

COURT OF APPEALS UPHOLDS VERDICT

Continental Casualty Company Must Pay Damages for Death of Policy-Holder.

UNIQUE POINT INVOLVED

Beneficiary Wins Action for Damages Exceeding Amount Stated in Policy.

In an opinion handed down yesterday in the United States Circuit Court of Appeals in the case of the Continental Casualty Company against Eileen Spradlin, the decision of the United States Circuit Court for the Western District of Virginia, at Lynchburg, is affirmed, the effect being to sustain Mrs. Spradlin in her collection of a claim of damages for failure of the company to pay insurance on the life of her son, R. D. Spradlin.

The case was heard before Circuit Judge Pritchard and District Judges Boyd and Dayton. The original cause of action was an accident policy issued by the Continental Casualty Company, contracting to pay Mrs. Spradlin, the beneficiary in the policy, \$2,000 in the event that her son, R. D. Spradlin, should receive personal bodily injuries from accidental causes within one year, which injuries should result in his death within ninety days from the date of the accident.

Claims Breach of Contract. The declaration alleges bodily injuries to the assured, and his death therefrom within the time specified. Proof of death was filed as required in the terms of the policy, and it is alleged that the insurance company refused payment. Mrs. Spradlin sued in the United States Circuit Court, demanding damages in the sum of \$3,000 for the breach of contract. On the jury trial she was rendered a verdict of \$2,438.

The insurance company appealed on two grounds—want of service of process to bring the plaintiff into court, and on a plea of lack of jurisdiction of the Federal court, because of the amount involved in the contract. It being established by the court that the amount does not exceed \$2,000, exclusive of costs and interest, not \$2,000, as used for by Mrs. Spradlin.

The court dismissed the first point without discussion, the record showing that the insurance company had entered a general appearance by its attorney, the court holding that by such appearance actual service was waived, and there is no merit in this assignment of error.

Lower Court Affirmed. As to the second point, the lower court is also sustained. The Court of Appeals holding that the action was for \$2,000 for breach of contract, and that Mrs. Spradlin demanded judgment in that sum, without reference

BOY TRAVELED ALONE TO REFORMATORY AFTER BIG MEAL

Justice Brown Turned Him Loose, and He Came Back According to Promise, Going Later to Place Where He Will Stay Till He Grows Good.

It has been said somewhere that in every soul, however evil, there is some spark of good, and the further axiom of Judge Ben Lindsey, the famous juvenile judge of Denver, Col., that any boy may be trusted if one knows how to gain confidence, was aptly illustrated yesterday when Police Justice J. D. G. Brown, of Newport News, brought a fourteen-year-old youngster who had recently been sent to the Laurel Reformatory. The fourteen-year-old youngster was not really bad, he was only a boy in whom the workings of life was like a bubbling spring—an effervescent that constantly led him into the paths of mischief. He could not control himself, and there was no one who seemed to care for the responsibility of leading him into a man. So he was sentenced to a term in the reformatory.

Walked Hand in Hand. The kindly justice and the little kid arrived here yesterday. They walked up the street, hand in hand, to look for a police station, where the boy was to be kept until he could be sent to the reformatory. Justice Brown had not been to Richmond since the building of the new police station, and he made for the one that used to be located at Sixth and Marshall Streets, the boy swinging to his coat-tail.

"Well, what me," exclaimed the justice as he gazed on the spot where the station used to be. "Richmond is always tearing down something, like a young wife with her spring cleaning." He is an observant man. It was growing late, and he wanted some dinner. "Here, sonny," he said to the boy. "Take this 50 cents and get something to eat, and meet me

BOYD'S

Ideal Baking Results

Attends the use of Boyd's Pure Phosphate Baking Powder.

Ideal in every respect, because besides making the baked goods rise properly.

BOYD'S PURE Phosphate Baking Powder

Contributes food power and guarantees purity and wholesomeness.

The price is moderate. Try Boyd's Phosphate Baking Powder by ordering from your dealer.

W. C. Boyd & Co.

Manufacturers, Richmond, Virginia.

GROWING GIRLS NEED A TONIC

When They Become Thin and Pale If Proper Development and Healthful Womanhood is to Be Assured.

Poverty of blood, scientifically called anemia, is common in young girls and in persons who are overworked or confined within doors, and makes its approach in so stealthy a manner that it is often not recognized until its presence is recognized. Taken in time the disease is readily curable, the specific being a tonic medicine which increases the number of red blood corpuscles, and the enabling the blood to carry the life-giving oxygen to all the tissues of the body.

