

THE HAMILTON TIMES

MONDAY, DEC. 13, 1909.

MR. FOY'S DEFENCE.

Attorney-General Foy has submitted to the Dominion Government the Ontario Government's statement of its contention why the applications for disallowance of Whitney's outrageous Hydro-Electric legislation should not be acceded to.

Mr. Foy puts forward the allegations that legislation dealing with property and civil rights is relegated by the B. N. A. Act to the Provinces. He asserts that the acts in question do not concern the interests of the Dominion generally; denies that they injuriously affect the credit of the Dominion, and declares that the Province of Ontario will not submit to any check upon what its Government may do in the matters upon which it claims the right to legislate.

Mr. Foy does not present any convincing argument to uphold the righteousness of the acts in question. The torrent of verbiage which he pours forth is devoted entirely to contending that because the subject of property and civil rights is committed to provincial jurisdiction, the admitted power of the Dominion to disallow should not be exercised, no matter how villainous the legislation of the Province should be, nor how much wrong should be done to the private individual, or to the credit of the country at large.

Within Ontario, Whitney would, by this doctrine, be made as absolute as Zelaya. With a strong Tory following behind him, he might legislate to confiscate the property and civil rights of every Liberal in the Province, and close the courts against them, and there would be no means of staying his hand. There is absolutely no provision in the Canadian constitution, the B. N. A. Act, whereby wrong of this kind can be prevented, unless it be by the exercise of disallowance. It has been hitherto unnecessary to invoke it in such matters, because the courts were open to adjudicate upon the question of right. Whitney has, however, gone a step further, and deprived the citizen of his right to appeal to the courts, and by so doing, has made himself, in these matters, as much of a dictator as Castro or Zelaya at their worst.

All through Mr. Foy's long statement he makes much of the term "provincial rights." The question which he does not wish to make prominent is the real issue, that of provincial wrongs—wrongs so odious that they are without precedent in British countries. In examining a document so full of falsehood and evasions, it is hardly worth while to single out a special feature. But it might interest Hamilton readers to note that Mr. Foy alleges that it was not the intention of the Legislature when municipal by-laws on the Hydro-Electric question were first submitted, that the people should have an opportunity again to vote on the question of a definite contract before being tied up to a 30-year monopoly. He says the courts took the view that the people should have had such an opportunity, although this, he says, was exactly the opposite of the Government's intention. Hamilton people who were so frequently and impressively assured by the Government agents and Hydro-Electric authorities that they would not be committed to a contract by that vote, but would be given an opportunity to pronounce upon any binding contract, will be able, in the light of Mr. Foy's words, to judge of the ethical nature of the Government's dealings with them. Mr. Foy not only admits that the people were to be thus inveigled into the Hydro net, but he observes that "any other course would have invited disaster" to the scheme.

Having been guilty of the grossest of bad faith toward the people interested in this Hydro scheme, and having aimed a blow at the credit of Canada in general, the Government of Mr. Foy is a member feared to face the courts of justice. It, therefore, closed the doors of the courts against those who might appeal to them for the righting of wrongs sustained. Had such a course been taken in Turkey or in Persia, it would have created no astonishment in the world. Liberty, justice, and respect for obligations are not highly regarded or scrupulously respected in those countries. In Ontario, however, piracy, whether conducted by the prowling thief of the slums, or by the Premier of a Province, is odious, and surely falls under the condemnation of the courts of justice. But when the wrongdoers have the power and lock the doors of the courts of justice in order that they may effect their infamous purposes, what is to be done? Professor Dicey, to whom the question was submitted, saw no constitutional remedy save the exercise of the indisputed power of disallowance.

The question is not one of Provincial rights. No Province has, or should have, the "right" to do a moral wrong and deprive the citizen of his recourse to the courts of justice. Mr. Foy tries to make much of the declarations of Liberal statesmen in favor of the widest provincial latitude within constitutional limits. The Liberals have always been the party of provincial rights; but it does not follow that they should uphold a Provincial Government in doing a grave wrong, not only to its own citizens, but to Canada at large. Sir John A. Macdonald and his ablest colleagues took strong ground for the right of the Federal Government to invoke the power of disallowance to a much larger extent than was approved of by the Lib-

erals. When, however, great and far-reaching wrongs are perpetrated, as in this case—wrongs which rob private citizens of their constitutional rights, and close against them the courts of justice—the reputation and credit of Canada is attacked and action by the Federal Government is called for in the public interest. Whitney should be given an opportunity to amend his Hydro-Electric legislation, omitting therefrom the criminal abuse which have been complained of. Should he accept such a suggestion, the matter might be allowed to drop, and, in this way, complications brought about by his unjust and immoral course might be avoided. But, should he refuse, the acts should be promptly disallowed, leaving him to retract them, if he will, omitting the vicious and un-British features complained against.

