

THE GARDEN MURDER CASE

By S.S. VAN DINE

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SYNOPSIS

Philo Vance, famous detective, and John F. X. Markham, district attorney for New York county, are dining in Vance's apartment when Vance receives an anonymous telephone message informing him of a "disturbing psychological tension at Professor Ephraim Garden's apartment" advising that he read up on radio-active sodium, consult a passage in the Aeneid and counseling that "Equanimity is essential." Professor Garden is famous in chemical research. The message, decoded by Vance, reminds him that Professor Garden's son Floyd and his young cousin, Woodie Swift, are addicted to horse-racing. Vance says that "Equanimity" is a horse running next day in the Rivermont handicap. Vance convinced that the message was sent by Dr. Siebert, the Gardens' family physician. He arranges to have lunch next day at the Gardens' penthouse. Vance is greeted by Floyd Garden and meets Lowe Hammie, an elderly follower of horse racing. Floyd expresses concern over Swift's queer actions. Mrs. Garden, supposedly ill, comes downstairs and places a \$100 bet on a horse. Gathered around the elaborate loud speaker service, listening to the racing are Cecil Kroon, Midge Weatherby and Zalia Graem, who bet varying amounts on the race. There is tension under the surface. Zalia and Vance are not on speaking terms. Kroon leaves to keep an appointment before the race starts. Miss Beeton, a nurse, and Vance bet on "Azure Star." Swift recklessly bets \$10,000 on "Equanimity" and goes to the roof garden to hear the results. Floyd follows Swift, remaining away several minutes. Zalia answers a phone call in the den. Soon after the announcement that "Azure Star" wins, the guests hear a shot. Vance finds Swift dead, shot through the head with a revolver nearby. He says Swift has been murdered. After calling the police, he finds the door of a vault ajar. Kroon returns and is sharply questioned by Vance, who finds he had not left the building. Vance orders Miss Beeton to guard the stairway and prevent Mrs. Garden and Zalia from viewing Swift's body. Floyd Garden admits the revolver belongs to his father. Further questioning by Vance reveals that the revolver had been found recently by Zalia in the presence of the other guests. Floyd hints that Swift bet so recklessly because of Zalia. Markham, Sergeant Heath and two detectives arrive.

CHAPTER V—Continued

"Of course," he said, "there's nothing in the outline I've given you to indicate murder. Nevertheless, it was murder; and that outline is exactly the concatenation of events which the murderer wants us to accept. We are supposed to arrive at the obvious conclusion of suicide. Suicide as the result of losing money on horses is by no means a rare occurrence. It is not impossible that the murderer's scheme was influenced by this account. But there are other factors, psychological and actual, which belie this whole superficial and deceptive structure." He drew on his cigarette and watched the thin blue ribbon of smoke disperse in the light breeze from the river. "To begin with," he went on, "Swift was not the suicidal type. In the first place, Swift was a weakling and a highly imaginative one. Moreover, he was too hopeful and ambitious—too sure of his own judgment and good luck—to put himself out of the world simply because he had lost all his money. The fact that Equanimity might not win the race was an eventuality which, as a confirmed gambler, he would have taken into consideration beforehand. In addition, his nature was such that, if he were greatly disappointed the result would be self-pity and hatred of others. He might, in an emergency, have committed a crime—but it would not have been against himself. Like all gamblers, he was trusting and glib; and I think it was these temperamental qualities which probably made him an easy victim for the murderer

CHAPTER VI

"But see here, Vance," Markham leaned forward protestingly. "No amount of mere psychological analysis can make a crime out of a situation as seemingly obvious as this one. I must have more definite reasons than you have given me before I would be justified in discarding the theory of suicide."

"Oh, I dare say," nodded Vance. "But I have more tangible evidence that the johnnie did not eliminate himself from this life."

"Well, let's have it," Markham fidgeted impatiently in his chair.

