

THE NEW OF NORFOLK ON PAGES 2, 3 & 5.

COURT DECISIONS.

DIGESTED BY W. B. MARTIN

EXCLUSIVELY FOR

VIRGINIAN-PILOT.

Notes of Cases Recently Decided

Which Are of Interest to

Our People.

GILLESPIE V. COLEMAN.

Supreme Court of Appeals of Virginia.

June 14, 1900.

AN APPEAL CANNOT BE TAKEN FROM AN ORDER SUSTAINING A DEMURRER TO A DECLARATION, THERE BEING NO JUDGMENT DISMISSING THE CASE.

The court says: From some chancery orders, though there is no final decree in the case, it is pronounced by statute that an appeal may be taken. But the statute makes no provision for a writ of error in such a case, and until there is a final judgment.

The sustaining or overruling of a demurrer to a declaration is not final. To make it final in the former case, there must be a judgment of dismissal; and in the latter, a judgment of the amount or thing sought to be recovered, or some order which puts an end to the case.

For anything that appears in the record this case is still pending in the trial court, and another amended declaration might be filed there, and further proceedings had in the case.

No final judgment having been rendered in the case, this writ of error must be dismissed as improvidently awarded. Dismissed.

RUHSTRAT V. PEOPLE.

Supreme Court of Illinois.

April 17, 1900.

A LAW PROHIBITING THE USE OF THE NATIONAL FLAG OR EMBLEM FOR COMMERCIAL PURPOSES OR AS AN ADVERTISING MEDIUM, IS UNCONSTITUTIONAL AND VOID.

Ruhrstrat was convicted of violating Act of April 22, 1899, prohibiting the use of the national flag, for commercial purposes, and for advertising. He was fined \$100. He appealed. The court says: The national flag upon cigar-box labels, for the purpose of advertising and selling certain brands of cigars by means of such advertisement.

The court says: The plaintiff in error was engaged in the wholesale and retail cigar business. This was certainly a lawful business. Under the authorities referred to, and under the interpretation of the Constitution there made, plaintiff in error had not only the right to choose the business which he wished to engage in, but he had the right to use the national flag upon cigar-box labels, for the purpose of advertising and selling certain brands of cigars by means of such advertisement.

The right of the citizen to pursue the calling which he has chosen, and to advertise his business in a legitimate way by the use of labels or trade-marks, is not improperly exercised by making a picture of the national flag a part of such labels or trade-marks, unless thereby the public safety, welfare or comfort is interfered with. The use of the flag of the United States as embodied in advertising sheets and placards and labels, and in common law trade-marks, has received the qualified approval of the whole commercial world. The usage and practice of employing a flag for commercial purposes have been indulged in by citizens with the knowledge of the national government. The absence of congressional prohibition against the usage and practice thus indulged in has created a "privilege" in the citizen of the United States to continue such use until such time as the national authority, by an act of legislation passed by a particular State, which deprives the citizen of such privilege, contravenes that clause of the amendment to the national constitution, which forbids any State to abridge the privileges and immunities of a citizen of the United States.

We are of the opinion that this law is unconstitutional, not only as infringing upon the personal liberty guaranteed to the citizen by both the Federal and State constitutions, but also as depriving a citizen of the United States of the right to exercise a "privilege" impliedly, if not expressly, granted to him by the Federal constitution. Reversed.

ATLANTIC CITY.

Between 11 and 12 o'clock Tuesday night some one left a brown-eyed girl between three and four months old on the front porch of Mr. George Brown's residence on Pool street. The little one was fairly well clad and lay on a rug on the porch. By its side was a box containing a lot of clothing and on the dress of the child was a card, on which was the following inscription: "Call her Helen Smith." The little stranger was taken in and will be kindly cared for by Mr. and Mrs. Brown.

The lawn party given by the Ladies' Aid Society of Colley Memorial Presbyterian Church on the grounds of the manse last night was largely attended and most liberally patronized. So much encouraged by the success of last evening, the ladies have decided to repeat the lawn party to-night. They invite all their friends to come and help a good cause.

