

THOMPSON PICKS UP BROKEN TRAIL OF SUBWAY DEALS

Stevens Back on Stand Denies Talking to Shonts About Commitments.

FIRM'S FAILURE MADE HIM SICK, HE SAYS

Took No Interest in Contract Shonts Offered After That, Engineer Testifies.

The Thompson legislative committee picked up its old stride yesterday and again began its quest for the "commitments and obligations." John F. Stevens, the engineer who bid for the third-tracking of the elevated lines on a 15 per cent above cost basis, was on the witness stand, and the subject which had figured in the negotiations between Mr. Stevens and T. P. Shonts, president of the Interborough, was brought up again by Frank Moss, the committee's counsel.

"What commitments and obligations did Mr. Shonts have to you?" Mr. Moss asked the witness.

"The only commitments I knew about were that he told me he would like me to have the work, and that he would do his best to let me have it," Mr. Stevens replied.

"Didn't you have any conversation with Mr. Shonts about commitments and obligations?" asked Mr. Moss.

"I don't recall any such conversation," replied the witness.

"Seeks to Refresh Memory." "Didn't you tell him you would submit your entire private contract to other parties?" asked counsel.

"I did not," was the reply.

With the remark that he did not wish to involve the witness and Mr. Shonts in contradictory statements Mr. Moss read from the record of the testimony of the Interborough president, in which he said he had had a conversation to that effect with Stevens. J. L. Quackenbush, counsel for the Interborough, suggested that Mr. Moss might be confused in the points made by Mr. Shonts in his testimony, but Mr. Moss and Senator Thompson, chairman of the committee, insisted that the Stevens testimony was read from the official record. Mr. Stevens insisted that he could not recall any such conversation with Mr. Shonts until today, when Mr. Stevens and Mr. Shonts both will be recalled and questioned about the matter.

Contract Goes to Another Firm. "The proposed Stevens contract raised no such objection in the Board of Estimate and Finance as to award the work to Stevens. The T. A. Gillespie Company got it on the same basis bid by Stevens—15 per cent above cost basis."

"Not for me," said Mr. Stevens. "Details of the so-called Stevens contract were left pretty much in Mr. Shonts' hands, were they not?" asked Mr. Moss.

"Yes, in a way," Mr. Stevens replied. "You trusted Mr. Shonts to fix the percentage basis with his board of directors, did you not?" Mr. Moss asked.

"Well, I would have had to be satisfied myself," said the witness.

"You say you would have taken it on a 7 1/2 per cent basis," continued Mr. Moss. "Wouldn't you have been willing to let Mr. Shonts do what he wanted with the difference between the 7 1/2 and 10 per cent?"

"Whatever the contract called for I would have got."

"Suppose there had been necessary disbursements to make, would you would have trusted Mr. Shonts to make them, wouldn't you?" asked Mr. Moss.

Bid Without a Plan. The witness demurred and said he would have expected to get whatever the contract called for.

In showing that Mr. Stevens had no plan with which to do the work, counsel for the committee wanted to know if Mr. Shonts had offered him the use of the Interboro plant. The witness said Mr. Shonts had made no such offer, but would have got his own plant.

"You had no plant and you bid on the contract privately and not in the name of your company," said Mr. Moss. "Now didn't you make the bid with the intent of turning the contract over to others?"

Mr. Stevens replied in the negative. Mr. Moss tried to show that the directors in the Stevens Company, including Morgan J. O'Brien, Jr., Nicholas F. Brady, William Joyce, and Philip R. Hayes represented Stevens's bidding privately on the third-tracking contract, and later let this company fail while constructing a part of the subway in the Bronx.

Stevens admitted that he only needed \$100,000 on the \$2,350,000 Bronx contract to carry it through with a 10 per cent profit for the company. He said some of the directors questioned whether there would be any profit, but that that they had never given him any other reason for letting him fail when the work was so near completion.

Failure Broke Spirit. "Just how did you lose the third-tracking contract?" asked Mr. Moss.

"My spirit was broken by my failure to finance my own company," replied the witness, "and I decided I didn't want any more contracting and thought I would stick to my legitimate business of engineering."

Mr. Stevens said he went away after his failure, and when he returned in the fall saw Mr. Shonts. Stevens told Mr. Shonts he understood the contract had been let to Gillespie, but Mr. Shonts denied this, and asked if he would still consider the 15 per cent bid he had made. Stevens said he didn't take much interest in it after that.

