


# THE NEWS OF NORFOLK ON PAGES 2, 3, 5 & 11.

**MUNYON'S**

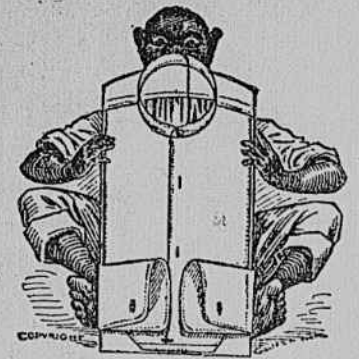


I will guarantee that my Kidney Cure will cure 90 per cent. of all forms of kidney complaint and in many instances the most serious forms of Bright's disease. If the disease is complicated send a four-ounce vial of urine. We will analyze it and advise you free what to do.

MUNYON.

At all druggists, 25c. a vial. Gold to Health and medical advice free. 1505 Arch st., Phila.

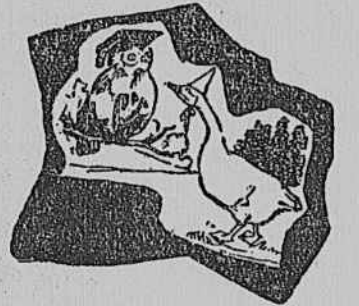
**KIDNEY CURE**



For the sake of contrast

compare one of the shirts done up at the Monticello Laundry with those you have been wearing, and it will be as plain as black and white that our superior methods are the triumph of fine laundry work in its exquisite color and finish.

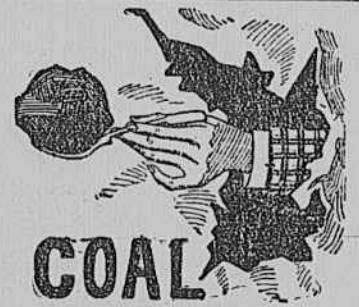
**MONTICELLO MODEL LAUNDRY**  
OFFICE: 105 GRANBY ST.  
ALBERT GERST, Mgr.



**The Wise and the Foolish.**

Are you wise or are you foolish? Those who are wise are quick to appreciate a good thing and are therefore taking advantage of our fine Coals. Don't be foolish and wait too long.

**Geo. W. Taylor & Co.,**  
61 Granby St., Norfolk, Va.



**Every Little Lump is the Real Thing.**

When it's our Coal. That's why a ton of it will do so much heating than a ton of the mixture that is ordinarily panned off for Coal.

It's worth your while to find out the difference. Your bank account is at stake.

**Norfolk Coal & Ice Co.**  
SAM'L FERREB & B. HARRELL, Proprietors.  
537 WATER ST.  
BOTH PHONES 331

**THE NOTTINGHAM & WRENN CO.,**  
NORFOLK, VA.  
WHOLESALE AND RETAIL DEALERS

**..COAL..**

We now have on our yard a stock of freshly mined and choice

**ANTHRACITE COAL**

Our customers would do well to place their orders and lay in their winter supply while the coal is dry, fresh and clean.

**Pocahontas Steam Coal**  
a specialty. Get our prices before buying elsewhere.

**Pine and Oak Wood!**  
of the very best quality on this market; sawed, split and as required. Your orders are respectfully solicited.

**The Nottingham & Wrenn Co.**  
NORFOLK, VA.  
OLD PHONES, 5-114 and 224.  
NEW PHONES, 15 and 24.

## COURT DECISIONS.

### DIGESTED BY W. B. MARTIN.

#### EXCLUSIVELY FOR VIRGINIAN-PILOT.

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

**M. L. I. CO. V. RUTHERFORD.**  
Supreme Court of Appeals of Virginia.  
March 15, 1900.

THE PRELIMINARY PROOFS OF LOSS PRESENTED TO AN INSURANCE COMPANY ARE BINDING ON THE BENEFICIARY. WHEN ANSWERS IN AN APPLICATION OF INSURANCE ARE MADE WARRANTIES BY THE CONTRACT ITS VALIDITY DEPENDS UPON THEIR LITERAL TRUTH WHETHER MATERIAL OR NOT.

