SOAPBOX ORATORS LOSE IN TEST CASE

Mayor Kincaid of Mt. Vernon Upheld in Stand on Permits and Arrests.

CASE WILL GO HIGHER

Question of Municipal Ordinances vs. Free Speech to Go to Court of Appeals.

DR. J. H. HOLMES FIGURES

He and Rose Schneidermann Were Among Those Suppressed by Police.

The ordinance under which Mayor Kincaid of Mount Vernon caused the arrest last fall of a dozen soapbox speakers, including the Rev. John Haynes Holmes, was upheld yesterday by the Appellate Division of the Supreme Court in Brooklyn The court reversed the decision of Justice Keogh of the Supreme Court, who on October 14 last declared the ordinance to be unconstitutional.

Mayor Kincaid said last night that in view of the new decision all the defendants would be taken before the City Court again on the original charge. This may be made impossible, for Arthur G. Hays, attorney for the three directly concerned in the case before the Brooklyn court, announced when the decision was made known that he would go to the Court of Appeals and, if necessary, to the United States Supreme Court.

Mr. Hays's clients were his wife, Mrs. Blanche N. Hays of New Rochelle; Thomas F. Doyle of Mount Vernon and William G. Chambers of Mount Vernon. Mayor Kincaid, who had been trying to stop the unlimited oratory of Socialists, had refused to give them a permit for an open air meeting. They started their meeting anyway, but were arrested. They took the matter before Justice Keogh on a writ of habeas corpus, and he ordered their discharge. He said that the ordinance requiring speakers to get a permit from the Mayor was unreasonable because it was a "one man power ordinance."

The case went to the Appellate Division on appeal from the city of Mount Vernon. The decision, written by Justice Harrington Putnam, dismissed the writ of habeas corpus. In writing the opinion of the court he said that the ordinance clearly came within the terms of the city charter, in which the Legislature empowered the Common Council of Mount Vernon to enact ordinance regulating the use of the streets for holding public meetings.

"Hence," said the opinion, "public speaking upon the streets was only allowable after such leave. Without any permit from the Mayor and against his refusal thereof a meeting could not be lawfully held. . . .

"Withholding permits for speaking in streets or parks, therefore, does not deny the right of free speech. It follows that these relators, in mistaken assertion of their supposed rights, were actually breaking a valid ordinance, so that in its enforcement an arrest was in the lawful exercise of the police power.

"Even if discrimination against a political party were suspected, those who felt discriminated against could not take the law into the own hands and, by such assemblage, defy this city ordinance. If a permit be improperly withheld its issuance may be compelled through mandamus."

Dr. John Haynes Holmes, Miss Rose Schneidermann and the Rev. Norman Thomas, editor of *The World To-morrow*, attempted on October 13 last to read the constitutional guarantees of free speech on a Mount Vernon street corner and were arrested. The meeting was managed by the Civil Liberties Union. Dr. Holmes charged Mayor Kincaid with enforcing the ordinance against Socialist and Farmer-Labor speakers but not against Democrats and Republicans. A few days later, after Justice Keogh had given his decision as to Mrs. Hays and Messrs. Chambers and Doyle, all the defendants were discharged.

BULLARD REGRETS END OF N. Y. TROOP TRAINING

General Reviews Men of 11 Regiments in Park.

Major-General Robert Lee Bullard, commanding the Second Corps Area, expressed regret yesterday that New York State must abandon its plan for the military training of civilian workers and students as a result of the repeal of the military commission laws. The General was the reviewing officer at Central Park when the men of eleven regiments in the New York zone paraded under the command of Major Albert H. Dyer, supervisor of military training for reserve and National Guard officers in this State.

"It is certainly regretable that this fine thing must be abandoned, and especially so in New York State," said Gen. Bullard after the review. "The Government is unable to afford the men the training at all times to the degree desirable if we would properly safeguard our national interests. This military training for an hour or two each week is a fine thing for the men and boys in making them ready always for national service, and its mark will be on them for the rest of their lives."

The review marked the end of the State's military training programme.

TRACTION APPEAL TO QUIT ROUTE REFUSED

Line Not Permitted to Abandon E. 189th St. Service.

The Transit Commission has denied the application of the New York City Interborough Railway Company, whose lines are now operated by the Union Railway Company in The Bronx, for permission to abandon a portion of its route and franchises on East 189th street, between Third avenue and Southern Boulevard.

