

THE LAST DUEL IN NEWFOUNDLAND

By M. J. O'HARA.

AMONGST the many incidents in the history of Old St. John's, in my boyhood days, none was so much narrated and discussed, by the old folk, as the duel fought between Captain Rudkin and Lieutenant Philpot in the early part of the last century. Both were well known and popular young military officers, and belonged to the Royal Newfoundland Companies, then quartered at Fort Townshend. The combat, which ended fatally, took place on the 30th March, 1828, near the margin of the bank, on the east side of Rennie's River, overlooking the swimming pool, in the rear of the mill. The trouble, which caused the duel, has been told in various ways. Some of the old residents said that it originated over a fair young damsel, whom both officers had been paying attention to, while others contended that it arose over a game at cards, in which both were participating, in the Waterford Inn. This place, which was located where Gaden's Aerated Works now stand, was owned and conducted by one Andrew Hannon, and was frequented generally by military and naval officers, as well as by the wealthy sports of the town. However, the duel had been quietly arranged, and, with the exception of the principals and their seconds—a military doctor and a naval officer—the matter was kept a close secret by all concerned, until the result being that Lieut. Philpot, the aggressor in the matter, was shot through the heart, and instantly expired. As soon as the unfortunate happening became known, which it did within a few hours, it occasioned widespread indignation throughout the town, so much so, that for months after, thousands of people, awed with feelings of sorrow over the untimely death of the young officer, visited the scene of the tragedy, where they silently and sympathetically exchanged thoughts over the sad affair.

The funeral of the dead duellist was one of the largest ever seen in the town. Shopkeepers put up their shutters, residents lowered their blinds, minute-guns were fired from Fort William, and business generally was suspended while the mournful procession moved through the different streets. The remains were laid to rest in the old Anglican churchyard on Duckworth street (then called the "Middle Path"), opposite the Court House, the grounds of which are still intact. But the numerous headstones and tombs, however, that were to be seen in that old yard a half a century or more ago, have since disappeared; the greater number having, through age and the ravages of time, toppled to the ground, where they now lie buried beneath the surface. The only monument to be seen in the old cemetery to-day is that erected to perpetuate the memory of Richard Barnes, one of the founders and first president of the Native Society—instituted in St. John's in 1840. The monument was placed there some thirty-five years ago from the family belonging to the then Refectory, which, during its short and unimportant career, had been deposited in one of the city banks, where they remained till used for the purpose referred to.

Lieut. Philpot was an Englishman, quite young in years, whilst his adversary, Capt. Rudkin, who was some ten years his senior, was an Irishman—the latter having served with the colors under Wellington at Waterloo. Capt. Rudkin and both seconds—Dr. Strachan and Capt. Morice—in the meantime were arrested and placed in Signal Hill jail. A few days later, a preliminary investigation into the matter was held, with the result that all three were indicted for murder. Their trial, which occupied some four days, and provoked great excitement, took place the following April, at the opening of the first term, under enlarged constitu-

tion, of the Supreme Court in Newfoundland—the Charter having been read by Sir Thomas Cochrane, then Governor—and resulted in their acquittal. The presiding Judge was Chief Justice Tucker, and assistant Judges DesBarres and Molloy. The names of the petty jurors sworn to try the case were—Patrick Brabill, Lawrence Barron, Nicholas Brown, William Ash, Thomas Barter, James O'Neil, William Barnes, William Aylward, Thomas Ball, John Bray, Thomas Atkins, and Thomas Bates. Although nearly a century now has passed, it will be here noticed, particularly by old St. John's residents, that there are, at present residing in the city, many of the descendants, male and female, of the men who comprised the Jury.

The prisoners were tried in the Old Court House, afterwards destroyed in the 1846 fire, which was located where the Board of Works and Museum buildings now stand. The crier of the Court, under the new regime, was James Lambert, a grandfather of Messrs. Charles and William J. Barnes, also of the late Henry Barnes, Inspector of city roads.

