

OPINION IN SEIZURE CASE

IMPORTANT LEGAL POINTS UP

Judge Boyd, in United States Circuit Court of Appeals, renders opinion in case growing out of seizure of steamship at Charleston—Case sent back to Lower Court for a new trial—Plaintiff Alleged That Seizure Was Illegal Because Warrant Was Signed by a Person Not Qualified—Opinion Rendered by Judge Pritchard in Another Case—Last Session of Court at Asheville to Be Held Thursday.

Correspondence of the Observer. Asheville, July 29.—The United States Circuit Court of Appeals, with Circuit Judge Pritchard and District Judge Boyd sitting, reconvened this morning at 10 o'clock and handed down two opinions. One was by Judge Pritchard and one by Judge Boyd. After several judgments in the two opinions the court went into conference as to the cases heretofore argued. The court will hold its last session here at this term Thursday morning. The opinions rendered follow:

No. 804. A. C. Priddy, trustee of Lippcomb Silex Springs Company, bankrupt, petitioner, vs. Manufacturing Company et al. respondents; on petition for review from the District Court at Charleston. S. C. Opinion by Judge Pritchard. Affirmed with costs.

No. 805. Roxana S. Ker, executrix of W. W. Ker, deceased, plaintiff in error, vs. George D. Bryan, collector of the port of Charleston, S. C., defendant in error. Opinion by Judge Boyd. Reversed and cause remanded to the lower court with directions to set aside the verdict and grant a new trial in accordance with the views expressed in the opinion of the court.

This case in which the collector of the port of Charleston was defendant in the lower court and defendant in error in the higher court is interesting. The opinion is important from a legal standpoint. The cause grew out of the seizure of the steamship "Laurada," a merchant vessel, at Charleston November 16th, 1895.

The vessel was seized and taken into custody by the marshal when the collector of customs, Mr. George D. Bryan, sent his inspector aboard the day after the vessel was seized and she was held in custody for twenty-one days. It was alleged that the "Laurada" was about to leave for Cuba with a cargo of arms, munitions of war and men constituting a military expedition and that it was intended by her owner to commit hostilities upon subjects and property of Cuba, a colony of the Kingdom of Spain, with which the United States was at peace. It appears that the warrant of seizure held by the marshal appeared to have been issued and signed by E. M. Seabrook, clerk of the District Court of the United States of Charleston, per Seabrook, deputy clerk, to which was also affixed the seal of the United States District Court of South Carolina. It developed, however, that as a matter of fact the warrant was signed by a younger brother of both the clerk and the deputy clerk; the brother having been left in the office while the clerk and deputy clerk went to Atlanta—out of the district—to attend their sick father, and that the younger brother simply signed the names of the clerk and the deputy clerk. He had not been appointed and was not qualified to sign as the plaintiff by the reason of this the seizure was illegal and \$5,000 damages are demanded. The lower court held that the vessel was in possession of the marshal and that the collector was not responsible. The court thereupon dismissed the case and the plaintiff appealed. Judge Boyd in his opinion reversing the decision of the lower court holds that the possession of the two—the marshal and the collector—was simultaneous from the time the instrument was signed and that the sole question is whether the possession of the marshal first obtained protects the collector in this action for damages. The court holds that it does not and that the collector is liable for the seizure of the vessel without authority and that he is a trespasser. "We all decide," says the court, "that the possession of the marshal does not shield the defendant—the collector—from what is a legal point upon which to direct a verdict against the plaintiff."

NEGRO LABORERS STRIKE

Work on Lincoln's Sewerage System—Halted Thereby—Graded School Building Practically Completed.

Lincolnton, July 29.—The work on the sewerage system, which has been progressing rapidly, was partly brought to a stop this morning when about 75 negro laborers struck for higher wages. Guild & Co., of Chattanooga, are the contractors and they say that they will not take the strikers back at any price. The negroes were receiving \$1 a day and struck for \$1.25. Only about six hands remained at work.