T. H. Gillespie, son of the head of the Gillespie company, appeared in answer to a subpoena yesterday, but was excused until to-morrow morning. Mr. Moss will question Mr. Gillespie about certain sums of money which were said to have been transferred from the New York office of the Gillespie company to the Interborough. It had been hinted that this money was related in some way to the \$2,000,000 "yellow dog" fund.

Nicoll Shocks Moss. DeLancey Nicoll shocked and amused the chairman and counsel of the committee during his testimony. He informed them that the committee had no further legal status since the Legislature adjourned and should

close up shop. Mr. Moss told the witness that the committee was not looking to him for advice or instructions regarding its status. Mr. Nicoll is counsel for the Interborough and personal counsel to Mr. Shonts. On taking the stand Mr. Nicoll pleaded the statute against disclosing confidential matters between lawyer and client as denying him the right to testify.

He was questioned concerning the unsuccessful negotiations between the Interborough and the Longacre Power Company several years ago, which aimed to have the transit company sell the Longacre company its surplus power. Mr. Moss wanted to know if the witness ever heard of any one asking for a large sum of money during the negotiations. Mr. Nicoll said he had never heard of anything of that kind.

Samuel Untermeyer, formerly counsel for the Longacre Power Company; Frank Hedley, general manager of the Interborough and several other witnesses were examined in regard to the old negotiations between the two companies for power. None of the witnesses had ever heard of any "large commission" being asked.

U. S. NEEDS ROOSEVELT, 5 REPUBLICANS ASSERT

Want Convention to Name Him as Patriotic Duty.

Asserting their belief that the country now needs Theodore Roosevelt as President, five well known Republicans, who voted for the reelection of Mr. Taft four years ago, issued a statement yesterday urging Colonel Roosevelt's nomination as President. They believe he is the man best qualified to guide our country at this present critical period of its history. They urge his nomination as a patriotic duty upon the Republican National Convention.

DAUGHTER AIDS ACCUSED WOMAN

Continued from page 1

be acquitted. All but four of the eighteen inmates agreed with him. Relatives called for the members of this quartet, who packed their belongings under protest, and were taken away after the investigation is complete.

Seth Ramsay, of Southampton, who is in charge of the barn and storehouse, said that the witness was seen entering the premises. While Seth was burning a pile of rubbish in the yard to-day he was interrupted by the state police, who rescued several small medicine bottles containing unknown poisons. He was brought to this city for examination and analysis.

Woman Declares Innocence. After a restless night Mrs. Archer Gilligan requested a cup of hot water for her breakfast this morning. She seemed deeply depressed, unable to comprehend the seriousness of her predicament. Her husband, Edward H. Holden, said: "Captain Robert T. Hurley of the state police was her first visitor. According to a statement issued later by her counsel, Hurley informed her that she had signed a statement implicating her in four murders, and that if she would admit poisoning Andrews the other three charges would be dropped. She refused to listen to the offer."

"With evident difficulty the woman controlled herself when her daughter Mary called at the jail with Mr. Holden shortly before noon. An attractive, fair-complexioned girl, with brown hair and violet blue eyes, the daughter came for instructions about running the home while her mother is detained in jail."

Mother and daughter present a striking contrast. The girl is dressed in stylish clothes and gives one the impression that the study of music is her principal interest. Mrs. Gilligan has a stern face, her thin, tightly compressed lips accentuating this severity, and her hands, placed on her daughter's shoulders, showed signs of hard work.

"We never discussed her innocence," the girl said, "because there is no question about it."

Mystery in Death Cause. Mrs. Archer Gilligan may have to remain in her cell until the June term of the Superior Court, when the grand jury will consider the case.

Mr. Holden announced that he had been informed that Andrews died from natural causes in the presence of his own physician, who had been attending him for three weeks. This was denied by Mrs. Nellie Pierce, a sister of the deceased.

None of the present inmates of the home would admit that they are there on the basis of a \$1,000 contract paying for their keep until their death. Several said they had paid \$10 and \$15 a week.

KILLED BY UNLICENSED AUTO

Little Girl was Standing in Street—Driver Gets Summons.

Florence Gunsburger, ten, of 266 Reid Avenue, Brooklyn, was standing in front of 254 Reid Avenue, at 8:15 last night, talking with schoolmates, when an automobile dashed up, struck her and instantly killed her.

The machine was owned and driven by Robert Krespeller, of 470 Stratford Avenue. He has a license. Two weeks ago he bought the machine and applied to have the former driver's license transferred to him. This application had not yet been granted.

Krespeller has been served with a police summons to appear at the Gates Avenue station to-morrow.