Miss Nellie Edwards, of Tomah, Wis., who is a teacher in the public schools of Wisconsin, was struck and nearly until her fourteenth year, when she went into a rapid decline. For the next year she suffered with anemia, and was not cured until she gave Dr. Williams' Pink Pills a trial. She says: "When I was fourteen years of age I went into a decline, and was miserable for a year. I had not a particle of color, and my blood was turning into water. I was very weak, and could not walk up stairs without great effort. I had dizzy spells and headaches all of the time, and was compelled to leave school."

The doctors pronounced my trouble anemia, but I did not receive much benefit from them. Through a neighbor, who had given her daughter Dr. Williams' Pink Pills a trial, she gave me. After a short treatment with the pills I was stronger. I quickly regained my health and strength, and have had no occasion to use the pills since."

The tonic treatment with Dr. Williams' Pink Pills is successful because it acts directly on the blood, purifying and building it up to its normal health. It restores the body healthy, even under unusual conditions.

Send to-day for a copy of our "Diseases of the Blood." It gives further information about anemia, and is free upon request. Dr. Williams' Pink Pills are for sale by all druggists, or by mail, postpaid, upon receipt of price, 50 cents per box, six boxes for \$2.50, by Dr. Williams' Medicine Company, Schenectady, N. Y.

to the fact that the face of the policy was \$2,000, the sum which would cost the jurisdiction. In the appeal the argument is set up that Mrs. Spradlin sued not for \$3,000 for breach of contract, but for a \$2,000 insurance policy and interest. The court does not find that there was no breach of contract in the policy. The action is in assumpsit for damages for failure to perform. The interest, therefore, was not a mere incident or accessory to the amount demanded, but constituted, together with the amount set out in the policy, aggregate damages in the breach. Reference is made to Brown against Webster, 156 U. S. 328, and the judgment of the Circuit Court is affirmed.

AMBULANCE DOCTOR FINDS ONE VICTIM SERIOUSLY STABBED AND ANOTHER DESPERATELY WOUNDED.

Attempting to interfere in a fist fight between George Venable, Venable brothers, George Bailey, of 1608 Lowman Street, was last night fatally stabbed by George, who also inflicted a severe wound in William's arm. The chances, according to physicians at the City Home, are that both wounds will prove fatal. George Venable died on two charges of felonious wounding.

Bailey, if information gathered from witnesses be true, attempted to interfere in the fight between George and Venable, stuck a knife into his stomach. William cried for help, and had no sooner uttered the cry than the brother cut him in the arm. Dr. Hartzell, of the ambulance corps, had a double duty to perform when he reached the scene. George fled after the cutting, and was captured by a First District officer. Bailey and William were both operated on after they reached the hospital, and the condition of the former especially is said to be alarming. Should the cases result fatally, George Venable will be charged with a double murder, which is without precedent in the annals of the Richmond police. The men are negroes.

ARRESTED FOR FORGERY

Former Bartender Says He Was Drunk When He Wrote Check.

Cognizant of the penalty attached for such crimes, Frederick Wilson, who was arrested yesterday afternoon by two detectives on a charge of forgery, last night refused to discuss his case with a Times-Dispatch reporter. His only statement was that he would have an attorney when the case is called in Police Court to-day. Wilson says he was drunk when he wrote the check which caused the trouble.

Harry H. Hartzell, who formerly employed Wilson as a bartender, stated yesterday he received a communication from a bank that a check for \$10 was there, and that the signature was not his own. Mr. Hartzell investigated and found that his name had been used to secure the amount named in the face of the check from a Broad Street clothing store. The bookkeeper at the bank recognized the false signature.

Statements from Mr. Hartzell and the prisoner are to the effect that the bogus paper was signed "H. H. Hartzell," and was made payable to Wilson's order. Wilson bought a shirt with \$1 of the money he received, and the remainder was given to him in cash.

BOILER TOO LARGE

Walls of High School Cut to Admit Heavy Machinery.

Owing to wrong measurements sent out from the factory, two large boilers, parts of the heating plant for the new High School building, which arrived at the building yesterday, proved too large for the entrance way through the granite wall of the basement. The door sills will have to be removed and an opening five feet wide into the boiler-room made to introduce the boilers.

Architect Bryan said last night that there would be no loss to the city because of the miscalculation, and that the wall would be replaced as strong as before.

BAILEY MAY HAVE MURDERED TWO

Ambulance Doctor Finds One Victim Seriously Stabbed and Another Desperately Wounded.

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FOR BANK ROBBERS

Governor Offers Reward for Burglars Who Broke Into Chillum's Bank.

Governor Swanson yesterday received a letter from Chillum's informing him that the bank at that place was robbed on the night of January 27, and requesting that he offer a reward for the capture of the robbers. The Governor announced that he would authorize a reward of \$100.