"Impress me, my dear Justinian, a bullet wound in the temple would undoubtedly cause more blood than you see on the brow of the deceased. There are, as you notice, only a few partly coagulated drops, whereas the vessels of the brain cannot be punctured without a considerable flow of blood. And there is no blood either on his clothes or on the tiles beneath his chair. Meaning that the blood has been, perhaps, spilled elsewhere before I arrived on the scene—which was, let us say, within thirty seconds after we heard the shot."

"And please take a good look at the poor fellow. His legs are stretched forward at an awkward

angle. The trousers are twisted out of place and look most uncomfortable. His coat, though buttoned, is riding his shoulder, so that his collar is at least three inches above his exquisite mauve shirt. No man could endure to have his clothes so outrageously askew, even on the point of suicide—he would have straightened them out almost unconsciously. The corpse delicti shows every indication of having been dragged to the chair and placed in it."

Markham's eyes were surveying the limp figure of Swift as Vance talked.

"Even that argument is not entirely convincing," he said dogmatically, though his tone was a bit modified; "especially in view of the fact that he still wears the ear-phones . . ."

"Ah, exactly!" Vance took him up quickly. "That's another item to which I would call your attention. The murderer went a bit too far—there was a trifle too much thoroughness in the setting of the stage. Had Swift shot himself in that chair, I believe his first impulsive movement would have been to remove the head-phones, as it very easily could have interfered with his purpose. And it certainly would have been of no use to him after he had heard the report of the race. Furthermore, I seriously doubt if he would have come upstairs to listen to the race with his mind made up in advance that he was going to commit suicide in case his horse didn't come in. And, as I have explained to you, the revolver is one belonging to Professor Garden and was always kept in the desk in the study. Consequently, if Swift had decided, after the race had been run, to shoot himself, he would hardly have gone into the study, procured the gun, then come back to his chair on the roof and put the head-phones on again before ending his life. Undoubtedly he would have shot himself right there in the study—at the desk from which he had obtained the revolver."

Vance moved forward a little as if for emphasis.

"Another point about that head-phones—the point that gave me the first hint of murder—is the fact that the receiver at present is over Swift's right ear. Earlier today I saw Swift put the head-phones on for a minute, and he was careful to place the receiver over his left ear—the customary way. But now the head-phones is on in reversed position, and therefore unnatural. I'm certain, Markham, that head-phones was placed on Swift after he was dead."

Markham meditated on this for several moments.

"Still, Vance," he said at length, "reasonable objections could be raised to all the points you have brought up. They are based almost entirely on theory and not on demonstrable facts."

"From a legal point of view, you're right," Vance conceded. "And if these had been my only reasons for believing that a crime had been committed, I wouldn't have summoned you and the doughty sergeant. But, even so, Markham, I can assure you the few drops of blood you see on the chape's temple could not have thickened to the extent they had when I first saw the body—they must have been exposed to the air for several minutes. And, as I say, I was up here approximately thirty seconds after we heard the shot."

"But that being the case," returned Markham in astonishment, "how can you possibly explain the fact?"

Vance straightened a little and looked at the district attorney with unwonted gravity.

"Swift," he said, "was not killed by the shot we heard."

"That don't make sense to me, Mr. Vance," Heath interposed, scowling.

"Just a moment, Sergeant," Vance nodded to him in friendly fashion. "When I realized that the shot that wiped out this johnnie's existence was not the shot that we had heard, I tried to figure out where the fatal shot could have been fired without our hearing it below. And I've found the place. It was in a vault-like store-room—practically sound-proof, I should say—on the other side of the passage-way that leads to the study. I found the door unlocked and looked for evidence of some activity there . . ."

Markham had risen and taken a few nervous steps around the pool in the center of the roof.

"Did you find any evidence," he asked, "to corroborate your theory?"

"Yes—unmistakable evidence," Vance walked over to the still figure in the chair and pointed to the thick-lensed glasses tipped forward on the nose. "To begin with, Mark-

ham, you will notice that Swift's glasses are in a position far from normal, indicating that they were put on hurriedly and inaccurately by someone else—just as was the head-phones."

