WHITSETT INSTITUTE.

After the concert a short reception was held, during which the students enjoyed seeing their friends from the

Correspondence of The Observer. Whitsett, Jan. 11.—On Saturday from 8 to 11 the reception to new students was held. It was a very enjoyable occasion, and a large crowd

Athenian and Dialectic Societies held elections Friday for the commencement orators. This is a very highly coveted honor, and the rivalry for the positions was great. The results of the election will be amounced next week.

An unusual number of new students are here for the spring term, and about all the students of the fall term are back at their studies. Thirty-six new men have registered thus far, and others are still to come. These new students represent the counties of Lincoln, Martin, Halifax (Va.), Northamfpton, Guliford, Alamance, Florence (S. C.), Stanly, Beaufort, Nash, Stokes, Green, Pitt, Lee (S. C.), Rockingham, and Havana, Cuba. The Y. M. C. A. will hold on Sun-day a public welcome meeting for the

members, at which time special will be rendered and some Karl Jansen, the Swedish imper-mater and elocutionist, has a date here this month, and will have a large

Rev. S. M. Runkin is sick at his home in Greensboro and could not be here for his appointment last Sun-

WAKE FOREST.

Correspondence of The Observer.

Wake Forest, Jan. 10 .- The week has been spent very quietly on the hill. Most of the students have returned and the regular college work is going on as though there had Through the efforts of Mr. Poteat

the student body was given the pleasure last evening of listening to a lecture on "Child Labor as Seen From a Medical Standpoint," delivered by Dr. Charles Stiles, of the government surgery department. Dr. Stiles is a pleasing speaker and in-

Sykes, Vice President T. N. Hayes called the law class together for the sented a picture donated by John C. Sykes, of Monroe. Mr. J. W. Balley accepted the gift in behalf of the berlake; associate judge, O. W. Clayton; solicitor, E. M. Blackmore;

the institution, having over a hundred members. The most court, in great interest, is doing exceptionally good work and offers many practical advantages.

Mrs. R. S. Dodd was "at home" last evening to a number of her friends from 8 to 11 o'clock. Those present were: Mrs. J. W. Lunch. Dr. and Mrs. W. R. Cullom, Mrs. H. L. Story, Mr. and Mrs. John Brewer, Mr. and Mrs. J. H. Royall, Mrs. R. E. Royall, Misses Mary Taylor, Mary

Take LAXATIVE BROMO, Quinine TARTELESS CHILL TONIC drives out malaria and builds up the system for grown people and child dren, 50c.

students was taken and it was found that share are now attending college 359 daughters or grandmanchters of Confederate soldiers. Quite an interesting fact, is it not? Winthrop with her scholarships and her free tuition to those unable to pay, makes it possible for these girls to obtain an education, which if it were not for Winthrop College would be an impossibility for many of this number.

The business managen of the annual, Mies Martha Neal, has had uphytographer from Columbia at the

at, Miss Martha Neal, has had a photographer from Columbia at the college most of the past week taking photographs of classes and clubs to be used in the next volume of The Tatler. If hard work means anything, the next Tatler will be better chan any of its predecessors. The board of elitors is untiring in its efforts and sparing nothing that will tend toward an attractive volume.

tend toward an attractive volume.

At a bagair held recently by the
U. D. C. at the college, the chapter
realized a sum sufficient to make final payment on the paintings of Lee and Jackson given by the chapter to the library. The chapter is rejoicing greatly and no doubt will soon undertake some other good work.

FIREMEN'S MEETING.

Feature of Winston-Salem Gathering Will Be an Address by Capt J. D. McNetll—Exercises to Be Held in Court House. Special to The Observer.

Winston-Salem, Jan. 12.-The association of Winston-Salem firemen Tuesday night in the court house. The meeting is open to the public and it is hoped that there will be a large attendance of the people of the city. The bar will be reserved for the ladies.

The feature of the meeting will be an uddress by Capt. James D. McNeill, president of the North Carolina Fire-Association and ex-passident

Vogter, of Salem.
The music for the meeting will be

MR. OUTLAW MAY DIE.

