"DON'T RESPECT LAW"

SAID REPRESENTATIVE EWART YESTERDAY IN THE GRAN-VILLE COUNTY CASE.

PEEBLES DRIVES HIM TO COVER.

But Crews was Seated by the Usual Gag Vote-- Mr. Lusk is Made to Look Pitiable by Mr. Peebles ... Duffy's Time Ground up by the Fusionists, but Ewart Snaps at Interruptions-An Uninteresting Day in the Senate, Only Routine Business Transacted.

The House was called to order at 11 o'clock yesterday; prayer by Rev. R. P. Troy, of Weldon; during the reading of the journal, Mr. Turner, of Mitchell, moved to dispense with the rest of it Carried.

Memorials and Petitions.

Mr. French, memorial of Association Institution; Mr. Alexander, of Tyrrell, in favor of the tax-payers of North Carolina, concerning the seats of the con-Wayne; Mr. Harris, petition of J. G. Mason for pay as oyster inspector; Mr. of these reg s rat Hooker, for the relief of Richard upon the House Lane; Mr. Reynolds to prevent obstruction in Drowning creek, Moore county; Lusk, petition from citizens of Buncombe, protesting against the change of name of the town of Ray mond; Mr. Ellis, petition of citizens in New Hanover county, in relation to stock law-to accompany the bill on the subject; Mr. Peebles, petition from citizens of Northampton on the question of tem-

Reports of Standing Committees. To incorporate Booneville, Yadkin county. (Reported favorably after striking out section 6); to amend charter of the Murfreesboro Railroad Company; to extend the charter of the Piedmont Bank at Greensboro; to incorporate David Lodge; to incorporate South Bilt-more; to prevent lawlessness within half mile of Jones's Grove Church; to amend the charter of Mt. Airy; to establish graded schools in Mt. Airy; to extend the corporate limits of Snow Hill: to amend section 85, chapter 359, laws 1887; relief of sufferers from fire (unfavorably); to repeal the stock law in New Hanover county; regarding election of United States Senators; to provide for working of convicts in McDowell county; to protect persons holding first class tickets, &c., (unfavorably); to amend Chapter 26, laws 1893, (amended by committee); to establish county governments; to allow commissioners of Green county to levy a special tax; to incorporate Trustees of Watts Hospital;

to allow Trinity Land company to hold

and own land in excess of 300 acres. Bills and Resolutions. Mr. Lusk, to pay Edwards & Broughton \$100 for binding 100 copies of the Code: Mr. Turner, of Mitchell, that this house meet at 9:30 and adjourn at 1:30 p. m.; Mr. Smith, of Stanly, to allow the At lantic and Danville railroad certain rights; Mr. Petree, to amend section 1, Chapter 448, Laws of 1893; Mr. Johnson, to repeal chapter 226, Public Laws 1893; Mr. Peace, to amend section 93, chapter 216. Laws 1893; Mr. Buchanan, for re lief of the Clerk of the Saperior Court of Clay county; Mr. Phillips, of Randolph, because, then it would be no fault of his " to authorize the Treasurer of Randolph county to pay school claims: Mr. Bagto equalize taxation; Mr. to encourage the c m Abbott, mon schools of North Carolina; Mr. Hocker (by request), for relief of Richard Line; Mr. Howard, to repeal chapter 491 Laws 1893; Mr. Baker, to repeal chapter 528, Act 1893; Mr. Baker, to abolish days of grace; Mr Julian, to amend chapter 148, section 4, Laws 1891, relief of James M Monroe; Mr Williams, of Craven, to limit the punishment of larceny in certain cases; Mr. Flack, to incorporate Rock Springs Camp Ground in Rutherford county; Mr. Young, to incorporate the Union Society. Mr. Williams, of Craven, to regulate

judicial sales in Craven county: Mr. Elledge, to repeal chap 469, Pub Laws 1893; Mr. Wnite, to require the Speaker to keep his eyes on the members and not on the gallery (Committee on Gallery.) Leaves of Absence.

Leaves of absence were granted to Mr. McClammy for two days; indefinite leave of absence for Mr. Campb II, Mr. John-erly registered. Mr. Duffy thought yes, son, of Sampson, until Monday, Mr. Etheridge till Monday; indefinite leave for Curry, of Cumberland.