Markham and Heath leaned over and peered at the glasses.

"Well, Mr. Vance," agreed the sergeant, "they certainly don't look as if he had put 'em on himself."

Markham straightened up, compressed his lips, and nodded slowly. "All right," he said; "what else?"

"Perpend, Markham," Vance pointed with his cigarette. "The left lens of the glasses—the one furthest from the punctured temple—is cracked at the corner, and there's a very small V-shaped piece missing where the crack begins—an indication that the glasses have been dropped and nicked. I can assure you that the lens was neither cracked nor nicked when I last saw Swift alive."

"Couldn't he have dropped his glasses on the roof here?" asked Heath.

"Possible of course, Sergeant," Vance returned. "But he didn't. I carefully looked over the tiles round the chair, and the missing bit of glass was not there."

Markham looked at Vance shrewdly.

"And perhaps you know where it is."

"Yes—oh, yes," Vance nodded. "That's why I urged you to come here. That piece of glass is at present in my waistcoat pocket."

Markham showed a new interest. "Where did you find it?" he demanded brusquely.

"I found it," Vance told him, "on the tiled floor in the vault across the hall. And it was near some scattered papers which could easily have been knocked to the floor by some one falling against them."

Markham's eyes opened incredulously.

"I'm beginning to see why you wanted me and the sergeant here," he said slowly. "But what I don't understand, Vance, is that second shot that you heard. How do you account for it?"

Vance drew deeply on his cigarette.

"Markham," he answered, with quiet seriousness; "when we know how and by whom that second shot—which was obviously intended for us to hear—was fired, we will know who murdered Swift . . ."

At this moment the nurse appeared in the doorway leading to the roof. With her was Doctor Doremus, and behind the medical

examiner were Captain Dubois and Detective Bellamy, the finger-print men, and Peter Quackenbush, the official police photographer.

Miss Beeton indicated our presence on the roof and made her way back downstairs.

Doremus acknowledged our joint greeting with a breezy wave of the hand.

He made a cursory examination of the limp figure, scrutinized the bullet hole, tested the arms and legs for rigor mortis, and then swung about to face the rest of us.

"Well, what about it?" he asked, in his easy cynical manner. "He's dead; shot in the head with a small-caliber bullet, and the lead's probably lodged in the brain. No exit hole. Looks as if he'd decided to shoot himself. There's nothing here to contradict the assumption. The bullet went into the temple, and is at the correct angle. Furthermore, there are powder marks, showing that the gun was held at very close range—almost a contact wound, I should say. There's an indication of singing around the orifice."

Vance took the cigarette from his mouth and addressed Doremus.

"I say doctor; speakin' of the blood on the johnnie's temple, what would you say about the amount?"

"Too damned little, I'd say," Doremus returned promptly. "But bullet wounds have a queer way of acting sometimes. Anyway, there ought to be a lot more gore."

"Precisely," Vance nodded. "My theory is that he was shot elsewhere and brought to this chair."

Doremus made a wry face.

"Was shot? Then you don't think it was suicide?" He pondered a moment. "It could be, of course," he decided finally. "Find the rest of the blood and you'll probably know where his death occurred."

"Thanks awfully, doctor," Vance smiled faintly. "That did flash

through my mind, don't you know; but I believe the blood was wiped up. I was merely hopin' that your findings would substantiate my theory that he did not shoot himself while sitting in that chair, without any one else around."

Doremus shrugged indifferently. "That's reasonable enough assumption," he said. "There really ought to be more blood. He died instantly."

"Have you any other suggestions?" asked Vance.

"I may have when I've gone over the body more carefully after these babies"—he waved his hand toward the photographer and the fingerprint men—"finish their hocus-pocus."

Captain Dubois and Detective Bellamy had already begun their routine, with the telephone table as the starting-point; and Quackenbush was adjusting his small metal tripod.

