue that will soon become stagnant unless it is drained off.

Rev. J. P. Barrett conducted an interesting religious service at the Memorial Christian Temple last night.

There was a large attendance at the Epworth League services at Trinity M. E. Church last night and the exercises were of a very spiritual character. The topic considered was "Patience in Well-Doing."

The Brambleton Independent Democratic Club will meet to-night.

ATLANTIC CITY WARD.

Mr. J. S. Heaton, of Richmond, who, with his wife, has been spending some weeks with the family of Rev. W. T. Williams at LeKies Memorial M. E. parsonage, will leave for his home this afternoon. His wife, who is a sister of Mrs. Williams, will not go until later. Miss Carrie Lambert, of Avenue A, has returned from a pleasant two weeks' visit to friends in Salisbury, Md.

Mr. Sykes, who has been quite sick at his home, on the corner of North and Pool streets, for the past two weeks, has very much improved.

Rev. W. T. and Mrs. Williams, accompanied by their guests, Mr. and Mrs. J. S. Heaton, went down to Ocean View yesterday and spent a delightful day.

Mrs. A. F. Williams, of Colley avenue, who has been ill at her home for some time, was reported better yesterday.

The many friends of Miss Scottia White, of Avenue A, will be glad to learn that she is rapidly recovering from a severe illness.

Stone has been placed along Camp avenue ready for curbing and gutting it as soon as Colley avenue is completed.

HUNTERSVILLE.

Last night, in the absence of Rev. Dr. A. G. Brown, the presiding elder, the pastor, Rev. Daniel T. Merritt, held the second quarterly conference of the Huntersville M. E. Church. All of the reports were exceedingly gratifying. Twenty-two persons have united with this church in the last three months. The financial exhibit was very encouraging.

Mrs. Maggie B. Moore, who has been critically ill at her home on Central avenue for several months, is now able to walk about her room.

A lawn party and strawberry festival will be given by the Woman's Home Missionary Society on the lawn adjacent to the Methodist Church on Johnson avenue Friday evening from 8 to 11 o'clock. There will be an abundance of choice refreshments for sale. It is hoped that the ladies will be liberally patronized.

Conductor Hill, of the street-car line, has moved to the village, and is residing on Mayesville avenue.

Beautiful Trimmed Hats.

Mrs. P. Ries has on exhibition at her millinery establishment, No. 162 Church street, the latest styles in trimmed hats. They are real beauties, and ought to be seen to be appreciated. In fashionable yachts she has the "Raleigh," "Cape May" and "Davenport," while in walking hats "Za-Za" and "Porto Rico" are the leading styles.

PEOPLE'S FORUM.

NOTE.—The People's Forum being freely open to all parties, classes, persons, views and capacities, 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.

AN INQUIRY ANSWERED.

Editor Virginian-Pilot: In answer to "An Inquiry" published in your Forum of yesterday morning's issue, I wish to say that the men of this department have not contracted to build boats or anything else for any one.

The boats built by members of this department were built for their own use. After completion they were seen by a party and purchased from the individual owner without any contract whatever. In this I can see nothing wrong, and no reason why the sale should not be made; furthermore, I am having the men build a boat for my use, but should some one wish to buy same and I feel disposed to sell, I should certainly do so without asking the permission of "Boatbuilder," who need not use other names than his own, as he is well known to the writer.

I am fully aware of all rules governing this department and its attaches. Regarding the men accepting outside jobs, which is not done, all of the work and look for it, by the houses, and the work was done during the builder's leisure moments, which, I am glad to say, the men put in to an advantage. So far as this work interfering with mechanics getting work, I know it does not with those who wish work and look for it, but possibly might hurt those who have no time to work themselves and do not wish to see others occupied. Now, Mr. "Boatbuilder," if you will put in your time trying to secure contracts for yourself instead of writing to papers about those others, you will find it a great deal more profitable; also, when you wish to make an inquiry concerning anything in this department, you need not do it through the columns of our papers under a fictitious name. Just call at any of the engine houses, you will find us all there attending to our own business (not to others) and ready to give you any information possible.

MARTIN J. RYAN, Chief Fire Department.

Norfolk, Va., May 10, 1899.

Editor Virginian-Pilot:

I desire, through your valuable paper, to call the attention of the city authorities to the excessive rate of speed at which the Church street cars frequently, and almost continually, travel. It is very dangerous at times for any person to cross the street on account of this nuisance, to say nothing of the unbearable dust which is raised most frequently by this lightning-like rapidity of the cars.

Last night, at about 9:30 o'clock a car passed Nicholson street at a most dangerous and life-threatening rate. A dog was innocently crossing the street at the time, unconscious of the approach of danger. Of course, it was caught beneath the wheels of the car and its

life crushed out of existence, for it was ground into an unrecognizable mass of flesh and bones. Now, had a child crossed the street instead of the dog it would most assuredly have met the same fate.

This is a very serious matter and should receive the most prompt and considerate attention of the city authorities. Such an outrage as occurred last night is not new, for I have witnessed several of a similar kind. I sincerely trust that the authorities will immediately compel the car company to adopt a maximum rate of speed for the travel of their cars—one that will not endanger the life of any living being. JOSEPH GHOLSTIN, 680 Church street.