The Court says: Upon the trial the plaintiff offered in evidence the two policies of insurance sued on, the applications therefor, proofs of the death of the insured, and certain oral evidence. The defendant, without any testimony, demurred to the plaintiff's evidence.

By the terms of the policies of insurance, which are substantially alike, the answers and statements contained in the printed and written application for them were all made warranties and parts of the contracts of insurance. One of the conditions (the 4th) of each policy, which is expressly made a part of the contract, provides among other things, that if any of the statements or warranties referred to in the policy or upon which it was granted was not true, that the policy should be void.

In the case under consideration, the proofs of loss show that the death of the father of the insured was caused by a disease other than that stated in the application for insurance, thus showing prima facie the falsity of one of the answers of the insured which he had warranted to be true. No effort was made to show that this statement in the proof of loss was the result of a mistake or was not true, although the plaintiff herself, the party who made the statement, testified in the case. In this condition of the record, the falsity of the answer of the insured as to the cause of the father's death must be treated as established. It may be, as the beneficiary insists, that this answer was not really material to the risk assumed by the company, but that does not effect the question.

Where the answers to questions propounded in an application for insurance are made warranties by the terms of the contract of insurance, its validity depends upon the literal truth of such answers, and it is a matter of no consequence whether they are material to the risk or not. Being warranties, they are in the nature of conditions precedent, and like them, must be strictly complied with. Lynchburg Fire Ins. Co. v. West, 76 Va., 575; Va. Fire and Marine Ins. Co. v. Morgan, 90 Va., 250; Home Ins. Co. v. Sibert, 96 Va., 403. The warranty being untrue, the plaintiff cannot recover. We are of opinion, therefore, that the defendant's demurrer to the evidence ought to have been sustained and judgment given for it.

**REDGATE V. ROUSH.**  
Supreme Court of Kansas.  
February 10, 1900.

WHERE THE OFFICERS OF A CHURCH UPON ENQUIRY FIND THEIR PASTOR UNFIT FOR HIS OFFICE, AND IN GOOD FAITH, AND ON A REASONABLE OCCASION, PUBLISH THE RESULT OF THEIR ENQUIRY IN THE CHURCH PAPERS, SUCH COMMUNICATION IS PRIVILEGED. IN SUCH CASE, IF THE PASTOR SEEKS DAMAGES FOR LIBEL, HE MUST PROVE ACTUAL MALICE.

This was an action for alleged libel upon plaintiff, a preacher, by the defendants who were officers of his congregation. The alleged libel was a publication in the church papers that fellowship was withdrawn from the plaintiff as a member and as a preacher. The lower court sustained a demurrer to the evidence and gave judgment for the defendants and plaintiff appealed.

The Court says: One of the principal questions presented for decision is whether the communication complained of was a privileged communication. If the statements were published in good faith, and in the performance of what was honestly deemed to be an official or moral duty toward other church members, and for the benefit and protection of the church organization at large, and there was a reasonable ground for the publication, it is privileged and protected. On the face of the publication there is no vilification, extravagant language, or evidence of a wrong motive, and it would seem that the occasion fairly justified the publication of the defamatory matter. They were officers of the church and concerned in its welfare; the conduct and character of the plaintiff as their pastor had become a subject of official enquiry. The result of their enquiry was a matter of interest, not only to them and the church at Wellington, but to other church members of their church organization throughout the country. If the publication is prima facie privileged it devolves on the plaintiff to allege and prove that it was both false in fact and malicious in purpose.

The burden of proof was upon the plaintiff to establish actual malice, and, having himself disproved malice, he failed to establish a liability against the defendants, and the case was rightfully taken from the jury. Affirmed.

## AMUSEMENTS.

**"ADVENTURE OF LADY URSULA."**  
Mr. William Morris, supported by Miss Frances Drake and a capable company of players, will appear at the Academy to-morrow afternoon and night, presenting "The Adventure of Lady Ursula," a four act comedy by the noted author and playwright, Anthony Hope. "The Adventure of Lady Ursula" is the play that achieved success in London and ran an entire season at the Lyceum Theatre in New York, and is produced this season by special arrangement with Daniel Frohman. Seats can be secured for either performance at the Academy.

