

GRESHAM REVERSED

In the Celebrated Counselman Inter-State Commerce Case.

THE CONSTITUTION DOES PROTECT

Witnesses in All Criminal Cases, and They Need Not Answer

QUESTIONS THAT CRIMINATE THEM

WASHINGTON, D. C., Jan. 11.—It has now become settled law that witnesses cannot be compelled to testify in any criminal cases where the answers might tend to criminate them in any way or subject them to possible future prosecution. It is held that the fifth amendment to the Constitution, giving persons the right to refuse to answer questions which might be used against them in criminal cases, must be construed in its broadest sense. Such is the decision of the United States Supreme Court today in the celebrated inter-State Commerce case of Charles Counselman, appellant, versus Frank Hiseock, Marshal of the United States District Court for the Northern district of Illinois.

This case is one of great interest to railroad men, and has attracted widespread attention. It has been said that the effect of a decision by courts that witnesses cannot be compelled to testify will seriously hamper the inter-State Commerce Commission in the administration of the inter-State Commerce act. The Court's decision was unanimous.

History of the Celebrated Case. The Counselman case had its origin in an investigation begun in 1890 by the grand jury of the United States District Court for Northern Illinois into certain alleged violations of the inter-State Commerce act by the officers and agents of the Rock Island, the Burlington and the Chicago, St. Paul and Kansas City Railway companies. Counselman was asked whether he had obtained from railroads coming to Chicago from points outside the State a rate for grain transportation less than the tariff rates. His reply to this and similar questions as to whether or not he had received rebates, drawbacks or commissions from specially named railroads was that he declined to answer, on the ground that it might tend to incriminate him. The grand jury reported the refusal to the District Court, and it found that Counselman's excuses were insufficient, and directed him to answer. He still refusing, the Court adjudged him in contempt, fined him \$500 and costs, and directed the marshal to take him in custody and hold him until he should have answered the questions asked and others of similar import.

Judge Gresham Turned Down. After further proceedings the Circuit Court, Judge Gresham declining the opinion, discharged a writ of habeas corpus it had issued Counselman pending his decision, and made an order sustaining the District Court. From Judge Gresham's decision an appeal in this court was presented and Counselman meantime admitted to bail. Counsel for the witness (appellant), besides urging the plea that the witness was protected by the fifth amendment to the Constitution, also attacked the right of the grand jury to proceed in such investigations. The Court, in its opinion, rendered by Justice Blatchford, says, however, that it does not find it necessary to consider any other than the point raised under the Constitution as to the privileges of witnesses.

It is broadly contended, says the opinion, that a witness is not entitled to plead the privilege of silence except in a criminal case against himself; but such is not the language of the Constitution. Its provision is that no person shall be compelled in any criminal case to be a witness against himself. The provision is limited to criminal matters, but it is as broad as the mischief against which it seeks to guard.

The Court then takes up the contention that the investigation before the grand jury was not a criminal case, but solely to ascertain whether a crime had been committed, and it reaches the conclusion that the questions asked Counselman and his relation to the inquiry show that it was such a case as entitled him to invoke the protection of the Constitution.

The Constitution Is Supreme. The Court then considers the allegation that section 809 of the Revised Statutes, which says that no evidence obtained from a witness by means of a judicial proceeding shall be in any manner used against him in any criminal proceeding or for the enforcement of any penalty or forfeiture, removes the protection of the constitutional privilege of Counselman.

The Court says this provision of course protected Counselman against the use of his testimony against himself or his property, but that it could not and would not prevent the use of his testimony to search out other testimony to be used against him. It could not prevent the obtaining and the use of evidence which would be distributed directly to the testimony he might give under compulsion. Section 809 is not co-extensive with the constitutional provision, and legislation cannot detract from the privilege afforded by the Constitution. A statute of Congress cannot amend the Constitution.