No cars have been operated over this stretch for some years, but counsel for the commission advised that to permit the final abandonment of the route would be to cut out a link between the lines in The Bronx, which is valuable for future use.

POLICEMAN SAVES TWO FROM RUNAWAY CAR

Automobile Then Goes Over Embankment.

The quick wit of a policeman taking a stroll in a park, it was learned yesterday, saved the lives of Mrs. William Andrews of Richmond Hill and her baby late Friday night. They were in a runaway touring car which had reached a curve at the foot of a steep hill when Policeman Louis Glantklin leaped upon the running board and lifting them in his arms sprang with them to the ground. A moment after they were out of the car it rolled down an embankment and turned over.

The woman, with her husband and baby, had gone out for a drive in Forest Hill Park when the attention of Andrews was called to the fact that his rear light was out. He was at the top of a hill, but after setting his emergency brake got out of the car and went back to fix the light. While he was at work the car began to roll down hill.

It had gained a high momentum when Policeman Glantklin gained the running board and lifted Mrs. Andrews and the child out.

OFFICERS APPOINTED FOR STATE MASONS

Robert H. Robinson, Grand Master, Also Announces Names of Committees.

Appointments of officers and committees of the Grand Lodge, Free and Accepted Masons of the State of New York, were announced yesterday by Robert H. Robinson, grand master, as follows:

Grand Marshal—John J. MacCrum, Brooklyn.
Grand Standard Bearer—William D. Manson, Schenectady.
Senior Grand Deacon—Asher Mayer, New York.
Junior Grand Deacon—Louis E. Eaton, New York.
Grand Historian—Ossian Lang, Buffalo.
Judge Advocate—Harold E. Lippincott, New York.
Grand Lecturer—Horace W Smith, Port Byron.
Grand Librarian—Elmer B. Silver, New York.
District Deputy Grand Masters—Nassau-Suffolk, John F. Dempsey; Queens, Charles H. Schroeder; First Kings, Charles H. Haddock; Second Kings, Charles J. Leistner; Third Kings, Henry G. Wilkens; First Manhattan, Frederick A. Onderdonk; Second Manhattan, Troy Alexander; Third Manhattan, Ray D. Adams; Fourth Manhattan, Terry M. Townsend; Fifth Manhattan, Charles H. Holland; Sixth Manhattan, George M. Bennet; Seventh Manhattan, Isaac H. Baker; Eighth Manhattan, Hellmuth Moerchen; Ninth Manhattan, Gustave Kotzenburg; Tenth Manhattan, Antonio Bolito; Richmond, Edgar H Ross; Bronx, Frank A. Hooker; First Westchester-Putnam, Lee Parsons Davis; Second Westchester-Putnam, Harry B. Goss; Orange-Rockland, Arthur B. Churchill; Columbia-Dutchess, Dwight R. Sedgwick; Greene-Ulster, Billup A. Goodwin; Delaware-Sullivan, George Decker Pelton; Albany, Clarence E. Moore; Rensselaer-Schenectady, Stanton T. Hull; Otsego-Schoharie, Fred R. L'Amoureux; Fulton-Herkimer-Montgomery, Samuel S McGowan; Washington, Irving C. Forte; Saratoga-Warren, Charles E. Catlin; Clinton-Essex, William H. Roberts; Franklin, Frank P. Kennedy; St. Lawrence, Walter I Millard; Jefferson-Lewis, Orin S. Pickard; Oswego, Harry M. Stacey; Oneida, Fred E. Lewis; Onondaga, George W Brown; Cortland-Madison, Charles B. Hugg; Broome-Chenango, Clarence H. Eldred; Chemung-Schuyler-Tioga, T. Johnson Bolger; Cayuga-Tompkins, Ralph H. Harter; Ontario-Seneca-Yates, Claire L. Morey; Wayne, George C. Catchpole; Monroe, Luther H. Miller; Livingston, Alfred E. Cavers; Steuben, John H. Lagrange; Allegany, Robert D. Morgan; Genessee-Wyoming, Burton W. Munger; Niagara-Orleans, Alfred B. Liebold; First Erie, Frank W. Standart; Second Erie, William H. Stanley; Cattaraugus William H. Green; Chautauqua, Joseph R. Rogers.
Grand Chaplains—The Rev. S. Parkes Cadman, D. D., Brooklyn; the Rev. David Lincoln Ferris, D. D., Rochester; the Rev. Herbert Shipman, D. D., New York; the Rev. Thomas H. Mackenzie, D. D., Flushing; the Rev. Charles D. Broughton, Buffalo; the Rev. Oscar F. R. Treder, Garden City; the Rev. William R. Watson, Bay Shore; the Rev. C. Wallace Petty, D. D., New York; the Rev. Rodiff H. Brooks, Albany; the Rev. Cornelius Westfall, D. D., New York; the Rev. Simon R. Cohen, Brooklyn; the Rev. Luther B. Wilson, D. D., New York.
Grand Sword Bearers—Charles J. Stevenot, Brooklyn; Isaac H. Boyce, Albany; Burdett S. Green, Lowville; August F. Nielson, New York; Gustave C. Rath, New York; Charles E. Howell, Brooklyn; Carl F. Price, New York; Walter Blackburn, Yonkers.
Grand Stewards—Robert P. Rainey, Troy; Fred M. H. Jackson, Oneonta; Herman J. Messing, New York; William A. Mackey, Buffalo; Harry Cohen, New York; Erwin J. Lathrop, Rochester; Solomon Holzer, New York; Walter A. Forbush, New York.
Grand Directors of Ceremonies—Frank Beasley, Brooklyn; Elisha Freeman, Buffalo; George B. Cathe, Syracuse; Harry P. Phelan, New York; Jacob Steinbrink, Brooklyn; William J. McGiffert, Newburgh; Henry Johnson, New York; Alexander M. J. Knittel, New York.

