

early in the afternoon that the measure be taken up. Objection was made and then the Senator put his request in the form of a motion which carried 43 to 38.

Result of Roll Call.

Immediately cries of "Vote" went up all over the Senate chamber, and the roll was called. The call was as follows: Overriding the veto: Republicans—Bull, Capper, Colt, Cummins, Curtis, Fernald, Frelinghuysen, Gronna, Hale, Harding, Johnson (Cal.), Jones (Wash.), Kaillogg, Kenyon, Keyes, Knox, Leffort, Lodge, McCormick, New-Cumner, McNary, Moses, Nelson, New, Newberry, Norris, Page, Phelps, Poin-dexter, Sherman, Smoot, Spencer, Sterling, Rutherford, Townsend, Wadsworth, Warren and Watson—38.

Democrats—Ashurst, Bankhead, Cham-berlain, Dial, Fletcher, Gore, Harris, Harrison, Henderson, Jones (N. M.), Kendrick, Kirby, McKellar, Myers, Nugent, Overman, Owen, Pomeroy, Shep-herd, Simmons, Smith (Ark.), Smith (Ga.), Swanson, Trammell, Walsh (Mon.), Williams and Wolcott—27. Total for, 65.

Against overriding the veto: Republicans—Borah, Brandegee, Cal-der, Edge, Faly, France, La Follette, McLean and Penrose—9.

Democrats—Gay, Gerry, Hitchcock, King, Phelan, Randall, Robinson, Shields, Underwood and Walsh (Mass.)—11. Total against, 20.

The pairs were Elkins (W. Va.) and Johnson (S. D.) for overriding the veto, with Stanley (Ky.) and Beckham (Ky.) against, and Martin (Va.) for, with Reed (Mo.) against.

Underwood's Statement.

When the matter was first brought up Senator Underwood said: "I voted against the constitutional prohibition amendment because I believed it was a question for the States to determine and not the national Govern-ment. Although I did not believe it wise to have nationwide prohibition, I still believed it was a question for the States to determine and not the national Govern-ment. Although I did not believe it wise to have nationwide prohibition, I still believed it was a question for the States to determine and not the national Govern-ment."

"I have always wondered," said Sena-tor Borah (Iaho), "whether this war-time prohibition act was constitutional. Congress listened to the appeal of the extremists and provided for prohibition during the time between wartime pro-hibition and the effectiveness of the constitutional amendment."

"The bill," said Senator Sterling, "would only operate until demobilization of the army is proclaimed by the President. The purpose of this act is only to enforce the law until such a proclamation is issued."

"The Attorney-General," said Sena-tor Underwood, "is going ahead enforcing wartime prohibition without reference to this bill. He is going ahead just the same as if there was no constitutional prohibition. The good faith of this transac-tion should be carried out. These people should have an opportunity to wind up their business and save their property. The President is right in saying that constitutional prohibition enforcement should not contain a clause for war time prohibition."

"I know the Senate is not going to defy the organization and the sentiment of the country. The rank and file, I be-lieve, would not object to carrying out constitutional prohibition as agreed upon. But the organization prohibitionists would not accept that conclusion."

"Every man in this Senate knows that the President's veto will be overridden. Every man knows that if this is not done the House and Senate would promptly pass a bill to enforce constitu-tional prohibition." The heroes of the Sena-

tor from Alabama are impressive, but nothing more."

"I am satisfied," said Senator Thomas, "that many Senators and the people gen-erally understood by implication at least that the owners of liquor should have an opportunity to dispose of their property. It is the plainest principle of abstract justice to protect them against the con-fiscation of their property. The inherent sense of justice insists there should be a chance to dispose of their goods and save something from the wreckage."

It was suggested by Senator Shep-herd that wartime prohibition did not become effective for nine months and that gave owners of liquor a chance to sell out.

"To my mind," resumed Senator Thomas, "that showed there was no real necessity for the legislation. It was based on the safety of the army, but not made effective for nine months. The clause permitting exportation of liquor is the worst feature in the bill. We must not use it ourselves, but we may get the whole world drunk and keep it drunk. There is no evidence of relaxa-tion in enforcing wartime prohibition. No detriment would be delayed for a couple of weeks."

"Before I vote to override a veto," said Senator Borah, "I want to know if the war time prohibition is constitu-tional. A number of laws such as the espionage law, should have terminated when the war ceased, whether it is tech-nically over or not. I want another day to look into the matter. I do not want to displace the treaty, but believe the debate is valuable to the country if not the State. The prohibition will continue this discussion until the last vestige of the conspiracy that made the treaty possible is disclosed."