His Intestines Punctured and a Dangerous Operation is Necessary-Engineer Jenkins Recovering— Sonsa to Give a Concert at Golds-

boro. Special to The Observer.

Goldsbore, Jan. 12 .- Mr. Octlaw. presses his audience as a man the man so murderously assaulted by just and pay for damages arising from thoroughly acquainted with his subject. The lecture was given under the auspices of the Wake Forest pected to live. The physicians say

barracks, and will act as commanding of the chdets until the return of Maj. W. P. Tate, who was given a months leave of absence on uccount of sickness. Frjends of Major Tate will be glad to learn that his condition is very favorable, and that he is expected back at the appointed time.

Though comparatively slow about making a start, the students have at last organised a teanis club, and tennis promises to be the favorite sport during the warm and fair days which will occur this whiter. At a meeting of the club last night R. W. Winston was elected president, L. N. Mills vice Preisdent, and Professon Merchant, secretary and treasure.

Fractically all of the students are again at school after the holidays and the pensaure and drudgeries incident to life in a military school will be encountered ugain. Two new boys have arrived so far. Murial Peace of Oxford, and R. M. Joyner, of Farmwille.

WINTHROP.

Certespondence of The Observer.

Rock Hill, S. C., Jan. 11.—The part week has been quite an interesting one in Winthoro College history from the fact that the architect has been selected for the model action building committee of Winter Front College history from the fact that the architect has been selected for the model action building committee of Winter Front College history from the fact that the architect has been selected for the model action building committee of Winter Front College history from the fact that the architect has been selected for the model action building committee of Winter Front College history from the fact that the architect has been selected for the model action building committee of Winter Front College history from the fact that the architect has been selected for the model action building collars in the college of the col

Cerrespondence of The Observer.

Rock Hill, S. C., Jan. 11.—The past week has been quite an interesting one in Winthrop College history from the fact that the architect has been selected for the model athool building. The building committee of Winthrop College, composed of President Lehnson. State Superintendent of the ported. This means that the fire the light was for the calls during the year and no property losses at all were restarted. This means that the fire the calls during the year and no property losses at all were restarted. Education O. B. Martin and Mr. W.

J. Roddey, met at the college Wednesday, Junuary 800, at 11 a. m. A number of architects were present.

After hearing them all, the committee selected the firm of Edwards.

Watters & Farnham, recently of Columbia, S. C., and now of Atlanta.

t. Hallroads, Penalty Statutes, Consigher and Consignee, Party Aggrieved.
The plaintiff may maintain his action sgainet the defendant railroad company, under Revisal. Section 1812, for upongful failure to transport certain goods received by latter, and bill of lading issues by it to plaintiff, when it appears that plaintiff shipped the goods to be for his sense. It is plaintiff, was the consignee, and that no, the plaintiff, was the one who alone acquired he right to demand the service to be teniered by the defendant, and was the party aggrieved.

2. Same, Penalty Statutes, Transport,

was the party aggrieved.

Same, Penaity Statutes, Transport, Reasonable Time, Evidence.

When there is evidence that the time in transporting a certain simpment from one station to another on the same railroad, leading directly to point of centination and only twenty-five miles opart, was tweive days, the jury will be permitted, from their common observation, and experience, to consider and determine the question of ordinary time between the two points, and in the absence of explanation by defendant, fix the amount of wrorgful delay, Revisal 2822.

Same, Initial Point.

When in an action for a penalty under Revisal 2822, all the testimony was to the effect that the delay of twelve days completed of arose and existed altogether at the point of shipment, it is evidence sufficient for the jury to find such delay was urreasonable.

Same, Penalty Statutes, Party Ag-grieved, Knowledge of Notice of Car-

Tier.

When it is shown that the plaintiff is
the "party aggrieved," under Revisal,
252, on account of the wrongful failure
of defendant to transport certain goods
within a reasonable time, it is of no inportance and bears in ne way on the
justice of plaintiff's demand or of defendant's obligation, whether defendant
knew who was the party aggrieved, either at the inception of the matter or at
any other time.