The outside of the new graded school building is complete with the exception of the roof, which will be completed in a few days, and the building presents a handsome appearance. The work on the interior will be pushed until it is thought it will be ready for the beginning of school in September. Mr. T. M. Brown, of Detroit, is painting several handsome sets of scenery and a drop curtain for the auditorium and when completed this auditorium will be up-to-date in every way and would do credit to a much larger town than Lincolnton.

Charlotte Colored Excursionists at Winston-Salem.

Winston-Salem Sentinel. The excursion from Charlotte arrived in the city this afternoon at six o'clock, bringing about a six hundred colored people from the "Green City." The train was packed and was met at the station by nearly a thousand negroes from this city who talked and laughed so much that the police about the station was deafening. The city and returned to Charlotte in the morning. The Evergreen Hotel and other colored hotels in the city will be taxed to their utmost capacity in order to furnish quarters for the crowd. The policemen are also getting ready for the affair.

Heat prostrates the nerves. In the summer one needs a tonic to offset the customary hot weather. Dr. Sloop's Strength Restorer. You will feel better within 15 hours after beginning to take such a remedy as Dr. Sloop's Restorative. Its prompt action in restoring the weakened nerves is surprising. Of course you won't get entirely strong in a few days, but each day you can actually feel the improvement. That tired, lifeless, spiritless feeling will quickly depart when you take Dr. Sloop's Restorative will sharpen a falling spirit; it aids digestion; it will strengthen the weakened kidneys and clear the system; it will stimulate the organs of the body; it will give a new tone and vigor to the system. Sold by all druggists.

VARIETY OF SALISBURY NEWS.

President Jackson Arranging Attractions For Yadin Valley Fair—Man Injured at Spencer Will Probably Get Well—Shepherd Dog Bites Two Men—Vacation Granted Rev. Byron Clark.

Special to the Observer. Salisbury, July 29.—Rev. Dr. Thomas, a native of Rowan county, who has attained eminence in the Presbyterian Church, has been visiting relatives at Mill Bridge and left for Charlotte this afternoon.

Dr. John Whitehead and family have gone to Montpelier, Va., where they will spend several weeks.

The Shemwell trial at Greensboro was eagerly watched by citizens here. Mr. Shemwell called quite a number of relatives here and is well known to most of Salisbury's citizens.

Mr. M. L. Jackson, president of the Yadin Valley Fair, spent yesterday in Greensboro searching for new attractions for the next fair. Contracts are being considered for several very new and attractive features that will meet the approval of the patrons of the fair. In a few days a list will be furnished for publication.

The new street will be a most beautiful thoroughfare when the bitulphic pavement is completed. The Confederate monument will be placed on this street one block from Main, and on the opposite corner will be the handsome government building.

It was reported this morning that the carnival company coming here on the 30 of August would have to pitch its tents outside the city limits, the city council having so decided at a meeting held last night.

Mr. Kisher, who so miraculously escaped death at the Spencer shops yesterday afternoon, will recover, his physician says. He is resting comfortably now at his home on East Florence street.

The ladies of the Presbyterian church have been called upon to contribute to the linen shower for the benefit of the Orphans' Home at Harlan Springs. The contributions will be received by Mrs. Theodore F. Kizer at her home Wednesday afternoon.

This morning Clem Cowan, a worthless negro, was at Davis & Wiley's bank corner having for company his shepherd dog. Being of a vicious nature it attacked two gentlemen passing, biting both. The last one, Rev. Mr. Pyle, president elder, had his trousers torn by the dog. Officer Fagle attempted to remove Cowan but found the dog very much in evidence. He called Mr. Ben Caudle to his aid when Caudle favored Mr. Cowan with a blow on the face. A good chunk of granite stone placed in his face brought him to terms and made him an easy subject for the lockup. Mayor Hayden will no doubt add Cowan's name to the roll of road workers.

Dr. Byron Clark, pastor of the First Presbyterian church, has been granted a leave of absence during the month of August. Rev. E. C. Caldwell will supply his pulpit during his absence.

Mrs. A. W. Owen died this morning of heart disease. She was the wife of the late Professor A. W. Owen. She was a highly respected lady and one of Salisbury's old citizens.