Lodge Urges Prompt Vote.

Senator Lodge urged a prompt vote to take on the prohibition law. He said no progress could be made on the treaty until the veto message was out of the way. "The sooner it is disposed of the better."

"The Senate and House acted in bad faith," said Senator Phelan, by elimi-nating the year of grace allowed by leg-islation. The act provides a year for those who are legitimately engaged in an industry which Congress at one time fostered, to dispose of their property. This period should not have been aban-doned."

"The President might issue a proclama-tion now," said Senator Sterling, "and declare demobilization concluded. He has full authority under the law to do so."

Senator Phelan said that owing to the difference of opinion regarding war-time prohibition, he desired to offer a resolution. This recited the declaration of the President in a speech that the war was ended. It expressed the sense of the Senate that for purposes of war-time prohibition the war is ended. The resolution was declared out of order.

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ASKS PUBLIC TO AID DRY ENFORCEMENT

Commissioner Roper Issues an Appeal and Outlines Plans of Action.

WARNS LOCAL OFFICIALS

Violations of Law Will Bring Disrepute on Form of Govern-ment, He Declares.

WASHINGTON, Oct. 28.—Law abiding citizens, churches, civic organizations and welfare societies were summoned to-night by Commissioner Roper to aid the bureau of internal revenue in en-forcing the prohibition enforcement law. Any flouting of the law, Mr. Roper de-clared, would bring into disrepute the American form of government.

While the bureau is made the agency directing the enforcement of the meas-ure, Mr. Roper said, it is the duty of local and municipal officials to see that a full share in stopping and punish-ing violations, and the successful ad-ministration of the law, Mr. Roper said, will be measured largely by the manner in which these officials meet their re-quirements.

Local officers being expected to take the initiative in enforcing the law in their territory, any failure or dereliction to assume their full responsibility will be brought to the attention of the law abiding citizens of the community by officials of the bureau.

To Organize Special Staff.

Mr. Roper's plans contemplate the or-ganization of a prohibition enforcement staff which will be devoted entirely to that work and completely dissociated from the tax collection activities of the bureau. There will be a deputy com-missioner in charge of the staff, and collectors in each district with an efficient force of men under them. Pending the organization of the staff, employees qual-ified for the work who can be spared from the tax work of the bureau have been directed to cooperate to the fullest extent with the public and with local officials.

To prevent delay, collectors and agents have been instructed to confer with United States District Attorneys with re-ference to cooperation in obtaining and presenting evidence.

"The National Prohibition act is now the law of the land," said Commissioner Roper. "It makes the Bureau of Inter-nal Revenue a distinct agency in the enforcement of both wartime prohibition and prohibition under the constitutional amendment. We have accordingly put into operation the necessary organiza-tion to cooperate with the public in the enforcement of the prohibition law, and as chief enforcement officer I appeal to every law-abiding citizen to give me his or her support."

Appeals to the People.

"We undertake the task entrusted to us with a sense of assurance prompted by the confidence of the American peo-ple that enabled us to appeal to them successfully in the enforcement of the war revenue laws."

"The public has supported us so nobly in tax matters that we are confident it will not fail to respond in the enforce-ment of a measure which, like the in-come tax, now is a part of the Constitu-tion of the United States."

"I look forward to such enforcement of prohibition as will sustain the maj-esty of the law and the honor of Amer-ican citizens and American institutions."

PORTER WILL ACT TO CLOSE CITY BARS

OHIO SALOON MEN FACE INDICTMENT

Grand Jury Is Called to Con-sider Violations.

CLEVELAND, Ohio, Oct. 28.—Every Ohio saloon man who has bought or sold liquor since Statewide prohibition became effective May 26 is guilty of violating the law, and will face indict-ment and faces indictment by the Federal Grand Jury.

This declaration was made to-day by Federal Judge C. C. Holt, in charging the Northern District of Ohio in charg-ing the jury to-day.

Judge Westenhaver said it is the first time in his recollection that a Federal Grand Jury has also called upon to deliberate on whether the sale of liquor is a violation of the law.

Taking of testimony will begin to-morrow. Evidence collected by Gov. Cox writer it is expected that there are saloon problem we have brains enough to solve it. Crime and evil should be dealt with by the people themselves."

Fanaticism Is Charged.

