## DISAGREES WITH MOTHER SUPREME COURT DECISIONS

The Prisoner Declares He Will Reep His Own Programme and Will Not Consent to Appointment of a La-nacy Commission—Important Wit-ness Found—Mr. Hartridge An-nounces That He Has Woman Who Will Aid in New Line of Defence.

W. Hartridge, his personal counsel, and the latter's associate, A. Russell Peabody. From Mr. Hartridge he learned of the nature of the testimony to be given by a Mrs. Vera Simonton, a nursa, who is the first of the witnesses upon whom will depend the strength of the defence which it is now practically certain will be made

now practically certain will be made. While Mrs. Thaw and the prisoner's eister were with him his wife arrived. The meeting between Mrs. Thaw and her daughter-in-law is said to have been far from cordial, particularly coming as it did after Mrs. Thaw had been unsuccessful in moving Harry from the position in which it is known he is supported by his wife. This at-titude on the part of the young wo-man has served to greatly widen the breach between herself and the mem-brs of her husband's family, who in-sist that her sincerity in upholding her husband's course regarding his trial is open to question is open to question

SEEMS LESS CHEERFUL. Wearing black, which served to accentuate the pallor of her counten-ance, Mrs. Thaw seemed older and loss cheerful yesterday morning than on the occasion of her last visit on Wednesday, when, too, the chief top-ic of discussion was the nature of the defence and the lawyers who should present it. Mrs. Carnegic also looked ill at ease, and it was plain that the two women were suffering from the strain under which they found , themselves,

It afforded a matter for comment the difference in the appearance of the three women—the mother and daughter on the one side and the wife. The first two plainly show the effect of the excitment and notoriety into which unwittingly they have been plunged. The mother seems to feel keenly the disgrace brought upon her her child and her former ease of manner and dignity of carriage is in large part gone.

Scarcely a change is discernable in the outward appearance of the young wife, It can scarcely be said that she seems distressed by the attention is attracting; there have been times in which observers, unjustlyperhaps, fancled that she sought to engage rather than avoid it. Her eye is bright her color good, her smile ready, and save for the more subdued colors she chooses in her frocks, there is little or nothing to show that she is playa leading part in a murder that startled the entire country

WANTS LUNACY COMMISSION. Mrs. Thaw lost no time when she had greeted her son in trying to percouncil and agree to the appointment of a lunacy commission. Of equal if not greater importance was her plea for the retention of Black. Olcott. Gruber & Bonynge, who have become identified with the effort to have the prisoner adjudged insane and therefore not accountable for the crime which he is now under indictment.

To each of her appeals Thaw turned a deaf ear. There has ever been a close sympathy between mother and son and this fact made thir positions hard, but the prisoner declared he was irrevocably committed to the pollcy he and his counsel were pursuing and that no influence could alter his

Those who were present say the scene was an affecting one. To the tears of the mother the sister added her supplications and the young man was implored for the sake of the family upon which he had brought such heavy disgrace to listen to its wishes, but he was firm in his attitude and declined to deviate in the Forsyth. Affirmed partly to the slightest degree from the programme he has laid out for himself and he does not hesitate to say to his intimates will bring him to Mrs. Thaw and her daughter did

not remain long after Evelyn Nesbit Thaw arrived. A scant ten minutes perhaps covered the time during which the four were together. Formal node and perfunctory words were ex-change, and the meeting was de-scribed as being characterized by the most distant attitudes assumed by the aged mother toward the young wife.
When Mrs. Thaw and Mrs. Carnegie
left Evelyn Nesbit Thaw remained
with her husband for less than an
hour. She left the Tombs with a big bundle of legal papers in her arms, which she took to the offices of Mr. Hartridge before returning to the Hotel Lorraine, where she still retains

leaving the city prison the elder Mrs. Thaw and her daughter drove to the offices of Black, Olcott, Gruber & Bonynge, at No. 170 Broadway, where she had an extended conference with former Judge Ol-

Mr. Hartridge expresses himself as well satisfied with the progress of the case, Acting for him A. Russel Peabody visited former Judge Olcott's offices yesterday to obtain papers. After some heated words with Terence J. McManus Mr. Peabody departed without the documents, which he was told were in the possession of Mr. Olcott, who was out at the time.