Miss Clara Pfeffer entertained her young friends at the residence of her parents on Second street on the evening of July 4th. The hours were whiled away in innocent games, after which refreshments were served on a table decorated with red, white and blue. A prize, consisting of a box of Huyler's best candy, was carried off by Mr. William Minter, Jr.

The Ladies' Aid Society of LeKies Memorial M. E. Church will give a lawn party on the lawn lot on Central avenue next Monday night. The Methodist, Presbyterian and

Baptist Sunday schools have chartered the steamer Pocahontas for a joint moonlight excursion up the James river and to Old Point and the Capes July the 23d.

BRAMBLETON.

The funeral of Mrs. Elizabeth V. Fowler who passed away at her home, No. 623 Jameson avenue, Wednesday, was held from the residence yesterday afternoon and was conducted by Rev. E. B. McCluer of the Park Avenue Presbyterian Church. The deceased leaves five children to mourn her loss. Mrs. Fowler was the wife of W. H. Fowler, D. C.; Mrs. Ellis Noe, Mrs. Mary O. Stokes, Mrs. Anna L. Bluford and Mrs. Ida Adams, of Norfolk. The remains were laid to rest in Elmwood cemetery. Following were the pall-bearers: J. H. Seay, T. H. Nugent, J. V. Redd, William Staylor, Samuel Allen and John Hill.

Rev. L. R. Christie administered the ordinance of baptism to two candidates at Spurgeon Memorial Baptist Church last night.

Mrs. Stulzman died at her residence, on Sheidon avenue, Wednesday. The funeral took place yesterday afternoon. Interment in Elmwood cemetery.

The board of stewards of Trinity M. E. Church held an important business meeting last night.

The Epworth League of McKendree M. E. Church will meet for devotional exercises at 8 o'clock to-night.

There will be a special meeting of the local board to-night to consider the question of street improvements.

PEOPLES' FORUM.

NOTE.—The People's Forum being freely open to all parties, classes, persons, views and capabilities, the Virginian-Pilot is responsible for none of the statements nor opinions expressed therein. It is the duty of the editor to set forth the ignorant and uneducated shall be heard here equally with the learned.

Mr. Editor: Please give space to the following sections of the ordinance recently adopted by the city council, to which I desire to make protest.

Sec. 5.—No portion of the streets of the city shall hereafter be used for the purpose of displaying or storing carriages, wagons or other vehicles, goods, merchandise, show cases, bicycle racks or other matter, except iron powder boxes of merchants who may obtain permission for placing same on the street from the Chief of the Fire Department.

Sec. 6.—The word street in this ordinance shall be construed to include sidewalks, alleys, lanes or other public places of the city of Norfolk.

This is without doubt one of the most unreasonable laws ever made. No one will deny that there is need of a law limiting the occupation of the sidewalks by merchants, but to say that no portion shall be used for anything is so absolutely absurd that I doubt not its prompt repeal will be made necessary by a storm of righteous indignation from the business men of the city.

The silliness of the law is made especially apparent by the language of bicycle racks, which any thinking person knows are the only means that keep abandoned bicycles from being a nuisance, to say nothing of their convenience to riders and protection to the public. The law, in fact, is a way in the way of vehicles, and in constant danger of being smashed. A row of wheels against the curb form an impassable barrier to the pedestrian crossing the street. I have noticed this repeatedly in front of office buildings, telegraph offices, etc. From my observation, I have no hesitancy in saying that the bicycle rack has become a necessity, and yet these intelligent gentlemen say it must go, but make no provision for the racks of wheels on Main street alone that are thus rendered homeless, and a positive nuisance. Say, Messrs. Councilmen, what are you going to do about the wheel racks? Oh, you hadn't thought of that? I judge as much. Now, get together promptly and make your law stand by barring the use of bicycles in the streets of the city. It is the only thing to do.

I have not time to go into the question as it deserves. It is a hardship on a humble class of business citizens who conduct their trade on the sidewalk. It is more than a hardship; it is an imposition—it is abominable. And then there are the thousands of men who have a force of men at hand to get everything from the dray into the house at once before an officer of the law comes up and arrests the firm for unlawful storing of goods on the sidewalk.