William H. Hirst, attorney for the New York Brewers Association, laments the foisting of "the fanaticism of some parts of the country upon other parts" thus:

"The passage of the Volstead bill over the veto of the President and in the face of the reasons he assigned for his action constitutes a most remarkable chapter in the history of the American nation in the United States, which al-ready records some very remarkable events. It is a sad commentary on and at the same time a solemn warning to the country of regardless of the merits of prohibition) how far constitutional rights and privileges may be tortured and distorted in order to foist the fan-aticism, prejudice or whims of some parts of the country on other parts, no matter how vehement the protests of the subjected parts and the shame and absurdity of the measure in question."

"War prohibition was passed for a war emergency; a real and not imagi-nary or factitious emergency. It was passed to take effect until the conclusion of the war, meaning real war and not during the time consumed debating treaty already signed by the belligerent Powers). Congress enacted that it should terminate upon the termination of demobilization. If the war was not con-cluded by the signing of the armistice it certainly was ended when the treaty of peace was signed. The President has said officially that the army and navy is demobilized and that there is no longer any occasion or necessity for war prohibition and that the act should be repealed. The President is the Com-mander-in-Chief of the Army and Navy and as such is the best judge and the highest authority on the question of the necessity for any war measures. I can-not conceive how Congress takes upon itself to insist upon enforcing a defunct war measure for which, in the opinion of the Commander-in-Chief of the Army and Navy, there is no need or justifica-tion."

"There remains nothing for the brew-ers and the trade generally to do except to comply with the Volstead bill until it is set aside. That is my opinion and advice. Naturally a test case will im-mediate be brought."

Superintendent Anderson's feelings in the matter were set forth by him thus: "The war prohibition act was signed

DALY HOLDS COURT AFTER ACQUITTAL

Jury Settles Rum Selling Charge in 15 Minutes—Friends Celebrate.

CALL IT MORAL VICTORY

Witness Samples Liquid Evi-dence, but Falls in Opinion as an Expert.

At Daly's saloon in East Forty-second street last night the timber was sound-ing and so was the brass.

On a dais, so that his classic head loomed a little above the press which came and went, Daly himself sat. All about him the wits and viveurs who for the last score of years have lent sparkle to Daly's place crowded, heap-ing congratulations upon him. But, bland, as he is invariably, he would commit himself to this extent only:

"Boys, the moral victory was indis-putable. But what in the name of the United States Senate do moral victories profit you or me?"

A jury in the Federal District Court acquitted Bernard Daly, publican and raconteur, yesterday, signifying thereby that the case which his Government had arrayed against him fell short, to its notion, of that perfection of proof which a prosecutor must furnish before the twelve will consign any man to jail.

He, with seven of his staff, was pinched by the Department of Justice agents last September, and yesterday stood their trial on the charge of conspiracy to defraud the wartime prohibition act.

Daly upon the advice of counsel, or counsel upon the advice of Daly, put in his evidence. Cross-examination of the witnesses was a treat for the intel-lect which will remain imperishably in the memories of the jurymen.

The most delectable incident of the trial had been supplied by Thomas G. Gleason, an austere agent of the Govern-ment. The prosecution offered in evidence five demijohns and a bottle which were said to be in the possession of the defendant's attorney, Gleason sampled them and his diagnosis as follows:

"The one is rye whiskey, another is Scotch, another contains ginger ale flavored with red dye and the fourth has cherry wine in it. The fifth and sixth contain what may be intoxicating or not, I am free to confess they baffled me."

All of which counsel for the defend-ants requested to have stricken from the record, claiming that the issue before the jury was not whether the fluids in evidence were intoxicating or not but whether there had been among the de-fendants a conspiracy to put them in circulation in defiance of law.

The motion to exclude was overruled and then followed the cross-examina-tion which was the burden of all dis-cussion in Daly's place last night.

"The motion to exclude was overruled and then followed the cross-examina-tion which was the burden of all dis-cussion in Daly's place last night. Harrying the witnesses upon the score of his capacity to pronounce the verdict on his past life and experiences, and as to whether he had applied the dispassionate test of chemical analysis to the liquids which he now discussed so glibly before the jury, counsel elicited finally the admission:

"It is very hard to say absolutely nowadays. One encounters so much that is new."