FOURTEENTH ANNUAL PICNIC.

Mooreville Making Big Preparations For To-Day's Big Event—Small Child Barely Escapes Being Killed By Falling Plank—Mooreville Building Notes.

Special to the Observer. Mooreville, July 28.—Already numerous visitors have arrived in the city to attend the fourteenth annual picnic for the benefit of the Barium Springs Orphan Home, which will be held here this Thursday. Chairman H. N. Howard and his valued corps of assistants are to-day arranging the various booths at the famous Templeton grove, and the merry-go-round and other attractions are on the ground ready for the happy event. Music for the occasion will be furnished by the Woodman Band, of Concord, and a telegram received here this afternoon stated that the Taylorville train would be held at Charlotte Thursday morning to await the one from Concord and Salisbury.

Mr. M. S. Slickley, of Concord, will deliver the annual address for the occasion. Everything will be in perfect readiness and from all indications the crowds in attendance this year will be larger than ever. To-day a pipeline from the driven wells at the lower cotton mill is being laid to furnish fresh, cool water for those who do not imbibe in the red and golden lemonade.

Eugene Harris, the 18-month-old child of Mr. and Mrs. W. B. Harris, sustained a painful injury last Saturday while near a silo being built by his father several miles out of town. A plank fell probably fifteen feet, striking the child a glancing blow on the forehead. It was thought that the child had been killed, but the full force of the timber struck the ground. He is all right now, save a bruised forehead.

Mr. W. D. Templeton began last evening the erection of two-story residence for his family on his lot on Church street adjoining the lot of Mr. C. P. McNeely and Mr. Oscar Hrawley. The house will face the east and will be quite an addition to the already large number of fine business residences in Mooreville. Work was started on the building about three weeks ago and the progress has been made, and at the present rate of haste exhibited will shortly be ready for occupancy. The building is to be a two-story structure of dark pressed brick and will cover a space of 25x50 feet. The first floor will be occupied on the front by the banking office, which will be well fitted up with up-to-date office furniture. The front of the building will be fitted with large plate glass windows. The second story will be finished up with offices and will be a very desirable location for professional men.

BEST THE WORLD AFFORDS.

"It gives me unbounded pleasure to recommend Buckle's America Salve," says J. W. Jenkins, of Chapel Hill, N. C. "I am convinced it's the best salve for every kind of skin ailment, from a simple burn or wound to which it is applied." See at all drug stores.

CHILD SINGER VERY ILL.

Miss Gladys Atwood, of High Point, Has Typhoid Fever—Baracas Take Over Young Men's Reading Rooms—Nightly Entertainment Given to a Belling—Work Progressing Nicely on New City Hall.

Special to the Observer. High Point, July 29.—At a meeting last night of the Young Men's Baraca Association an agreement from the board of governors of the Young Men's Reading Rooms was reached whereby the Young Men's Baraca Association assumes control of the Young Men's Reading Rooms, together with the game rooms, and effect on and after August 1st. The association will have a big dedication and reception on Monday night, August 3rd, and on Tuesday night, August 4th, at the Ladies' Auxiliary of the Reading Rooms, the Philatelic classes of the different churches and all ladies in the city who feel an interest in the welfare of the community are called for Friday night, at which time arrangements for the dedicatory service will be completed and all new applications for membership will be accepted.

Little Miss Gladys Atwood, the "child nightingale singer," is critically ill with typhoid fever. Dr. W. J. McAnally is attending her and hopes to pull her through. Miss Atwood is scarcely 5 years old, yet she is a singer of note, being able to sing easily the most difficult pieces, and her wonderful memory enables her to memorize and sing any piece on short notice.

Several years ago an enthusiastic seerader was shot and crippled for life in a belling frolic on the occasion of a wedding. For some time after this a quiet life was put on such forgotten by the coming generation and a sufficient number of the braves got together last evening and held themselves to the abode of Mr. and Mrs. Will Wright, an old-fashioned couple, and gave them an old-fashioned belling, every imaginable thing in the bell line being brought into requisition. However, the boys don't know any more and would take it all good naturedly and everything passed off smoothly.