It was announced yesterday that the first witness for the defense's new case had been found in the person of Miss Vera Simonton, a nurse who lived at the Hetel Algonquin, atterward moving to the Hotel Planders. This woman, it is said, was employed by Stanford White to go to Europe and bring back with her Evolyn Nesbit, who had gone abroad with Thaw. She failed to find the actress, so she returned accompanied by Mrs. Holman, who had been left by her daughter in London.

Some insist that Miss Simonton's testimony is without significance, while others profess to see in it the first of a series tending to prove the frequent efforts of White to reinstate himself in the affections of Miss Nesbit, who had been left by her daughter is London.

Some insist that Miss Simonton's testimony is without significance, while others profess to see in it the first of a series tending to prove the frequent efforts of White to reinstate himself in the affections of Miss Nesbit, even after she became Mrs. Thaw, and threby going to establish the defence's pieu of justification.

His Bucolic Business.

His Bucolic Business.

Detroit Free Preas.

"That was a perfectly lovely gentleman I met last night," declared the pretty milliner. "He has a good, reliable business, too."

"What is it?" asked her friend.

"Why he sells farm implements," continued the pretty girl,

"What kind of farm implements?"

"Buckets, Jobhing but buckets. He told me he kept a bucket shop."

SCENE AT HARRY THAW'S CELL BRENIZER VS. ROYAL ARCANUM From Meckienburg, Error. Revisat fal, the plainting in a proceedings, upon the sug-the wishes to traverse the he garnishes is entitled with-rmal or verified statement to

The Prisoner Declares He Will Keep
His Gvin Programme and Will Not Censent to Appointment of a Lis nary Commission—important Witness Found—Mr. Hartridge Announces That He Has Wornsin Will Aid in New Line of Defence.

New York Heraid, 22d.

Disheartened by her failure to shake her son's determination, Mrs. William Thaw left the Tombs yesterday to visit W. M. K. Olcott and tell him that her utmost endeavors were inavailing in persuading Stanford White's alayer to consent to the retention of the firm of Black, Olcott, Gruber & Bonynge with the consequent plea of insanity as the defence in the approaching murder trial.

It was before 11 o'clock that Mrs. Thaw, accompanied by her daughter, Mrs. George Lauder Carnegis, arrived from the latter's country home near Rosiyn, L. I., driving up in a big French automobile. Before they saw Thaw he had been visited by Clifford W. Hartridge, his personal counsel, and the latter's associate, A. Russell Peabedy, From Mr. Hartridge he learned of the nature of the testimony to be given by a Mrs. Vera Simonton, a nurse, who is the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the nature of the testimony to be given by a Mrs. Vera Simonton, a nurse, who is the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of the will depend the learned of the first of

STATE vs. MARTIN, Appellant. From Forsyth. Affirmed.
(1) The mere intention to make a chattel a part of the freehold is not by itself sufficient for the purpose of making it so; there must be some kind of physical ennexation to the land, though the nature and strength of the union is not material, if it in fact be annexed.
(2) Under Revisal see, 3576 an electric street car is personalty so as to render a willful and wanton injury to it criminal.

street car is personalty so as to renear a willful and wanton injury to it criminal.

(3) In order to sustain a conviction at common law for malicious mischief, it must appear that the property was destroyed, and the act must also have been committed with malice towards the owner of the property.

(4) Malicious mischief is not committed when the act alleged to be criminal is prompted by a sudden resentment of an injury or a supposed affront; nor is the act willful and wanton when committed under like circumstances.

(5) The presumption is that the trial court charged the jury fully and correctly, and that the jury found all the facts necessary to constitute the crime.

(6) If a defendant desires special instruction upon a particular feature of the case, he must ask for it.

(7) Where there is some evidence to support the verdict, if the jury decide contrary to its weight, the remedy of the defendant is an application to the judge to set the verdict aside.

(8) In an indictment for a misdementor there is no error prejudicial to the defendant, in that a person against the grand jury returned "not a true bill" was nevertheless put on trial with the defendant.