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BROKAW BROTHERS

1457-1463 BROADWAY AT FORTY-SECOND STREET

McCOOEY TO DOLE OUT WILSON JOBS

President's Surrender to Tammany Completed by Brooklyn Deal.

ANTI-TIGER MEN IN STATE REBEL

Keith Declares Kings Leaders Will Have to See Their Boss Before Getting Places.

President Wilson's surrender to Tammany Hall to bolster his campaign for re-election was made complete yesterday when the Wilson job-holders in Brooklyn declared that hereafter John H. McCooley, the Murphy representative in that borough, would be looked upon as their leader. Mr. McCooley will now have the dispensing of all the Federal patronage in Brooklyn.

Internal Revenue Collector Harry Keith, a McAdoo protégé, was the one who broke the news.

Keith Breaks the News. "In the past," he said, "I have accepted the recommendations of various leaders in Kings County, but in any of the vacancies arising in the future in places now held by Kings County Democrats, should any of the leaders come back to take the matter up with their county organization, I shall accept the recommendations of Mr. McCooley on such places."

The surrender of President Wilson to the Tammany organization, with its resultant throwing over of most of the men who have been fighting under the Wilson banner for the last three years, has set off an open rebellion among the anti-Tammany men of the state.

House and Harris Busy. Colonel House and Edwin A. Harris, the new chairman of the Democratic State Committee, are credited with bringing about the so-called harmony program with Tammany. Frank L. Polk, Counselor of the State Department, helping out at the Washington end. Mr. Harris returned from Washington yesterday after a conference with the President on the New York situation. Dudley Field Malone was with him. It was regarded as extremely significant that Mr. Keith's proclamation of his allegiance to McCooley should follow so soon after.

There was some gossip to the effect that the President was favorable to the nomination of Justice Seabury for Governor, but it is unlikely that Mr. Wilson expressed any opinion on this matter. It is known that Mr. Polk and his friends are favorable to the nomination of Ambassador Gerard. Anyway, Justice Seabury's boom is said to have a Hearst tag on it, and that is sufficient to kill it with the President.

OLD GUARD GROOMING HEDGES FOR SENATOR

Will Stump State Before Primaries, Friends Say.

Job E. Hedges is now being groomed by Old Guard Republicans as their candidate for United States Senator next fall. For the last few months certain Republicans of the Burnside-Wadsworth camp have been dropping feelers to learn how the selection of Mr. Hedges would be taken, and they are said to be well pleased with their work.

No public announcement of Mr. Hedges's candidacy will be made immediately, it was said, the wisecracker believing it better to wait until it had a good start. Mr. Hedges, his friends declared yesterday, intended to stump the state for the Republican candidate for President before the fall primaries, thus placing himself in a good position to go after the Senatorial nomination.

Ex-Congressman William M. Calder, of Brooklyn, is the only avowed candidate in the Republican ranks for Senator O'Connell's place. Some of his friends said last night that they believed Controller Travis knew a whole lot about the proposed Hedges candidacy.

U. S. COURT REVERSES CONVICTION OF FLAGG

Holds Seizure of Papers Unconstitutional—Accused of Fraud.

The conviction of Jared Flagg, accused of using the mails with intent to defraud, was reversed yesterday by the United States Circuit Court. The decision, handed down by Judge Cox, in which Judges Yeeder and Ward concurred, was based on the contention that the seizure of Flagg's books and papers was in violation of his constitutional rights.

Flagg was convicted of operating a mail order brokerage house, which promised investors 42 per cent interest. He was sentenced to eighteen months in the Federal penitentiary at Atlanta. Much of the evidence against him was contained in the books which the police and postal authorities took without warrant or legal process from his office during a raid on September 23, 1911. The reversal of the lower court's decision handed down yesterday pointed out that the raid was a violation of the Fourth and Fifth Constitutional amendments.

"These amendments," Judge Cox says, "are intended to safeguard the rights of the people of the United States against foreign encroachments of unlawful and arbitrary power, to preserve the rights of the humblest as well as of the most powerful citizen."

\$50,000 New Rochelle Sale.

Fish & Marvin have sold for Mrs. E. E. Sinclair her property known as Oak Island, at Premier Point, New Rochelle. It contains two acres, on which there is a large bungalow and several outbuildings. The place is near the estates of E. C. Schaefer, John G. Agar and Stephen J. Leonard. The purchaser is Mrs. A. H. Torrey, of this city, and the property was held at \$50,000.

ROOSEVELT FIGHTS ALMONY

John Ellis Asks Court to Discontinue \$400 Allowance.