Legislation Cannot Change the Law. The opinion of Justice Blatchford then makes an exhaustive review of the decisions by this Court and by State courts in cases arising out of the existence of similar provisions in State constitutions and says:

It is quite clear that legislation cannot abridge a constitutional privilege, and that if it cannot replace or supply one, at least it cannot be so broad as to have the effect of lessening it. We are clearly of opinion that no statute which leaves the party or witness subject to prosecution after he has sworn the incriminating question put to him, can have the effect of supplanting the privilege conferred by the Constitution of the United States. Section 809 of the Revised Statutes does not supply the constitutional protection from all the perils against which the constitutional provision was designed to guard, and is not a full compliance with the prohibition. In view of the constitutional provision a statutory enactment to the effect that no evidence obtained from a witness by means of a judicial proceeding shall be in any manner used against him in any criminal proceeding or for the enforcement of any penalty or forfeiture, removes the protection of the constitutional privilege of Counselman.

The Court, therefore, rules that Counselman was entitled to refuse to answer, and directs that the judgment of the Circuit Court be reversed and the case remanded, with directions to discharge Counselman from custody.

ONE-Cent-a-Word Will Secure a Situation in THE DISPATCH'S want columns.

COUGH AND HOARSENESS.—The irritation which induces coughing immediately relieved by use of "Brown's Bronchial Troches." Sold only in boxes.

An Opportunity to Visit Congress in Session. By taking the excursion to Washington, D. C., next Thursday, January 14, via the B. & O. R. Trains leave B. & O. station at 8 A. M. and 9:20 P. M. Rate for the round trip \$9 and tickets good for ten days, and valid to Baltimore.

CESSNA'S REVENGE

How the Old Pennsylvania Politician Got Even With Blaine.

The writer of a recent article in the New York Sun on the "Curiosities of Politics," in relating the causes and consequences of the hostility of Mr. Tyner, of Indiana, to the nomination of Mr. Blaine at Cincinnati in 1876, omits another case of very similar character, which had, perhaps, still more to do with Mr. Blaine's defeat on that occasion. Mr. John Cessna, of Pennsylvania, like Mr. Tyner, had been refused his choice of committee chairmanships by Mr. Blaine. He wanted to be Chairman of the Judiciary Committee, but Mr. Blaine made a different selection.

Mr. Cessna went to the convention of 1876 for the avowed purpose of "getting even" with Mr. Blaine. He chose a very novel method for the accomplishment of his purpose. He knew that the plan of the Blaine men was to nominate their candidate by a stampede of votes from other candidates before the result of the first ballot was announced. He worked for and secured his own selection as Chairman of the Committee of Rules for the convention, and in that capacity reported a rule that after a State had cast its vote no change of that vote should be allowed until after the result of that ballot was announced. This stopped all chances for a stampede and had much to do with Blaine's defeat. Mr. Cessna was free to boast of this during and after the Convention.

SECURE desirable boarders and lodgers by advertising in the cent-a-word columns of THE DISPATCH.

DEATHS HERE AND ELSEWHERE

Mrs. Mary B. Kearns. Mrs. Mary B. Kearns, wife of J. D. Kearns, the well-known druggist, died at her residence after a lingering illness. She was a member of the First U. P. Church and a devout Christian. Three children survive. They are Mrs. William Coyle, Dr. W. H. Kearns and Miss Annie Kearns. The funeral will take place this morning at 10 o'clock from her late residence, 67 Beech street, Allegheny.

Mrs. Robert Marshall, Centennialian. The death of Mrs. Robert Marshall, at her home eight miles from Wheeling, ends the most peculiar case local physicians ever met. She was 102 years old. A month ago she was taken sick and her stomach resisted all nourishment. For four weeks she had survived nothing but water, but Sunday she drank a glass of milk, and this caused her death.

Thomas A. Hunter. Thomas A. Hunter died on Sunday at his residence in Verona, after a brief illness, from pneumonia. Mr. Hunter was born in Ireland in 1831, and came to this country when 12 years old. He was for many years boss hauler at Jones & Laughlins. He leaves four sons, all well known in business circles.

Mrs. Loraine T. Irwin. Mrs. Loraine T. Irwin, wife of T. W. Irwin, died yesterday at her residence, 134 Buena Vista street, Allegheny, from the effects of a cold contracted while attending a church festival at Emmanuel Church during the holidays.

Obituary Notes. M. FRYER, ex-Minister of Marine, of France, died Sunday at Paris.

DR. RYAN, HENRY PHILIPOTT, D. D., who was formerly Bishop of Worcester, England, is dead in his 84th year.

