SUPREME COURT

TIRES

WITH FISK SERVICE

PRICES

AT LOW

Clergyman Justifies Revolt of Colorado Strikers Against **Authorities**

LABOR VICTORY GREAT

Coal Operators Will Be Careful in Future: Laws For Improvement of Miners' Condition Had Been Ignored By The Fuel Company, Says the Minister

(By the Associated Press)

Washington, May 19.-While John D. Rockefeller, Jr., waited here again foday to testify before the Industria Relations commission in a supplementary inquiry into the recent strike against the Colorado Fuel and Iron Company, the commission listened to an arraignment of that concern's methods by Rev. Eugene S. Gaddis, Methodist clergyman, formerly in charge of the company's sociological department.

department,
Chairman Walsh, who summoned
Mr. Rockefeiler to testify relating to
correspondence made public since the
original inquiry in New York, said tonight that he surely would be called
tomorrow. He will take the stand assoon as Rev. Daniel S. McCorkle, pastor of a Presbyterian church in one
of the Colorado Company's mining
campas at Sunrise. Wyc., completes his campa at Sunrise, Wyo., completes his

Rev. Mr. Gaddis said he was dis-harged from the sociological depart-ient of the Colorado Company last ebruary after making a personal ap-cal to Mr. Rockefeller to be allow-

February after making a personal appeal to Mr. Rockefeller to be allowed to continue important betterment work among the miners. He justified the revolt of the strikers against military and other constitutional authority in Colorado on the ground that laws for improvement of the miner's condition had been ignored and there was no other way left to seek a remedy. "Technically, the terrible strike of the Colorado miners was lost," said Mr. Gaddia, "but in reality it was one of the greatest labor victories ever achieved in the United States, because today the coal operators have their ear to the ground and they will be very careful, indeed, in the future." "What would become of the republic," asked Commissioner Weistock, "if everybody revolted against consti-

ite," asked Commissioner Weistock,
"If everybody revolted against constitutional authority?"

"It would break down and ought to
break down if citizens were denied
their rights as were the men in Colo-

Rev. Mr. McCorkie, called to stand late in the day, told the commission that when he went to Sunrise, Wyo., he was informed by the Church authorities that the Colorado Company maintained the church but that the fact was to be kept secret. He said he arged that this be made public.

FILES HIS REPORT

Says Attack On Cushing By German Aeroplane Was Dastardly Act

Philadelphia. Pn., May 19.—The but at the same time with carefulness and prudence, to devise machinery for making its recurrence less frequent."

Theodore Marburg, of Baltimore, day, Her captain, Lars Larson Heriand, submitted a report to her owners characterising the attack as a "dastardly act, a deliberate attempt to sink an unarmed vessel and murder the members of the crew." A copy of the members of the crew." A copy of the control of the crew. The members of the crew." A copy of the crew and the control of the crew about ontities of a great peace league which should not attempt to sink an unarmed vessel and murder the members of the crew." A copy of the members of the crew." A copy of the report was forwarded to the State Department at Washington. The Ger-man airman, said Capt. Herland, man airman, said Capt. Herland, swept in narrow circles over the tanker, trying to get directly over the apparently with the idea of a bomb down it and wreckresping a some down it and wreckig her engine room. The crew at
rest swarmed on deck, but quickly rewated to the forecastle, and no one
as hurt by the explosion of the one
omb which struck the ship.

The attack occurred while the

The attack occurred while the Cushing was about twenty-five miles from the North Hinder Lightship. It was about 7 o'clock in the evening, but there was ample light, the captain said, for the officers and crew to see every detail of the attack, and for the aviator to see the stars and stripes flying it as masthead and taffrail and the words "Cushing, New York Pott. words "Cushing, New York, Unit-States of America," painted on chaide of the vessel in letters eight thish.

et high.
Word of the attack on the Cushing was cabled to this country two days later and was referred to by Presi-dent Wilson in his note of protest to Germany

NEW PETITIONS MAY HAVE TO BE DRAWN

tone Who Favor Recall of Wilming ton Officers May Be Required to Give Street Address. (Special to The News and Observe.)