John Ellis Roosevelt applied yesterday to Justice Hotchkiss for an order permitting him to discontinue paying Mrs. Edith H. Roosevelt \$400 a month alimony pending the trial of her separation suit. Mr. Roosevelt alleged that his wife was unnecessarily delaying the trial. The husband recently brought an annulment suit in Brooklyn, which was won by the wife.

Justice DeLahay signed a commission yesterday to take the testimony of two witnesses in Detroit. C. Walter Randall, counsel for Mr. Roosevelt, told the court that if Mrs. Roosevelt was willing to forego the taking of this testimony he was willing to stipulate that the witnesses would say that they saw Mrs. Roosevelt in London and Naples with what appeared to be bruises on her arms.

TIFFANY & Co. WILL BE CLOSED ON SATURDAY, MAY 13TH

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MITCHEL URGES LOCKWOOD BILL

Also Asks Whitman to Veto \$14,000,000 in Appropriation List.

Mayor Mitchell sent personal letters to Governor Whitman yesterday urging him to sign the Lockwood-Ellenbogen bill, which provides for the centralization of building inspection in the city, and adding his official request to that of the civic bodies of this city who have asked the Governor to veto \$14,000,000 from the appropriation bills now before him.

"Unless you veto at least \$14,000,000 from the state appropriations now awaiting your signature," wrote the Mayor, "it is evident that within a year it will be necessary for the state to impose another direct tax. This will create an additional burden, which, added to the other taxes which New York City must carry, may very easily produce a general collapse of real estate values in New York City. The City of New York itself has done everything humanly possible to reduce its own expenditures to the irreducible minimum."

Protests Highway Bill. It was pointed out by the Mayor that all the items which in his own opinion should be vetoed had been suggested to the Governor in the petitions of civic bodies. He called particular attention, however, to the bill appropriating \$1,956,000 for the maintenance of town highways, and declared it should be vetoed as a most unjust measure to this city.

The Mayor said that he was deeply disappointed to learn that the Governor was not disposed to reduce appropriations for this year by making use of the surplus in net sinking funds.

"I realize that this is not an easy matter for you to decide," the Mayor wrote, "as the best legal opinion is itself divided on this point. The consideration I urge upon you is that the only way to discover what the courts will hold upon this debatable matter is for you to adopt the course which every reason of equity and economy suggests, and permit those who are opposed to the measure to seek a judicial determination if they so desire."

Sees Tax Injustice. "Every surplus in a sinking fund represents an injustice and a double burden upon the taxpayers of the present. By attacking this situation vigorously and effectively you will be able to reduce this year's appropriations by more than \$2,000,000."

"This \$6,000,000 reduction, added to the \$9,000,000 reduction in administrative appropriations which the executive budget and its accompanying statement concede should be made, and the \$3,000,000 reduction which may be accomplished by vetoing the state aid and other special bills, will make possible a total veto of at least \$14,000,000, which would mean that the next Legislature would not be forced to levy a direct tax."

FIGHT FOR SUYDAM ESTATE

Nephews Ask Surrogate to Bar Cousin from Administration.

The dispute of several branches of the Suydam family over the \$2,000,000 estate of Lambert Suydam, a real estate broker, who died on January 18 last, was aired in the Surrogate's Court yesterday.

Richard L. Suydam and Harry Suydam, nephews of the broker, who are contesting his will, asked Surrogate Fowler to appoint a temporary administrator. They allege that Lambert Suydam used undue influence on his uncle to procure the will now being contested, and ask that neither Lambert Suydam nor his co-executor, Jed Frye, be named as administrator.

Mrs. James Suydam, mother of Lambert Suydam, the legatee, and widow of a brother of the testator, made an affidavit in which she advanced a reason why the decedent made such liberal provision for her son. In 1873, she said, Lambert Suydam, the testator, came to her home and told her husband that he had lost his fortune, whereupon the brother told him not to worry over his losses, that he had \$250,000 which he would turn over to him, and that he could return the principal when he had gained another fortune. Lambert Suydam started over with the stake from his brother and succeeded in amassing another fortune. Under the circumstances, said Mrs. Suydam, it was a natural wish of her brother-in-law to want to aid the son of his dead brother, Lambert Suydam.

BILL TO SAVE HORSES KILLED BY ALDERMEN

Refuse to Compel Owners to Use Anti-Slip Shoes in Winter.

