## CONSTITUTION OF STATE OF FRANKLIN North Carolina was really adopted, with few changes. Congress was asked

NOTEWORTHY HISTORICAL FIND IN THE STATE GAPITOL

After a Search of Years the Document Embodying the Organic Law of the Short-lived Commonwealth Which Seceded From North Carolina Turns Up, and is Now Published For the First Time--Remoteness From Eastern North Carolina and Encouraging Resolutions of Congress Cited in Defence of Secession---Constitution of North Carolina Taken as the Model--- An Intrductory Sketch-la Trouble from the First---Curious Equivalents for Money--Governor John Sevier.

Correspondence of The Observer.

Raisigh, September, 9.-For any other in this country. This search voted for. has now ended successfully, and the SEVIER'S PROTESTS UNAVAILING. constitution and other documents were

be charged against North Carolina's a quota of expenses in the Revolutionary has war, but that a common fund for this of years search has war, but that a common fund for this for the constitution of the purpose has not been raised. A new been processor for the constitution of the purpose has not been raised. A new State of Tranklin, which had a shorter convention was held by the Tennesmore sensational existence than seeans and the members thereof were

On election day Sevier, at Jonesboro, found tied up in little paper boxes in declared that he was satisfied with the office of the Insurance Commis- what the Legislature had done for the gioner on the third floor of the capitol, western people and urged the people to this room having formerly been used as go no further in their design for separa depository of documents. All Tennes- ation from North Carolina, He wrote see used to belong to North Carolina, letter to the same effect. saying he which, it is well known, ceded it to the thought the action taken would satisfy United States. The Legislature, which, the people with North Carolina. He in 1874, enacted the law making the wrote other letters, begging the people cession, provided that if Congress not to set up a new government, but should not accept it in two years the the people persisted, went on with the act was to be of no effect. The Legisla- election and Sevier was one of the 15 ture, at the same time, closed the office deputies elected by the three counties for the entry of lands in Tennessee and named. Sevier was made president of nullified all land eatries except cer- the convention and the constitution was tain specified ones. The members drawn up, to be ratified or rejected at from the mountain counties of Wash-ington, Sullivan, Green and Davidson, 1785, at Greenville, but meanwhile the were present at this meeting of the people were to elect a Legislature for

GENERAL JOHN SEVIER, FRANKLIN'S ONLY GOVERNOR.

Legislature at Hillsboro, and voted for the new State, which was to be given the then known as the "Western Territory." held according to the North Carolina The latter section complained of inadequate provision on the part of North boro and at once elected Sevier as Govern settlements, which had become extensive and burdensome to North Carolina, and this State charged that these CURIOUS EQUIVALENTS FOR Tennessee people were extravagant and Historians declare these mutual charges caused the hasty