Wilmington, May 19.—It is reported that while 1,200 persons signed the petitions for a recall of the Mayor and members of City Council, which movement, was started some days ago, it is not improbable that entirely new petitions will have to be drawn and circulated owing to the fact that the signers failed to state their residence and business address, as required by the charter. If indeed 1,200 persons signed the petitions this is more than twice the number of signatures necessary to order an election. There continues to be much agitation for a recall, although the present administration is just two agitation for a recall, although the present administration is just two weeks old today, and the Council, at a special meeting a few days ago, removed the chief objection when it tusted to abolish the newly created offices of assistant superintendent of streets and assistant chief of police, which apparently had caused the trouble.

The Original

MALTED MILK Maless you say "HONLIGH'S" you may got a Substitute.

Dieting the Plough Horse

Dieting the horse that draws the plough may sometimes be carried to undesirable extremes.

A man once started to train his horse to live on sawdust-just as he was getting him educated the animal died.

Some men start to train their businesses to do without advertising.

Just as they get them nicely trained the sheriff steps in and has a nice little auction sale.

Business needs the building effect of advertising just as a draught horse

WAR NOT DESIRED IS DISCUSSION ORPHANAGE REPORT

Lake Mohonk Conference in Its Twenty-first Annual Meeting

PREPARE AGAINST

Hidden Said He Favored Armed Preparedness Against War; Source of Prevention of Any Possible "World Crime" Between The Americas

Lake Mohonk, N. Y., May 19.-The Lake Mononk, N. Y., May 19.—The first day of the twenty-first annual Lake Mohonk Conference on international arbitration developed unanimity of opinion virtually on only one thing—the undesirability of war. Although Daniel Smiley, host of the conference, and John Bassett Moore, who presided, did their best to restrain the meakers from controversy that might. speakers from controversy that might embarrase members who were citizens of European belligerent nations or offend partisans of those countries some of the addresses reflected the bitterness of the international

Mr. Smiley tried to strike the key-note of the conference when he said in his speech of welcome:

Not a Peace Conference.

"While recognizing the part that human feelings must always have in att affairs and the force with which fleey press for attention, it is our hope that the discussions may tend wholly in the direction of constructive work. At this date one would think it unnecessary to explain that this is not, nor has it been, a peace conference, so called. It rather is a conference of experts on a scientific problem than a company of exhorters addressing itself to an uninformed populace. It is taken for granted that all here are convinced that war is undesirable and that our purpose with earnestness, but at the same time with carefulness and prudence, to devise machinery Not a Peace Conference

league, he recommended, should unite

Armed Preparedness Against War president Hidden of Princeto president Hidden of Princeton startled the members with a frank peech favoring armed preparedness

speech favoring armed preparedness, not "for" but "against" war.

"It is the weakest kind of sentimentalism gone mad," he said, "to imagine that the cause of peace is in the remotest degree advanced by teaching the children of the public schools to sing the doggered rhyme beginning with the line. "I did not raise my boy to be a soldier." Pan-American Union.

Pan-American Union.

George H. Biakesiee, of Clark University, and Philip M. Brown, of Princeton, discussed tonight the possibilities of the Pan-American Union in developing a practicable scheme of international abritration.

"A genuine Pan-Americanism", said Dr. Blakesiee, based not on trade but on the higher, broader and better interests of the entire Hemisphere, probably could prevent in North and South America for all time such a world crime as is being committed in Europe."

relations between Industrial and International peace was discussed by Marcus M. Marks of New York president of the Borough of Manhat-

Deaths and Funerals

J. EDWIN MCCRAW.

Henderson. May 19.—A telegram has been received here announcing the death Sunday afternoon of Mr. J. Edwin McCraw, in Richmond, Va. lie was a native and former citizen of Henderson and was for years connected with the Seaboard Air Line Railroad bere. He has many relatives in the city.

Mr. McCraw was a devoted member of the Episcopal church.

He leaves a wife and married daughter, one brother, Mr. Other McCraw, of Lynchburg, Va., and three sisters, Mrs. Schaum, of Winston-Salem, and Mrs. John Cole and William Bryce, of Fredricksburg, Va. (Special to The News and Charrent)

CHARTERS GRANTED

Orren Williams, Waddell Corporation of Tarboro. Capital stock \$180.000. To begin business when \$5,000 is paid in Incorporators George Howard, W. G. Clark, John A. Weddell, L. D. Hargrove.