## SHIPPING NOTES.

**LOSS OF A SCHOONER—TWO COLLISIONS—HARBOR.**

The three-masted schooner William H. Kenzel, Captain James Soper, New York to Baltimore, cement loaded, struck on the Isaacs early yesterday morning in the heavy sea and wind at that time, knocked a hole in her bottom, ran into Cape Charles channel with distress flag flying and sank in six fathoms of water, vessel and cargo becoming a total loss. The insurance being represented as light, if any. The signal office at Cape Henry reported via seacoast telegram the vessel's position as soon as discovered, and the Merritts sent the steamer Rescue to her assistance. In the meantime the pilot boat Relief had stood alongside and taken off Captain Soper and the crew with their effects and later landed them at Old Point, whence the Rescue brought them to Norfolk, where Captain Soper noted protest and made arrangements for paying off the crew. Later he returned to the schooner and will probably have her stripped insofar as possible.

The Wm. H. Kenzel was built at Staten Island, in 1865, and was of 460 registered tonnage. During the heavy blow of Wednesday afternoon the three-masted schooner Greenfield, Captain Layfield, from Baltimore to Norfolk, light, came in collision with the Merchants' and Miners' Transportation steamship Essex off Boush's Bluff, and lost her bowsprit and jibboom, cut off clean at the knight-heads; sails and head rigging also suffered somewhat. The Greenfield will repair here.

Yesterday afternoon, as the schooner Mary S. Ewing, Captain Brown, was running in from James river, she fouled the revenue cutter Onondaga, tearing her own main sail badly and injuring her otherwise. She will repair here.

Owing to the pressure of work and to the extended personal supervision of anchorages recently devolved on the harbor-master, the fact that the cutter put in shape the cutter C. W. Ridley, in which to attend to their duties. As a result of this personal attention given to all vessels in the harbor, the channel at Lambert's Point and below is now kept clear and in easily navigable condition, and no word of dissatisfaction from the crowded condition incident to the large coal fleet has been heard for several weeks, though there are still in the neighborhood of 50 barges and schooners lying in wait for coal between Pinner's Point and Craney Island. This is a high compliment to the harbor masters' faithfulness.

## Y. M. C. A. BASKET BALL.

**THIRD TEAM WILL NOW PLAY SECOND FOR CHAMPIONSHIP.**

The final game between the Third and Fourth basket ball teams of the Y. M. C. A. was played last night before an enthusiastic audience, and resulted in a victory for the Third team to the tune of 35 to 13. This victory places the Third team on the line of the final competition. The Second team, also having won three out of five against the First, will be their opponents.

The final series will commence next week, and will also be decided by the best three out of five games.

The game last night was intensely exciting, though much one-sided, the plays being exceedingly fine. The lineup was as follows:

Third Team—N. Jacobs, captain; J. H. Hanna, E. L. Croonenberg, Arthur Lankford, Grif Dodson.

Fourth Team—H. B. Russell, captain; H. H. Priest, F. H. Driesell, C. M. Rutter, Robert Montague.

## New Church at the View.

Before many weeks from this date work will begin on the erection of a house of worship at Ocean View. The possibility of a church being erected at the View has been held time and again in these columns, but now the erection is a sure thing, and will no doubt be hailed with delight by the thousands who visit this popular resort on Sundays during the summer.

The contract for the new church has been awarded to Mr. John Pierce, of this city, and will cost something like \$10,000. The church will be non-denominational, and ministers from every denomination of the city will conduct services each Sunday in rotation.

## The Lists Close To-Day.

By primary law no candidate to be voted for in the coming primary may enter the lists after to-day. The City Executive Committee will after to-day prepare the list of the candidates to be voted for and provide for the issuance of tickets. The candidates will hold a meeting shortly to select an Electoral Board, which will select the judges and clerks of election at the various precincts. A two-thirds vote of the candidates is required to elect the Electoral Board, and a two-thirds vote of the Board is likewise required to choose the judges and clerks.