Vance turned to Dubois. "I say, Captain, give your special attention to the head-phones, the revolver, and the glasses. Also the door-knob of the vault across the hall inside."

Quackenbush, his camera having been set up, took his pictures and then waited by the passageway door for further instructions from the finger-print officers.

When the three men had gone inside, Doremus drew in an exaggerated sigh and spoke to Heath impatiently.

"How about getting your corpus delicti over on the settee? Easier to examine him there."

"O. K., Doc."

Two detectives lifted Swift's limp body and placed it on the same wicker divan where Zalia Graem had lain when she collapsed at the sight of the dead man.

Doremus went to work in his usual swift and efficient fashion. When he had finished the task, he threw a steamer rug over the dead man, and made a brief report to Vance and Markham.

"There's nothing to indicate a violent struggle, if that's what you're hoping for. But there's a slight abrasion on the bridge of the nose, as if his glasses had been jerked off; and there's a slight bump on the left side of his head, which may have been caused by a blow of some kind, though the skin hasn't been broken."

"How, doctor," asked Vance, "would the following theory square with your findings—that the man had been shot elsewhere, had fallen to a tiled floor, striking his head against it sharply, that his glasses had been torn off when the left lens came in contact with the floor, and that he was carried out here to the chair, and the glasses replaced on his nose?"

Doremus pursed his lips and inclined his head thoughtfully.

"That would be a very reasonable explanation of the lump on his head and the abrasion on the bridge of his nose . . . So this is another of your cock-eyed murders, is it? Well, it's all right with me. But I'll tell you right now, you won't get an autopsy report tonight. I'm bored and need excitement; and I'm going to Madison Square Garden."

He made out an order for the removal of the body, readjusted his hat, waved a friendly good-by which included all of us, and disappeared swiftly through the door into the passageway.

Vance led the way into the study, and the rest of us followed him. We were barely seated when Captain Dubois came in and reported that there were no finger-prints on any of the objects Vance had enumerated.

"Handled with gloves," he finished laconically, "or wiped clean."

Vance thanked him. "I'm not in the least surprised," he added.

Dubois rejoined Bellamy and Quackenbush in the hall, and the three made their way down the stairs.

"Well, Vance, are you satisfied?" Markham asked.

Vance nodded. "I hadn't expected any fingerprints. Cleverly thought-out crime. And what Doremus found fills some vacant spots in my own theory. Stout fella, Doremus, understands his business. He knows what is wanted and looks for it. There can be no question that Swift was in the vault when he was shot; that he fell to the floor, brushing down some of the papers; that he struck his head on the tiled floor, and broke the left lens of his glasses—you noted, of course, that the lump on his head is also on the left side—and that he was dragged into the garden and placed in the chair. Swift was a small, slender man; probably didn't weigh over a hundred and twenty pounds; and it would have been no great feat of strength for someone to have thus transported him after death . . ."

There were footsteps in the corridor and, as our eyes involuntarily turned toward the door, we saw the grizzled elderly figure of Professor Ephraim Garden. I recognized him immediately from pictures I had seen.

(TO BE CONTINUED)

Naming the Cocker Spaniel

The Cocker spaniel was highly prized as long ago as 1603, when popular books on dogs spoke of the breed as possessing "remarkable sagacity," "fidelity," "gratitude," etc. "Unwearied" as a shooting dog, this type was also extolled as the paragon of house dogs. The origin of his name is not difficult to trace. As the woodcock was commonly referred to as "cock" and the sport of shooting his bird was called "cocking," it is easy to see how the Cocker spaniel got its name, as the breed was extensively used in this form of hunting.



He Made a Cursory Examination of the Limp Figure.