8. Same, Icsues.

Same, Icsues. Issues submitted to the jury upon the question of notice to or knowledge of the inferendant that plaintiff was the party aggrieved is immaterial. aggrieved is immaterial.

6. Same, Penalty Statutes, Revisal 2633,
Constitutional Law.
Revisal, Section 2632, is constitutional
and does not deny to the carrier the equal

The penalty attaches as a conclusion of law, when, in a suit for the recovery of a penalty under Revisal, Section 284, it is established, that the defendant as men's Association and ex-passident of the National Firemen's Association, who will use as his subject, "The Volunteer Fireman." Captain Mc-Neill is one of the best posted men in the State on matters pertaining to the fireman and is an interesting spenker and his address will doubtless be heard by a large audience. He will be introduced by Mayor F. H. Vogler, of Salem.

The music for the meeting will be

furnished by the Salem Band. The firemen will assemble at the head-quarters of Company No. 2 and will go to the court house in a body. They will wear full uniform.

In the absence of inhibitive congressional legislation. Revisal, Section 234, imposing a moderate and appropriate penalty for the failure or reducal of the carrier to pay damages to goods occasioned by its negligent default, within Linety days after filing such claim with the absence of inhibitive congressional legislation. Revisal, Section 234, imposing a moderate and appropriate penalty for the filing such claim with the absence of inhibitive congressional legislation. Revisal, Section 234, imposing a moderate and appropriate penalty for the filing such claim with the absence of inhibitive congressional legislation. Revisal, Section 234, imposing a moderate and appropriate penalty for the filing such claim with the absence of inhibitive congressional legislation. Revisal, Section 234, imposing a moderate and appropriate penalty for the failure or reducal of the carrier to pay damages to goods occasioned by its negligent default, within Linety days after filing such claim with the carrier to pay damages to goods occasioned by its negligent default, within Linety days after filing such claim with the carrier to pay damages to goods occasioned by its negligent default, within Linety days after filing such claim with the carrier to pay damages to goods occasioned by its negligent default, within Linety days after filing such claim with the carrier to pay damages to goods occasioned by its negligent default. the agent of such carrier, at the point of destination, is not repugneat to or in contravention of Article 1. Section - of the Federal constitution, conferring upon Congress the power to regulate com-merce among the several States. Such is a proper subject of State regulation, arising, as it does, by reason of default of the carrier after the termination of the transportation, and enforcing a com-mon law duty incombest upon it to ad-ignt and new for durages, arising from

the auspices of the Wake Forest the wake Forest Scientific Society.

In the absence of President O. J. Sykes, Vice President T. N. Hayes called the law class together for the purpose of electing officers of the most court for the ensuing term. Dr. E. W. Sykes was present and presented a picture donated by John C. Sykes, of Monroe. Mr. J. W. Balley secreted the gift in behalf of the descinon of officers took place. Those elected a regree cowde are expected for the propose of places. Sousa and his band will appear at The most court, in solicitor, E. M. Blackmore, clerk, John A. Watson; sheriff, T. M. Daniel.

The law department is larger now The law department is larger now The law department is larger now The new depa

BELL'S NEW BUILDING.

Chief Architect of Company in Winston-Proparatory to Beginning Work on New Exchange Building There.

Special to The Observer.

Winston-Salem, Jan. 12.—Mr. H. S. Tyler, of Atlanta, Gu., chief architect for the Southern Beil Telephone and Telegraph Company, was in the city yesterday making arrangements preparatory to the beginning of the company of the compan

When from the entire correspondence it conclusively appears that the detendant personally cuaranteed the payment of the debt of a corporation of which he was president, he may not testify as to what be intended as as to contraint of after the clear import of the terms expressed in the correspondence.

State vs. Major Guthric - Marder, Evidence, Proof, Order of, Trust Judge, Unscretion, Appeal and

The model school building is athoroughly equipped and up-too in every respect. The plan now of have the new building ready for when school opens next Septem.