Dr. Geo. H. Crowell, for eleven years superintendent of the graded schools in High Point, is expected to visit towns within the State before departing for his Western home, having been elected vice chancellor of Kappa University, of Oklahoma City, Okla.

Mr. and Mrs. Crowell leave High Point with the regrets of its citizenship, both having accomplished much good during their sojourn in the manufacturing city.

Work is progressing rapidly on the High Point city hall, located on Jordan street. It will be of brick, two stories high, equal to three stories of the average build, and will contain many offices, police tax collector, water and light collector's court room, fire department, and city jail in the rear. The building is 150 by 40 feet.

It is learned that Mr. James Griffith, of Company M, High Point, R. I., built at the residence at Morehead City, made a fine record at marksmanship, being among the seven that competed for the chance of going to the national shooting match next month.

DECREASE IN DRUNKENNESS.

Only Eleven Arrests by Durham Police During July as Against Twenty-Eight in June—The Police Bending Their Energies Toward Cutting Off Illegal Traffic.

Correspondence of the Observer. Durham, July 29.—Recently it has been a noticeable fact that there has been a great decrease in the number of drunk cases to come before the mayor. Whether it is an account of the hard efforts to enforce the law, or the hard times or the fact that drug stores are not allowed to sell on prescription any more is a proposition for some other person to solve. But, whatever the cause, the number of public drunk cases is a matter of official record that any one can see.

During the month of June there were twenty-eight arrests made by police on the charge of drunkenness. Twenty were charged with plain, every-day kind of drunks and eight with being drunk on Sunday. Up to this time this year there have been but a total of eleven arrests for drunkenness, nine of these being of the every-day variety and two for Sunday drunks. One of the Sunday drunks was a white woman—a woman who is notoriously no better than she should be. Thus it will be seen the great decrease in the course of one month's time. The fact is, however, would say that probably the cutting off of the supply at the drug stores is the cause for the big decrease, as the license was refused and the drug stores are not to sell whiskey. Yet, "an honest showing and it shows that there is a better condition somewhere—at least there is not so much drunkenness and more of those who sell are coming to grief."

THOMASVILLE BANK PROSPERS.

Directors Declare a Semi-Annual Dividend of 5 Per Cent.—The Panic Over So Far as This Progressive Town is Concerned—The Belt Line a Great Institution.

Special to the Observer. Thomasville, July 29.—This morning at 11 o'clock the directors of the Bank of Thomasville held their semi-annual meeting in the directors' room of the bank. President E. M. Gates presided, with Secretary E. W. Carver at his desk. Routine business was acted upon, the usual 5 per cent. semi-annual dividend was declared and will be paid tomorrow. The condition of the bank was found to be sound and conservative and notwithstanding the panic and "hard times" that has been talked and felt all over the country, this bank has the while met every obligation, did not have to resort to issuing "scrip," and cashed all checks as presented and last but not least made money and was able to pay the semi-annual dividend. This is a remarkable record and the entire community is proud of the record and the benefits derived from this excellent banking institution.

A number of beautiful residences are in course of erection in different parts of the town and from the general appearance it looks like the panic has passed and that everybody and everything is beginning to resume its former progressive state, everything looks bright and there is no reason why Thomasville should not grow more this year than ever before. The factories are beginning to get orders and are making better time than they have been doing.

Cars are being placed at the factory doors all along the line of the belt line and the line is in splendid shape. The belt line will save the manufacturers lots of money, will stop so much loading and unloading and so much shifting of cars in the centers of town, which has been a great aggravation and worry but which could not be helped until the belt line was completed.

IT CAN'T BE BEAT.

The best of all teachers is experience. C. M. Harden, of Silver City, North Carolina, says: "I find Electric Bitters does all that's claimed for it. For Stomach, Liver and Kidney troubles it can't be beaten. It cures the most stubborn cases, and is the best of all medicines also for rheumatism, lame back, and all run-down conditions. Best of all, it cures malaria. Sold under guarantee at all drug stores. 50c."