STANDING COMMITTEES.

Foreign Correspondence—William Sherer, S. Nelson Sawyer, Emil Frankel.
Grievances—Charles G. F. Wahle, Edwin M. Simpson, Mortimer B. Bernatein.
Finance—Jacob C. Klinck, George W. Gale, William R. Hill.
Constitution—Townsend Scudder, S. Nelson Sawyer, Thomas Penney.
Charity—Fred C. Lemmermann, Thomas M. Smith, Ernest W. Strathmann.
Custodian of the Work—James E. Campbell.
Hall and Asylum—Herman A. Metz.
Deceased Brethren—William Klingenstein, Curt Felix, John Bell.
Antiquities—Samuel C. Wilson, John W. Cherrie, Oscar F. Lane, George B. Roane, George Mord, Abraham A. Wiener.
Audit—Henry Lippmann, Dayton Corse, S. Harby Plough.
Charters—Joab H. Banton, R A. Mansfield Hobbs, Ralph De Witt Sessions, Edward M. Lethes, Charles A. Tonsor, Edward J. Smith.
Ceremonial Forms—Townsend Scudder, John J. MacCrum, Harold W. Stimpson, William B. Adams, Richard D M. Brown.
War Relief Administration—Robert H. Robinson, Arthur S. Tompkins, Harold J. Richardson, Charles H. Johnson, Christopher C. Mollenhauer, Robert J. Kenworthy, John W. Vrooman, William Sherer, Townsend Scudder, S. Nelson Sawyer, Charles Smith, Thomas Penney, William S. Farmer, Harold E. Lippincott, John A. Dutton, Arthur Warren, Millard S. Hamlin, Arnon L. Squiers, William H. Miller, Walter E. Frew, George T. Montgomery, William C. Prime.
Committee on Educational Services—Townsend Scudder, William S. Farmer, William C. Prime, Arnon L. Squiers, John Lloyd Thomas.
Committee on George Washington Memorial—William S. Farmer, William L. Chapman, Thomas J. Towers, Hart I. Seely, James W. Persons.
Committee on Employment Service—Charles H. Johnson, James A. Smith, John L. Fleming, Harlan P. Bosworth, J. Homer Reed.
Committee on Transportation—Charles M. Colton.
Grand Pursuivant—Frederick H. Renner, New York.
Grand Tiler—Joseph McElroy, New York.

MASONS HONOR LODGE HEAD.

Celebrate 50th Anniversary of Lewis Hopner's Election.

The members of Harlem Lodge, 457, F. and A. M., observed the fiftieth anniversary of the election of Lewis Hopner of the master of Harlem Lodge last Thursday. He was master during the years of 1871, 1877 and 1878, and he is said to be the oldest past master in point of priority within the jurisdiction of the Grand Lodge of New York State.

Mr. Hopner made an address reminiscent of the days Harlem was a village and could be reached only by the stage coach north of Sixty-fifth street. At the conclusion of his address Master Henry E. Thorn presented to Mr. Hopner a gold mounted cane.