(9) The offense of wanton and willful injury to property under Revisal sec.

(9) The offense of wanton and willful

injury to property under Revisal sec. 3627 may be tommitted jointly by two persons, one doing the act, and the other, as principal, aiding and abetting him or participating with him.

(10) Though an indictment be returned "not a true bill" as to one of the defendants testimony connectent swains. ints, testimony competent against may be used against the other de-

STATE vs. FARRINGTON, Appellant. From Guilford, No Error. (1) For yielation of a statute prohibitng the sale of spirituous liquor without a license, the person convicted may be imprisoned in the county juli with direc-tions that he be worked upon the public roads.
(2) When no time is fixed by

prisonment for two years cruel and unstatute, this court will not hold an im (5) It is proper for the trial judge to state the reasons which impelled him to impose the sentence passed.

STATE Appellant vs. MORGAN, From Wake. Affirmed.

(i) Revisal sec. 1519, originally enacted in 1773, must be construed in connection with the other sections of the revisal with an old acquisintance, Catron in the past. In conversation with an old acquisintance, Catron in the past of a song appropriate to the State was sung by Mr. C. T. Humphrey, of 1252 and 1355 and does not repeal the later statutes, which authorize and direct the would be different from what it had been in the past. In conversation with an old acquisintance, Catron in that he (Catron) was like the Lord in that he, too, had been dead and arisen. Claiming at first to be a man of business, Catron purchased a suit case and, going to Well-hostess at several small affairs this

sentenced for non-payment of costs in criminal cases.

(2) Imprisonment of the putative father for failure to obey an order of maintenance, or to give the bond, is a matter of legislative discretion and is not imprisonment for debt.

(3) Revisal 1905 secs. 1252, 1355, do not include among those authorized to be worked upon the roads those "sentenced to the house of correction," nor does it include those who fail "to give bond for maintenance of a bastard," nor for failure to pay costs, except, "those im-

for maintenance of a bastard," nor for failure to pay costs, except, "those im-prisoned for non-payment of costs in criminal causes," therefore a defendant who was imprisoned for failure to give bond pursuant to a jddgment in bastardy proceedings was entitled to his dis-charge, as bastardy is not a criminal ac-

Forsyth. Affirmed.

Brass ralling attached partly to the freehold and partly to an engine, the engine being attached to the freehold, comes within the scope and purport of Rev. sec. 25ti, providing that if any person shall enter on the lands of another and carry off any "wood or other kind of property whatseever, growing or being thereon" with felonious intent, he shall be guilty of larceny.

STATE vs. SUMMERS, Appellant. From Forsyth. Affirmed.

(1) In an indictment for embezzlement, where defendant testified that he had in his pocket the amount claimed to have been embezzled and exhibited the money, the court properly excluded a question as to whether defendant was willing to deposit the money in the clerk's office to await the termination of the civil litigation about the matter.

to await the termination of the civil litigation about the matter.

(2) The fact that a party accused of
embezziement intended to restore the
property embezzied, or even that the
loss has been made good, does not constitute a defense to a criminal prosecution for the embezziement.

(3) In an indictment for embezziement, the burden is upon the State to
prove beyond a reasonable doubt the
felonious intent.

d conference with former Judge Olott.

WOMAN WITNESS FOUND.

Mr. Hartridge expresses himself as
rell satisfied with the progress of the
asse, Acting for him A. Russel Peaody visited former Judge Olcott's
flices yesterday to obtain papers. Afflices yesterday to obtain papers. Af-

All the twisters advertised in this space have been sold except 960 spindles, 3" rings, Lowell make.

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SAW HEAVEN AND HELL.

Cherokee Fulfbloods in Awe of a Tribesman They Came Near Bury-lag—Now Catron Has a Mission— Declares He Knows How the Whites, Blacks and Reds Are De-vided in the Next World.