McWhirter Bros. & Teeter Co., of Wingais, Commission merchants. Capital stock \$25,000. To begin business when \$2,500 is paid in Incorporators N. A. Teeter, Albemaris; R. & McWhirter, Wingate; A. B. McWhirter, Wingate.

ST. MARY'S AND

Gratifying Showing Made Along All Lines By Episcopal Institutions

WAR RECEPTION TO DELEGATS

In Startling Speech President Missionary Meeting Last Night and The Work of The Church in The Home Field Was Generally Discussed and Foreign Mission Work Touched On by The Speakers

(Special to The News and Observer.)

Greensboro, May 19-The principal natters before the diocese of North Carolina, in the second day's session at Holy Trinity church, were the reports of St. Mary's School and Thompson Orphanage. Both reports were very gratifying and showed progress along all lines of work of the two institutions. There were addresses in connection with the reports by Rev. Mr. Lay and others. Several committees submitted reports which were Mr. Lay and others. Several com-mittees submitted reports, which were adopted. Nominations for standing committees were made. The after-noon session was given over to mis-cellaneous business. Tonight a mis-sionary meeting was held and the work of the church in the home field was discussed generally, and the foreign mission work touched upon

foreign mission work touched upon by speakers.

This afternoon the delegates to the convention and also the delegates to the Women's Auxiliary of the Mission Roard which opened its convention this morning, were entertained at a reception given at the Country Club by the parish of Holy Trinity.

The convention will close tomorrow afternoon.

The diocese yesterday decided to make permanent the pension fund system for its ministers, and ministers may be superannuated upon arriving at the age of 68. The pensions will not be less than \$800 and will not exceed \$2,000. This plan is recom-mended by the general convention of the Episcoal church in the United States. The system has been worked States. The system has been worked by the best acturial experts in the country and is considered sound and business-like. Pensions will be paid business-like. Pensions will be paid in cases of disability whether the conductor had no authority over the conductor had not conductor ha in the United States and it is expected that every diocease will have the plan in operation at a very early time.

For Weakness and Loss of Appetite. The Old Standard general strengthening tonic, GROVE'S TASTELESS chill TONIC drives out Malaria and builds up the sys-tem. A true tonic. A sure Appetiser. For adults and children, 50c.

"HILL" VOTES SCHOOL BONDS BY BIG MAJORITY

\$35,000 to be Expended on Schools of Orange County Town. Chapel Hill, May 19.—In a whiri-wind campaign the citizens of Chapel Hill voted a bond issue of \$35,000 for

a new building for the graded school today, the elections a victory for the advocates of the school building by a vote of 87 to 42. The opponents of the bonds issue bitterly fought every inch of ground but the advantages of improved school facilities were so forcefully presented as a covertide the forcefully presented as to override the arguments of the antis. The campaign conducted by the advocates of the issue was unique, a large poster being distributed over the village advertising individual expressions of opinion as to why each voter should favor a new school building. Univer-sity faculty business men and day laborer, voted for this educational

What Thin Folks Should Do To Gain Weight

Physician's Advice For Title, Und

Physician's Advice For Tim. Endeveloped Mrs and Wessers. Thousands of people suffer from excessive thimness, weak nerves and feeble stomaches who, having tried advertised fiesh-makers, food-fads, physical culture stunts and rule-on creams, resign themselves to life-long skinnihess and think nothing will make floon fat. Yet their case is not his oldest child livings. But should may no dieleving no children, at his death this real property shall go to his oldest child livings. But should may for the consider that the resignation of life-long skinnihess and think nothing will make floon fat. Yet their case is not his oldest child livings. But should may for the strength of the continued in this peerless preparation, which is endorsed by eminent physicians and used by prominent people should produce feeth and strength bytes correcting families of digestion and by supplying highly concentrated fats to the blood, increased nourishment is obtained from the feed source and the additional fats that thin people need sare provided. Lessing drangers and the additional fats that thin people need sare provided. Lessing the grant of the continued nourishment is obtained from the feed such as a previous and such the continued of the continued

Mistreatment of Passenger Arrested By Order of Conductor; Construction of a

DECISIONS OF THE

(WALTER CLARK, JR.) Oral argument for the spring term has been completed in the Supreme Court. Opinions were handed down as usual yesterday. The remaining opinions will probably be handed down next week!

opinions will probably be handed down next week.