Watermelon Not a Native

Many jokes have been made at the expense of the colored man's love for watermelon. As a matter of fact, the black man was probably eating watermelon long before the white man ever heard of it. It is a native of Africa and may be found growing wild on plains south of the Sahara where it is an important part of the diet of deer and antelope of that region. It is believed the pilgrims brought the first watermelon seeds to America, says Pathfinder Magazine, for in less than ten years after their coming, melons were plentiful in Massachusetts. It found favor with the Indians at once. By 1695 the Florida Indians were cultivating it and ten years later tribes of the West

'Twas This Way

By LYLE SPENCER
© Western Newspaper Union.

Jazz Music

THE music goes down around whoa-ho-ho-ho —. That tune swept America from coast to coast recently until its very sound made radio listeners grind their teeth. It also marked the return to popularity of "swing" music.

"Swing" or real jazz reached its first peak during the 1920's along with short skirts and flappers. Whether it originated among the natives along the gold coast of Africa, or in colored orchestras along the gold coast of our larger cities, is still a matter of dispute.

At any rate, the first black hero of jazz was Louis Armstrong, who created a sensation in Chicago with his wild trumpet solos of such pieces as "Struttin' with Some Barbecue," "Gully Low Blues," and "A Monday Date." His early records are still as highly prized by jazz lovers as a Beethoven symphony.

After Armstrong came many other famous swing bands like Jean Goldkette's and Frank Trumbauer's. But the popularity of jazz began to crumble about 1929 with the stock market. Maybe it is associated with business prosperity. The beginning of its comeback dates from the winter of 1935, when "The Music Goes Round and Round" ran riot through the nation.

In spite of the fact that jazz has become an American byword, no one seems to know exactly what the word means.

Greater Than Napoleon

NAPOLEON BONAPARTE was probably responsible for the destruction of more human lives than any other man. During the Napoleonic wars and those that followed it, five or six million people were killed.

Napoleon is well known to every school boy. Yet a man who saved many more lives than Napoleon lost is known only to the small group of people who have read the history of medicine. That man is Edward Jenner, the discoverer of smallpox vaccination.

As a young country doctor, Jenner noticed that dairymaids who contracted cowpox from the cows they milked seldom fell ill with smallpox. Cowpox produces sores on the skin much like those of smallpox, except that the disease is very mild. From this, Jenner got the idea of vaccinating people with cowpox serum to prevent them from having smallpox.

He tried it out on his country practice, and found that none of his patients contracted smallpox afterwards, even when they were inoculated with smallpox germs. When he finally announced his great discovery to the world in 1798, a few people received it with great acclaim. But many more opposed it violently, saying that smallpox was a visitation from God as a retribution for the sins of man.

Napoleon used the vaccine on his soldiers, as did a few other far-seeing people, but it has taken well over a hundred years for the principle of vaccination to become generally accepted.

The Social Register

THE most exclusive group in New York's high society supposedly contains only 400 members. That is a tradition which has come down to us from the days when Mrs. William Astor was the reigning society matron of the city. She limited her inner circle to 400 because that was all her ballroom would comfortably hold!

The golden age of conspicuous display in American society was during the gay nineties. Those were the days when hostesses tried to outdo each other in the lavishness of the parties they gave. Stories are still told of how guests sometimes smoked cigarettes rolled in \$100 bills and ate oysters on the half-shell, each containing a magnificent black pearl.

At one fancy-dress ball, Mr. Belmont is said to have worn a suit of gold-inlaid armor made specially for the occasion that cost \$10,000. A daughter of one Croesus was supposed to own a dressing table worth \$65,000 and a pair of bejeweled opera glasses valued at \$75,000.

The nouveau-riche of America tried to ape all the mannerisms of foreign millionaires, even to such things as fox-hunting.

The golden age was extravagant and wasteful, but it was one of the most colorful in our nation's history.

When Jim Caught the Football Fever

By H. LOUIS RAYBOLD
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"DON'T they look thrilling!" and Leila flourished a pair of pasteboard slips in front of Sue's brown eyes. "Oh, I forgot," she added, "that Jim doesn't care for football."