Claiming to have arisen from the dead, and his story credited by a large number of the full blooded Indian population near his place of resfdence, not far from Tahlequah, Tooley Carton, a Cherokee Indian of twenty-one or twenty-six years, is just now the centre of more attention than is usually accorded one who has never been known beyond the nar-

row confines of his neighborhood.

was returning from Tahlequah, a distance of about ten miles from his home. Traveling on foot, he came to the lilionis river, and he proceeded to wade across and had just reached the opposite shore when, without an instant's premonition of illness, he suddenly fell unconscious on the gravel bar. There he remained for ome time, when he was found by a passerby, who, supposing him to be dead, carried him to his hut in the forest near Barren Fork creek. Catron was laid upon his bed and efforts were made to restore him to consciousness, but to no avail and he was given up for dead.

All the next day he lay stark and cold and it was decided to bury him on the following day. Consequently, preparations for performing the last ffices were begun, but after all, the interment was not to be, for before the sun had arisen on the day set for the funeral obsequies Catron began to show signs of returning animation, and by the time the sunbeams were dissipating the mists in the Barren Fork Valley the supposedly dead man was very much alive and ready to partake of food, and in a few days, as strong as usual, was to be seen about his usual haunts.

But while he was well physically as ever, the processes of Catron's mind were diverted into other channels. Whereas he had previous to his unconsciousness state entered into the commonplace conversations of his companions with readiness, he now assumed a greatly changed manner His demeanor, too, was of speech. different. He assumed a more dignified carriage.

All of this was in itself surprising to his neighbors, already mystified by his return from what was supposed by them to be death, but their surprise was even greater when Catron informed them that he had really been dead, had seen both heaven and hell and the position to be occupied in the unseen world by the red, white and black races,

chased a suit case and, going to Welling, boarded a train, saying he was going to Washington for the pur-pose of consulting the President on public questions of importance. However he did not make an extended journey, but was back home in a few days, making preparations for preaching, and addressed a large crowd of full bloods in the mountain regions, far down the Illinois river. Catron is a siender, dark man of ordinary appearance and one of the last that would be supposed to have a "mission" to perform, but his having so strangely fallen into what was apparently the state of death and having returned will, no doubt, cause him to be regarded with a peculiar veneration and awe by large bands of his people,

WHITE NOT BAD.

New York District Attorney Discusses New Case With Georgia Lawyers.

Atlanta Georgian. "The South is not unlike the North, East or West, when it comes to the unwritten law, as it is, called," said District Attorney Jerome, of New York, "You cannot secure a convic-York, "You cannot secure a convic-tion in our part of the State any more than down here. It & the same anywhere-it is a subject that appeals anywhere—it is a subject that appeals to every man in the same light, and the juries disregard the law. This Thaw case, however, is nothing of that sort. Knowing what I do about the case, the 'unwritten law' will amount to nothing in the trial."

"All of this libelous stuff that has

been written about Stanford White was done so purely because those pa-pers knew they would not be held accountable. Had they thought his family would care to go to court about it, they would not have dared. Some people have formed the idea that certain papers were paid to defend Thaw. That is abourd. In a fend Thaw. That is absurd. In a case of this sort is the castom of a certain branches of the press to take the side of the case furnishing the the side of the case furnishing the most yellow stuff. In this case it was simple. Here was the young and beautiful girl and the rich young man, and the dead man was pictured as working the husband into a frenzy of rage by his persecutions. It has a lot of glamor about it. These yellow papers then got Clara Morris, Julian Hawthorne, Ella Wheeler Wilcox and others of that class to write cox and others of that class to write some of their stuff about the beauti-ful girl, about whom the manile of wifehood had been thrown by the young millionaire, being pursuaded by the rich 'beastly' White. Oh, it is just their game in an affair of this sort. That side of such a case is al-ways taken by this certain branch of the press."

NOTHING IMPROPER, SAID GAR-VAN.

It was also learned Friday after-noon that while at Warm Springs the district attorney's assistant. Mr. Garvan, said that from the informa-tion he had White had never been improperly intimate with Evelyn

Thaw.

While at Warm Springs the Thaw case was not discussed by Mr. Jerome with reporters. He said that one reporter came to him and asked what would happen if Thaw applied for a sanity commission. for a sanity commission.

"Why," said Mr. Jerome, "the same thing that would happen to any other man," and he gave the usual process of law.