SECESSION FROM NORTH CARO of taxes, these being home-made linen, LINA. The members from those Tennessee counties took home with them the first low, bees-wax, rye whiskey, (by the news of the act, and the impression was way the price of the latter was fixed at created that during two years, at least, 60 cents per gallon) peach and apple the new settlement would be under the brandy, maple sugar, good tobacco, etc. protection of neither Congress nor of This was one of the most curious pro-North Carolina, but be in anarchy visions ever made, and has caused a without aid or support at home or great deal of amusement, it being abroad. No provision had been made claimed that the salaries of the Govfor courts in that section and the "reg- ernor and other officers were to be paid ulators" took charge of affairs. The entirely in skins, and it was said that militia was also partially disorganized, mink skins were the kind prescribed. with no brigadier general to call it into These various articles were really at by the choosing by each company of silver and were in no danger of deprecia-militia of two representatives from the cation like bank notes. Money was respective counties, as a committee to very scarce and really unknown in dorecommend the course to be pursued. mestic Only three counties took this step, Maryland had made tobacco a measure Washington, Sullivan, and Green, of value, in North Carolina debts and Davidson electing no delegates. These rents were generally made payable in hides, tallow, furs, etc., while musket balls and milk pails were currency; in John Sevier president and Landon Car- fact, legal tender, in Massachusetts. ter secretary. It at once raised a The Legislature of Franklin arranged committee to consider affairs, and espe- for a treaty with the Cherokee Indians cially the cession of Tennessee, the Western Territory to the United Sevier deploring the sufferings of the States. Very quickly the convention white people and the killing of them by unanimously adopted a report of a committee, declaring the three counties North Carolina to Kentucky. The counnamed independent of North Carolina by offices of the State of Franklin were and providing that if any part of Virginia wished to unite with them it could do so. There were 40 members at this convention. The decision was announced to the crowd in the street. The next step was the calling of a new convention, to form a constitution, and give a name to the independent State. Each county elected five members the same number they had chosen in 1776 to form the North Carolina constitution. The meeting was called and held at Jonesboro September 16th, but was not held until November. It broke up in confusion, there being two factions, one wishing to remain with North Carolina, the Legislature of which was then in session at Newbern. The very first thing this North Carolina Legislature did was to repeal the act ceding the Western Territory to Congress, also to cating a judicial district composed of Tennessee and appointing an associate justice and an attorney general for a court which was ordered to e held at Jonesboro. Another step taken by the Legislature was the formation of the militia of Washington district into a brigade, to the command of which John Sevier was assigned. The egislature said that the act of cession the whole expense of Indian expeditions and militia help to South Cerolina and

the cession of Tennessee, which was name of Franklin, this election being Carolina for the necessities of the west-ern settlements, which had become ex-sion of the Legislature of Franklin ended March 31, 1785.

TAXES. There were some curious provisions in the constitution, one fixing the arpassage of the cession act of June, 1784. ticles which could be used in payment linsey, skins of beaver, deer, otter, raccoon and fox, woolen cloth, bacon, tal-Then the first step was taken, that time best convertible into gold or transactions. Virginia and

and held a great conference, Governor the Indians on the road leading from renerally given to persons who already held commissions to North Carolina and this was very satisfactory in Franklin. In North Carolina the news of the formation of Franklin aroused surprise, censure and condemnation and complaints came to Governor Alexander Martin by the chief of the Cherokees. of violations of treaties. One matter which intensified feeling was the mur der of a head chief of the Cherokees by an officer of the State of Franklin, Major Hubbard. Hubbard's parents and all his other relatives had been murdered by the Shawnees in Virginia and Hubbard had sworn to kill every indian he could. The Indians rose, and terrible was their vengeance. Governor

lin to look into the matter. .. A DIVIDED ALLEGIANCE. On the first of June, 1785, the Legislature of North Carolina convened at Newbern, to take action regarding the revolt of the people who had sermed the State of Franklin. Governor Martin's address was earnest and strong, but conciliatory, and many copies of it were sent to the State of Franklin, where it had no little effect. The people had been passed in full confidence that of Franklin, however, liked their independence, and Sevier wrote to Governor Caswell, of North Carolina, a mani-

Martin, of North Carolina, sent Sam-

uel Henderson to the State of Frank-

to permit the separation of the western section of Virginia and North Carolina from the old or eastern section. Greenville was made the permanent capital of the new State. Various strifes arose and the new government was in trouble from the start. There really were two governments, as an lection was held for Franklin and also for North Carolina, John Tipton and others being chosen as members of the North Carolina Legislature, their North Carolina Legislature, course inducing many to accept the terms held out by North Carolina and in taking position against the new State. So in 1876 there were two sets of courts, and all sorts of retaliations. a feud arising between Tipton and Sevier, Tipton holding courts under the authority of North Carolina at Buffalo, only ten miles from Jonesboro, while court was held in Jonesboro same county under Franklin authorities. The State of Franklin then embraced seven counties and had its militia, etc.