Another duel was arranged and fought in St. John's some fifty years after the Philpot-Rudkin one—in the middle seventies. On this occasion the principals in the escapade were two prominent young men, Augustus Healey and Denis Dooley. The cause of the trouble, as was customary in such cases, was the bewitching charms of a city belle. The personal feud over the matter originated at Jocelyn's—a favorite resort—where both had been participating in a social gathering. However, the place, day and hour of the combat were finally arranged, but, unlike Philpot and Rudkin, who had kept their affair a close secret, Healey and Dooley acquainted their friends of the impending event. The place located for the encounter was the hollow in the rear of Fort Townshend, and on the day appointed a large crowd had assembled there to witness the sad but chivalrous undertaking. In due course, however, the principals, nervous and wan-looking, accompanied by their seconds, arrived on the ground, where both shook hands and conversed with their respective friends. After a short delay, in which the seconds had been engaged in measuring the firing space, and loading the pistols, both contestants stepped to the firing line. Here, on receiving the necessary instructions as to the rules to be observed, from their seconds, the guns were placed in their hands, and the signal to fire given. Both pistols, in deadly aim, went off simultaneously, but fortunately without any fatal results. Dooley fainted, but quickly rallied, whilst Healey, however, appeared quite undisturbed. In the meantime, Sergt. Sullivan (late Inspector General), who had been apprised of the matter, appeared on the scene. His presence at first occasioned a little commotion, but later, however, calm prevailed. In his well-known stentorian voice he reprimanded the principals, and threatened arrest, then finally dispersed the assembled crowd.

Luckily, the seconds, actuated by a humane desire to avoid a tragedy, and also aware of the sorrow and trouble that such would entail on the parents and friends of the combatants, secretly charged both pistols with blank cartridge—with the result referred to. So ended, what would have been perhaps another fatal duel. The seconds were the late Thomas Allen and Frederick Burnham.

Some three weeks later, Healey and Dooley, not being satisfied with the result of the previous encounter, decided to try the manlier art—a fieldcock bout. This took place in a field near Mundy's Pond, where a large crowd had gathered to witness the fight. Several rounds were fought, but ultimately Healey, being

the heavier of the two, came out victorious. A few days ago, while assorting some old books, I incidentally discovered a volume, written by Col. McRae, R.A., some fifty years ago, entitled—"Lost Amid the Fogs." In poring over its contents, which mostly pertained to political and social affairs in Newfoundland, I noticed among its chapters, one containing an interesting narrative of the duel referred to, headed, "The Last Duel in Newfoundland." As the story is, no doubt, accurately portrayed, and of historic interest to many of the present generation, I thought it worthy of publication in some of our local journals.

Of course, it will be observed, that the author, whose advent in this country was some thirty-six years ago, had not been a resident at the time of the duel. Consequently, the outline of the story, so precisely described, was no doubt obtained from old inhabitants, many of whom were conversant with its principal details. In the early sixties, or there about, I, myself, knew an old man who had been an eye-witness to the tragedy. His name was Gregory Brennan, and, at the time of the incident, was coachman with Dr. Carson, a well-known physician in St. John's. In happening along the Rennie's Mill Road, in the early morning, as was his daily custom, he was attracted by a mysterious gathering over the way. So, being desirous of knowing the object of the group, as also their peculiar movements, he quietly witnessed the proceedings, as they developed, from the roadside of the river. Brennan, who was one of the principal witnesses in the trial of Capt. Rudkin, had been for some years after caretaker of Rostenall farm, then owned by Dr. Carson.

Col. McRae, the author of "Lost Amid the Fogs," in command of the Tenth Brigade of Royal Artillery, arrived in St. John's in January, 1862, on the troopship *Magdalena*. This steamer, as I now recall, was paddle-wheeled, ship-rigged, and considered at that period, a vessel of large dimensions. Owing to the harbor being frozen over, making it difficult to effect a berthing place at the Galway wharf, to disembark her troops, she anchored in midstream. In due course, however, the tug-boat *Blue Jacket*, which the following autumn was blown up and burnt in Conception Bay, steamed alongside, and after making a few trips, conveyed the troops and their belongings to the Queen's Wharf, where, in the meantime, a large number of people had assembled. Here, after some preliminary work, in storing their effects, and adjusting their accoutrements, they formed into line, and finally marched to their new quarters at Fort William. They certainly were a fine looking body of men, as they marched by, nearly all six-footers, and well-proportioned, wearing great coats, high fur caps, and well-polished knee boots. The *Magdalena* also brought the first news of the death of the Prince Consort, husband of Queen Victoria, which occurred some three weeks previous to the steamer's arrival here. There were no ocean cables in those days to hastily inform us, as now, of happenings on "the other side."