BUDGET TO-MORROW.

To-morrow will be Budget day in the Canadian House of Commons, and it is expected that the figures presented by Hon. Mr. Fielding will be eloquent of the recovery of Canadian trade during the year of which it treats. Having regard to ordinary expenditure, it is expected that the year's accounts will show a surplus of something like twenty million dollars, which large amount has been invested in the National Transcontinental Railway and other great public works which are charged to capital expenditure. Mr. Fielding last March estimated a revenue of about ninety millions. That has been exceeded by nearly ten millions, while the wise policy of the Government in contracting expenditure has resulted in a very large reduction in the outgo. It is not believed that there will be any important changes announced in the tariff. Mr. Fielding will have a story of steady advancement in Canadian trade, settlement and development to tell Parliament. The outlook for the current year is encouraging for Canadians as a people and for the Government.

CAN THE LORDS WIN?

The British election campaign now opened by the speeches and manifestos of the rival leaders bids fair to be an epoch-maker. Out of this struggle will probably be evolved something definite in the direction of fixing the status of the Lords as a branch of the legislature of the United Kingdom and giving fuller recognition to the right of the people, through their elected representatives, to deal unhampered with all matters of taxation and finance. The House of Lords as a revisory chamber has duties in the direction of fixing the status of which it may perform with advantage to the country. What it actually does is to set itself up to obstruct and render futile all efforts made by Liberal Governments to enact great measures of benefit to the people.

In the last four years, to go back no further, the Lords have done much to earn the hostility of the Commons and the condemnation of the liberty-loving people of the United Kingdom. In 1906 they destroyed the Education bill passed by the Commons by 371 to 179, and the bill to abolish plural voting, which was approved by the Commons by 335 to 106. In 1907 measures of importance to Ireland and Scotland, the Scottish Small Landholders' bill, the Scottish Land Values bill and the Irish Evicted Tenants' bill, all of which passed the Commons with large majorities, were rejected or mutilated.

In 1908 the aforementioned two Scottish measures and the Licensing bill were similarly disposed of. In the present year the Irish Land bill was mutilated, and the right of the Commons to deal with taxation and finance was challenged by the rejection of the budget.

Grant the usefulness which the House of Lords might have, no student of recent political history can avoid the conclusion that of late years its principal object has been to frustrate the efforts of a Liberal Commons to improve the legislation of the country. None will marvel at the determination of the Liberals to be freed from the odious partisan tyranny.

The present House of 670 consists of 374 Liberals, 45 Laborites, 1 Socialist, 84 Nationalists and 166 Unionists. Of those 465 are from England, 103 from Ireland, 72 from Scotland, and 30 from Wales. Of the 205 members from Scotland, Ireland and Wales, the Unionists have only 35. They can hardly hope to increase that number. It may be depressed. They must look for their gains to England, which returns 465 members. At present the Liberal majority over all parties in the House is 78. The Liberals and their allies have a majority over the Unionists of 338.

How are the Unionists to pull that down and change it into a minority? Analyze the figures: Assuming, as is generally admitted, that they will make no gains in the 205 constituencies outside of England, it follows that to succeed, the adverse majority of 338 must be offset by gains in England.

Now the parties in England stand: Liberals, 280; Unionists, 145; Laborites, 40—a Liberal-Labor majority of 175. Obviously, to overcome that majority of 338 and have only 3 of a majority the Unionists would have to win 403 seats in England, leaving only 62 to the Liberals and Laborites, who now hold 320.

In other words, the Liberals and Laborites can afford to lose 100 seats to the Unionists and still have a combination majority of 138 in the House. But a loss of 30 seats would leave them with only 28 majority over a combination of all parties against the Liberals alone.

In this struggle it promises to be the Unionists against all parties in defence of the ancient privileges and modern as-

sumptions of the Lords. The right of the people to rule is involved; and now ever it is attempted to obscure the issue the champions of free government have faith in the intelligent electorate. The British constitution is not in danger; it is only being subjected to the crucible test. It will be the better for the refining fire.

EDITORIAL NOTES.

If, as appears to be indicated, the British Liberals and Laborites have made a compact to avoid triangular contests, the prospects for the Unionists look pretty blue.

"Canadian Machinery" devotes two pages to Hamilton Technical School with one page of illustrations. It regards the school as likely to furnish apprentices for many of Hamilton's great manufacturing industries.