Troubles with the Indians continued. North Carolina continued to legislate for Franklin Territory and laid off a new county called Hawkins, composed of what the Franklin government had made the county of Spencer. Early in 1787 there was a compromise by which the people were given the right of paying taxes and owing allegiance to either of the rival governments, at their own pleasure. Never was there a more singular condition of affairs. In a crowd people were heard to hurrah for North Carolina, and others for Franklin.

THE END IN 1788. The compromise was found to be a failure, and in 1788 the State of Franklin ceased to exist, as it was found that new' State or Territory would be formed by Congress. Every day adherents of the new State transferred their used. - 10th Sect. That excessive allegiance to North Carolina, so that Ball should not be required not excesreally by 1787 Sevier had hardly any rive fines imposed nor crewel Punish-followers of any importance. The ments inflicted.— 14th Sect. That Gen-Franklin Legislature was going to oral Warrants, whereby any officer of pieces. Very few documents of the messinger may be commanded to State of Franklin have survived, and search suspected places without Evino land grants from it have been found. dence of the fact Committed, or to The last defection was of the State selze any person or persons not council, which, one by one, left Sevier, named whose offences is not particu-It was in February 1788, that Franklin larly discribed & supported by evicessed to exist. It is a strange story, dence, are dangerous to Liberty, & Sevier was really a masterful man, as his partrall shows it below in the strange story. his portrait shows, it being in the uniform of a general.

AN UNPRETENTIOUS DOCUMENT.

The analysis of the principle of the p

The constitution of the State of exiled, or in any manner but by the Franklin is a very small document, Laws of the land.—12th Sect. That written rather plainly and in a fairly every freeman restrained of his liberty good handwriting, and is covered with dingy brown paper. It is a very unpretentious document; indeed, there is nothing on the cover to mark it. Very little of it is faded. The writing may have been that of Sevier himself, as it is not unlike his signature. Sevier seems always to have leaned towards North Carolina, the old mother State, as his actions showed. He was, however, very much like Governor Vance, erty. & therefore ought never to be rewho went to the civil war with rejuctance, but put his whole heart in the this State ought not to be taxed, or fight when once he started in. No made Subject to the payment of any doubt Sevier's application for pardon impost or duty without the consent of was made with a great deal of pleasure themselves or their Representatives in and satisfaction. The records of his General Assembly freely given.—17th short-lived State are certainly meager. That the people have entitle bear and the collection now found will be arms for the defence of the State, and printed in the State records. It does as Standing armies in times of peace not seem that many of the documents are dangerous to liberty they ought have found their way into print. The not to be kept up; and that the Millipicture of Sevier is secured through tary should be kept under strict subthe courtesy of Harper & Bros., publishers, of New York city, and are from power. -- 18th. That the people have sketches made from life by a Tennessee aright to Assemble together, to conartist, the sketches being in crayon, both being said to be excellent. The little State, indeed, had a hard time, it having incurred the displeasure of Grievances.—19th, That all Men have North Carolina, having hostile Indians always around it, and having fear of the Spaniards also. It really doesn't seem such a great while since the State was in operation, and yet its story shows how wild a country east Tennessee was then.

TEXT OF THE CONSTITUTION.

Your committee appointed to collect and adjust the reason which impels us hereditary Emoluments privileges. to declare ourselves Independent of North Carolina Report as follows (to wit) Whereas we the freedmen inhabitants of part of the Country included in the limits of an Act of North Carolina Ceding certain vacant Territory to Congress; have declared ourselves Independent of North Carolina a decent respect to the opinions of mankind make it proper that we should manifest to the world the reasons which Induced us to a declaration, which are as fol-