It Carver y. Railroad, an action is brought for mistreatment of a passenger by police officers of Marion who arrested him at the request of the conductor. Justice Brown holds that if the conductor was justified in having him arrested, there is no liability on the part of the railroad. If the conductor was not justified in causing his arrest, but the conductor was acting in good faith, there the plaintiff is entitled to compensatory damages, and if the conductor was actuated by malice, gross negligence etc., the plaintiff is entitled to punitive damages.

punitive damages.
Opinions Of The Supreme Court.
State v. Lyerly, Rowan, no error.
Brown, J.

Hardester v. Richardson, Randolph, no error. Brown, J. Boyden and Henderson v. Haga-

man, Galdwell, no error. Hoke, J.
Williamson v. Jerome, Rowan, affirmed. Brown, J.
Hallman v. Rallway Co., Catawba,
no error. Allen, J.
Lawrence v. Eller, Avery, affirmed.

Hoke, J. Shuford v. Brady, Catawba, affirm-

Shuford v. Brady, Catawha, affirmed.

ed. Brown, J.
Carver v. Railway Co., Rutherford.

new trial. Brown, J.
Walker v. Parker, Wilkes, new trial. Allen, J.
Lynch v. Veneer Company, Buncombe, no error. Clark, C. J.
Shook v. Lumber Company, Buncombe, affirmed. P. C.
Raines v. Railway Company, Buncombe, new trial. Walker, J.
Phillips v. Hodgin, Guilford, affirmed.

Allred v. Longest, Guilford, affirm

Goins v. Lumber Company, Burke, Belch v. S. A. L. Railway, Robeson Transportation Co. v. Lumber Co.

Haywood, motion to reinstate denied. Phifer v. Mullis, Union, petition to re-hear dismissed. reatment of Person Arrested By Conductor's Orders. Carver v. C. C. & O. Ry. Co. is an

action to recover damages for mis-treatment of plaintiff by police of-ficers of Marion who arrested him by request of defendant's conductor. It appears that plaintiff was upon ex-cursion, was drinking in the presence of ladies and that the conductor wired

to Marion for police officers to meet train and had plaintiff arrested, who was cursing in presence of ladies, and that the conductor then left; that police officers placed handcuffs on plaintiff and moved him to smoking compartment of station and after-wards released him when he

compartment of station and after-wards released him when he became tractable. Judgment for plaintiff.

The defendant requested his honor to charge the jury: "If the plaintiff violated the law on defendant's train so as to justify his arrest by the con-ductor, and he was taken into custody, by regular officers of McDowell coun-ty, the conductor, under the law, was not required to anticipate that the of-neers would mistreat the plaintiff, not required to anterpate that we officers would mistreat the plaintiff, therefore you are charged that if plaintiff was properly arrested and turned over to proper legal officers of McDowell county, and that he was not subject to any improper indignites or movemence of the cr sufferings in the presence of the conductor, and a reasonably prudent man in the position of the conductor would not have auticipated any such

mistreatment, then you would answer the first issue, 'No.'

The trial judge refused to give this instruction and charged that if the jury found that the police officers used unnecessary force that they should find for the plaintiff.

officers and could have done nothing legally to restrain their control and management of the prisoner while in their custody.

In conclusion Justice Brown states,
"If it should be shown upon the next
trial that the conduct of the plaintiff on the train was such as to justify the conductor in calling upon the policemen and asking them to take the plaintiff in custody, then the defendant would not be liable for any damages. If the jury should find that the conduct of the plaintiff was not the conduct of the plaintiff was not such as to warrant the conductor in ordering him into the custody of the officer of the law, but that the conductor acted in good faith, although mistaken, the defendant would then be liable for such actual or compen-satory damages as the plaintiff may

"But if the jury should further find that the conductor wrongfully and unjustifiably ordered the arrest of the plaintiff without necessity and that this act of the conductor was wanton, malicious, reckless or was done through gross negligence and disre-gard of the plaintiff's rights as a passenger, then punitive damage or may not be awarded in the or may not be awarded in the sound discretion of the jury. Punitive dam-ages are not recoverable in actions of this character unless there is an ele-ment of fraud, malice, gross negli-gence, insult, or other cause of aggra-vation in the act causing the injury. New trial New trial. Construction of a Will.