DANIEL BARNARD, Attorney General of New Hampshire, died of pneumonia Sunday at his home in Franklin, N. H.

Mrs. JAMES PAINTER, of Coulterville, one of the old-time residents of McKeesport, died Saturday night in the 71st year of her age at her late residence.

DR. CHARLES A. BACON, of Washington, the physician, botanist and lecturer on scientific subjects, died of a complication of diseases late Sunday night at De Land, in Volusia county, Fla.

HON. RICHARD PRATT MARVIN, ex-Judge of the Supreme Court which passed upon the question of making greenbacks legal tender, died at his house in Jamestown, N. Y., yesterday.

JOHN KOHLBECKER, 49 years of age, an old-time printer of this city, died at the West Penn Hospital yesterday morning, of consumption. The funeral will take place from Flannery's undertaking rooms, Grant street, this afternoon at 2:30 o'clock.

The examinations for mining bosses will be begun on the 26th inst., in room 25 of the new Court House. Applicants from bituminous districts outside of Pittsburgh will be heard in the various districts on the same day.

Mrs. MARY A. WATSON, widow of Dr. Joseph Watson, died of pneumonia, at the residence of Mark Watson, a leading glass manufacturer of Pittsburgh and the only living child, died yesterday at Massillon, aged about 92 years.

Mrs. GRACE FIELD LINDLEY, the eldest daughter of Cyrus W. Field, died yesterday morning at New York, after a lingering illness. This death, soon after the death of her husband, has increased the feeling of sympathy for him. Mrs. Lindley was 50 years of age.

RENT your rooms by advertising in THE DISPATCH'S cent-a-word columns.

Marriage Licenses Issued Yesterday.

Table with columns: Name, Residence, Name, Residence. Includes entries for Mary Carson, Annie Bergman, John A. Courtney, Robert Miller, Joseph Friedl, C. Jauck, Marie Berchert, Ida Applebe, Andrew B. Tuser, Edward Eleber, Lillie O'Connor, John A. Zetto, John O'Neill, Anna E. Gearty, Elizabeth Bradock, Lizzie Raugh, Ignatz Wurgalski, Louis Krukowski, Leonard Kraft, Mary Charles, Jacob Engel, Edward Schaefer, M. M. Pershing, Jeannie McMillen, George Zank, Lizzie Sautters, James M. Duff, Thomas Potanski, Julianna Orylska, George T. Wilkinson, Hannah B. Olson.

Under the direction of the Legislature of Ohio, the State Food and Dairy Commissioner, Gen. S. H. HURST, examined the leading brands of baking powder (go in all) and the following is given. Hurst's verdict:

"Cleveland's Superior is absolutely the best baking powder manufactured."

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ONE-Cent-a-Word Will Secure a Situation in THE DISPATCH'S want columns.

Three Canadians Killed by a Blast.

OTTAWA, ONT., Jan. 11.—Owing to the premature explosion of a blast at Merrill's mines, in Templeton township, this morning, three men were killed. Their names are not known.

UNEMPLOYED people can easiest secure situations by advertising in THE DISPATCH'S cent-a-word column.

DIED.

BARKER.—At New Brighton, Pa., January 11, 1892, GEORGE S. BARKER. Funeral services at his late residence, South Main street, New Brighton, on WEDNESDAY AFTERNOON, January 13, 1892, at 3 o'clock. Interment private.

FRENCH.—On Sunday, January 10, 1892, MARY ANN FRENCH, in her 53d year. Funeral from the residence of her husband Samuel French, corner Broad and Avenue and Morgan street, on TUESDAY AFTERNOON at 2 o'clock. Friends of family are respectfully invited to attend.

GAUGLER.—In this city, Sunday, January 10, 1892, at 6 A. M., HEIDA, daughter of Emil and Barbara Gaugler, aged 2 years 4 days.

HAFLEY.—On Sunday evening, January 10, 1892, RHODA THOMAS HAFLEY, aged 4 years, 3 months and 10 days, daughter of Charles and Lillie Hafley (nee Sauer), granddaughter of G. S. and Matilda Wood.