Whilst stationed here, the Artillery afforded much amusement, at times, to the public. They were fine cricketers, and during the season, contested in many hard-fought matches with city clubs, invariably coming out victors. On the day of a match, in which it was announced that the Artillery were to take part, a large and enthusiastic gathering, including many ladies, were sure to assemble on the Parade Ground to witness the contest. To those of us who witnessed these matches, in the long ago, they will ever remain a precious memory.

During the winter season they organized theatrical shows, which were produced in the Fishermen's Hall—now McNamara's big feed store. These shows, the parts in which were generally well-sustained and carried out, attracted large and ap-

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for the surrender of the prisoners. For a considerable time, however, heated controversies were exchanged between both Governments, over the matter, in the hope of reaching an amicable settlement, but without effect. Finally, the United States, perceiving that Great Britain was fully determined to force the surrender of the prisoners, and also finding her hands full at the time in combating with the Revolutionary South, reluctantly submitted and released both men.

We now come to the story of the duel, in which the writer, Col. McRae in prefacing his remarks, freely, yet meekly, refers to the social entertainments indulged in by the better class in St. John's. He unkindly portrays amongst other things the manners and doings of the "cod-fish aristocracy," so-called, and sarcastically insinuates that the predominant features of those entertainments, were invariably booze and the game at cards. As this matter, if published, would occupy considerably more space, and be of little interest otherwise to readers, we decided to omit it, and begin the story proper, which is as follows:—

THE STORY OF THE DUEL.

They were good old times of play at any rate, and of drinking, too. These lusts in a new generation have sobered down, while we hold in common with the departed the third deep absorbing passion of our race. Had Colenso and Hugh Miller, while denying the possibility of an universal deluge, admitted its force as applied to the human heart by the passions of love, hate, and jealousy, they would probably have been doubly right in their conclusions.

It needs be so in our present story; for it was known at that time that in a cottage at the foot of the hill, beyond the little bridge which spans the stream just before it joins the blue expanse of Quiddi Viddi, there peeped ever and anon at passers-by from behind the crimson blinds, the face of a gentle girl, for the love of whom the acquaintance of two men, which should have been almost that of brothers, grew into fierce jealousy, and on one side at last rotted into maddening hate.

For it takes little enough for hate, once heated in the breast, to burst into the flame of destruction. So it happened that on a bright spring night, more than a generation back, a party of officers, assembled in the Messroom of the Old Newfoundland Companies in Fort Townshend. There really was in those days something like a fort, with parapets well ditched, and a glacis stretching around, steep towards the town, and sloping gently on to the barrens beyond. The great Cathedral, with the twin towers, which, like two fingers pointing towards heaven, can be seen for many miles around, was not then built; but the wooden barracks within the Fort were just the same as now, the yellow wash not stratified quite so thickly on the walls, or the cracks or crevices admitting so much wind and snow. Among the group assembled to pass the evening in the usual way were a Captain Rudkin and Lieutenant Philpot, the principals of this sad tale.

The snow still lay thickly on the ground in gloomy corners where the sun's rays could not touch the surface, and the westerly wind of the chill March night, whistling through the old Government buildings, made the cheerful blaze of the crackling logs doubly agreeable to the knot of officers and their friends there assembled. In front of the fire was drawn out a barrack-table covered with an old red cloth, on which lay scattered, much in the form of a flight of wild geese in the evening sky, a greasy pack of cards, veterans in the service for which they were made: On one side, on another table, were all the "materials" for brewing whisky punch, harring the lemon; while sever-