Shuford v. Brady is a controversy without action as to whether plaintiff without action as to whether plantifican convey title to plaintiff under a contract between them. The controversy depends upon the construction of the will of plaintiff's father who left property, with the provision that it should be rented until the plaintiff was 21 years of age and if the plaintiff died before he was 21 years, in whose the property should year, and

matters not how old either or both may be. In case children are born, then the estate is devised to the oldest Seat's death. Upon such contingency happening the contingent remainder in fee to the wife would not vest."

The plaintiff not being able to make a good and indefeasible title to the

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Chicopee Falls, Mass.

property contracted to be sold to the defendant, the judgment is affirmed Only Criminal Case Decided,

Only Criminal Case Decided.

State v. Lyerly is an indictment and conviction of larceny. The prosecutor testified that he had a fifty dollar bill, two twenty dollar bills and some ones and went into defendant's store; that defendant asked to see it and took it to the rear of the store; that in few minutes defendant handed him a bill which he put in his purse with out examination; that a few minutes after leaving the store he discovered that the fifty dollar bill was gone and in its place was a two dollar bill.

in its place was a two dollar bill.

Justice Brown states, that defendant excepted to the charge that if the jury should find from the evidence beyond a reasonable doubt that de-fendant obtained possession of the fifty dollar bill, under the circumstances testified to by the prosecuting witness, with "an existing felonious lutent permanently to deprive the prosecutor of his ownership in the money and to convert it to his own use, and in pursuance of such intent and in the execution of such design' did as testified to by the prosecuting witness, they should return a verdict

of guilty of larceny as charged.

Justice Brown states, "The charge
of his honor is supported by the
precedents. There is no pretence that precedents. There is no pretence that the presecutor loaned this money to the defendant. A very instructive epinion in line with this case is State v. Bryant. 74 N. C. 124. No error." Recovery For Death of Plaintiff's

Hecovery For Death of Plainting Full Time and Intestate.

Hardister, Admr. v. Richardson is an action to recover damages for the death of plaintiff's intestate, who was death of plaintiff's intestate, who was the state of the News and Observer). a miner. Verdict and judgment thereon for \$2500.

Justice Brown states that the first assignment of error is the refusal to grant a non suit upon the evidence which he summarizes substantially as follows: A bucket attached to a cable was used for hauling the ore and em-ployees out of the mine, different signals being given for ore and for employees when on the bucket. About ten days before plaintiff's intestate death, the bucket was displaced by a car known as a skip, which ran upon iron rails and was a self dumper; that the defendant and his foreman rode upon it in coming out of the mine and the employees were not in-structed not to ride upon; that plain-tiff's intestate and two other employees got upon the skip, giving the regular signal that employees were aboard and it was hauled up about 50 feet, when it was derailed, turning bottom upwards, pitching the em ployees out and killing them instant tradictory evidence, plaintiff alleging that a chain attached to car would have made it safe. Justice Brown states that the motion for non suit

states that the motion for non suit was properly overruled.

The second exception was the following question asked a witness, "What did Jeff Parrish tell you with reference to riding on that skip?" Plaintiff objected and was sustained. Justice Brown states. "The declarations of Jeff Parrish to Crinford are hearsay and incompetent. They were not offered to contradict Parrish for he had not been examined as a witness.

ness.

The last exception was to the charge on the ground that there is no evidence to support it and that His Honor applied the doctrine of results. Brown states, ipsa loquitor. Justice Brown states, "As we have said, there is abundant evidence of a permissive user of the skip and that it could have been made

to the contract of employment and the money attached, belonged to the defendants in that action, including these defendants. The action was dismissed as to the bank at the trial. The action was to recover commission for the sale of certain bonds of the Salisbury & Spencer Ry. Co. Justice—Brown states, "There was

no other evidence of fraud offered.