Mr. Buck Lyon is preparing to make a run from here to Asheville in his motor car. A short time ago he went from here to Greensboro, C. M., making the trip at average of 18 1/2 miles per hour. He will start on the Asheville trip the latter part of this week or first of next.

MR. E. P. WHARTON RESIGNS.

Leaves Southern Life and Trust Company to Devote His Time to Banking—Mr. A. W. McAllister, Vice President, Will Remain as President—Warrant Issued Against Captain Smithers and May Bring Civil Action Against the Southern Railroad.

Observer Bureau. The Bevilly Building, Greensboro, July 29. Much interest in business circles attaches to the resignation of Mr. E. P. Wharton as president of the Southern Life and Trust Company. A position he has occupied since the formation of the company. He retires in order to devote his entire attention to the American Exchange Bank, of which he is president, and other business enterprises with which he is connected. Mr. A. W. McAllister, formerly vice president, is president of the Southern Life and Trust Company. He is succeeded by Mr. A. S. McAllister, who has purchased Mr. Wharton's interest in the corporation. The Southern Life and Trust Company conducts a life insurance and a trust business. Mr. McAllister will remain at the head of the life insurance branch and the trust department will continue under the control of Mr. S. C. Jones.

Mr. Baxter Shemwell, who was given a hearing here Monday and held for the Superior Court under charges of carrying concealed weapons and two assaults with deadly weapons, caused by a hearing here Monday and held for the Superior Court under charges of carrying concealed weapons and two assaults with deadly weapons, caused by a hearing here Monday and held for the Superior Court under charges of carrying concealed weapons and two assaults with deadly weapons.

It is announced that Mr. Shemwell will bring a civil action against the Southern for damages. Mr. F. J. Muir, who resigned a responsible position with the Cone Export and Commission Company a few months ago to become general manager of the Holt-Morgan Mills, in Fayetteville, has returned to Greensboro to reside.

A petition in involuntary bankruptcy against Dr. F. S. Charter, who conducts a horse and mule exchange in this city, has been filed in the United States Court by creditors. The matter is returnable before Judge Boyd August 7th.

The Cook-Lewis Foundry Company, of Greensboro, and the Forsyth Foundry and Machine Works, of Winston-Salem, have been consolidated under one management. Mr. W. B. Cooke will manage the Winston-Salem branch, while the plant in this city will be in charge of Messrs. H. C. Snyder and A. B. Lambert.

The managers of the centennial celebration to be pulled off in Greensboro in October are considering the advisability of securing a real airship as an attraction for the week.

The editor of the Observer and a few of his scientific friends will be invited to take a trip in it around and over the city.

Col. Edwin F. Glenn, of the Twenty-third United States Infantry, a native of Greensboro, will sail from San Francisco August 5th for the Philippine Islands to join his regiment, which left the United States six months ago. Colonel Glenn did not accompany his regiment on account of the condition of his health. During the six months he has been assigned to important duties in this country. He was chief umpire at the Army maneuvers held at Pine Bluff, Ark., under the command of Gen. Frederick Dent Grant. Colonel Glenn, who is recognized as one of the strongest advocates in the army, conducted the defense of Major Forester in the court martial of charges growing out of the Brownsville affair. During his absence in the Philippines, Colonel Glenn's family will visit Europe.

Mr. John Cheek, of the Bear Creek section of Durham county, is in St. Leo's Hospital to receive treatment for a gunshot wound received at the hands of his brother one night last week. The wounded man was mistaken for a burglar and received the contents of a revolver. His condition is serious, but it is thought that he will be able to leave the hospital in a few weeks.

It is learned that the United States Court at High Point has secured the editor of the Observer and a few of his scientific friends will be invited to take a trip in it around and over the city.

MAKING READY FOR PRIMARY.

Durham County to Nominate Representative as Well as County and Township Officers on August 22d—Death of a Former Resident—Mr. W. V. Fisher Transferred to Richmond.