Ten thousand dollars of the cappropriation is not available it he latter part of February or first of March.

In planning for the celebration of a blinthday the question was ask. How many daughters or grandgaters of veterains are attending at the planning was the consumer, and bill of lading issues by the planning for the goods to be, for his oens, at which the daughters of grandgaters of veterains are attending at the planning, was the one who alone acthis question a census of the guired he right to demand the service carrying out his threat.

tions of defendant as an admission of his carrying out his threat.

3. Same, Trial Judge, Mistrial, Appeal and Error. Record.

In capital felonies the trial judge has not the same discretion to make a mistrial as in other cases, and to constitute reversible error in his refusal to do so the record should disclose how the defendant was unduly prejudiced. It is not reversible error for the court below to refuse to make a mistrial of the case because a child of one of the jurers was accidently killed during the Chal.

W. L. Phillips vs. Salem Iron Works, i Safety Appliances, Methods Employed, Instructions, Question for Jury.
Under conflicting evidence as to whether the employer should have furnished a cylinder, to be tested by ream pressure with a safety valve, and whether his fallure to furnish it caused the injury to the employe so testing it in the course of his employment, the requirement that the safety appliance, in the operation of dangerous instrumentalities, should be known, approved and in general use, applies to cylinders of a similar kind, construction, etc., and the known, approved and usual methods employed for providing them against danger from an explosion caused by excessive steam. An instruction which confines the headity by the jury to the particular business in which such cylinders are used, or to the rarticular usage to be made thereof, under such conditions, is erroneous.

State ex rel J. J. Wooten vs. W. M.

State ex rel J. J. Wooten vs. W. M. Scrith.
Quo Warrants, Public Administrator, City Records, Public Officer, Constitutional Law.
A public office is an agency for the State and the person whose duty it is to perform the agency is a public officer. Therefere, tae public administrator is not a holder of a public office within the constitutional prohibition, and an action is the nature of quo warranto will not lie against a person holding the office of recorder of a city, and the position of public administrator at the same time.

S. Caldwell vs. Southern Rallway

Company.
Railroads, Penelty Statutes, "Party Aggreved," "Party Interested."
In an action to recover a penalty under Kevisal 262, for failure of defendant, a railroad company, to transport goods within the "ordinary" or "reasonable time," it is immaterial as to whether the defendant had notice of or was made aware of the facts which gave plaintiff the right to suo, as the "party aggrievcd," in the absence of counterclaim or
outset of defendant against the person
who as consignee appears to be the
"party interested" under the contract,
if the case is tried and determined in
accordance with law so as to protect defendant from a second recovery upon the fendant from a second recovery upon the

Julia A. Davis et al. vs. W. P. Davis

et al.

Peeds and Conveyances, Ferre Coverts, Privy Examination, Evidence, Set Aside, Notice of Gramet.

In an action to invalidate a feed to lands because, in fact, the privy examination of the ferre covert, the owner and plaintiff, had not been taken, though expressed to have been taken as required in the certificate of the justice of the peace, the burden is upon the plaintiff by clear, cogent and convincing proof, to show that her privy examination had not been taken. When, under a proper charge thereon from the judge, the jury has found that such examination was not teken, the verdict will stand, though the grantee may not have been fixed with the grantee may not have been fixed with notice.

Mr. and Mrs. J. H. Royall, Misses Mary Taylor, Mary Lainneau. Professor Timberlake, Dr. and Mrs. Powers, Messra, W. Royall, Leslie Hardee and Bruce Powers. Miss Minnie Gwaltney returned last week to resume her dulies as nurse in the college infirmary.

Mr. L. M. White, of the senior class, left yesterday afternoon for Greensboro to visit his father, Dr. White, who recently accepted a call to the pastorate of the First Baptist church.

HORNER SCHOOL.

HORNER SCHOOL.

The Royall, Misses Mary Taylor, Mary Lane Wilts of the company, was in the city yesterday making arrangements preparatory to the beginning of the companys t

Indictment, Trespass, Mortgage, Cancellation.

