

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

MUNYON'S GUARANTEE. Strong Assertions as to Just What the Remedies Will Do. Includes an illustration of a man's face.

Xmas Things ..at.. Prices Right. Things of a substantial sort—for instance: Fine Comforts, Table Linens, Ladies' and Gent's Umbrellas, Dainty Handkerchiefs, Real Lace and Lace Pieces, Evening Fans, Fine Leather Goods, Ladies' Bath Robes—in fact as complete a showing of substantial things for Xmas giving as your eyes ever beheld. The windows suggest many things. Ames, Brownley & Hornthal. The Monticello Corner.

CHRISTMAS MILLINERY. We help to brighten the Christmas season by providing brightening effects in Millinery. Fashionable creations for those who want style. A lot of odds and ends—ribbons, silks, etc., for fancy work for the holidays. There's beauty and cheer all through our stock.

Corpman's 378 Main St. Millinery at Greatly Reduced Prices. To-morrow we begin selling all our HATS, trimmed and untrimmed, Feathers, Velvets, Ribbons, etc., at big reductions. WHY? Because our season is nearly at an end, and we want to dispose of all Winter Goods. We have quite a large assortment of Doll Hats. MRS. P. RIES, 162 Church Street. LA MODE. We are showing a beautiful line of Pocket Books and Purses. Mrs. H. Posner UNDER MONTICELLO HOTEL, GRANBY STREET.

COURT DECISIONS. Notes of Cases Recently Decided, Which are of Interest to Our People. DIGESTED BY W. B. MARTIN. (Exclusively for Virginian-Pilot.)

HARRISONBURG V. ROLLER. Supreme Court of Appeals of Virginia. November 16, 1899. A CITY, HAVING POWER TO OPEN AND IMPROVE ITS STREETS, IS NOT LIABLE FOR DAMAGES TO AN ADJOINING OWNER, WHOSE LAND IS NOT TAKEN, FOR RAISING THE GRADE OF THE STREET, IF THE WORK IS DONE WITH REASONABLE CARE AND SKILL. EQUITY WILL NOT ENJOIN SUCH AN IMPROVEMENT IF DONE IN GOOD FAITH; THE LAND OWNER CAN SUE AT LAW IF REASONABLE CARE IS NOT USED. THE COUNCIL MAY DELEGATE TO THE STREET COMMITTEE THE EXECUTION OF SUCH WORK. This was a suit by Roller to restrain the town of Harrisonburg from raising the grade of the sidewalk in the street in front of his residence, on the ground that such raising of the sidewalk would cause water to flow into his yard and also injure the appearance of his property. The lower court perpetuated the injunction and the town appealed. The Court says: If the corporation acting in these matters under the powers conferred upon it exercises reasonable care and skill in the performance of the work resolved upon, it is not answerable to the owner of an adjacent lot, whose land is not actually taken, for consequential damages to his premises, unless there is a provision in its charter or in some statute creating the liability, which it is not pretended, exists in this case. Such damage is not an injury in the legal sense, and the law provides no remedy for it, it is damnum illesque injuria. If the work is done in the exercise of power conferred upon the municipal body and is executed in a reasonably proper and skillful manner, the city or town is exempt from legal liability, although the work may be attended or followed by damage, as a necessary incident to the owner of an adjacent lot. If it is not so executed and damage results from the manner of its execution to the owner of an adjacent lot, such damage is not necessarily an incident to the accomplishment of the work, and the owner, in that case, has redress against the city or town by an action of tort. Courts of equity have no authority to interfere by injunction with the exercise in good faith by municipal bodies of discretionary powers conferred upon them by law. If damage ensues to the owner of an adjacent lot from the improper or unskillful performance of the work done within the scope of such power, his remedy is by an action at law and not in equity. Clearly a court of equity could not interfere and restrain the performance of the work upon the apprehension of the owner of the lot that it may not be properly performed. The grading and laying of the sidewalk in question, as proposed by the Council of the town, was expressed within the power conferred upon it. The result of such interference by a court of equity would be to control absolutely the Council of a city or town in the exercise of the legislative functions plainly conferred upon it by the charter of the city or town and to be exercised by the Council according to its discretion; to usurp powers expressly conferred upon the Council, and to substitute the discretion of the Court in the place of that of the Council. It was argued that the Council had delegated to the discretion of its Street Committee the work of raising the sidewalk in front of the residence of the appellee, which discretionary power was vested in the Council alone and was incapable of being delegated by it. The evidence in the case refutes the contention. The Council ordered the work to be done, prescribed how it should be done, and left its execution to the Street Committee. This was no undue delegation of power. Reversed.