Mr. French, asked for suspension of rules to pass the new rules, said it could be done in five minutes. /Mr Peebles thought it would take some time to diseu-s the marter, and Mr. French said he would call up the matter at the expiration of the morning hour to day.

The Granville County Case.

Mr. Ewart asked for the majority re port in the case of Crews against Lyons, of Granville Mr. Reinhardt sent up a minority report. The Speaker said that no minority report had been filed with the clerk.

Mr. Ewart said that he wanted it understood that there woul + be, by agree ment, two hours given to the discussion, when the previous question would be or dered, the Democrats to have one hour and twenty minutes of the time.

Mr. McClammy said the Democrats would need at least two hours, which was agreed to, and Mr. French moved that at 2:40 the gentleman from Hender-son be recognized to move the previous question Mr. Ewart wanted the Speaker to keep time, but the Speaker suggested that it would be better for those interested to do so.

On the adoption of the minority report Mr. Peebles took the floor, and said that this case was simply a dry question of law. If the votes at D ment precinct are not to be counted for the contestant, the contestee is elected. In the case of wherever the votes were cast as these ever, the dissenting report of Judge a Democratic Registrar had been billed cutt, Crumel, Darden, Davis, Mayes, York City.

Clark was based upon no a single authority, and was in contravention of three distinct and established proposi-

tions of law, namely:
1. Every public officer is presumed in the absence of evidence to the contrary to discharge faithfully the duties of his

2 Every person is presumed to know the law, and what is necessary to enable him to exercise the rights of franchise.

3 When it becomes necessary for one to rely on the fact t at a public officer did not discharge his duty, the burden

is upon him to show it. The evidence of Boobitt and J. D. Hunter was asked for by Mr. Peebles. Bobbitt's evidence said that those names were registered from different States as their birth-place as they stated, and that Registrar Bobbitt read the head-lines of the registration books to the electors as required by law, and because Mr. Botbitt thought this was according to law, the other side raise this as a reason why they are legal voters. Mr. Hunter's ev idence was read but elicited nothing of of Charities, city of Wilmington, for the importance, But both the registrars establishment of a Juvenile Charitable read over the head-lines, all the dutes read over the head-lines, all the dut es required of them by the Supreme Court. "Are you prepared to go against this decision?" Mr. Peebles read from the opintestees, that they shall receive no pay, if they are not seated; Mr. Cox: ton vs. Bogel, covering the point that the right to make laws is in the Legisla protected in the election case from ture, to decide laws in the Supreme Court, and that therefore the illegality of these reg s rations must be binding If we decide here what the laws were

on registration, don't we usurp the rights denied us in this decision? Mr Peebles read from Sutherland, vs. Goldsboro, also from an opinion by Judge Merrimon, holding that a quali fied voter is one who is duly registered, and he cannot be one unless he is duly registered. The Chairman, Mr. Ewart, says that the canvassing board is final Yesterday he said we were bound by the unbridled will of the legislature. He says that because the objections of the contestee were not made before the canvassing board, it was, therefore, too late, but in the case of Buchanan precinct, the throwing out of which vote wou'd elect the contestee, it seems that it is not too late. The decisions of these canvassing boards are not binding in the legis-lature. Mr. Peebles read a New York decision from The People vs. Peace, saying that the due qualification of voters was not concluded by the decisions of inspectors; it was open to examination at subsequent proceedings upon any competent evidence. The canvassing is only the evidence of the right, and the court held that the decis ion of the canvassing board did not finally decide the qualification of the vo'ers. Mr Peebles read from the brief of F. A. Woodard in the case of W lliam. vs. Settle covering the same point, also from Cooley on Constitutional Limitations, that all voters not duly qualified should be excluded.

Mr. Lusk: "In the event of a voter's failure to register, would he be deprived of his vote.

Mr. Peebles: "Unquestionably he would." Mr. Lusk read from the Constitution the first prescription laid down by the Constitution for electors. Mr. Peebles read what followed, and called attention to the additional qualifications to be laid down by the l-gislature. Mr. Lusk, "suppose the legislature did not prescribe registration?"