## Transferred to Norfolk.

Yesterday's Lynchburg News says: "Mrs. T. W. McGraw left yesterday afternoon for Norfolk, where she will join her husband, who has been promoted to the position of general yardmaster at that place for the Norfolk and Western railroad. While in Lynchburg Mr. McGraw efficiently filled the position of yardmaster and his departure for Norfolk about a week ago was deeply regretted by his many friends."

## Ferry Steamer Accident.

The ferryboat Norfolk County broke her connecting rod while making the Portsmouth dock last night on her 11 o'clock trip. The steamer T. W. McGraw was put on the line in her place until steam could be gotten up on the City of Portsmouth, when she completed the night's work.

## The Latest War News.

The latest war news from the front is eagerly sought after by friends at home. To some it brings happiness, as they read of valiant deeds accomplished, while to others the same message brings grief and sorrow, when they note the death or capture of their loved ones by the enemy. There is also much sorrow and suffering throughout our own country by those who have been captured by that great enemy of mankind—Dyspepsia. For this, however, there is a remedy that will surely get them free, and that is Hostetter's Stomach Bitters, which also cures indigestion, constipation, biliousness, nervousness and insomnia, and as a preventative for malaria, fever and ague, it is unequalled. It has a record of twenty years of cures to back it up, and a trial will convince you that your case is not incurable, as you will find after taking a few doses your stomach will be stronger and your appetite will return.

## HE LIKES TIDEWATER

**Gov. Tyler Delighted With His Visit to Phoebus and Norfolk.**

Found a Great Deal of Prosperity—Everybody Busy and Everybody Making Money—He Expect a Great City on the Shores of Hampton Roads.

The Richmond Dispatch of yesterday says: Governor Tyler returned last night from a visit of several days to Phoebus, Hampton, and Norfolk.

It is safe to say that if the Governor ever leaves his Southwest home he will locate somewhere near Hampton Roads. "I do not believe there is a more prosperous section of the United States," said the Governor last night. "I have rarely enjoyed a trip more than this last one. It does me good to see such unmistakable evidences of prosperity within the bounds of the Commonwealth. I spent Monday at Phoebus and yesterday and to-day at Norfolk. I heard a great deal of the fine business conditions existing at Newport News. From what I saw and what I heard I feel it is no exaggeration to predict that within the next quarter of a century we will see hundreds of thousands of people living around the shores of Hampton Roads."

## EVERYBODY MAKING MONEY.

"Everybody is busy. Every business enterprise is making money. I visited several of the Norfolk factories. I was much impressed with the cutlery factory at Lambert's Point, and the silk factory, also located there. Each employs a large number of hands, and each is making money. It seems to me the people of Norfolk do not fully realize the size and importance of these industries."

"The volume of business done in Norfolk is enormous," continued the Governor. "The railroads are constantly pouring in immense quantities of western products of every character into the city, and the harbor is full of craft loading and carrying it away."

## NORFOLK'S BUSY HARBOR.

"I do not recall that I have ever seen a much busier place than Norfolk harbor is today."

Governor Tyler was much pleased with Phoebus. The dinner given by the citizens of the town Monday in honor of the incorporation of the village especially pleased him. "It is a nice little town," said the Governor; "a strong healthy baby. We put a clean dress on it and started it. How long it will keep clean and going nobody can tell."

## THE EMPORIA LYNCHING.

Governor Tyler refused to discuss the action of the Emporia grand jury in failing to indict anybody for complicity in the lynching last week.

"I do not care to say anything regarding the matter," said the Governor. "I realize how difficult it was to fix the blame. I think the sentiment of the people of the county must be fully understood in order to understand the difficulty in finding a true bill against any one."

"You may say, however," said the Governor, "that the report sent out from Norfolk saying that I had said the grand jury was 'bulldozed' was incorrect. I made no statement of that nature."

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