BRIEF ITEMS OF INTEREST.

Mr. Adolph Michelsohn, notary public and commissioner for the State of North Carolina, has been appointed by Governor Roosevelt a commissioner of deeds for the State of New York, in the Commonwealth of Virginia.

Miss Pearl Garrell, of No. 141 Bank street, is visiting her grandfather, Mr. Jesse Council, of Carversville, Va.

Rev. H. H. Mitchell, D. D., of Norfolk, is moderator of the Virginia Baptist State Convention (colored) now in session at Lexington.

A negro in a half intoxicated condition fell in Roper's dock yesterday afternoon in trying to escape arrest by Police Officer Lowery. He was fished out and sent to the station house.

Atlantic Lodge of Magians had work in the second degree last night.

The May term of the Court of Law and Chancery begins Monday.

The driving of piles for the bridge which is to connect Yarmouth street with Ribble Place was completed yesterday.

Colonel and Mrs. E. F. Townsend, of Washington, D. C., were in Norfolk yesterday.

An "Old Folks" concert will be given next Monday night for the benefit of Grace P. E. Church, (colored).

Mrs. Howard G. Avery has returned home after a delightful visit to Washington and Baltimore.

Mrs. A. W. Westlake, of Freemason street, left last night for Washington.

Mrs. D. P. Nock, of Freemason street, will leave to-night for Washington.

Roanoke Times: Miss Josephine Wolz, of this city, will leave about June 1st for Virginia Beach, where she has, in connection with a lady from Danville, rented two cottages for the season.

General Edgar Allan, United States District Attorney for the Eastern District of Virginia, is registered at the Monticello from Richmond.

May Be Called to Norfolk.

The Roanoke Evening World of Tuesday says:

Rev. S. Cohen, of Cincinnati, who conducted services at the synagogue in this city some months ago, and created such a favorable impression, will probably be called as rabbi of the Ohel Sholem Temple in Norfolk. He will graduate from the Hebrew Union College in Cincinnati next week.

To Help Your Cake Trade (and Cracker) Trade. By supplying fresh goods often. That's the best way to help it. And it's the way the National Biscuit Company have adopted in establishing a Norfolk Branch of the Mason Bakery.

ELECTRIC FANS... The availability of electric current offers an easy remedy for hot or badly ventilated rooms. The cost of operating an Electric Fan is so small in comparison to the benefits which result that it need hardly be considered. TWO DOLLARS A MONTH VIRGINIA ELECTRIC CO.

BLOOD POISON PENNYROYAL PILLS. HAVE YOU Sore Throat, Pimples, Copper-Colored Spots, Aches, Old Sores, Ulcers in Mouth, Hair Falling? Write COOK REMEDY CO., 1677 MASONIC TEMPLE, Chicago, Ill., for proofs of cures.

THE Norfolk Company Has Begun the Improvement of Another Large Section of Its Property FOR HIGH GRADE BUILDING LOTS. These Improvements! Will be First-Class in Every Way, and of the Most Modern Design and Execution. ASPHALT ROADWAYS, ARTIFICIAL STONE FOOT PAVEMENT, COMBINED CURB AND GUTTER. THE AREA NOW BEING IMPROVED IS AN EXTENSION OF THE GHEENT STREETS NORTH OF OLNEY ROAD TO AND INCLUDING REDGATE AVENUE AND WEST OF COLONIAL AVENUE TO COLLEY AVENUE, INCLUDING THE STOCKLEY GARDENS.

FLORIDA C. & P. R. CO. V. COLUMBIA. Supreme Court of South Carolina, February 28, 1899. A RAILROAD COMPANY THOUGH COMPELLED BY ITS CHARTER TO DO BUSINESS IN A CITY, MAY BE REQUIRED TO PAY A LICENSE TAX THEREFOR. This was a suit by the railroad company to recover back from the city of Columbia a license tax for doing business in the city which it had paid under protest. The lower court gave judgment for the city and the company appealed. The court says: Taking these allegations in the complaint, thus stated in brief, to be true, it seems to us clear that license tax in question was imposed by lawful authority; for they show that the plaintiff is a railroad corporation, doing a portion, at least, of its business within the city of Columbia, with the residents of that city; that the municipal corporation of Columbia has been authorized by the General Assembly of this State to impose a license tax upon all persons, companies, or corporations engaged in any business or avocation of any kind whatever within the limits of the city of Columbia; and that such tax has been imposed by an ordinance passed by the proper authorities of said city. If, then, the legislation mentioned in the complaint, both State and municipal, be a valid exercise of the law-making power, we do not see how there can be a doubt as to the legality of the tax in question. It is not, and cannot be, denied that under the constitution of 1868 the General Assembly may either itself impose a license tax or may empower a municipal corporation to impose such a tax. It is contended that in the act of 1871, conferring the power to impose taxes on a person carrying on any business or avocation within the city of Columbia, the term "business" was used in the sense of the word "avocation," and does not