And then the show case people. I notice many handsome display cases on Main street; they are not in the way; are ornamental to the thoroughfare, and give an ennobling cycle-like appearance to the street. But, alas, there day is past. There is nothing specially against them, but we must have lots of room for the atmosphere to circulate; and perhaps sometime in the future, maybe the 1907, there may have a street carnival, after all the other towns have tried it and say it is a good thing, and then these vain things might get broke. And besides, they are of no use, anyway. Advertising is foolish, and a check should be put on these high-minded merchants who make such a display of their wares.

Verily, this law is a monstrosity. How could such a merciless, uncompromising, monstrous decree have been enacted? Echo answers, "How?" It is a menace to legitimate industry and enterprise, and should be reconsidered and abridged.

LUX.

Norfolk, July 4, 1900.

"Persevere and Prosper."

Take Hood's Sarsaparilla faithfully and it will cure scrofula, salt rheum, boils, pimples and all blood humors; also dyspepsia, rheumatism, catarrh and that first feeling. It never disappoints.

Sick headache is cured by Hood's Pills.

BRYAN AND THE PLATFORM

Continued From Page 1.

Instantly there was a roar of applause, and delegates and spectators springing upon their chairs to get a better view of the young Governor of Kentucky, waved their hats and handkerchiefs frantically. The greeting was a fitting counterpart to the reception given to Governor Taylor of Kentucky, in Philadelphia. When Governor Beckham reached the stand where all could see him he was given a reception as enthusiastically as any extended by the delegates to any speaker who has thus far addressed the convention.

The galleries did not respond with the same heartiness. His first assertion that in his opinion the enthusiastic reception extended to him was due not to personal, but to the "outraged Democracy" of his State, called forth a roar of applause, which was equalled a moment later when he promised that Kentucky would be carried safely for the Democratic party. His remark that of late there had been a considerable exodus of criminals from his State, evoked laughter and applause and a few cries of "Taylor."

"We have had such a dose of Republican rule," said the speaker, "that Kentucky is prepared to accept any platform which the Democratic party will present. No matter what the platform may be, Kentucky will stand upon it and win through its principles."

He turned to leave the platform, and was met with loud cries of "Go on," but the Governor only bowed, and left the platform.

After the cheers with which Governor Beckham's speech was received had subsided, one of the delegates in Monmouth started the tune of "My Old Kentucky Home," and one verse of it was sung with vigor, the singing being followed by great cheering as the young Governor resumed his seat.

MILES FOR CONSERVATIVE ACTION.

Chairman Richardson, at the conclusion of the demonstration, introduced Hon. J. W. Miles, of Maryland, who addressed the convention in support of conservative action upon the platform. While the rural Democracy of his State, he said, would stand by that great tribune of the people, William Jennings Bryan, he begged the convention that it take no action that would imperil the chances of victory for Mr. Bryan. His heart was beating, he said, in tune with every principle of the Chicago platform, but he felt that such friends of Bryan as Senator John W. Daniel, of Virginia, whose faith was beyond question, ought to be listened to by those who had a desire of carrying such States as New York, Indiana, Illinois, and West Virginia.

"In the name of God," he shouted warily, "if the men in these States who stood by Mr. Bryan in '96 are not his friends, where are his friends to be found?"

As Mr. Miles concluded, Chairman Richardson announced that he had been informed the Platform Committee would be ready to report at 3:30 p. m.

Thereupon a motion was agreed to adjourn until that hour, and the vast audience filed out of the building amid enthusiastic shouts for the favorite leaders and the enlivening music of the orchestra.

AFTERNOON SESSION.

Convention Hall, Kansas City, July 5.—Although the time between the adjournment of the morning session and that set for the opening of the afternoon was over two hours, at no time were the galleries of the great hall more than one-third emptied. Thousands of people sat out the adjournment, being determined to miss no part of the excitement.

By 3:30 nearly all of the delegates were ready for business, and waiting the arrival of Chairman Richardson, who was a trifle slow in making his appearance. The delegates were anxious to get to work and complete the business of the convention, and when at 3:38 the Chairman made his appearance there was a ripple of applause. Many of the delegates had come prepared for the nomination of Mr. Bryan. Dozens of them carried small flags and numerous plumes of bright-colored pampas grass were visible in various parts of the floor.