PORT CEREMONY TO-MORROW

Major Arthur H. Foran of New Jersey will be inducted into the office of Naval Officer of the Port of New York with special ceremonies at the Customs House at 2 P. M. to-morrow. Speeches will be made by Senator Edge of New Jersey, George W. Aldridge, Collector of the Port, and F. J. H. Kracke, Appraiser of the Port.

PRESS CLUB INQUIRY IF INSURGENTS PAY

Justice Tierney Will Appoint Referee Only at Cost of Petitioners.

JOHN R. BINNS ACCEPTS

'Everything a Fair Minded Man Could Wish,' Says E. P. Howard, President.

An investigation by a referee of the affairs of the New York Press Club will be the result of a decision given yesterday by Supreme Court Justice Tierney, according to John R. Binns, vice-president and leader of the "insurgent" faction in the club. Justice Tierney, acting on a petition of five members that the court require the board of directors of the club to file an account and detailed statement of club activities and finances for the last twelve months, ruled that he would not do so on the affidavits before him, but would appoint a referee to determine if such action was necessary if the petitions would pay the cost of the referee. That, Mr. Binns said, the petitioners were ready to do.

Edward Percy Howard, president of the club, said the decision was "everything a fair minded man could wish." "The board has contested the appointment of a referee," he added, "solely on the ground that such a course would be an unnecessary tax upon the club's finances."

In his opinion Justice Tierney, after remarking that "the affairs of such a corporation are usually regulated by and among its members without inviting outsiders to canvass the same," said:

"It may be, however, that a situation exists that calls for the interposition of the court. Instead of denying the motion I am willing to appoint a referee to take proof of the facts which the petitioners claim entitle them to the remedy of judicial visitation and report the same to the court with his opinion as to whether the application should be granted, but upon condition that the petitioners should stipulate to pay the expenses of the reference. If they do not care to have a referee upon these terms the application will be denied."

There was a meeting of the board of trustees yesterday afternoon, but it was said Justice Tierney's decision was not discussed. According to Mr. Binns, insurgent leader, the three insurgent trustees served notice upon the majority members of the board that they would be held responsible personally for any damage to the club that might result if they sell the furnishings of the fourth floor and lease it for business purposes. That floor now contains the billiard room.

Advertisement. Advertisement.

MUST GET PASSPORTS FOR THE NORTH CAPE CRUISE

Raymond-Whitcomb Warn That Regulations Now Force the Early Closing of European Bookings

American travelers have been used to making arrangements at the eleventh hour. Raymond-Whitcomb are afraid that this habit of mind may lead to disappointment on the part of those who are still planning to use their service, "the Best in Travel—without worry or trouble," in going in ease and comfort to Europe this Summer, and especially by those who still wish to join the great North Cape Cruise to the Lands of the Midnight Sun, sailing Saturday, June 25, on the P. & Q. Liner Emperor of India ("Kaisar-i-Hind"), specially chartered for the purpose.

Passports Still Required

Contrary to the popular impression, Americans still have to take out passports and have them vised by European consulates in this country. While the Raymond & Whitcomb Co. relieve their cruise and tour members of most of the detail and bother, they cannot avoid the time factor—it takes a certain number of days to get the documents through the various Governmental agencies—but there is still time. Hence, it is stated as imperative that bookings for the North Cape Cruise and other European tours be made immediately to avoid loss of opportunity for participation in what has been called "the most remarkable outing ever offered the American traveler of discrimination." Applications for membership are still being taken.

The Cruise Is Unique

The North Cape Cruise is unique, both in concept and details. The first of its kind, it goes to Seven Countries, enjoys the Midnight Sun for a week, visits the "Magic Isle of Iceland," the mighty North Cape (affording a panorama of the Midnight Sun and the Polar Seas), the glaciers and fjords of Norway, her quaint islands and quainter ports, Leith in Edinburgh, Amsterdam and Antwerp, before disembarking in London for return to America, or for extension tours under Raymond-Whitcomb auspices, as the travelers may desire and decide, with every moment of the cruise or trip carefree and recreationful.

The "Kaisar-i-Hind" Herself

Not the least factor of uniqueness and one of the biggest factors of the enjoyment side of the cruise is the great Emperor of India ("Kaisar-i-Hind") herself. The pride ship of the great Peninsular & Oriental Line, she is the first P. & O. boat in 83 years to pass to private control. Only the British Government has had the privilege of charter heretofore. The ship is especially designed for comfort in any temperature, for she sails from the icy waters of the British Isles to the heated seas around the Indies—on long cruises, when passengers must be kept comfortable and happy.