The Board of Aldermen yesterday killed the proposed ordinance compelling horse owners to shoe their horses between November and April to prevent slipping on the pavements. Two reports were presented by the committee on public thoroughfares. The majority report favored filing the proposed ordinance, while a minority report favored its enactment. The latter was defeated, 53 votes to 14. The majority report was passed with only one dissenting vote.

A warm discussion preceded the demise of the ordinance. One alderman contended that the board had a perfect right to tell owners of horses how they should shoe them, while another alderman declared: "We can't dictate to the people of this city what kind of horse-shoes they are going to wear."

One large brewing company favored the ordinance, but it was discovered that months ago the company replaced its horses with automobile trucks.

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PANIC IN SUBWAY; 2 FIGHT FOR GUN

Women and Children Shriek While Men Battle in Rush Hour Throng.

At 7 o'clock last night, just when the crush was at its height on the north-bound platform of the Lenox Avenue and 125th Street subway station, Detective Conrad Walter, of the Fourth Branch, heard shrieks of women, cries of children and yells of "Murder, murder! He's got a revolver!" issuing from the kiosks as he was passing on the street.

He paused for a moment, while a few panic-stricken men and women came rushing up the stairs, crying "Murder! Murder!"

The detective bounded down the steps, and found himself in the midst of a swirling mass of terrified humanity.

Pushing through the crowd, he saw at its centre two men, wrestling. One held a glowing revolver.

Two Go to Night Court. In a moment the detective had both manacled. He marched them off to Night Court, while the subway officials tried to end the five-minute tie-up the excitement had caused.

To Magistrate Deuel the two men gave their names as Adolf Segal, thirty-two, a jeweller, of 1025 Tiffany Street, The Bronx, and Robert J. Owens, superintendent of the Kingsbridge Construction Company, of 2193 Seventh Avenue. The latter is a husky, six-foot Westerner.

According to his story, he saved Segal's life at Forty-second Street, when Segal came leaping into the train after he had started, slipped, and was about to be crushed. Owens seized him and pulled him to safety.

Says Valise Blocked His Way. Segal, far from showing gratitude, Owens swore, began quarrelling with him, saying his valise had been in his way. The argument grew warmer, despite Owens' attempts to pacify the almost hysterical man; and at 125th Street, where both got out, he testified that Segal had threatened to kill him.

Owens wrested the revolver from him. Segal had regained it when Detective Walter came.

Segal, in his own behalf, declared he had almost been killed because Owens' valise was directly in the centre of the subway door when he entered the car. Owens, he thought, ought to be taught a lesson.

"It is evident to me," said Magistrate Deuel, "that both of you lost your tempers. I advise you to cool off and forget it. Meantime, I'll fine you each \$50."

TRAINS CRASH IN RUSH HOUR

Many Hurt when Motorman on Brooklyn "L" Has Fainting Spell.

Scores of men and women were slightly injured yesterday morning when the sudden dizziness of a motorman on a Brighton Beach "L" train caused a rear-end collision at the Sands Street station during the rush hour. A Fulton Street train was standing at the station when the Brighton Beach train crashed into the rear car, breaking nearly every window in both trains and showering glass upon the passengers.

Harold Speller, the motorman on the Brighton train, later explained that he became faint as he approached the station and, for a moment, failed to see the other train standing there. He stuck to his post, however, and applied the emergency brakes, but too late to prevent the crash.

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HARMONY SEEN IN ROCK ISLAND

Stockholders' and Debenture Committees Believed Agreed on New Plan.

Representatives of the two stockholders' committees of the Chicago, Rock Island & Pacific Railway Company held a harmony meeting yesterday in the offices of the Bankers Trust Company with the debenture committee. As a result of the conference the prediction was made that a new plan of reorganization will be made public by the 15th of this month, which will pave the way for a speedy readjustment of the company's finances.

An inkling that there was shown at yesterday's meeting a "ret-together spirit" between the Amster faction and the regular stockholders' group, headed by Charles Hayden, of Hayden, Stone & Co., who is working with the Speyer, or debenture, committee on a reorganization plan, was evidenced in the activity in the Rock Island stock and bonds in the last half hour of the stock market session.

Rock Island furnished the unusual spectacle of being the most active stock on the list. The day's turnover approximated 75,000 shares, and the net gain over Monday's closing sale was 3 1/2 points. The debenture is advanced from 49 to as high as 52 1/2, the refunding 48 from 72 1/2 to 74 1/2, and the general lien 48 from 85 to 86 1/2 on two transactions.

While details of the new plan were withheld, enough was learned to predict that it will make some concessions to the Amster interests, and at the same time adhere to the principles

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