"What a Newspaper Man Saw in Britain," is the title of a pamphlet just issued, containing four contributions of the editor, Mr. J. A. Macdonald, on his impressions of the old land while a delegate to the Imperial Press Conference. It can be had on application to the Globe office, Toronto; price 25 cents.

Mr. Marshall, M. P., East Elgin, is sending out a circular letter to his constituents with the object of inducing them to oppose the Canadian policy of forming the nucleus of a fleet, and, instead, supporting the idea of voting a money contribution. The Opposition would apparently like to make the defence question a party issue, even in the face of its action of last session.

Those people who have affected to regard the National Transcontinental Railway as an improvident venture and who have scouted the idea of all-rail wheat shipments to the Atlantic coast would do well to note that last season the Canadian Pacific Railway shipped 6,700,000 bushels of wheat over its line from the Northwest to St. John, N. B. There is an enormous traffic in grain awaiting the completion of the N. T. R.

There is a great indisposition now on the part of the French people to submit to the exactions of militarism. And these objections appear to grow with the years. In 1898 there were 1,904 desertions and 4,678 refusals of conscripts to join the ranks. In 1904 the numbers were 2,216 and 4,747, respectively. In 1907 they had risen to 3,487, and 10,630. The military system is yearly growing more unpopular.

All hope of the car ferry Bessemer No. 2 seems to have been given up with the finding of the lifeboat, containing the bodies of nine of its unfortunate crew, who had died of exposure. It is feared that some of her other boats may still be drifting about the lake, but there is little chance of any survivors being rescued. This week's toll of death on Lakes Erie and Superior is 59, only four below that of all the rest of the season on the great lakes.

The New York Herald, in an editorial arguing against Canada taking any part in naval defence, makes the assertion that at this moment Canada is paying passage money for immigrants to labor in her industries, some of whom, like many of her citizens, will have to be shunted into unproductive work afloat. This statement is not in accordance with the facts. The New York Herald would do well to inform itself on these questions before setting out to lecture Canadians.

We think that Lord Charles Bessford rather overshoot the mark when he said that a Liberal victory at the election will mean the destruction of the British Empire.—Victoria Colonist (Tory).

Lord Charles Bessford's statement is just one of the class of partisan assertions which go to show the insincerity and intemperance of the British Opposition speakers. And Lord Charles Bessford had many friends among the Liberals who are sorry to see him make such an exhibition of himself.

The exhibition game of Rugby played in New York by the Tigers and the Ottawa Rough Riders appears to have been very much to the satisfaction of the football experts who witnessed it. A few seemed to take the view that it was not rough enough to suit United States crowds. That many of them did not understand it is shown by their remarks as to it not being scientific enough. All agree that it is less dangerous to life and limb than the United States game. The Tigers made an excellent showing in the score, playing a game which, at Toronto, would have left them final competitors for the championship.

Of one thing Canadians are assured. The success of the Unionists in Great Britain means the taxation of Canadian products, including wheat and foodstuffs generally. Of course, we are told that this tax will not be as high as upon foreign products. But it is a tax upon the foods which Canada exports. To that extent it will handicap Canadian trade. If the amount of the tax comes out of our farmers they will lose that much; if it does not, it will make the bread of the British masses so much dearer and be a tax upon them. We cannot benefit by the scheme, unless they suffer; and the tariff reform speakers assure the people of the old country that it will not tax them. The amount of the duty must come from somewhere. Who will pay it?

It has just about gotten so in this country that a family man cannot keep up with his running expenses without an automobile.—Dallas News.

Our Exchanges

A NEW DATE. (Toronto Telegram.) For the next few years the mountaineers will date things from "the fall we played Ottawa in New York."

THE USUAL GIFT. (Port Arthur News.) If it is again decided that father's gift is to be a necktie, we respectfully urge that you shop early, at least before all those nice green-pink-blue-orange-yellow ones are gone.

AN EXCITING SESSION. (Boston Transcript.) "Had a great time at the Binktown Literary Club last night." "Is that so? What was doing?" "Free ice cream and a discussion on the subject." "Resolved, that there are more men named Ferdinand than Oscar who appear as heroes in novels."

TOO LONG A CHANCE. (Buffalo Express.) "I wouldn't like to be a passenger in one of these here balloons," said Uncle Job. "Neither would I. But what have you got agin' them?" said Aunt Maud. "Look at them long ropes a fellow's got to climb up to git to 'em," said Uncle Job hotly.

HIS PHILOSOPHY. (Catholic Standard and Times.) Wise—Don't get foolish just because you've had a little money left to you. You'd better be economical now. Gailey—Ah, it's too hard. Wise—But if you don't live economically now you'll have to later. Gailey—Well, it isn't so hard to be economical when you have to.