BIGGEST CROWD YET.

The crowd by 3:40 was the greatest that had attended the opening of the convention. The gate-keepers were for once rather lax in denying admission to people, and there were hundreds who had no tickets of admission who were allowed to enter the building. They swarmed in upon the floor until it seemed impossible that there could be room for one more.

At 3:46 Senator Hill, of New York, who had been absent from the two preceding sessions, came through the delegates' door by himself. He was not recognized at first, and had nearly reached his seat when the cry of "Hill," "Hill," broke forth. It was instantly taken up by the delegates, but the demonstration in honor of the Senator when present lacked several degrees of warmth shown yesterday afternoon and this morning while he was absent.

AGAIN CALLED TO ORDER.

It was not until 4 o'clock that Chairman Richardson, turning from conference with Governor McMinn and Senator White, picked up the gavel and brought the convention to order. The Platform Committee, headed by Senator Jones, D. J. Campau, Senator Tamm and Judge Van Wyck, had just pushed their way through the dense throng, and proceeding to the platform had taken seats flanking the chairman. Mr. Richardson appealed long and vainly for order. The party for Senator Jones, silver-haired and serious, advanced to the front of the stage. He held a roll of manuscript in his hands. But it was useless to talk against such a tumult, and he dropped back into his seat until order was restored.

At last the noise subsided, and Mr. Jones, in a clear voice, announced: "I am authorized by the Committee on Resolutions to present the platform adopted by the delegates, and I will yield to the Senator from South Carolina, Mr. Tillman, to read the document."

Mr. Tillman now stepped to the front and was greeted with a cheer. He read the platform in a full, strong voice, easily heard throughout the hall.

Then followed a stirring and dramatic scene. The plank in the platform denouncing England's policy toward the Boers had called out immense applause, but when it was announced by Chairman Richardson that the convention would be addressed by Hon. Webster Davis, former Assistant Secretary of the Interior, the crowd manifested its enthusiasm by cheering for two minutes. Then the former Republican leader ascended the platform and

stood facing the thousands of spectators.

WEBSTER DAVIS SPEAKS.

The speech of Mr. Davis was arranged in order to enable him to announce his allegiance to the Democratic party and the platform and to the ticket of the convention.

The dramatic style, and with all the force and magnetism of a fine orator, Mr. Davis began his address. He denounced as a "malicious lie" the statement that he had been forced to leave his office in the present national administration. He pictured in brilliant and flaming sentences the "cruelties" and aggressions practiced by Great Britain upon the Boers of South Africa. He expressed his intense satisfaction that the Democratic party had incorporated in the platform a plank so cordially and enthusiastically endorsing the cause of the Boers, which was the cause of liberty and justice. As he felt, he said, that the great Republic should not chain itself to the chariot wheels of the empire that was crushing liberty to death in South Africa, he believed it to be his duty to align himself with the Democratic party.

His account with the Republican party he regarded as fully balanced. He owed it no further obligations. These sentiments met with much applause.

RENOUNCES REPUBLICANISM.

In conclusion, in announcing his intention of supporting the Democratic party and its ticket, Mr. Davis said with great emphasis: "I stand upon this platform, and shall support W. J. Brennings." It was a curious and laughable confusion of the syllables of Brennings' name, but the crowd knew what he meant and cheered him wildly.

As Mr. Davis concluded the band struck up "Hail to the Chief," and while it was ringing the air, he held an impromptu reception upon the platform. Chairman Richardson was the first to grasp his hand as he concluded, then Senator J. K. Jones and others. When the festivities were over, the difficulty in retaining his feet, the speaker the platform as soon as he was able, but on the way to his seat he was given shouts of approval by those whom he passed. The band passed on "Hail to the Chief," to "America," and the convention sung with it until the band would play no more.

Sergeant-at-Arms Martin rose to his feet and waved desperately for silence. When the festivities were over, the difficulty in retaining his feet, the speaker the platform as soon as he was able, but on the way to his seat he was given shouts of approval by those whom he passed. The band passed on "Hail to the Chief," to "America," and the convention sung with it until the band would play no more.

TO CONFER WITH OTHER PARTIES.