"Isn't it the limit?" And this time the brown eyes blazed. "When one is a football fan of the first magnitude, and has been reared on football with one's brother a coach, to have a fiancée, otherwise perfectly heavenly, who rates football a bore!"

"It is hard," sympathized Leila, "and if I were you, I should cure him or die in the attempt. What does he suppose football weather was made for?"

The subject was dropped for the time being, but Leila's assertion that Jim should be cured occurred to Sue later and she pondered just what drastic means she could employ to bring about so desirable a reform.

She wondered if brother William, now married and running a hardware store in Rawlinsville, but still acting as a coach on the side for the Rawlins eleven, could help her out. Certainly he was worth a try. So that evening she wrote and posted a bulky letter whose postscript ran: "Above all we must approach him indirectly. Jim is canny enough to shy completely if he suspects."

Brother William's reply must have been all Sue hoped for, the evening of its arrival she began her attack on Jim.

"Do you know, dear," she said plaintively. "I'm rather worn out after the summer. I have half a mind during your vacation to run up to Will's and rest. You'll be going off somewhere and I wouldn't see much of you anyway."

Jim—tall, broad-shouldered, clean-cut—regarded her quizzically. "What made you think I was going anywhere?"

"Oh, you'll want to," said Sue airily. "You need a change also. It will only be for about a couple of weeks."

"Well—" said Jim. "I had thought perhaps we'd do a little house hunting and furniture buying, but if you'd rather—"

Sue had visited her brother exactly three days when Jim's telegram arrived, followed shortly by its sender, who paused a brief moment at the College Inn to deposit his baggage and then hastened to Sue who greeted him with concealed triumph. Indirection had worked thus far.

The following morning, after breakfast (William had collected Jim and his belongings from the inn) Sue remarked that she had letters to write and could not give Jim any company until luncheon. Perhaps Jim could amuse himself for a time.

"I'll look after him," broke in William. "Have a bunch of would-bes to try out. Jim will look them over with me."

Jim acquiesced agreeably, although no doubt secretly wondering just what would-bes were in terms of hardware. Surreptitiously, Sue winked at her brother. Things had begun to move.

The two men did not show up until lunch was cold and Sue could not help but notice that Jim seemed strangely dusty and disheveled for a mere onlooker.

"Got Jim to help me out refereeing," said William nonchalantly, and Sue let it go at that.

The first game of the season was scheduled for the day prior to Sue's intended departure for home. The time was short and William daily neglected his hardware affairs to work up a creditable team. Jim tagged along also, and to Sue's pleased surprise seemed always as ready as William to get down to the field.

But not until the day of the game itself did any word of football pass between Sue and Jim. Then, "I'd like," she said hesitatingly, "to go to the game this afternoon, if you could possibly find something to occupy you."

"Go to the game? Something to occupy me?" echoed Jim, staring blankly.

"Of course, you're going to the game. I'm only sorry I can't sit with you, but your brother has asked me to be the timekeeper. It's a great game, Sue. Really, it's wonderful."

Some months later Sue met Leila and in the course of conversation football was mentioned.

"I hear," said Leila, "that Jim has become an ardent roofer. I suppose you are delighted."

"Well—maybe," sighed Sue. Then, at the other's look of surprise she went on to explain: "You see, I always wanted Jim to get interested so that we could go to the games together. But—do we? Quite the contrary. Why Jim is so keen that I'm a mere amateur beside him. As for sitting in a regular seat—nothing doing. He knows all the coaches and nothing but the side lines will do for him."

"You brought it on yourself," reminded Leila mealy.

"Oh, yes," acknowledged Sue. "But—" and she grinned. "I didn't know that football was like the measles—the older you are, the harder they hit you!"

When Jim Caught the Football Fever

By H. LOUIS RAYBOLD
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Vital Alteration

Dean Inge tells a story of how, when the Oxford prayer books were being printed, mischievous undergraduates altered the marriage services to make "as long as ye both shall live" into "as long as ye both shall like."—London Answers.

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