It was this admission which flared, with logic to support it and rhetoric to drive it home, in the summation of de-fense's counsel. It set the judgment in the minds of the jury goes without saying. It was out less than fifteen minutes by the stop watch of Daly's head barkeeper, and amid the usual cheers which greeted the verdict one James Corlisan, dean of the Federal Building literary society, was heard to say:

"You can fool all the people part of the time only. It is liberty dead in the United States or is it not?"

PACKERS INVEST IN NEW YORK HOTELS

Swift Says Armour Got in Ahead on Several Leading Establishments.

ADOPTED AS NEW POLICY

Told in Letters Read at In-quiry Into Charges Made by Wholesale Grocers.

CHICAGO, Oct. 28.—Letters indicating that the big Chicago packers had in-vested large sums in the stock of large hotel companies, especially in New York city, were introduced to-day in the Interstate Commerce Commission's hear-ings of the National Wholesale Grocers Association's complaint that the packers receive special service from the rail-roads. The letters went into the record over the objection of counsel for Swift & Co.

The letters, chiefly written in 1917 by Louis R. Swift, head of Swift & Co., in-dicated that Armour & Co. held \$200,000 in stock in the Baltimore and about \$500,000 in the Commodore hotels of New York, and that Swift & Co. had taken \$50,000 in the McAlpin. The letters to other officials of Swift & Co. suggested that it should be a good policy to take stock in substantial hotel enterprises in order to obtain the business or pro-tection them, and told of an effort to obtain stock in the Baltimore and Com-modore, adding, "but it was impossible; Armour had arranged it in advance."

A Swift & Co. subsidiary, the Metro-politan Hotel Supply Company, had a share of the provision business of the Manhattan Hotel of New York, accord-ing to the letters, and had been prom-ised the entire business of the Ansonia, also of that city. One letter recommend-ing an investment of \$100,000 by Swift & Co. in the United Hotels Company, op-erating hotels in several cities.

"Louis F. Swift, in a letter dated June 10, 1917, replying to an official of Swift & Co. said:

"Answering your letter of the 16th concerning Swift & Co.'s policy in con-nection with taking stock in hotels, I will go back to when this first came up. "McAlpin—I highly recommended tak-ing \$50,000 stock in the McAlpin Hotel which carried with it their entire busi-ness. Sol Kaahn, the hotel man in New York, took what we refused and I don't doubt his profits are \$30,000 annually. No contract for supply."

"Baltimore—The next was the Bit-more Hotel. Armour took stock to the amount of \$200,000, but we had no op-portunity. No contract to supply their meat, but this is assumed and they hold the trade. I don't doubt his profits ex-ceed \$50,000 annually."

"Commodore—The new hotel you speak about on Forty-second street is the Commodore. Edwards, Moon and I have seen Mr. Bowman five or six times and begged him to let us become stock-holders, but he has refused, claiming the stock is all sold or something of that kind. Armour has, I think \$500,000."

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"While there is no contract to supply the meat, it is assumed by our firm. There is no doubt but that the stocks in both the above hotels will be profitable. Moon sees Mr. Bowman almost every day."

"Manhattan—The same officer has taken the Manhattan Hotel, which the Metropolitan (a Swift concern) supplies to the extent of about \$500 per week."

"It is very hard to say absolutely nowadays. One encounters so much that is new."

It was this admission which flared, with logic to support it and rhetoric to drive it home, in the summation of de-fense's counsel. It set the judgment in the minds of the jury goes without saying. It was out less than fifteen minutes by the stop watch of Daly's head barkeeper, and amid the usual cheers which greeted the verdict one James Corlisan, dean of the Federal Building literary society, was heard to say:

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OLIVER MOORE

Notice—Due to increased business we have taken larger and more convenient quarters at 44 W. 46th St.

WASHINGTON, Oct. 28.—Immediate sale at auction of all surplus army motor equipment, excess 22,195 trucks allocated to the States for road work, would be asked of the War Department in a resolution introduced to-day by Representa-

REED & BARTON

THEODORE B. STARR, INC

JEWELERS AND SILVERSMITHS

FIFTH AVENUE AT 47th STREET

4 MAIDEN LANE

which is quite small. We are trying to get more, but cannot get it away from Armour.

"Ansonia—Capital \$100,000, 7 per cent. cumulative preferred, \$50,000 com-mon. John McE. Bowman, president, and William J. Cummins have recently acquired a stock ownership, and in order to assist him and Mr. Bowman to straighten out affairs of the hotel Swift & Co. have loaned them \$75,000 and some of the individuals \$25,000 addi-tional with the understanding we will get their business."