Mr. Peebles said that was simply hypothetical, but "my horseback opinion is that if the legislature failed in its duty, the elector would be entitled to his vote

Such, however, was not the case, said Mr. Peebles Such questions as that continued Mr. Peebles, make my heart sad. I am sorry that Mr Lusk's ques tions to day and his loyalty to the Rapublican porty are such as to make him forgetful of the laws of North Carolina The honest people of North Carolina, of all parties, don't want the laws of the State trampled under foot and why should you when you have here a plenty of representatives and to spare? I had hoped that we could come to these questions with a judicial mind, but I fear that you are about to disregard the laws as laid down by the Supreme court of

Mr. Duffy, of Onslow, during his remurks said that the Democrats had cast out the three votes at Tally Ho tho' they were not obliged to do so, and this went toward establishing the integrity of the Democrats and their desire to give fair

Mr Lusk wanted to know if all against but that that was sufficient

Mr Lineback asked what technicalities were not observed v hen those men were registered. Mr. Duffy said that the case of Scarborough rendered such general registration as the giving of States merely as places of birth invalid.

Mr. Alexander of Tyrrell, wanted to know on what rechnicality was Buchanan thrown out. Mr. Duffy said there werrolled-up ballots in the box, that there was a fight, but that there was no claim by the Democrats that they should have b en thrown out, that the Democratic position was simply that the registration ocrats, he would be offensive to the na at Dement was invalid.

Mr. Crumpler wanted to know if the electors at Dement precinct took the oath that they were properly qualified voters Mr. Duffy said yes. Mr Lusk asked then ought not the names have been put on the registration lists after such oaths. Mr Duffy said they were put there, though illegal, and that they Mr. Duffy said that those who voted seated the other man would violate

their oaths. (Sensation.) Mr. Turner, of Mitchell, asked if Mr. Duffy if he intended to make a charge. Mr. Duffy said if in his impetuosity he such that had imputed a wrong motive to any man on the other side he did not mean it, but he was enthusiastic on this matter.

Mr. Lusk wanted Mr. Duffy to explain

his words as to their violating their out's. Mr. Duffy said he regretted anything he had said in his haste. Harris vs. Scarborough, it is held that Hes point was that if they voted against the contestee, whether sincerely or not, were cast in Dement they are illegal they would vote against the facts. There We have it by both majority opinion were some irrelevant references as to and dissenting opinion that the giving kneck-downs and killings at elections by Bean, Duncan, Lineback, McCall, Peeband good salary or commission to merely the State of his birth by the voters Messes. Alexander, of Tyrrell, Duffy les, V.ck, Saunders; Election of Justices party. Samples sent on application. was too general and not sufficient. More- and Peebles, which elicited the fact that

stick by the Democrat. Mr. Duffy folowed nearly the legal points laid down by Mr. Peebles. Mr. Mitchell wanted to know what Chairman, Pool, Duncan, Dar-made those votes illegal. He wanted to den. Harris of Hyde, Squires, know if it was not because they did not

know where they were born, and if Mr.

Duffy knew where he was born Mr Ewart said that the Democratic defence was a merely technical one, that the tactics were those of the sharp lawyer. If the face of the returns had been brought here, the contestant would have had his seat, but somebody, he did'nt know who, had had some precinets thrown out. Mr. Ewart spoke concerning the ballots that were cast out about which, said Mr. Ray interrupting, the Democrats made no dispute. Mr. Ewart objecting to interruption. Mr. Ray said that "four-fifths of the time of the member from Onslow had been taken up by them, and now when he interrupted, they squealed. Mr Ewart (with some excitement) "Mr. Speaker, I object to any more interruptions of that kind." Mr. Peebles: "Mr. Speaker" -Mr. E wart, I object to being interrupted in a middle of a sentence. Ewart said that the contestee having failed to assert his rights before the county canvassing board, having slept upon his rights, it was too late now for him to come here, which was a court of equity and not a place to be held down to the rules of technical pleading. Mr. Ewart took up the case of Harris vs Scarborough, and stated Mr. Peebles's position, that a man registered from a State merely was not qualified, and claimed that this was a man of straw Mr. Ewart said that that question did not arise here. The question was if the failure of the electors to register accoring to law was their fault or not. Mr. Ewart said that the decision in the Scarborough case was a political one, and quoted Judge Clark's dissenting opinion that a regis rar who allowed a voter to register wrongly occupied an indefensi-