Special to the Observer. Durham, July 29.—The Democrats are making ready for the holding of the primary on August 22d. The poll holders for the various precincts in the county have been appointed and the party managers to hold the primary are named. At this primary the various candidates for the county and township offices and for Representatives to the Legislature will be named. The senatorial candidate will not come within the bounds of the primary, as the two Senators come from four counties. While it is Durham's year to name a candidate still the primary will not make the nomination but the convention will decide the matter. It looks now as if there will be but one candidate for this office, this being Mr. James S. Manning, who recently let it be known that he would run if nominated.

News has been received here of the death in Kansas City of Mr. George W. Sweet, who was local manager for the Swift Company for quite a while in this city. He died from Bright's disease, from which he had suffered a great deal. He left wife and one child and died July 19th.

W. V. Fisher, who has made his home in this city for a year and a half, left this morning for Richmond. He is transferred there as manager of a tobacco factory for the American Tobacco Company.

Pain will depart in exactly 20 minutes if one of Dr. Sloop's Pink Pain Tablets is taken. Pain anywhere. Remember! Pain always means congestion, blood pressure nothing else. Headache is blood pressure, toothache is blood pressure on the sensitive nerve. Dr. Sloop's Headache Tablets—also called Pink Pain Tablets—quickly and safely coax this blood pressure away from pain centers. Painful periods with women get instant relief. 20 tablets 5c. Sold by Muller's Pharmacy.

Write us at once for an application blank and complete description of different styles of finish. In this way you can make a selection that will delight you. You can leave the question of tone to us. We will see that you get a perfect instrument. A well made, attractive and beautiful scarf go with each piano. Write for full information of the club that is now forming.

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is sold to our club members only, in our new way of piano selling that enables you to secure a genuine \$400 instrument for only \$287, and on the easiest kind of terms at that. It is a cash saving to you of \$113.

The way we do this is by selling one hundred pianos at one time to one hundred different people. Sold singly, in the usual way, the Ludden & Bates Club Piano would cost \$400 or more, when you purchase it. We give a written guarantee, for a life-time. Its special copper-wound and steel strings throughout. Full cabinet grand, balanced scale, as perfect as skill can make it. Double repeating action, with light touch. Genuine ivory keys. Beautiful case of fancy paint, mahogany or oak, lined throughout with birdseye maple. Tone full and rich, with that peculiar "singling" quality found only in the highest grade of pianos.

Write us at once for an application blank and complete description of different styles of finish. In this way you can make a selection that will delight you. You can leave the question of tone to us. We will see that you get a perfect instrument. A well made, attractive and beautiful scarf go with each piano. Write for full information of the club that is now forming.

LUDDEN & BATES, Southern Music House,
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Alexander Hamilton.

NO man—not even George Washington—has left a more lasting impression upon our higher laws and institutions than this romantic and handsome young Revolutionary General and Statesman, who died so tragically in a duel at the very zenith of his fame.

Upon every clause of the Constitution of the United States his individuality is indelibly stamped. Daniel Webster says of him: "He smote the rock of National resources and abundant streams of revenue gushed forth; he touched the dead corpse of public credit and it sprang upon its feet."

He believed in protecting the brewing industry, and drank good beer all of his days.

REFERENCES: Appleton's Encyclopedia; Shouler's History U. S., p. 71, etc. Sumner's Life of Hamilton, p. 192.

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The little alcohol in it promotes cheerfulness of mind—which is the best of all medicines. The Lupulin in the hops soothes the nerves and acts as a digestive tonic; while the juice of the barley contains a high percentage of substantial nutriment.

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Inception Rye	2.50	7.75	2.75
Old Henry Rye	2.50	7.75	2.75
Swanwood Rye	4.00	11.00	4.00
McCartey Whiskey, Bottled in Bond, 8 yrs. old	4.00	11.00	4.00
Swan Glen	4.00	11.00	4.00
Highland Rye	4.00	11.00	4.00
V. O. Corn Whiskey	3.50	10.75	3.50
Very Old N. C. Corn Whiskey	3.50	10.75	3.50
Old Dutch Corn Whiskey	3.50	10.75	3.50
Holland Gin	3.50	10.75	3.50
Apple Brandy	2.50	7.75	2.50
Peach Brandy	3.50	10.75	3.50

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