Europe Again the Goal

Raymond-Whitcomb also report that Europe is once more the goal of Americans. The cruise has proved this and the success of their many European tours confirms this. Bookings for the cruise or tours should be made at once, in order to get passports and vises, by call or letter or telephone at the local office of Raymond & Whitcomb Company, 225 Fifth Avenue, New York, telephone Mad. Square 6270, as explained in the advertising columns, where a map of the cruise is published today.

FIRST U. S. BALLOON TEAM SELECTED

Upson and Andrus Named to Compete for Gordon Bennett Trophy.

Ralph Upson, New York pilot, and C. J. Andrus, chief forecaster of the United States Weather Bureau, who won the national balloon race at Birmingham, Ala., last month, were designated yesterday as one of three teams to represent the United States at the Gordon Bennett balloon races at Brussels in September.

The Aero Club of America in making the announcement said the personnel of the other teams soon would be made public. The Aero Club made public yesterday the official record of the finish of the Birmingham race. The winner, the Birmingham Semi-Centennial, piloted by Ralph Upson and with C. G. Andrus as aid, travelled 423 miles, landing ten miles west of Stuart, Va.

The balloon Riverview Club of St. Louis, Bernard Van Hoffman pilot and Hugo Mueller aid, finishing second, covered 201 miles and landed fifteen miles northeast of Carthage, Tenn. The other balloons finished in this order:

City of Akron, Wade T. Van Orman pilot, Willard F. Seiberling aid, 187 miles; landed four miles east of Lebanon, Tenn.

St. Louis Chamber of Commerce, H. E. Honeywell pilot, J. M. O'Reilly aid, 183 miles; landed one mile north of Hermitage, Tenn.

Atascadera, Cal., John Berry pilot, Charles A. White aid, 176 miles; landed seven miles north of Smyrna, Tenn.

City of Birmingham, Roy F. Donaldson pilot, W. E. Robinson aid, 173 miles; landed ten miles southeast of Nashville, Tenn.

St. Louis No. 5, J. S. McKibben pilot, C. W. Merrell aid, 144 miles; landed four miles west of Columbia, Tenn.

United States Army No. 1, Col. Frank P. Lahm pilot, Major Oscar Westover aid, 143 miles; landed six and one-half miles east of Columbia, Tenn.

United States Navy, Lieutenant-Commander L. J. Roth pilot, Lieut. H. E. Holland aid, 118 miles; landed eight miles east of Laurenceburg, Tenn.

STRAPPING IS FORBIDDEN.

PITTSFIELD, Mass., June 4.—The use by school teachers of lengths of rubber hose, straps and whips to discipline school children is ordered discontinued in a bulletin issued by Superintendent of Schools John G. Gannon. The bulletin says that a "light rattan applied on the palm of the hand should suffice."

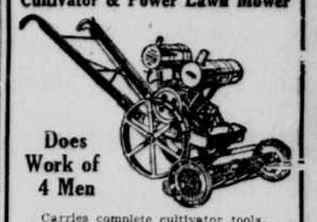
Complaints concerning the form of corporal punishment used by some teachers was given as the reason for the issuance of the order.

"If a pupil refuses to take his whipping, send him home and report the case," was a further instruction.

RESERVES TO GO ON YACHTS.

Junior naval reservists excelling in elementary seamanship will be given opportunities to serve aboard yachts this summer. Edward A. Oldham, executive secretary of the reserve, announced last night that yacht owners here, on the Great Lakes and in Southern waters, has expressed a desire to utilize reservists aboard their craft.

Merry Garden Auto Cultivator & Power Lawn Mower



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We have been extending credit for 63 years and will gladly open an account with you for $5 or as much as $5,000.

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You may include everything you can possibly need to furnish your home complete — linens, crockery, kitchen utensils, blankets, curtains, glassware, etc., etc.

Your first payment on the entire purchase will be less than you would have to pay for the small articles elsewhere.

Purchases made now will be held FREE OF CHARGE until you are ready for them.

Ludwig Baumann's CREDIT Has Specially Liberal Features for Young Couples

Newlyweds are particularly invited to buy here on credit.