DAUNTLESS. (Puck.) "Sir, I wish to make your daughter my wife." The old man hesitated. "Hain't you better see her mother first?" he asked gently, after thinking for a moment. "I've seen her mother, and it doesn't make any difference—I'm willing to take the chances," exclaimed the youth, with all the ardor of honest love.

CANADIAN TUFT-HUNTERS. (London Advertiser.) The Toronto Star says that "a man who calls himself a Tory in Canada would perhaps be a Radical in England." He could scarcely be otherwise if his human sympathies were keen. But too many Canadians in England get the "so-ciety" bee in their bonnets. Those who want their backs patted by a lord must wear a Tory label.

CIVIC HOLIDAY. (Brantford Expositor.) The Hamilton Board of Trade is seeking the assistance of other Boards of Trade in an effort to get all the cities and towns in the province to hold their Civic Holiday on the same date. The main argument in favor of the change is that commercial travellers are inconvenienced by the workings of the present system, but a powerful objection to it is that the railway corporations could not provide car accommodation if all the holidays came at once. In this connection, it may be asked, is there any good reason why the custom of having a Civic Holiday should be retained, seeing that Labor Day now comes at the same season of the year?

CANADA AND NAVAL DEFENCE. (Vancouver Sun.) The arguments against a direct contribution are based upon both constitutional grounds and those of expediency, while those against the establishment of a Canadian navy are advanced almost entirely from the standpoint of the latter. Joseph Martin, K. C., describes it as a tin-pot navy, while Sir Charles Tupper, in an open letter addressed to the Hon. R. L. Borden, warns the nation to adhere to the compact entered at the Imperial Defence Conference and he says that all that is necessary for the Canadian Parliament to do is to implement its own resolution on the subject and to proceed with the building of the navy. Sir Charles thus gives a hearty endorsement with that of Sir Wilfrid Laurier.

TRIPPING UP "SPEC." Rebuking a Course Inspired by Prejudice. (Goderich Signal.) The Spectator may say, why are we to imagine that the British authorities would employ Canadian money or Canadian ships in a cause that Canada could not endorse? Our reply is, why should the Spectator or anyone else imagine that the Canadian authorities, controlling the Canadian fleet, would ever refuse to place that fleet when required at the disposal of the Imperial authorities?

The trouble with the Spectator is that it cannot get rid of a notion that while there is a Liberal Government at Ottawa Canada is in danger, somehow or other, of being committed to some "disloyal" course. This is a notion for which there is no reason, but prejudices are not built upon reason, have no relation to reason, thrive best, in fact, when they have no contact with reason. It is of no use to remind the Spectator and its kind of the vast growth of Imperial sentiment in Canada under the Liberal Government, and of the palpable manifestation of this sentiment in the tariff preference to Britain and in the assistance given to the British cause in the Boer war—actions without precedent in the history of Canada. The creation of a Canadian navy is really another step in the same direction. The Government's course is dictated by Imperial considerations, not by a narrow Canadianism. Canada does not need a navy for herself; she is embarking upon the new policy from a sense of obligation to help in bearing the burden of empire.

"Little boy" asks the well-meaning reformer, "is that your mamma over yonder with that beautiful set of furs?" "Yes, sir," answers the bright lad. "Well, do you know what poor animal it is that has had to suffer in order that your mamma might have the furs with which she adorns herself so proudly?" "Yes, sir; my papa."—Chicago Evening Post.

VICE-PROVOST OF TRINITY.

Dr. Lloyd Spoke Strongly Against Gambling. Preached in Christ's Church Cathedral in Morning. Addressed Men's Meeting in Red Mill in Afternoon.

Yesterday Rev. J. P. D. Liwyd, D. D., provost of Trinity College, Toronto, addressed two large gatherings of interested people and had messages which he endeavored to impress upon his listeners.

In the morning he spoke at Christ Church Cathedral and selected for his text, "Peter's Obedience." He said, looking back to the years of long ago, it meant considerable for a man to follow Christ, but Peter had done so. They were among the years of discovery. It seemed as if the conditions surrounding Peter at the time referred to, were carefully studied and applied to the present. It was a departure in Peter's experiences. Not only were Peter and the young church of Christ strengthened by his decision, but the civilization, the hinge of progress turned on it. It rested with him to answer the question whether modern civilization should be Christian or pagan. The strategic hour was when the decision was made and the word of Christ was planted among the people of the world. Ever since that time there has been a forward movement until the present day, when a similar question remained to be answered by the Christians. The Church confronted the crucial question. To answer such a question would need that God be asked for guidance.