Before doing so the Secretary read the names of the members of the committee appointed by the Chair to confer with the Silver Republicans and Populists in accordance with the resolutions introduced by George Fred Williams, of Massachusetts, at the morning session. They are: George Fred Williams, Massachusetts; J. G. Berry, Arkansas; W. H. Thompson, Nebraska; Charles Thomas, Colorado; J. S. Rose, Wisconsin; Thomas S. Martin, Virginia; J. C. McGuire, California; B. R. Tillman, South Carolina; Carter H. Harrison, Illinois.

OLDHAM NOMINATES BRYAN.

W. D. Oldham, of Nebraska, who was to present the name of Mr. Bryan to the convention, was waiting by the chairman's desk, and as the chairman of the Alabama delegation resumed his seat, he came forward in a very graceful words expressed his appreciation of the favor extended by Alabama in surrendering its time to the State of Nebraska.

HON. W. D. OLDHAM'S SPEECH.

The 17th W. D. Oldham, of Nebraska, said: "Mr. Chairman: More than a hundred years ago the Continental Congress of America adopted a declaration which had been drafted by the founder of the Democratic party, and the joyous tones of the old Liberty Bell, which greeted the act, announced to a waiting world that a nation had been born."

Continued on Page 6.

SCHOOLS AND COLLEGES

VIRGINIA COLLEGE
For Young Ladies, Roanoke, Va.
Opens Sept. 18th, 1900. One of the leading schools for young ladies in the South. Magnificent buildings, all modern improvements. Campus ten acres. Grand mountain scenery in Valley of Va., famed for health. European and American young ladies and gentlemen find advantages in Art, Music and Education. Students from thirty States. For catalogue address MATTIE F. HARRIS, President, Roanoke, Va.

ROANOKE COLLEGE,
SALEM, VA.
Courses for Degrees, with Electives; high standard. Also Com'l and Prep'y Courses. Library 22,000 volumes; working laboratory; good morals and discipline. Six churches; NO BAR-ROOMS. Healthful mountain location. VERY MODERN. Catalogue free. Send for it. J. L. DREHER, President.

SUMMER LAW LECTURES
UNIVERSITY OF VIRGINIA.
Set Summer, July 3 to Sept. 1, 1900. Especially helpful to beginners; to candidates for Admission to the bar; and to those who desire a systematic instruction. For Catalogue address: C. C. MINSO, Secretary, Charlottesville, Va.

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On Umbrellas and Parasols.

ON WHITE GOODS, ALL-OVERS, AND Embroideries.

ON ORGANDIES, DIMITIES, LAWNS, Curtain Mullins, Velvet Ribbons, Ladies' and Gentlemen's and Children's Underwear.

ON HOSIERY, CORSETS, HANDKERCHIEFS, Gloves, Ribbons and Laces.

ON BLEACHED AND UNBLEACHED Domestic Gingham and Percales.

If you have not called on us perhaps you will find it to your advantage to do so.

L. H. Whitehurst,
336 MAIN STREET.
New Phone 857. Old Phone 1270.

50c. Office Coats, 25c.
Men's Office Coats, in neat striped materials—Our regular 50c. kind—to-day 25c.

THE HUB
374 Main Street, Norfolk.

\$4.00 Serge Coats, \$2.50.
Men's single-breasted Serge Coats—which sell all around town at \$4, will go for \$2.50.

With a perfect confidence that the values which "The Hub" puts before you to-day during its

BARGAIN FRIDAY SALE

as the result of its recent enormous purchase, are the greatest it has ever been our privilege to offer, we call your attention to a few details below.

Nothing previously attempted compares with the Clothing Sale which has been going on here during the past two weeks and which is at present at its height.

Enormously overstocked, this well-known clothing manufacturing concern, Henry Oppenheimer & Co., of Baltimore, were glad indeed to accept our offer for their surplus stock, and with characteristic nerve "The Hub" bought it and put it before you at the same proportionate low prices.

All Norfolk has heard of the tremendous values—hundreds of men and parents of boys have taken advantage of the opportunity it offers.

Thus is to-day's "Friday Bargain Sale" a most important offering which you cannot afford to ignore.