ble position. Mr. Ewart said that in the hearts of hearts the Democrats knew that was true, when Mr. Ray arose, but Mr. Ewart refused again to be interrupted. Mr. E art quoted from an opinion of Judge Avery that if it was the fault of the Registrar the vote of the elector should such was the case. Mr. Ewart re-d from the evidence of Bobbitt saying that he thought that registering from States, merely, was legal, and said if Mr. Bobbitt believed this the only conclusion was that he told the electors that this was sufficient, and that, therefore, the

fault was not with the elector. Mr. Ewart, speaking of the binding force of Bobbitt's registration lists of 1893 upon that of 1894, said that when men were registered they were properly on the books. Mr Ewart spoke of the duty of men of honor on the Democratic side in this case, when Mr. Ray said that was unnecessary as the Democrats had as much honor as he had. Mr Ewart sa'd that the gentleman from Northampton had yesterday said that not three men had voted intelligently. Mr. Ray thought that was true, and Mr. Peebles said that he meant it to include both sides as they could not do so on the refusal by the other side to allow the reading of the evidence. Mr. Ray asked Mr. Evart if those elec tors were registered according to the decision of the Supreme Court. Mr. Ewart answered no. Mr. Ray said that the decision was not even by a divided court, as Judge Clark concurred on the the President of the State University. point raised here. Mr. Ewart said it was the fault of the registrar and, therefore. the elector should not be excluded Mr. lege. Ray wanted to know if Mr. Evart depended upon the evidence to determine lack of fault on the part of the elector. Mr. Ewart said yes. Mr. Ray said no such evidence had been brought out. Mr. Peebles asked if Mr. Bobbitt didn't know this registration was illegal, could he have told the electors that they had registered wrongly, and asked Mr Ewart moreover, if it was not laid down in the Scarborough case as a prerequisite to qualification that the burden of proof was on the elector to show that it was not his fault that he had registered wrongly. Mr. Ewart denounced the opinion in the Scarborough case. as not respected in North Carolina and said that 47,000 majority had so said in the last election. Mr. Peebles said he was not aware that the people were voting on that decision.

Hungry Henderson.

There were lively tilts between Messrs. Ewart, Peebles and Ray, all speaking at once, when Mr. Henderson rose and said he was hungry and wanted to go home. Mr. Ray sai! he was out of order and Mr. Henderson said he wanted to eat, and get in order.

Mr Ewart, at 2:54, called for the previous question, which the Speaker ordered The vote, by ayes and noes, was taken on the minority report with the following result, on strictly party lines, ayes 41, noes 51. During the call of the roll, Mr. Henderson wanted to know where we were going to During put the new colored member, sire that if he was put among the Demsal appendage of the gentleman from Macon, but as all the Democrats seemed to have had colds be supposed they could

stand him for awhile. Mr. Ray said that according to the admission of the gentleman from Henderson, there was no fault on the part of the registrar, then whose fault was it It could be only the voters fault, and, therefore, according to the decision in the Scarborough case the registration was, being not according to law, illegal The vote was now taken on the majority report, by ayes and noes, with the fol lowing result: Ayes, 59; noes, 32, and the report was, therefore, declared

Mr Crews came forward and was

sworn in. Committees Announced.

Joint Committee on Printing, Bean, (Chairman); Henderson, Petre, Line-back, Abbott, Stikeleather, Phillips of Pitt, Walker, Mitchell, Young, Flack, Williams of Craven; On Banks and Cur rency, Bryan, (Chairman); Gentry, Mc-Kinney, Henderson, Linney, Taylor, Bean, Duncan, Lineback, McCall, Peeband good salary or commission to right of the Peace, Ewart, (Chairman); Chil-