In the afternoon Mr. Liwyd addressed a large gathering of men in the Red Mill Theatre, under the auspices of the brotherhood of St. Andrew. He spoke more of personal experiences, and held out the warning for the young man to avoid anything which might tend to lead him to a lower level, especially emphasizing the drinking and gambling evils. He said love was a strong factor in everyday life, as it should be exercised not only in the home but on every available occasion. Love was the founder of the Divine life, of which the human life was the reflex, and not only that, but the motive power. In a literary way love was usually the main theme upon which the story was hinged, and because of that such works were more read than any other. It was merely a form of showing human affection. If a Christian loved his fellow-men it would necessitate that he give consideration to the claims of others upon him. Love was exercised in a good many ways. When the sinner fell other hearts also dropped—pulled down by their thoughts of him. Life was more like the trees in the forest. If one fell it would drag others down too, so it was with human beings. The gambling spirit should not be entertained as it disrupted and took away the love from the home. In Alaska, even preachers had been seen to lure the young men to the bar table, and in so doing drag them down. The drink habit should not be formed by the young man. If he started drinking, his mother, who thought so much of him, would be pulled down to her grave with him, as well as many others who loved him. In closing he advised all to turn away from the demon sin and exercise the spirit of love toward one another.

Bishop DuMoulin, who acted as chairman, said the church was not opposed to the workingman, but his friend, and was always ready to assist him in every way possible.

PROF. JACOBS. Former Associate of D. L. Moody Spoke Here Yesterday.

Professor Frederick Jacobs, the famous gospel singer of New York, and who for fifteen years was singing evangelist with D. L. Moody, preached a stirring and impressive sermon in Gospel Tabernacle yesterday in the presence of a congregation which filled every seat which could be placed in the sacred edifice. Even then all who wished to attend the service could not be accommodated, many remaining standing and others being turned away at the doors. Professor Jacobs selected at his text Paul's words in the fourteenth verse of the last chapter of Galatians: "But God forbid that I should glory, save in the cross of our Lord Jesus Christ." The address was brief and indicated the evangelical tendency of the mind of the speaker. Paul, he said, was a great man in his day, and his mind had been turned toward statesmanship or other secular things he would have excelled by far in power and mind the great men of the past century. But luckily for the world to-day Paul became a faithful follower of Jesus Christ. Three themes were dealt with in the discussion of the text, first, the shame of the cross; second, the accomplishment of the cross, and, third, the victory of the cross.

In the afternoon Professor Jacobs delivered a similar address to the members of the P. S. A. Brotherhood in First Congregational Church, and made a heartfelt appeal for the better life. On both occasions he sang many sacred solos, which added interest to the sermon.

When a Scotsman answers a question he settles the matter in dispute one for all. On a certain occasion the question was asked: "Why was Mary Queen of Scots born at Linlithgow?" Sandy Kerr promptly answered: "Because her mither was staying there."—Human Life.

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CONFIDENT. Baseball.

Citizens' Campaign Committee Receives Some Good Reports. Rev. Dr. J. V. Smith was the special speaker at a meeting of the temperance workers of the city, held in the Citizens' Campaign Committee's rooms, 39 James street south, on Saturday evening. The whole success of the campaign, he thought, depended upon the calibre of the men who were in the field, and if they had the right men they had the strongest foundation that could be laid.

In a brief manner he gave the history of the temperance movement during the past twenty-five years, and predicted that the time had come when something definite was going to be done. The attitude of large corporations towards the liquor traffic was a great advantage. There were very few, he said, who would employ a man who used intoxicants. Scientific instruction on the evil of intoxicating drink was also an advantage and a safeguard to the children. The custom of having liquor at public functions was dying out, and its abolition was being urged by some of the leading men and women of the world. The speaker doubted that prohibition would be secured by one stride, but he believed that with the right men in the council it could be done, step by step.

Alderman Thomas Morris, George H. Lees, J. M. Peregrine and G. H. Mills gave brief addresses, expressing confidence in the workingman, but his friend, and was always ready to assist him in every way possible.

More office holders are resigned than resign.

TUESDAY December 14, 1909 SHEA'S CORSETS All For 49c

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They'll be busy days for you and for us. The wise ones will do their buying during the next five days. It'll pay them—it'll pay them, too, to buy at this store. The store offers practical gifts, nothing but necessities, and all marked so reasonably it puts them in the bargain class. You don't pay for expensive decorations or brass band advertising stunts (which all have to come out of the consumers' pocket) when you buy here.

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