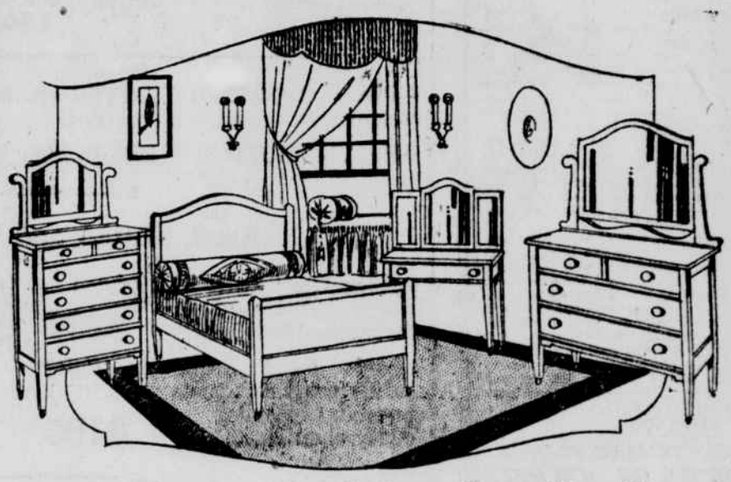
We make specially easy terms for you.

Our terms of payment will be suited to your income.

We maintain a service department particularly for young couples. Our service experts will gladly assist you in selecting your outfit, quote prices and give you estimates, without obligating you to buy.

We will start you housekeeping with the smallest outlay of cash.

If you cannot call, write, or phone Longacre 2550—Service Department — for prices and for any information you want about our Liberal Credit Plan.



$220 Mahogany Adam Bedroom Suits—Three Pieces
TOILET TABLE to match, $29.98
DRESSER—Reg. Price $85 ..... $49.98
CHIFFONIER—Reg. Price $75 ..... 44.27
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REDUCED TO 129.89 Cash or Credit
143 Other Bedroom Suits Up to $1,735

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RUGS
Full Size 9x12 Axminsters
Sold Regularly for $65. Reduced to 49.75

These rugs have a thick, high pile, and deep rich colorings in blue, rose, tans, &c. They are noted for great beauty and excellent wearing qualities.

Sale of Grass Rugs
27x54 in. ..... $.98
36x72 in. $1.59
4.6x7.6 ft. 2.98
8x10 ft. 5.89

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18x36 inches ..... .65
27x54 inches $1.49
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Floor Oil Cloth 59c Sq. Yd. Cash or Credit. A variety of neat patterns.

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LUDWIG BAUMANN'S
Fine Furniture Department
shows greater assortment of the highest grade of Grand Rapids Furniture than can be found in any other display in America.

You are cordially invited to come in and see this beautiful furniture. We will gladly quote prices. You are not obligated to buy.

129 Period Suits and 673 Single Pieces have been included in this sale at the lowest prices at which Furniture of this quality has been sold. We advise you to buy now and save up to 40%.

You may purchase any of these suits on our liberal credit.

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Inventory Sale!
TRUNKS
At Unparalleled Prices!

An inventory just completed disclosed a great overstock of wardrobe trunks—*THEY MUST BE DISPOSED OF FOR IMMEDIATE CASH!*
Look at these prices! Then come in and see the trunks for yourself! And remember, with every trunk sold goes a *5 YEAR WRITTEN GUARANTEE!* Included in this sale are all the celebrated makes.

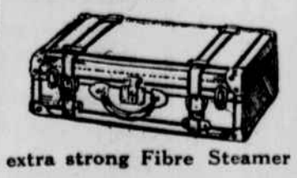
STEAMER SIZE WARDROBE
Draw bolt and spring lock. Made of hard fibre. This trunk is used for extensive traveling. Regular Price $30.00. Sale Price $20.95

¾ SIZE WARDROBE
All cretonne lined; 8 hangers. Spring lock and draw bolts; fibre covered. An excellent buy at the regular price of $40.00. Sale Price $25.50

FIBRE DRESS TRUNK
Round edges, studded throughout. Regular price $28.00. Sale Price $14.95

DUST-PROOF DOOR WARDROBE
Large size, bulge top, all round edges, studded throughout; made of 3-ply construction and 3-ply veneer, fibre inside and out. 10 hangers, shoe pockets and laundry bag. Regular Price $95.00. Sale Price $38.50

GENUINE COWHIDE SUIT CASES
With straps all round, extra heavy leather corners. Good brass trimmings. Regular Price $12.00. Sale Price $7.50



Included in this sale are extra strong Fibre Steamer Trunks at $8.50.
Also Genuine Cowhide Traveling Bags from $5 to $20.
These bags have been reduced 50%.
Mail orders promptly filled, if accompanied by check or money order. No C. O. D. Money refunded if not fully satisfied.

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