First. That the Constitution of North Carolina declares that it shall be Justifiable to erect New States Westward when ever the Consent of the Legislative shall Countenance it. & this Consent is implied we conceive in the Cession act which has thrown us into such a citation that the influance of the 1787,-Law in common cases became almost a nullity & incriminal Jurisdiction had intirely seased which reduced us to the verge of anarchy. 2nd.-The Assembly of North Carolina have detained a Certain quantity of Goods, which was procured to satisfy the Indians for the lands we possess which detainure we fully conseive has so exasperated them that they have actually committed hostilities upon us & we are alone impeled to defend ourselves from these raviges. 3dly. The resolutions of Congress held out from time to time incouraging the erection of New States have ap-

peared to us ample incouragement.— 4thly. Our local situation is such that we not only apprehend that we should be seperated from North Carolina; but almost verry sensible disinterested traviler has declared it incompatible with out Interest to belong in union with the Eastern part of the State for we are not only far removed from the Eastern part of North Carolina. But seperated from them by high & almost impasable mountains which naturally divide us from them have proved to us that our interest is also in many respects distinct from the inhabitants on the other side & much injured by an union with them. 5th And lastly we Unanimously agree that our lives, liberties and Prosperity can be more secure & our happiness much better propagated by our separation & consiquently that it is our duty and unalienable right to form ourselves into

or liver to call at our store and get a full-size bottle of "Seven Barks"—the a new Independent State-A Declaration of rights mads by the A Declaration of rights mads by the great German stomach and liver regurepresentatives of the Freemen of the lator. As an evidence of good faith, State of Franklin-1st. That all Po- we ask a deposit of 50 cents-but if litical power is vested in & derived after taking according to directions from the people only-2nd. Sec. That the remedy does not accomplish all the people of this State ought to have that is claimed, return the empty or the sole & exclusive right of regulating partly used bottle and your money will be cheerfully handed back. the Internal Government thereof-3d. Sec. That no man or set of men. antee of this kind were we not positive of our position. "Seven Barks" is not are intitled to exclusive or seperate Emoluments or Privileges from the an untried remedy. It has been on the market for 35 years with astonishing community. But in consideration of

Georgia by the Tennessee people should

That so many have tried in vain to imitate Dr. Keeley's method and cure is a decided compliment to its efficiency, because men only seek to counterfeit the genuine article. Correspondence is cordially thrited by The spondence is cordially thrited by The spon



durden & to, truggists, and

### Southern Railway. ions of Members to serve as representatives in General Assembly ought be free .- Sect. 7th. That in all presecutions every man has a right to In effect June 19, 1904. informed of the accusation against him, and to confront the accusors & witnesses with other Testimony & shall

my as verdict of a Jury of good & Law

full men in open Court as heretofore

is entitled to a remedy to incuire into the law ulness thereof & to remove

if unlawfull & that such remedy ought

not to be denied or delated. - IIII Need

That in all Controverces at law re-

specting property the Ancient mode of

tryal by Jury is one of the best securi-

ties of the rights of the people & ought

to remain sacred & inviolable -- 15th Sect. That the freedom of the press

is one of the great Bulwa-'s of lib-

strained .- 16th. That the people of

natural and unallenable right

dictate of their own conscience

20th. That for redress of Griev-

rees and for aircading and strength-

oning the laws. Elections ought to be

often Held .- 21st. That a frequent

recurrence to a Fundimental principles

is absolutely necessary to preserve

blessings of liberty. 22nd. That no

honours ought to be granted an Con-

perretuties & monopolies are Contrary

to the genius of a free State and ought not to be allowed. -- 24th. That rep-

resentative laws punishing Facts com-

laws and by them only declared crim-

inal, are oppressive unjust and incom-

the Representatives to exact laws to

in morallity. The Constitution, or form

of Government agreed to and Resolved

upon by the representatives of the

freedom of the State of Franklin, elect-

ed and chosen for that particular pur-

pose in convention Assembled at Jones-

borrough the 17th Dece. Anno Dom.

Sect. 1st. That the legislative au

thority shall be vested in two distinct

branches, both dependent on the peo-

ple (to Wit.) a Senate and house of commons.— Sent. 2nd. That the

Senate shall be composed of the Rep-

resentative Annually chosen by ballot

from seach County untill be ten Coun-

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WONDERFUL

REMEDY

Its Efficacy or Make

No Charge

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be cheerfully handed back.