Oppenheimer's \$10 Suits are going at	Oppenheimer's \$15 Suits are going at	Oppenheimer's \$16.50 Suits are going at	Oppenheimer's \$25 Suits are going at
\$5.80	\$7.40	\$9.70	\$14.40
—all their handsome All-wool Cheviots—in the greatest variety of nobby patterns—elegantly trimmed and splendidly made garments, such as will be shown you by others for no less than \$10, and by some for \$12.	—suits of fine All-wool materials, embracing Cheviots, Cassimeres and Tweeds, in checks, plaids and mixtures galore. They sell them about town at \$15 and you can imagine what bargains they are at \$7.40.	—suits of materials which you are shown by custom makers at \$20 and \$22, and for which any other cloth has to get \$16.50 and \$18. In addition to fancy Cheviots and Worsteds there are black and blue Serges.	—and you have the choice of the finest materials which are put in Men's Suits—Cheviots, Tweeds, Worsteds and Cassimeres, as well as workable. The most stylish tailor-made garments are not better constructed.

If you haven't bought for the boys, do so to-day.

THERE has never been an offering such as this before at this season, and you needn't expect it to be duplicated again even at the season's end, for no clothier can afford to sell boys' clothing even then for as little as we are asking for it—and we're standing back of every garment with our guarantee of satisfaction.

\$1.25 for Boys' \$2 Suits.	\$2.48 for Boys' \$4.90 Suits.
\$1.89 for Boys' \$3.25 Suits.	\$2.90 for Boys' \$5 Suits.

Boys' 35c. Pants 11c.	Boys' 75c. Wash Suits 29c.	Boys' 35c. Overalls 18c.
1,000 pair Boys' Washable Knee Pants, in all sizes, from 3 to 15 years, which regularly sold at 25c., will go for 11c.	500 Boys' Washable Blouse Suits, in sizes from 3 to 9 years—which sold at 50c. and 75c.—will go for 29c.	50 dozen Boys' Brownie Overalls—just received, to sell at 25c.—will be offered for 18c.

Friday Bargains in Men's and Boys' Hats and Furnishings

MEN'S HATS. BOYS' ... FURNISHINGS. MEN'S ... FURNISHINGS.

Special reductions! Plenty of variety to choose from.

Men's \$2 Hats 50c.

35 dozen Boys' Blouse Waists, in sizes from 3 to 9 years—plain and fancy shades—originally sold at 25c.—choice 19c.

30 Boys' Necktie Shirts, some with detachable link cuffs—others with collars and cuffs attached—worth 75c.—will go for 29c.

Boys' Underwear, Shirts and Drawers—not all sizes—sold at 35c.—will go for 29c.

60 pairs Boys' Suspenders in a variety of shades—strong, durable, worth 50c.—your choice 35c.

Boys' "Black Cat" Stockings—triple knee and toes—all sizes—sold the world over at 25c.—will go for 19c.

12 dozen Boys' Laundered Shirt Waists—the well known "Sun" brand—in white and fancy shades—sold at 50c., average—will go for 29c.

100 Boys' Washable Blouse Suits—in several good wearing patterns—the kind that sells everywhere at 50c.—while they last your choice 29c.

20 dozen Boys' fine Silk Neckwear, in Teck, Puffs, Imperials, 4-in-1s, 4-in-1s, Tecks, Puffs, Imperials and 4-in-1s—hands—light and dark shades—in an assortment of pretty patterns—the 25c. kind—during this sale 19c.

58 dozen Men's fine Neckwear, in Teck, Puffs, Imperials, 4-in-1s, 4-in-1s, Tecks, Puffs, Imperials and 4-in-1s—hands—light and dark shades—in an assortment of pretty patterns—the 25c. kind—during this sale 19c.

Big lot of Men's fine Leather Belts, with all the latest buckles—worth 25c.—choice 19c.

Men's Black and Tan Half Hose—guaranteed strictly fast colors—worth 12 1/2c.—during this sale 6 1/2c.

Men's Suspenders—newest webs in all the latest patterns and styles—worth 50c.—for 35c.

Men's Silk Bosom Shirts, in an assortment of handsome patterns—which sold at \$1.25—will go for 60c.

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