An indictment of defendant for forcibly a chialaing the cancellation of a mortgage from the prosecutrix, sufficiently charges a forcible trespass, which alleges that the defendant "unlawfully, violently, forcibly, injuriously and with a strong hand and threats and cursing, did compel the prosecutrix to sign an order directing the cancellation of a specified chattled mortgage recorded, (as described) in the office of the register of deeds," etc. No assault need be charged in the indictioent.

Deeds, sConveyances. Description, Boundaries. Pord.

When a pond has become permanent by leng centinuous use, it acquires a well defined boundary, and there is no presumption that such pond, in the call of a deed, extends to the threat of the stream. When as one of the calls of a deed if deed extends to the threat of the stream, to the pond and Kerukee Swamp." the pend helps well known and established from time immemorial, the call stops at the boundary of the pend, and the use of the word "Kehukee-Swamp" serves only to indicate what waters flow into and make up the pend, and thus to locate it.

I. F. Jenkins va. Southern Railway Co. Hamrick Bros. & Co., vs. Southern Railway Co.

I. Railroads. Penalty Statutes. Transportation. Ressonable Time, Eridence, Burden of Proof.

Under Revisal 252, the burden of proof is upon the plaintiff to show that the DON'T TAKE THE REST.

DON'T TAKE THE RISK.

WILLIAM FIRTH, Pros.

THE

PRAN K B. COMINS, Vice Pres and ?

AMERICAN MOISTENING COMPANY

79 Milk Street, Boston, Mass.

J. S. COTHRAN. Southern Representative, 405 Trust Bldg. CHARLOTTE, H. C.

goods were not transported by the de-tendant "within a reasonable time." A sudgment as of nonsult upon the evidence should be allowed when plantiff's evi-lence tends only to show that the fine and distance of transportation exceeded that as fixed by the statute to be prima funder reasonable. LAME SHOULDER CURED. le rensonable. Same, Penalty Statutes, Construction,

Same, Penalty Statutes, Construction, Ordinary Time.

The language of Revisal 2832, that "a failure to transport within such time shall be prima facie unreasonable," refers to the reasonableness of the time therefor, or the "ordinary time," within which the defendant should have transported the goods according to the means or mathods it employed in the proper conduct of its business. et of its business. Raliroads, Fenalty Statutes, Construction, "Ordinary Time," Evidence, Pro-

sumptions.

When the plaintiff socks to recover a penalty of defendant, under Revisal 2022, for failure to transport goods within the "ordinary time," and only introduces evidence tending to show that the distance of transportation was between two stations more than one hundred and less than two nundred miles, and consumed thirty-three days, it is insufficient to go to the jury. There is no legal resumption either at common law or under the statute in such instance that the time taken for transportation was unreasonable, or more than the "ordinary time" under existing conditions. Valley Route for Hagerstown, and all points in Pennsylvania and New York. Pullman sleeper Roanoke and Philadeiunder existing conditions.

Railroads, Penalty Statutes, Revisa

2522, Issues.
Upon a trial to recover a penalty for failure of the carrier to transport goods within a reasonable time, under Revisal, Section 2522, two issues should be submitted: lat. Was the freight transported and delivered within a reasonable time id. In what sum is the defendant indebted to the plaintiff?

State vs. Charles Lord. Records, Justice of the Peace, ex-Officio, Costs. Costs.

The cost of the recorder of a city should, in proper instances, be taxed against the defendant as a part of the costs upon the trial in the Superior Court, when it is provided by statute that he shall be an ex-officio justice of the peace, and before assuming the duties of his office shall take the oath regulard by law to be taken by justice of quired by law to be taken by justices of the peace."
(State vs. Joyner, 127 N. C., 542, distin-

State vs. Reese Wright.

State vs. Reese Wright.

I. Murder, Evidence.

Upon the trial under an indictment for murder in the Superior Court when there is testimony upon both sides as to whether or or not the defendant struck the deceased, it is immaterial and treelevant, under the defendant's contention, as to deceased's having testified before the committing magistrate, before his death, "He did not know who struck him;" and the evidence was properly excluded by the court below.