HARDIE.—On Monday, January 11, 1892, at 9:30 A. M., at the residence of her parents, Ward street, near Ziegler, MARGIE LOGAN, daughter of James and Maggie Hardie, aged 6 years 8 months and 10 days. Notice of funeral hereafter.

HARROLD.—At Crafton, Pa., on January 10, 1892, GERTRUDE C. HARROLD, daughter of Michael and Mary Harrold, aged 11 years and 6 months. Funeral TUESDAY at 9:30 A. M.

HASLET.—On Monday, January 11, 1892, at 6:35 P. M., Captain WILLIAM HASLET, in the 79th year of his age, at his residence, 34 Diamond street, Allegheny. Notice of funeral hereafter.

HAZLETT.—On January 10, 1892, at 1:35 P. M., ROBERT HAZLETT, beloved son of Fannie Hazlett, in his 16th year, at his residence, 27 1/2 Faulkner street, Allegheny. Funeral on TUESDAY AFTERNOON at 2 o'clock. Friends of the family are respectfully invited to attend.

HUNTER.—At his residence, near Verona, Pa., Sunday, January 10, 1892, at 5:40 A. M., THOMAS A. HUNTER, in his 58th year. Funeral services on TUESDAY at 10:30 A. M. Train leaving Pittsburgh at 9:00 A. M. will connect at Verona with trains on 27th Creek branch. Interment private at a later hour.

IRVING.—On Sunday, January 10, 1892, at 1:30 P. M., BERTHA, daughter of Amanda (nee Stockenberg) and the late Theodore Irvin, stepdaughter of Charles Yergers, aged 7 years, 11 months, 12 days.

IRWIN.—At her home, 134 Buena Vista street, Allegheny, on January 10, 1892, at 1:40 A. M., LORAIN T. IRWIN, wife of Thomas W. Irwin, aged 35 years.

JONES.—On Sunday, January 10, 1892, at 1:30 P. M., MARY B. JONES, beloved wife of J. K. Jones, aged 49 years. Funeral services at her late residence, No. 67 Beech street, Allegheny City, on TUESDAY, January 13, at 10 A. M. Interment private at a later hour.

KOHLBECKER.—On Monday, January 11, 1892, at West Penn Hospital, of consumption, JOHN KOHLBECKER, aged 49 years. Funeral services this (Tuesday) AFTERNOON at 2:30 o'clock, at Flannery's undertaking rooms, 541 Grant street. Interment at Lutheran Cemetery, Monroeville, at 3 P. M.

KROESCH.—On Sunday, January 10, 1892, at 8:10 P. M., at her home, 528 Butler street, Etna, Pa., JENNIE ELIZABETH, wife of Dr. Kroesch, in the 50th year of her age. Funeral services in U. P. Church, Etna, Pa., on WEDNESDAY, January 13, 1892, at 2 P. M.

LES.—On Sunday, January 10, 1892, at 1 P. M., ANDREW LES, in the 30th year of his age.

LITTLE.—On Sunday, January 10, 1892, at 10:40 P. M., JAMES H. LITTLE, in his 82d year. Funeral on WEDNESDAY, January 13, 1892, at 2 P. M., from Fifty-seventh street, near Butler street.

LITTLE.—At his late residence, Ridge avenue, Thirteenth ward, at 11:10 o'clock P. M., DAVID C. LITTLE, aged 33 years.

LOWERY.—On Sunday morning, January 10, 1892, KATIE, daughter of James and Annie Lowery, in her 17th year. Funeral services at the residence of her parents, No. 12 John street, Pittsburgh, on TUESDAY, January 13, at 2:30 o'clock P. M. Friends of the family are respectfully invited to attend.

MURPHY.—On Monday, January 11, 1892, at 8 A. M., OWEN MURPHY, in the 51st year of his age. Funeral from his late residence, Wyandotte street, Thirteenth ward, on WEDNESDAY, at 8:30 A. M. Mass at St. Agnes' Church at 9 A. M. Friends of the family are respectfully invited to attend.

MCCARTHY.—On Sunday, January 10, 1892, at 8:15 P. M., MARY, daughter of Michael and Margaret McCarthy, aged 2 years 9 months and 2 days.