From the information contained in the letter it seems that the robbers broke into the bank, blew the safe open with dynamite and secured a large amount of cash. The building was burned down, it having been either fired by the explosion or by the robbers to cover up their tracks. There is no clue to the burglars.

WRIT OF ERROR

Norfolk and Western Secures New Hearing of Overton Suit.

A writ of error was granted yesterday by the Supreme Court of Appeals of Virginia in the case of the Norfolk and Western Railway against Sarah Overton, administratrix of Leroy Overton, which case was before the Circuit Court of Norfolk county. Bond was demanded in the sum of \$3,500. The suit grows out of the killing of Leroy Overton by a Norfolk and Western train last year. The jury in the lower court gave a verdict for \$2,500.

THE MAN WHO EATS WELL

And Enjoys Food Lives Life as He Should and Gets the Most from It.

The man who eats is the man who works, and the man who works is the man who wins. Tireless workers depend upon a storehouse of vim and vigor. India is noted for its fastiers and its dreamers. Europe and America for their eaters and their workers.

In America we have been doing nothing but work the past century of a century. That is why our old men say, "In my days no one had dyspepsia." Of course, all men in those days ate and worked, now they work and eat.

If eating interferes with business, men give up eating. This is good logic for the dollar-getter, but poor wisdom for the man who really wants to live. Abuse of anything God gives results in punishment, and man is a pigmy when it comes to changing his system.

If you take from the system that which is intended should remain, or put into it that which is intended should be kept out, you are changing yourself, and sooner or later pay the penalty.

Stuart's Dyspepsia Tablets are concentrated vegetable and fruit juices which give the system every fluid, stimulant and ingredient necessary to the fullest strength from everything which goes into the stomach, or to keep from the system everything which should not lay and decay in it.

Your Druggist Says

Ask Your Druggist

The great army of American druggists are mighty intelligent and well-educated men.

They know the properties of drugs and medicines, and have experience with all kinds of troubles, which people come into the store to ask relief for.

So their practical knowledge is very valuable, and their advice is worth a great deal to all sick people.

If you know your druggist well enough to ask his advice for your female trouble, do so, and he will tell you that thousands of women have written letters, telling of relief obtained from taking Cardui.

In his experience, he has heard and read of many cases of female weakness, which have been relieved or cured by Cardui. So, when you ask his opinion, he will not offer a prescription, but will probably say: "Take Cardui." And you will do well to follow his advice.

Cardui is advised in all the common forms of womanly trouble, due to disorders peculiar to females. It has been found to relieve or prevent headache, backache, side ache, dragging sensations, nervousness, irritability, irregularity, and general female weakness and misery.

Many thousands of sick ladies have been restored to health, by the use of Cardui, and have written to tell of the good it did them.

Cardui is composed of pure, vegetable ingredients—hence has no harmful effects, like many mineral compounds. It acts gently and naturally, is good for young and old, and should be in every lady's home, even if not an invalid, to take during her bad days.

What others, who have tried Cardui, say about it, should surely be of interest to you, as showing what you may expect it to do for you. Hence this letter from Mrs. Temple Clark, of Timberville, Miss., one of the thousands who have written in similar strain, will, we hope, be read by you.

She says: "Cardui has been worth more to me than a carload of silver. If it had not been for Cardui, I would have been dead. I love a dollar, but I have never seen one that I think as much of, as I do of a bottle of Cardui. I now keep it in my house, as regularly as I do coal oil or coffee, and have done so for years.

"Some years ago, I jumped off a horse and had a mishap, and for about 4 years after that, I suffered intense agony, irregularities, bearing-down pains, etc. At last I was induced to try Cardui, which cured me, and now I am well and happy.

"I am sure that Cardui will cure other sick ladies as it has me."

Cardui is carried, as a standard remedy, on the shelves of all reliable drug stores. Your druggist will recommend it, and will gladly sell you a bottle, with full directions for use, on the inside of the wrapper. If in doubt, ask him.

VALUABLE BOOK FREE

Write for 64-page illustrated Book, "How Treatment for Women," describing symptoms of Female Diseases and giving valuable hints on health, hygiene, diet, medicine, etc. for free. Sent free, postpaid. Address: **Cardui, Ladies' Auxiliary, P. O. Box 128, Chattanooga, Tennessee.**



MRS. TEMPLE CLARK, Timberville, Miss.

Take CARDUI

LITTLE FAIRIES IN BIBI THE TOY PLAY



BIBI HERE WITH HER TWO BEAUX

Entertain Richmond Folk To-Night for Benefit of Home for Confederate Women.

Present indications are that the Academy of Music will be packed to-night for the opening performance of "Bibi," a comedy, which will be presented by local society people for the benefit of the Home for Confederate Women. The curtain will be raised promptly at 8 o'clock, and the performance will begin with a grand tableau.