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al bottles of port, at eighteen shillings a dozen in those days (now at fifty, and not so good), graced the tray as well. The kettle was put on to tune itself up, chairs were gathered round the red cloth, sixpences like silver gaulets were fung into the centre, and the party set vigorously to work at a game of the real old Irish luck, first knave for dealer—the which game, provided it be played by gentlemen, has the merit of being the safest, liveliest, and most sociable in existence. A prudent player has control over his ventures and finances, so that it may be played without hazarding a penny on mere luck, and strictly without gambling. For a long time all went pleasantly and well, until, whether from the effects of the toddy, or a run of foolish ventures, combined with a naturally awkward temper, Lieutenant Philpot grew gradually quarrelsome and unpleasant. He took up his three cards at a moment when the pool was large, and, replying to the dealer's question, "Will you play?" with a loud "I will," dashed them back upon the table, with a chuckle clearly indicative of their value. This conduct, strictly contrary to the spirit of the game, induced the players to look back, and to decline playing until Captain Rudkin, the dealer, alone was left to declare. He looked at his cards; they were bad; and he hesitated to decide whether he would play, to risk forfeiting an equal sum to that in the pool, or give up the pool without a struggle.

"Will you play, I say?" cried Philpot, fiercely.

Rudkin looked again at his cards, and then at the pool, in which there was quite a heap of shining silver, the accumulation of many undivided deals. For modest players the risk of putting in a similar sum was a consideration.

"Will you play?" cried Philpot, with an oath, turning to the other players. "This is not fair, I'm d— if it is." "Come, old fellow," cried one, "be plucky, and defend the pool, for the sake of the table, you know." "Gammon, Rudkin!" said another, "don't do anything of the sort; better give the pool up."

"Last player always defends the pool," shouted a third, amid a chorus of voices, who cried yea or nay to this last assertion.

"I'll play," said Rudkin, at last, drawing rather a heavy breath, as he laid his cards quietly on the table, and said to Philpot—

"How many cards will you take?"

"Once," He threw away the king of diamonds, and took in the ace of clubs. The ace of spades had turned up for the trump-card. Rudkin rejected two of his cards, and took the two upper ones of the pack instead; when instantly, amid impatient cries

from the table—"Now play away," "Two trumps lead one," "Loo him, Philpot," "Play bold,"—Philpot, looking triumphantly at his adversary, dashed the queen of trumps on the table. Rudkin, who had taken in one good trump, capped in with the king; led the nine of trumps, drawing the four from Philpot; then led the eight of diamonds, drawing the ace of clubs—and won the pool.

"You're loosed," "you're loosed, Philpot," cried the players, excitedly, "in with the pool." "Reckon it up," "Forty-eight shillings and sixpence." You're loosed; who'd a thought it? deal away." "I am not loosed, I'm d— if I am; he cheated," cried Philpot, in a loud voice, clapping his hands on the pool. "There was an universal burst of surprise. "Come, come, Philpot, don't be a fool, and spoil the fun." "Retract what you said," "You're loosed quite fair."

"I'm d— if I retract," cried he, violently, sweeping the pool towards his corner. "He did cheat. I'll swear to it. He drew the king from the pack. It was the bottom card. I saw it."

A start of surprise thrilled plainly round the table.

"You saw it, sir?" said Captain Rudkin, quietly. "You said you saw it, and said nothing about it, yet now pretend that I have cheated?"

"Gammon!" cried the player next to Philpot. "You are wrong, I tell you—wrong altogether; and making bad a confounded times worse. I saw the bottom card while he dealt; it was the knave, not the king. Turn up the pack and look."

As the speaker said, the bottom card was the knave of spades, which Philpot had evidently mistaken for the king; thus making his queen (as he thought) with the ace turned up the best card. It looked now very bad for Philpot. Not only had he wrongfully accused a player of cheating, but by his own confession, had seriously compromised himself in the same light. With another man he might have retreated coarsely and foolishly enough out of the scrape; but with Rudkin his present feelings were determined with a far deeper scorn and blindly he determined to brave it out.

"It's a lie! a d— lie! I saw the king. He's cheated; and d— me if I give up the money."

"Do you really intend what you say?" said Rudkin, rising.

"Take that, and curse you with it," bargained," shouted the excited little, dashing, as he spoke, the hot contents of his tumbler into the Captain's face.