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MOREHEAD IN ALL ITS GLORY.

Crowning Event of the Season the
Entertainment for the Benefit of
the D. of C. Building at Jamestown
—Those Who Took Part—Some
Social Events.
Special to The Observer. Muskogee, I. T., Dispatch, 21st.

Morehead City, July 22.—Morehead is in all her glory; the season is just at its height, parties follow parties in such rapid succession that it taxes one's mind, as well strength, to keep up with all them. The crowning event took place Friday night when an entertainment was given by the ladies in the house for the benefit of the building which the Daughters of the Confederacy expect to erect at the Jamestown Exposition. No admission was charged, but a collection was taken, which amounted to \$35.90. North Carolina has the honor of being Not many days ago young Catron the first State to contribute to the building by private subscription, and this little entertainment adds another laurel, as it also gives her the honor of being the first State to raise money

by public affairs. Virginia must be given some credit for the success of the evening, however, as she was nobly represented by Mrs. Frank nobly represented by Mrs. Frank Anthony Walke, of Norfolk, who so kindly assisted the other ladies. The programme, which consisted of the tableaux, was as follows: Pocahonias and Virginia Dare, Miss Gretchen Barnes, of Wilson, and Imogene Bernard, of Greens-This was used as the opening

piece, after which came the "Rever-ies of a Bachelor." The part of The Bachelor," was splendidly taken by Mr. Parks Verdery, of Mississippi.
As he slept visions of beautiful
women, bis former sweethearts, passed before him. Little Margurite Elam, of Greensboro, led the way and took the part of his first sweet-She was followed by Miss Clara Hampton, of Plymouth, "Sweet Sixteen;" Miss Mad Madeline "Sweet Sixteen;" Miss Madeline White, of Mebane, "The Debutante;" Miss Rena Bridges, of Tarboro, "The Yachting Girl;" Miss Stuart Jones, of Charlotte, "The Chorus Girl;" Mrs. Sue Hume, of Greensboro, "Trained Nurse;" Miss Hal Merson, of Raleigh, "Old Fashioned Girl." Miss Cooper, of Henderson, "Summer Girl." Mrs. D. Y. Cooper, Jr., of Henderson, Twentieth Century Girl;" Miss Chapman, of Knoxville, Tenn.. "Co-lonial Girl;" Mrs. Clem G. Wright, of Greensboro, "The Bride." The second part of the programme was living pictures. A large frame was hung and the different Southern States were represented by the following young ladies: "The Girl From Dixie, Miss Stuart Jones: Mary-land, Miss Barnes: Virginia, Miss Morson; North Carolina, Mrs. Sue Hume South Carolina, Miss Chesson; Geor gia, Misa Cooper; Florida, Miss Hampton; Alabama, Miss Latta; Mississippi, Miss Mary Foster; Louisiana, Miss Nell Skinner; Tennessee, Miss Chapman; Kentucky, Miss Bridges; Texas, Mrs. Clem Wright; Arkansas,

week, and also gave a sail and surf party to a large number of her friends. Other sails have been given,

complimentary to Miss Rena Bridges, Miss Madeline White and Miss Cooper Mrs. D. Y. Cooper, of Henderson, who is chaperoning quite a party here, gave a sail on Friday afternoon. Cream and cake were served on the

Mr. and Mrs. Marion Butler took a large number of ladies and gentlemen over to Shacklefords, and after a delicious supper was served, which included a fish fry, the sailing was resumed for several hours.

Mr. and Mrs. Thomas Craig, of Gastonia, who have been here for several weeks, gave a farewell cham-

pagne supper on Thursday evening.

Mr. and Mrs. Grimes Cowper, of
Raleigh, are here with a very attractive party, consisting of several
young ladies.

young ladies.

Everything is ready to entertain the Governor thid officers in the best of style, and all are looking forward to their stay with a great deal of pleasure. The encampment, which begins on Wednesday, will prolong the season, and from the present outlook the house will be full till September.

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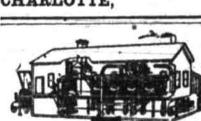
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