* * It has been held in this State that in action in the courts of this State on a judgment rendered in sister State, it is open to the defend ant to allege and prove fraud in the procurement of the judgment and the term "fraud" in this connection in-cludes all such circumstances of fraud or imposition in procuring the judg-ment as would induce and authorize the courts of the original forum to interfere to prevent the enforcement of an unconscionable recovery. Mottu v. Davis 151 N. C. 227."

The defendants went to New York employed counsel, introduced evidence and the verdict was agains them. Justice Brown states, "The defendant were not required to pear and defend the action in New York coart. No property these individuals had been attached for none had been found. There was no issue raised in respect to the ownership of any property claimed by these defendants. The property at-inched belonged, solely to the bank and it was the bank's duty to defend its rights. If these defendants rushed to its rescue, it was their voluntary act. There is nothing in the evidence act. There is nothing in the evidence which tends to prove that the defendants were dented any opportunity to make good such defenses as they had. Ther was no error in the trial judge instructing the jury to answer the issue of fraud "No". Affirmed.

MT. AIRY PROGRESSING.

Mount Airy, May 19.—Mount Airy is improving in many ways. The business of the city is growing in all lines. The factories are running lines. The factories are running every day and working large forces of hands. The big granite quarries of hands. The big granite quarries are under full swing and stone cut-ters in large numbers busy all the time. The many long trains of granite going out brings money to he "granite city. New houses, bo

New houses, both business and residence, are being creeted. The Banner Warehouse company, is putting in another large granite build ting in another large grante outdiing adjoining their new tobacco
warehouse, which may be used for
the Princess theatre. On South street
another large grante building is
nearing completion.

The outlook is very bright just now
for a good crop of tobacco, wheat,
corn and fruit.

for a good crop of tobacco, wheat, corn and fruit.

The Fred N. Day meetings at the Second Baptist Church are largely attended and it is believed much good will be accomplished. Mr. Day

FOR INDIGESTION Take Horsford's Acid Phosphate Half a teaspoonful in water before meal vill aid the stomach, and prevent distres

Raleigh Branch

419 Fayetteville Street

is a fine preacher and has done a great deal for the upbuilding of the Second Baptist Church here and the members and people generally are meeting with him in his efforts.

Rev. C. C. Haymore, paster of the Second Baptist Church succeeded in getting the new amoex finished before his meeting began last Sunday. The new room adds greatly to the comfort as well as affording additional room.

The Weather --

LUGAL OFFICE U. S. WEATHER BUREAU.

FOREGAST

Raleigh, N. C., May 19, 1915.
For North Carolina: Shows
Thursday and probably Frida; alightly warmer Thursday; moderate northeast to east winds.

Sunrise 5:04 a.m. | Sunset 7:17 p.m.

Highest temperature Highest temperature
Lowest temperature
Mean temperature
Deficiency for the day
Average daily deficiency since January 1st

mount for 24 hours ending

STATIONS AND WEATHER AT 8 P. M. TEMPERATURE.

A Comment of the comm STATIONS \$0 +2 84 68 56 -12 60 54 66 -14 82 68 70 -2 78 70 56 -14 62 56 48 +4 50 42 76 -2 86 72 68 -2 70 58 52 +14 56 60 84 +2 90 68 82 +2 88 72 63 +10 66 46 55 -13 66 57 62 +2 73 50 84 +2 96 69 +4 64 56 55 -13 66 57 62 +2 73 50 64 46 55 -4 68 62 66 44 68 50 62 -6 68 62 54 -6 56 42 Abilene ... Asheville ... Charleston Charlotte . Galveston Jacksonville Knoxville. 82 +2 62 +10 60 +4 55 -13 62 +2 84 +4 60 +4 62 -6 54 Raleigh ... Vicksburg ... Washington .

Wytheville The western disturbance made slow progress against high pressure centered in the Lakes, and had moved t east Texas. It continued to snow in Denver and Rapid City. It was good for the season north of Augusta. Georgia, due to the high pressure spreading east by southeast.

Wilmington ..

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