McFARLAND.—At the residence of her son, Federal street extension, on Sunday, January 10, 1892, MARY McFARLAND, in the 84th year of her age. Funeral to-day at 12 o'clock (noon) from late residence. Friends are respectfully invited to attend.

SCHANZENBACH.—On Monday, January 11, 1892, at 10:45 o'clock P. M., CHRISTIAN SCHANZENBACH, aged 33 years.

SIGMOND.—On Monday, January 11, 1892, at 1:45 P. M., JACOB SIGMOND, aged 35 years 11 days. Funeral from his late residence, East street extension, Allegheny, on WEDNESDAY, at 2 P. M. Friends of the family are respectfully invited to attend.

SMITH.—On Saturday, January 9, 1892, at 9 P. M., MARY S. SMITH, (nee Daniber) wife of John S. Smith, aged 28 years.

TAYLOR.—On Saturday, January 9, 1892, Hon. JAMES M. TAYLOR, in his 69th year. Funeral services at the residence of his son-in-law, Zank, No. 37 Lake street, East End, on TUESDAY, January 13, at 2:30 P. M. Friends of the family are invited to attend. Interment private.

WATSON.—At Massillon, O., on Monday night, January 11, 1892, Mrs. MARY A. WATSON, mother of Mark W. Watson.

SECURE desirable boarders and lodgers by advertising in the cent-a-word columns of THE DISPATCH.

FLOWERS. FUNERAL WORK A SPECIALTY.

Telephone 134. The Fifth Avenue Florist, 38 Fifth Avenue, de31-775

WILLIAM H. WOOD,

Funeral Director and Embalmer. Rooms, 2806 Forbes st., Oakland; residence, 212 Oakland av. Telephone 4009. de13-220-7751

ANNUAL JANUARY CLEARANCE SALE

CARPETS.

Closing out last season's patterns, and some brought in November at the Great Auction Sale, not Remnants, but full pieces, at the following

LOW PRICES. Best Quality Moquettes, \$1 and \$1.25, according to desirability of pattern.

Body Brussels, 80c, regular price \$1. And at \$1 and \$1.15, regular price \$1.35.

Tapestry Brussels, 50c, regular price 65c, 60c, regular price 75c, 75c, regular price 90c.

All-Wool Ingrains, 55c, regular price 75c.

REMNANT SALE

CARPETS.

As the result of stocktaking we have collected in our BARGAIN ANNEX, in front basement, astonishing bargains in Carpets, Rugs, Shades, Matings and Oil Cloth at

HALF PRICE. 20 patterns Body Brussels, from 15 to 18 yards each, with 5-8 borders; 15 patterns Body Brussels, 18 to 20 yards each, at 65c, regular price \$1.35.

O. M'GLINTOCK & CO. 33 Fifth Ave. THESE ARE THE DAYS OF BARGAIN SALES!

Men's Underwear. We have taken all our \$1.50 GRADES - 82 GRADES - To be closed out at \$1.50 EACH.

A lot of BOYS' and YOUTHS' FINE SCOTCH and TALBOT FLANNEL SHIRTS, WORTH FROM \$2 TO \$3, To be closed out without reserve AT \$1.50 EACH.

A lot of BOYS' and YOUTHS' THE CHEVIOT SHIRTS to be closed out at 50 CENTS EACH.

These are genuine bargains, and worthy of the attention of all who are in need of articles such as these referred to.

For a few days longer we continue selling at one-third and one-half former prices our entire stock of Fancy Wicker, Reed and Bamboo Chairs, Tables, Stools, Baskets, Wall Pockets and Brackets.

We also include in this bargain sale a carefully selected lot of Silk Tapestries, from a piece large enough for the seat of a small chair up to pieces of one and one-half yards square. Come and make an early selection for re-covering an old but favorite chair. We will do the work for you.

SHUMAN BROTHERS, 426 Wood St., Cor. Diamond.

With your CHRISTMAS MONEY you can buy your NEW YEAR'S GIFT!

FOR THE PARLOR! A Nice Piece of Furniture. FOR THE DINING ROOM! (some plates, cups and saucers, or cut glass.) A CLOCK. A LAMP.

FOR THE HALL! Pretty ornaments in all fine wares.

All the above can be purchased advantageously during stock taking form.