2. Appeal and Error, Instructions, Judge's Charge, Language of Judge, Charge, Language of Judge,
When done in a respectful manner, it
is not reversible error in the judge below
to speak of one of the defendant's
witnesses as "the Shith woman."

C. M. Critcher vs. James Watson.
Landlord and Terant. Lease, Betterments. Promise of Landlord to Pay
If it can be done without higher to the
freshold. a Lenart has the right to remove all betterments affixed by him
thereto, if done before the expiration of
the lease; and the premise of the landlord to ray for them made during the
continuance of the lease and the possession of the tenant thereunder, is not
nudum pactum.

statement alleged to be false with pro-per averments as to scienter, is a valid exercise of such power, and is in accord with our bill of rights, which requires that the defendant be informed of the acceptation against him.

acceptation against him.

3. Same.

An indictment is sufficient when charging the defendant with unlewfully committing perjury upon the trial of a specified action before a certain justice of the peace at a certain time and place, by falsely asserting an oath, the same being material to the enquiry when made, that he did not ture over to a certain person, named, his account and statement of rent due him, etc., knowing the said statement to be false, against the form of the statute," etc.

Indictment, Petty Misdemeaner, In the Superior Court upon appeal from a conviction for a petty misdemeaner; in-dictment by grand jury is dispensed with.

State vs. Clyde Bowman.

1 Lynching, Legislature, "Oblivion of Offense," Witness Examined, Incrimination, Parden.
Legislation in "oblivion or oblivion of the offense" specified, applicable to all in a given class, is valid. Therefore, when under Revisal Zize, ct. seq., the defendant was summoned, sworn and examined by and for the State, touching an obleged lynching under hyestification by andried by and for the State, touching as alleged lynching under investibation by the court, he shall be altogether pardoned of any and all participation therein under the statute, or existing law whether the evidence elicited from him tends to incriminate him or not.

2. Same.

Article 3, Section 6, of the constitution conferce in the Conserver the section of the constitution conferce in the Conserver the section of the constitution conferce in the Conserver the section of the conserver the conserver th

prosecutive to sign an order directing the cancellation of a specified chatted mortgage recorded, (as described) in the office of the register of deeds," etc. No assault need be charged in the indictional need.

The Patapero Guano Co. vs. The Bowers. White Lumber Company.

Deeds, «Conveyance», Description; Boundaries, Pord.

When a pond has become permanent by Appeal and Error. State Appeal.

For I am so happy and well, sold the, Now that I take Hollister's Rock, Mountain Tea. R. H. Jordan & Co.

Rocky Mountain Tea Muggets

A Buty Medicine for Buty Proofs

Erings Orlings Health and Rossend Viges

A specific for Capatinasion, Indiscouler

recumation of the muscles and palexity yields to a few applications of Chamber-lain's Pain Bulm. Mrs. F. H. McElwee, of Boistown. New Brumwink, writes: "Having been troubled for some time with a pain in my left shoulder. I decided to give Chamberlain's Pain Bulm a triat, with the result that I got prompt relief." For sale by W. L. Hand & Co.

NORFOLK & WESTERN RAILWAY. Schedule in effect Nev. 25, 1967, 11:00 am. Lv Charlotte, So. Ry. Ar 5:20 pm 2:50 pm Lv Winston, N. & W. Ar 2:40 pm 5:00 pm Lv Martinsville, Lv 11:65 am 7:25 pm Ar Roanoke, Lv 9:22 am Cornect at Roanoke via Shenandoah

Through coach, Charlotte to Roangke,
Additional train leaves Wineton 7:20
a. m. daily except Sunday.

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150 ELEGANT ROOMS. 75 PRIVATE BATHS 75 PRIVATE BATHS. Located in the heart of Charlotte, convenient to railroad station, street cars and the business and shopping centre. Caters to high-class commercial and tourist trade.

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