"Pennsylvania—The Pennsylvania Hotel in New York City is to be run by Mr. Statler. George Edwards and I have seen him several times and have a partial promise of his business. But he does not ask anybody to take stock. Equals Commodore in size."

"Policy—As to our policy I should say every opportunity we can get to do anything like the above we would better do it."

"There are a good many questionable hotel enterprises which I think should be turned down, and I have recently turned down three or four of them."

In a letter dated April 11, 1917, Louis F. Swift wrote to an official of a gift & Co. regarding the taking of stock in the Ansonia hotel. In concluding this letter he said:

"You know that I tried to make an investment in the Baltimore and Com-modore hotels but it was impossible. Ar-mour had arranged it in advance."

Louis F. Swift wrote the following let-ter to Edward F. Swift dated September 18, 1917:

"I think the time has come when Swift & Co. have got to adopt a decided policy about their hotel business and not have any more of this happy-go-lucky way."

"Now comes the question of the United Hotels Company, who have hotels in the following cities: Birmingham, Ala.; Zeta, Pa.; Hamilton, Ont.; Newark, N. J.; Peoria, Ill.; Syracuse, N. Y.; Utica, N. Y., and Worcester, Mass."

"I understand we can get their busi-ness by taking \$100,000 preferred stock. Here are eight hotels fairly started. It is quite different from a new hotel which has not started yet, a good many of which I suppose would from necessity have to be turned down, but anything with the right ear marks, like the Wash-ington Hotel, now being built, should, in my opinion, be accepted."

Charles H. Swift, in a letter to Louis F. Swift, agreed that the company should decide upon a policy in regard to hotel investments.

SEEKS SALE OF ARMY MOTORS

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NOVELTIES in LEATHER HAND BAGS and CASES

REED & BARTON THEODORE B. STARR, INC

JEWELERS AND SILVERSMITHS FIFTH AVENUE AT 47th STREET

Just the facts— all wool no shoddy Good styles Long wear Real value —and prompt, courteous service Suits—\$35-55 Overcoats—40-160 Cordially Wm. Morgan & Sons

Notice—Due to increased business we have taken larger and more convenient quarters at 44 W. 46th St. Oliver Moore

FRANKLIN SIMON MEN'S SHOPS 2 to 8 WEST 38th STREET

The Franklin Shoe Proves that a Man Can Still Buy a Good Shoe for \$10

It would cost more in most Shops. It would cost more here but for the fact that we regard it more as a source of new custom than as a source of profit. It is the bellwether of the Shoe Shop, and we violate no confidence when we say that it is probably the greatest shoe value in America today. You need not wear a better shoe, and you cannot wear a better, at the price.

American and English lasts in fine selected patent, black, koko, and mahogany leathers

Franklin Simon & Co. FIFTH AVENUE

FOR Australasian AND Far Eastern News SEE PAGES 14 AND 15

CONCRETE WHITE CONSTRUCTION CO. INC. NEW YORK

KAYSER GLOVES—you see thousands of people wearing them. Because thousands more want them Julius Kayser & Co. found it necessary to erect a new plant.

It is a plant where there is no lost motion, economically laid out and economically built. That their engineer, Mr. William Higginson, "Let WHITE Build it of CONCRETE" is a tribute to our organization.

If you are faced with the need of increased space in quick time, let us show you how well we are equipped to serve you. If your plans are indefinite, let our engineers who have had years of the broadest experience in industrial construction, make suggestions to you or let them consult with your architect. You won't be under any obligation. Better make an appointment today by wire.

Let WHITE Build it of CONCRETE White Construction Co. Inc. NEW YORK

YOUNG MEN'S CLOTHING AND FURNISHINGS

We present ready for immediate service ample assortments of young men's winter clothing in sizes from 34 to 40 chest measure, together with the appropriate accessories for day and evening dress wear.

Included in our distinctive models in top coats, great coats, ulsters and dress overcoats are a number of overcoats made for us in London by one of the best known English tailors.

Top Coats, Great Coats and Dress Over-coats ready for immediate service in the best English models, made of the choicest English, Scotch and Irish overcoatings. Sizes 34 to 40 chest measure. Young men's Sack Suits ready for im-mediate service in approved English models, made of exclusive imported fabrics and the finest domestic woolsens and worsteds. Sizes 34 to 40 chest measure. Neckwear and shirts in silks and fabrics of our exclusive importation. The correct hats and footwear for day and evening dress.

DE PINNA Fifth Avenue at 50th Street