W. W. WATTLES, 30 and 32 Fifth Ave. who imports direct. de31-775

Lactol CURES Coughs, Colds, increases the Flesh, restores the strength and prepares the system to resist cold.

Price per bottle, 75 cents. Beef, Iron and Wine, the popular nutritive tonic. Price, full pint bottles, 40 cents.

A. F. SAWHILL, Druggist, de24-30-187 Federal street, Allegheny, Pa.

PATENTS. O. D. LEVISO, SOLICITOR. 131-37 AVE. NEXT LEADER PITTS.

B. & B.

Never in DRY GOODS HISTORY

Such a Phenomenal and DESIRABLE OFFERING

AS—

TO-DAY AT THIS STORE.

250 Pieces Fine All-Wool Imported

CASHMERES

HENRIETTAS.

Dark Shades, Good Shades, Ultra Shades, Light Shades.

Tans, Silver Grays, Cardinals and Creams, all 46 inches wide, and one price, 50c.

That's all we've got to say about it—the people, the fine goods and choice shades will do the rest.

BOGGS & BUHL ALLEGHENY.

INTERESTING SEALSIN TALK

Most fur dealers carried over heavy stocks of Seal Garments this year. Cutting in price has been the result.

Our reductions began previous to Xmas, so in spite of the weather we sold more garments than last year.

Temped by the low prices offered us in New York last week, we have laid in a fresh stock of finest Alaska Jackets, half Saques and Reefers, and begin this week to sell them at the following prices. These garments are made absolutely of first quality Alaska Skins, and we keep no others:

25-inch Jackets, \$135; sold six weeks ago for \$175. 27-inch Jackets, \$150; sold six weeks ago for \$200. 30-inch half Saques, \$170; sold six weeks ago for \$240. 28-inch Reefers, \$195; sold six weeks ago for \$250.

We stake our reputation of more than 50 years in the fur business on the quality of these goods.

PAULSON BROS., Manufacturing Furriers, 441 Wood Street, City.

RARE BARGAINS

For a few days longer we continue selling at one-third and one-half former prices our entire stock of Fancy Wicker, Reed and Bamboo Chairs, Tables, Stools, Baskets, Wall Pockets and Brackets.

We also include in this bargain sale a carefully selected lot of Silk Tapestries, from a piece large enough for the seat of a small chair up to pieces of one and one-half yards square. Come and make an early selection for re-covering an old but favorite chair. We will do the work for you.

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NEW ADVERTISEMENTS.

1 2 HOSE AT 1 2 PRICE

FOR MONDAY AND TUESDAY.

This is a strong and positive statement. But it is as true as strong.

Readers of advertisements are accustomed to discount them on the ground that there's a deal of untruth in modern advertising.

The readers are right. Hence the need for us to emphasize the fact that our strong statement is true.

The goods we offer below are well known and their price is well known also.

Now listen to the short story:

LOT 1. 75 dozen Norfolk and New Brunswick, regular made half hose, extra heavy goods, regular price 35 cents. Our price

19 Cents.

LOT 2. 200 dozen celebrated Castle Gate brand of half hose. These are best of English make and would be cheap at 49 cents. Our two-day price

24 Cents.

LOT 3. 60 dozen all-wool Cashmere half hose, imported goods, cheap at 49 cents, will go at

24 Cents.

LOT 4. 300 dozen best domestic manufacture wool sox, regular 25c and 35c goods.

17 Cents.

HERE'S A MUFFLER SNAP.

On Monday and Tuesday we give you choice of any 49c, 63c and 74c muffler for

24 Cents.

These goods are just as represented, and, as they cost about double what we offer them for, it will pay you to investigate.

GUSKY'S, 300 TO 400 MARKET ST.

96 DOZEN

MEN'S FINE FUR DERBYS AT \$1.49.

Special Sale in Our Hat Department.

REDUCED :: PRICES.

MEN'S WHITE WOOL UNDERWEAR, Reduced from 50c to 38c. Reduced from \$1.25 to 75c. Reduced from \$1.50 to \$1.00. Reduced from \$2.25 to \$1.50.

MEN'S NATURAL WOOL UNDERWEAR, Reduced from 50c to 38c. Reduced from \$1.50