That the people have aright by

petible with Liberty, wherefore expost facto law ought to be made.

ercourage Virtue & Summess vice

ferred in this State, -23rd,

mitted before the existence of

25th.

vorship God Almighty according

This condensed schedule is published as nformation and is subject to change information and is subject to change without notice to the public.

4:84 a. m., No. b. daily for Richmond and local points, connects at Greenshove for Winston-Salem, Raleigh, Goldsboro, Newbern and Morehead City, at Danville for Norfolk.

5:15 a. m., No. 27, daily, for Rock Hill, Chester and Columbia and local points.

7:16 a. m., No. 16, daily, except Sunday, for Statesville, Taylorsville and local stations; connects at Mooresville for Winston-Salem; at Statesville for Asheville, Hickory, Lenoir and Blowing Rock. not be compeld to give Evidence against himself, 8th Sect. That he reman shall be put to answer any riminal Charges, but by indictment Presentment or Impeachment, -9th That no freeman shall be convicted of any Crime but by the unadi-

Hickory, Lenoir and Blowing Rock.
Non a m., No. 39, daily, Atlanta Ex-press, Pullman sleeper to Columbus, Oa and day coaches to Atlanta. Close con nections at Spartanians for Henderson-ville and Asheville. Dining car sarvice. 9.5 a. m. No. 23, daily, New York and Augusta Express, for Rock Hill, thester. Winnsboro, Columbia, Savannah and Augusta, first-class coach to Augusta. Dining car service. Pullman stepcer to Au-

9.15 a. m. No. 36, dully, U. S. Fast Mail for Washington and all points North Pullman drawing rooms, sleepers to New York and Richmond; day coaches New Orleans to Washington, dining car ser vice. Connects at Greensboro for Win-don-Salem, Raleigh and Goldsboro. 9:30 a. m., No. 37, daily, Washington and Southwestern Limited. Pullman drawing room sleepers, New York to New Orleans and Memphis. Pullman observation car and Memphis. Pullman observation can New York to Macon; dining car service

solid Pullman train. No. 30, Washington and Florida Limited. Solid Fullman train.
No. 39, Washington and Florida Limited, leaves at 19:05 a.m., daily; Pullman drawing room slepers to New York, first-class can't to Washington; dining car service. II:00 a.m., No. 28, daily for Davidson, Mooresville, Rarber Junction, Cooleemee, Mocksville, Winston-Salem and Roanoke, Versiand Leaves 19:00. Va., and local points. 12 35 p. m., No. 11, daily, for Atlanta and

ocal stations; connects at Spartanburg of Hendersonvilla and Asheville 7:10 p. m., No. 12, daily for Richmond and local stations; connects at Greensboro or Buleigh and Goldsboro; Puliman leeners, Greensboro to Goldsboro; Char v. D p. m., No. 25, daily, except Sunday freight and passenger for Chester, S. C.

and local points.
7:15 p.m., No. 24, daily, except Sunday,
[or Statesville and local stations; connects at Statesville for Asheville, Knoxville Chattanooga and Memphis.

8.18 p. m., No. 38, daily, Washington and Southwestern Limited, for Washington and all points North, Pullman sleepers and Pullman observat a car to New York, Dining car service. Solid Pullman

train No. 29 Washington and Florida Limitfor Jacksonville, room sleepers est-class coach Washington to Jackson-

10.10 p. m., No. 35, daily, U. S. Fast Mal for Atlanta and all points South and Southwest. Pullman drawing room sleep ers to New Orleans and Birmingham; day paches Washington to New Orleans

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mington, 10-45 p. m.

Train T from Eutherfordion Shelby and identifier, 7-15 p. m.

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40, for Atlanti, Wilmingto, Raleigh, Norfolk, Kickmond, Washington, New Yerk, 5:01 a.m.

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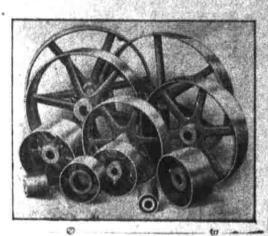
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