RHODES V. RHODES. Supreme Court of North Carolina. November 14, 1899. THE RIGHT GIVEN A DEFENDANT SERVED BY PUBLICATION, BY CODE, SECTION 220, TO COME IN AND DEFEND THE SUIT, AFTER JUDGMENT, GIVES HIM THE RIGHT TO EVERY DEFENSE HE WOULD HAVE HAD IF PERSONALLY SERVED WITH PROCESS, EXCEPT AS TO THE RIGHTS OF A PURCHASER UNDER THE JUDGMENT. The facts appear from the opinion of the court. The court says: This is a motion under Code, section 220, made in the prescribed time, by a non-resident, who has been made a party by publication, to come in after judgment in a partition proceeding. The court found as a fact that the partition as made is unjust, and the share allotted to the petitioner is of less value than that allotted to the other tenants in common, and ordered the decree heretofore made set aside, and that the petitioner be allowed to answer and defend in this action. There is no contention that any of the property has been sold to a purchaser in good faith, nor, on the other hand, of irregularity in the order of publication. The appellants contend that the right given by section 220 to come in and defend after judgment extends only to defenses upon the merits, i. e. as to the allegations as to tenancy in common, or the number of shares or the right to partition under the circumstances, and does not extend to exceptions to the report of commissioners on the ground of inequality, and the like. But we do not think the word "defend" in this section has the restricted mean-

ing contended for by the appellants. The object of this section is to enable a non-resident who has been personally served with summons to come in within the prescribed time after judgment, and assert his rights as fully in every respect as he could have done before judgment, had he been personally served, saying, as the section provides, the rights of anyone who has bought the property in good faith under the decree of sale in the cause. The defense intended to be allowed one who has not been actually, but only constructively, in court, is not confined to those matters which, pleaded in apt time, would defeat the action. Being a remedial statute, a just construction is that it allows the party against whom a judgment has been taken to set up also any exception which would have prevented or modified the judgment. This proceeding is under Code, section 220, and is not to impeach the former judgment for fraud and irregularity, though in partition proceedings even that could be done by petition in the cause, which is an exception to the general rule that a judgment can be attacked for fraud only by an independent action. Affirmed.

PEOPLES' 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 or 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. For London. Editor Virginian-Pilot: A correspondent sends me a part of an issue of December 21st, 1899, of "the Virginian-Pilot" and "Richmond and Manchester Daily Advertiser" with the advertisement: "For London. The Ship Martin, Captain Philip Parcel. She is loading at Norfolk, and has a great part of her cargo engaged. The terms, freight Six Pounds per ton, put alongside on liberty of consignment. The Martin is as fine a ship as was ever built in this state. Apply to Mr. J. Pester at Richmond; Mr. Thos. Shore, or Mr. J. Grayson, Petersburg; Thos. Ritson, owner in Norfolk." Captain Ritson was an ardent Revolutionist, was a member of the State Committee of Safety, 1770-1776; has descendants living here. The rate of freight, six pounds per ton, appears fabulous compared with present rates for the latter now are sometimes as cheap as six shillings. In the same year "The Independent Ledger" was published by William Davis & Co., in Petersburg. THOS. B. ROWLAND. Mr. Camp Is Foreman. In an interview in the Virginian-Pilot yesterday Mr. Edward Camp was alluded to as superintendent of the Norfolk Knitting Mills. Mr. Camp wishes this corrected, as he is foreman of one of the departments of the mills, and not superintendent.

A COMMUNION SERVICE. PRESENTED TO SOLDIERS' HOME BY MRS. DAVIS. (By Telegraph to Virginian-Pilot.) Richmond, Va., Dec. 21.—Governor Tyler to-day received the following from Mrs. Jefferson Davis: The Girard, W. 44th St., New York. To the Governor of Virginia: Dear Sir:—I send to-day a communion service, with the linen proper for its use, and beg you to present it to the veterans of the Home in the name of a few Confederates who honor their steadfast valor, the proud memory of which time cannot efface. We had hoped to offer it on the birthday anniversary of General Harry Heth, but failing to receive it in time, we make it a Christmas offering to the veterans and ask God's blessing upon each and every one of them. Believe me, honored sir, Very respectfully and cordially yours, (Signed) VARINA JEFFERSON DAVIS. December 19, 1899. BISHOP TURNER REFUSED. A BERTH IN A GEORGIA SLEEPING CAR. (By Telegraph to Virginian-Pilot.) Atlanta, Ga., Dec. 21.—A special from Savannah says: "Bishop Henry M. Turner, of Georgia, was refused a berth on a sleeping car to-day by the officers of the Central railroad in this city. "The Bishop, who is ill, having been paralyzed a few days ago, desired to return to Atlanta to-morrow. He asked to secure a berth in a sleeper, but was told that berths were not sold to colored persons. "The sleepers are owned by the Central railroad, and the road has an arbitrary rule that no colored persons shall ride in the sleeping cars between Atlanta and Savannah, or any branch of the company."