There was a general start from the table and shout of disgust, while Rudkin, wiped the scalding liquid from his face. Reaching down his hat, he turned to quit the room, while Philpot, barely restrained by two of the

company, rushed forward and made an effort to kick him as he passed the door. Of course, the party broke up in confusion, but before it separated a message arrived from Captain Rudkin requesting Captain Withers at once to go to his quarters. All knew what that meant, and Philpot, naming his own second, snatched his fingers defiantly, and left for his quarters.

In those days an apology was a rare thing either to offer or accept. A duel, if not exactly a common, was certainly not a very uncommon occurrence; and was looked on by the community in general without that special abhorrence it now excites. This resulted partly from a less polished state of society, but more truly by the indifference caused by the general harmlessness of encounters while duelling. Weapons were in vogue. Detonators and revolvers at twelve paces have been the real pacificators of parliaments of society, at least on our part of the herring-pond. Still, among the better classes in Newfoundland, as elsewhere, at that time a strong feeling against such barbarities lay dormant, requiring only a stirring tragedy to call its life into action. It came to their expectations, as we shall see.

Rudkin, who was writing when Captain Withers arrived to his summons, looked up, and said—

"There's an end to all cards for me, Withers. If men cannot play except as brutes and beasts I'll have nothing more to do with it."

"Always knew what a cursed temper that fellow had; but this is quite beyond all bounds."

"Ah! it's not the cards; there's something besides that at the bottom of his conduct, which makes me particularly anxious to avoid anything public. Perhaps the fool will come to his senses in the morning, and if he will write an apology, which can be read before the party, I'd better look it over. But—"

"Apology! Well, of course you can do as you please; but when it appears to me a man has been grossly insulted, and then kicked, it's rather late for an apology, eh?"

"Kicked!" repeated Rudkin, starting from his chair. "Insulted, sir, he never kicked me."

"Very true; he just missed you with his foot because we held him back as you left the door. But, ma foi, it's the same thing, mon cher. Quel volez-vous?"

Poor Rudkin sat down again, passing his hand heavily across his forehead. "You are right," he said at last, "it's the same thing; we must go out, that's clear; yet I would have avoided it if I could, but it's too much too much. It will be better that you, Withers, being in the regiment, should not act. Ask Strachan to arrange it for me as early as you can to-morrow; and now, good-night. I have some affairs to settle."

Somewhere about a mile from the post-office of St. John's, behind the high hill above the town on which the Catholic Cathedral proudly stands, there winds a deep, sheltered ravine, through which, by dells and fields and gardens, a joyous, chattering stream pours its bright waters into the lake beyond—now, over rough rocks, which crest its course, with mimic waterfalls and snowy flakes of foam, now gliding swiftly into the little weal to turn the merry-humming wheel, now eddying over stone and pebble, until the air is musical with soothing sound,—past copse, and willow, and moor, and under many a little rickety bridge, where boys and trout play hide-and-seek for hours together on the warm spring days,—then sweeping bodily into the broad meadow, to puzzle the cows with its many curves and folds, until its throbbings like the heart of the human life, which it has so often been compared to, in mingling with the great unknown level beyond. It would almost seem as if the deep, hill-girdled cove of Quiddi-Viddi, (Qui-Didva)—for the early Spanish settlers, taking the sea as the boundary, named the bright blue lakelet—was so fashioned expressly by the hand of Nature, to collect together for the city the dewy hills bounding off the mountain side at every point; to save them from running to waste in the quick in the briny, unpenetrating ocean, through the wild fissure cleft in the rocks of the shore, past the overflows of the water rushes. Winding serpentine among the meadows, across the slope of the hill, down to one of the bridges, and winding again up the opposite bank, on which to this very day a few scattered wind-blown plants stand sentinel over the landscape, come to a little hollow, smoothly edged, and screened from observation by copse and stream on one side, a cliff and hill upon the other. It is just the place, of all others about town, where the tender buds of wild azaleas and camias, protected from the biting north-easterly wind, peeped at first shyly, and then opened for life with the golden sun at just a morning as this with its white, a morning fragrant with its answer from the King—abundant with resurrection, restoration, beauty, life and health,—a morning for stock creatures to throw themselves long sealed by winter frost, and expand their lungs to fill with the soft southerly breeze a morning for lovers to walk linked arms through the shady groves, carpeted with the dead leaves of a hundred summers; for children

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