PRISONERS MAY GO

Man Arrested Here Is Wanted for Felony in Roanoke—Several Charges.

John Jones, alias Fred Wood, alias Fred Smith, who has been held in the City Jail for the past ten days, was yesterday learned to be the negro said to be wanted in Roanoke for felony.

For a Quick, Delicious Lunch

Try **Post Toasties**

Crisp, savory, golden-brown Corn Toasties, dainty as a confection.

"The Taste Lingers"

Popular pkg. 10c; Family size 15c.

Made by Postum Cereal Company, Ltd., Battle Creek, Mich.

RECEIVER APPOINTED FOR COMPANY

Announcement was made yesterday at the State Department of Insurance that the Washington Life Insurance Company of New York has been temporarily placed in the hands of a receiver. This step is believed to have been taken to prevent the transfer and reinsurance of the business of the company to a Pittsburgh concern. The company has a fairly large business in Virginia.

CHLORPSE DIES IN CHAIR FOR BRUTAL CRIME IN CITY

Charles Gillespie (colored), the first man executed in the electric chair from this city, was yesterday morning put to death at the State Penitentiary. Gillespie's crime was committed scarcely more than a month ago. His spiritual advisers state that there was no confession, even though they claim he was prepared to meet his fate. The execution was perfectly conducted. Every detail of the law was carried out. The body was turned over to relatives.

Two Charged With Robbery

John Foster and George Richardson, both colored, will be tried in the Police Court to-day on a charge of having robbed Thomas Joe, an Italian confectioner, of 1104. The crime is one of the boldest on record, and was committed when the storekeeper, whose place of business is near Twentieth and Main Streets, was asleep in a room. The thieves disappeared with the cash drawer and contents. It is said that the evidence against the suspects is circumstantial.

Organ Recital at St. Paul's

Before a large audience in St. Paul's Episcopal Church last night the Junior auxiliary gave an attractive organ recital by Prof. Jacob Reinhardt and Ernest L. Coyle, together with several vocal solos by Mrs. Menden, of St. Paul's choir, and violin solos by Miss Annie Louise Blainard. The program contained many classical numbers, and the whole music was of a delightful nature.

Receive New Ambulance

The new ambulance ordered several months ago by the Committee on the Relief of the Poor was yesterday finally sent to the authorities at the City Home, and will be seen on the street to-day. The new wagon is much better than the old one, and combines many comforts which the smaller vehicles do not possess. It was built by a local firm.

Building and Repair Permits

Building and repair permits were issued yesterday to the following: Mrs. Rosa Schmidt, to erect a frame stable and carriage house in rear of 704 Brook Avenue, to cost \$100.

Will Meet To-Night

The subcommittee of the Committee on Streets, scheduled for a meeting last night to consider a bond issue for sewer, water and gas, will meet to-night to consider the convenience of several of the members. The committee meets on the calendar for an important meeting to-night.

Chief's Daughter Is Ill

Capitola Cooke, sixteen years old, daughter of Chief G. W. Cooke, of the Pamunkey Indian tribe, is ill in the Memorial Hospital. The home of the Indians is at White House, on the Pamunkey reservation. Many callers have visited the hospital since the girl arrived. It is not thought that her condition is alarming.

Fugitive Arrested Here

William Smith (colored) was arrested here yesterday on information received from Petersburg that he is wanted there for larceny. The telegram received by Mayor Warner gave no details of the crime. Smith will be sent to the Cocke City to-day in charge of the policeman who made the arrest.

Arrest Alleged Felon

George Smith (colored) was arrested last night on a charge of feloniously stabbing Jennie McCulloch, who is now in the City Hospital recuperating from her injuries. The woman was struck in the mouth with a beer bottle and was severely injured.

Fell Through Cellar Door

Elijah Temple (colored) was badly injured last night in a fall through a cellar door in front of 204 North Seventeenth Street. Temple suffered the dislocation of his right knee-cap. The injury was treated by the ambulance surgeon.

Continued His Case

G. B. Wallace, a young white man, appeared in the Police Court yesterday to answer a charge of wife-beating. The case was postponed until February 25. A charge of carrying concealed weapons was also continued.

10 Castor Laxative

CASTOR OIL IN POWDER

BANISH LIKE IT TASTELESS ASSETS IN ANY LIQUID OR BOTTLE. ODORLESS LIQUID ON FOOD.

THE BEST AND SAFEST LAXATIVE KNOWN

INJECTION BROU

Gives Prompt and Effective Relief without Inconvenience, in the MOST OBSTINATE CASES.

No other treatment required. SOLD BY ALL DRUGGISTS.