Georgia Against Osteopathy. (By Telegraph to Virginian-Pilot.) Atlanta, Ga., Dec. 21.—Gov. Candler, after a conference with many physicians, to-day vetoed a bill passed recently by both Houses of the General Assembly providing for the practice in this State of osteopathy—teaching of the structure development of the bone. The physicians contend that osteopaths knew nothing of materia medica, while they would be given the right to prescribe medicine, the same as any regularly licensed physician, should the bill become operative. A Call for Facts. (By Telegraph to Virginian-Pilot.) Washington, D. C., Dec. 21.—The Department of State has called upon United States Minister Hunter for a report of the facts in the case of two Americans, Imboden and Golden, who were killed by a native in San Pedro, Honduras, recently.

Dr. Bull's COUGH SYRUP Cures Croup and Whooping-Cough Unexcelled for Consumption. Gives quick, sure results. Refuse substitutes. Dr. Bull's Pills cure Biliousness, Trilid, no for sc.

OUR GOVERNOR'S ELOQUENCE. The Baltimore American pays the following handsome tribute to Governor Tyler: Governor James Hoge Tyler, the executive of the Commonwealth of Virginia, keeps on tap a supply of eloquence that never runs short. It seems to have come to him as a heritage from those orators who made Virginia famous in the days when it was playing a leading part in the nation's history; when it was the mother of Presidents and statesmen whose names are indissolubly linked with some of the greatest events in the annals of the country. This eloquence makes its appearance at every opportunity, and never fails to secure the sort of reception it deserves. In the message which the eloquent Governor of the Old Dominion sent to the State Legislature at its opening session in Richmond, there were several pages worthy of Demosthenes—pages that even Cicero might have been proud to have penned. Read these words of the message: "When we look back over the years that have gone and think of the vast expenditure of human brain and brawn, and human blood required to erect here homes, establish here our system of government and to maintain our manhood and our liberty, it is bound to stir a lively appreciation of the blessings we now enjoy, and a deathless gratitude toward those free and untroubled spirits from whom we are proud to have descended. Go back a hundred years and think of the American wilderness from whose shadows the antlered herds were roused by the blows of the woodman's axe, then think of it as it is to-day, ribboned with interminable highways of steel, hewed with endless wires, marked all over by broad wagon roads, dotted with comfortable homes, white from sea to sea, everywhere, great cities lie beneath their canopy of smoke throbbing with a nation's commercial life and energy. In it all, Virginia has borne a royal part, and while maintaining her government at home and while leading in the great humanizing and educational work of the Union, she has also spared from out her loins her noble youth to go into every part of this Union and there erect homes after the model of those left behind, and exemplify the manly spirit and intelligent freedom which they inherited from their fathers."

Where is the Governor in this whole country who can speak of his State or of his people in more eloquent words than these? Surely, he does not exist. In addition to his eloquence Governor Tyler is eminently practical, and urges upon the Legislature its duty to solve the important problems that now confront the State. It should encourage oyster planting, as Maryland's Legislature should do; look after the State's finances, which he reports in pretty good condition; keep careful watch of expendi-ures for State institutions, and pass a law to prevent the use of money at elections. The State, he declares, needs a new constitution, and this Legislature is expected to take the proper steps for making one. The message must prove a very satisfactory one to the people of Virginia, and the eloquent words it contains must add to the pleasure it will give to all who read it. Beecham Bids for Kipling MS. Among those who have made the highest bids for the original manuscript of Rudyard Kipling's poem, "The Absent-Minded Beggar," which is being sold for the benefit of the British Reservists who have been ordered to South Africa, is Mr. Beecham, of St. Helens, England, who offered \$525 for it. Mr. Beecham's name is familiar to every newspaper reader in America, as he is proprietor of the famous pills which bear his name. In addition to being a lover of things artistic, he is also a most public-spirited man. The great manufacturing centre of St. Helens, of which his enormous factory is one of the largest industries, recognized his good services to the town by electing him recently to the mayoralty, backed by the unanimous petition of the municipal council of St. Helens. Without doubt that executive ability which has assisted him so materially in building up his vast enterprise, will be of great service to his fellow townsmen. The Modern Mother. Has found that her little ones are improved more by the pleasant Syrup of Figs, when in need of the laxative effect of a gentle remedy, than by any other. Children enjoy it and it benefits them. The true remedy, Syrup of Figs, is manufactured by the California Fig Syrup Co. only. Christmas is the time for coming together. Go home by the Seaboard Air Line. One and one-third fares for the round trip. des-su, we, fr-ff

FREE! A handsome illustrated booklet, giving a scientific treatise on all Hair Troubles. The cause, consequence and cure of every ailment of the hair and scalp are fully described in language that can be understood by every one. The illustrations are perfect. The opinions of the best-known scientists and specialists of the world are freely given. In fact, it is the most complete and most comprehensive work of its kind ever compiled. Address SEVEN SUTHERLAND SISTERS, 18 Desbrosses Street, New York, N. Y.