by a Populist, who, Mr. Alexander Michael, Morrow, Pesce, Petree, Phil-claimed, was first knocked down with a lips of Pitt, Self, Sm th of Cleveland, Brown, Flack, Keathly, Linney, Stikeish Interests, Abbott, leather, Spas, Buchanan, Norman, Fish Williams of Craven, Leary, Bateman, Alexander of Tyrrell, Etheridge, Gallop, Mooker; Education, Abbott, Mayes; Finance, Abbott; Blind Institutions Higgins of Alleghany, Hooker vice Ward, Propositions and Grievances, Woodard vice Daniels; Corporations, House vice Smith of Jones; Deaf and Dumb, King; Health, Vick; Agriculture, Higgins of Yancey, vice Ward; Military Affairs, Woodard; Insane Asylum, McCanley.

At 3:13 the House adjourned to meet this morning at 10 o'clock.

SENATE.

The Senate was called to order at 11 o'clock by Presi lent Doughton. Prayer was offered by Rev. Mr. Jones, of Greens-

The journal of Wednesday was read and approved.

Petitions Presented.

By Mr. Candler, R, of Jackson, from tizens of Swain county for larger property exemption.

By Mr Paddison, P, of Pender, by citiz as of Pender for change of time of

holding court in that county.

By Mr. Sigmon, R., of Catawba, from citizens of Catawba to change corporate limits of Houck Chapel.

By Mr. Parsons, P., of Hyde, from citizens of Pamlico to amend stock law By Mr. Adams, D , of Moore, petitions

from citizens of that county for incorporation of Holly Springs Church and Beih lehem Baptist Church Bills and Resolutions Reported.

The committee to which they had been referred reported the following bills and solutions

Bills, to incorporate the Bank of Eden ton (favorably); to amend section 74, laws of 1887, to allow dentists longer time in which to register (favorably); to amend Code in regard to payment of costs in criminal actions (unfavorably); to amend chapter 50, section 2040, of the be taken, and said he would show that Code (favorably); resolution of enquiry into the case of Mrs. P. D. B. Ar rington (unfavorably); bills, to prevent usury (unfavorably); to repeal chap. 520, laws of 1891 (unfavorably); to amend the constitution (unfavorably); to amend section 616 of the Code (amended by committee and reported favorably); relating to labor of convicts on county farms in -Bertie county (favorably)

Bills and Resolutions Introduced.

By Mr. Westmoreland, R., of Davidson, bill to amend chapter 52 of the Code, relative to public printing and binding.

By Mr. Carver, R., of Cumberland, bill lengthening terms of Sup rior Courts in Cumberland county. By Mr Hoover, P., of Wilson, bill to

prevent others than chartered insurance ompanies to do business in this State. By. Mr. Parsons, P., of Hyde, bill to repeal the stock law in Pamlico county.

By Mr. Dalby, P., of Granville, bill to incorporate the Bank of Granville. By Mr. Fortune, R, of Cleveland bill to improve public roads in North

By Mr. Hamrick, P, of Cleveland, resolution asking for information from By Mr. Starbuck, R, of Guilford, bill corporate the town of Guilford Col-

Calendar.

Mr Lindsay, P., of Rockingham was allowed to withdraw resolution of enquiry into the case of Mrs. P. D. B. Arrington, it having been reported un-favorably by the committee.

Bill authorizing and compelling com-

missioners of Jackson county to levy a special tax of \$6,000 to build an iron bridge across Tuckaseegee river passed s second reading.
Mr. Fowler's bill, repealing chapter

520, laws of 1891, relative to delay of railroad companies in shipping freight, and restoring a former law, allowing shipper to recover \$25 00 for every day shipment of freight delivered to rail roads is delayed, and which was reported unfavorably, was re referred to the Committee on Railroad Commission.

A message was received from the House announcing the passage of sundry bills and asking the Senate's concurrence

At the request of Mr. Snipes R, of Hertford, bill incorporating the Bank of Edenton was placed upon the calendar. It passed its third reading and was sent to the House without engrossment.

The following bills passed third readings: Bill to amend charter of the Tuckaseegee Mining Company (as amended by committee); bill to incorporate Swain Lumber and Boom Company (as amended by committee); bill repealing stock law in New Hanover county The Senate adjourned at 12:20 to meet

to-day at 11 o'clock.

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