This is Why We can offer you a bargain in Childs' and Misses' Button and Lace Shoes. I bought large from the manufacturer at a cut price. The entire lot to go at \$1.20. Regular price, \$1.50. John F. Small, 302 MAIN STREET. Will remove to 66 Granby street January 1st.

Dixie Remedy Co. SYPHILIS! Primary, Secondary or Tertiary Syphilis permanently cured in 15 to 25 days. You can be treated at home for the same price under same guaranty. If you prefer to come here we will contract to pay railroad fare and hotel bills, and no charge if we fail to cure. If you have taken mercury, iodide potash, and still have aches and pains, Mucous Patches in mouth, sore throat, pimples, copper-colored spots, ulcers on any part of the body, hair or eyebrows falling out, it is this sypylitic BLOOD POISON that we guarantee to cure. We solicit the most obstinate cases and challenge the world for a case we cannot cure. This disease has always baffled the skill of the most eminent physicians. Absolute proof secured on application. Also Lost Manhood cured, and make you feel like a boy. Also Gonorrhoea, Gleet, Spermatorrhoea, Whites, Annularia, Discharges, or any inflammation or ulceration of mucous membranes cured. We guarantee to cure or money refunded. Write for blanks and booklets on these diseases. Address THE DIXIE REMEDY CO., P. O. Box 523, Norfolk, Va.

Why Not Try That. Are You Warm Enough? THOMAS A. FREWEN, Contractor. PLUMBING AND HEATING. ESTIMATES AND PLANS FOR STEAM AND HOT WATER HEATING—ALL WORK GUARANTEED—OFFICE, 66 COLUMBIA BUILDING, 022-204. Mottowee Dairy 25c Table Butter.

The Saks Stores 234-236 MAIN STREET. "Lounge-about." A Smoking Jacket or a Bath Robe is a capital gift for a man. Two hemispheres contribute their novelties to give us our assortment. You don't see them anywhere else—that is their recommendation. You don't see as many in four or five stores. Each according to its needs. We have been headquarters for these House Coats for years. Folks know that what is best is sure to be here. The special sale is still on. \$3.45 for the \$5.00 ones \$3.85 for the \$6.50 ones \$4.98 for the \$7.50 ones \$6.95 for the \$12.50 ones Better select now. SAKS & COMPANY.

SUGGESTIONS FOR XMAS! A Ladies' Solid Gold Watch.....\$16.50 Diamond Brooch Pins..... 7.50 Sterling Silver Comb and Brush..... 3.50 Sterling Match Box..... 1.00 Diamond Ring..... 5.00 Sterling Comb, Brush and Mirror, in case..... 12.00 EVERY ARTICLE GUARANTEED. These are only a few of our leaders. We have an immense stock of all kinds of HOLIDAY GOODS At prices to suit everybody. All goods marked in plain figures. The newest stock of JEWELRY AND NOVELTIES in the city. FINE ENGRAVING and REPAIRING a specialty. J. V. ALFRIEND & CO., JEWELERS | 190 MAIN STREET. JAMES P. BANNER, Manager Jewelry Department.

The Hatch & Dean, Stores, —ON GRANBY STREET.— Holiday Gifts for Men. Smoking Jackets, \$3.00. A few specials marked down to \$3.00 which are worth \$5 and \$6. Others marked down in proportion. BATH ROBES—Reduced all along the line. SILK SUSPENDERS—25c., worth 75c. NECKWEAR—Special values at 50c. 5,000 Scarfs and Ties to select from. Many styles and colorings not obtainable elsewhere. The Amherst Full Dress Protectors, \$1.25 to \$2. Hatch & Dean, 25 and 27 GRANBY STREET. Why Not Try That. Are You Warm Enough? THOMAS A. FREWEN, Contractor. PLUMBING AND HEATING. ESTIMATES AND PLANS FOR STEAM AND HOT WATER HEATING—ALL WORK GUARANTEED—OFFICE, 66 COLUMBIA BUILDING, 022-204. Mottowee Dairy 25c Table Butter.