

# HALF-DAY HOLIDAY EVERY SATURDAY

## Amendment to the Code Sustained by Mr. Duvall.

### EFFECT OF THE DECISION

#### Opinion Rendered Yesterday by Corporation Counsel Far-reaching in Its Effect—Question to Be Taken Up by Commissioners Shortly.

Every Saturday after 12 o'clock noon is a holiday in the District of Columbia for all purposes. Corporation Counsel A. B. Duvall has so decided, and unless it is found that his opinion is erroneous the Commissioners will be compelled to close all of the offices of the District government and order a general suspension of District work in the city according to the law.

Mr. Duvall stated that if it had been the purpose to make every Saturday after 12 o'clock noon a holiday only for purposes relating to negotiable instruments, that could have been readily done by declaring every Saturday a half holiday "within the meaning of this chapter."

The clause in question was inserted in the District appropriation act, and while on its face it would seemingly only affect the employees of the District government and the many business establishments that might be affected thereby, a question has arisen as to whether or not it cannot be made to effect the closing of the departments of the General Government. It is possible that the Attorney General may be called upon for an opinion in the matter. Mr. Duvall's written opinion is quite voluminous, and is as follows:

#### Mr. Duvall's Opinion.

I have duly considered your request to be advised for guidance with respect to the District offices whether the act of Congress approved June 30, 1902, amending the code of law for the District of Columbia adds to the list of holidays in the District of Columbia, for all purposes, "every Saturday after 12 o'clock noon."

Among the amendments contained in said act were certain amendments to chapter 46 of the code, entitled "negotiable instruments," which embraces section 1304 to section 1308, five of the sections of said chapter were amended by striking out the word "act" therein, and inserting in lieu thereof the word "chapter."

These amendments were doubtless made for purposes of conformity, inasmuch as said chapter 46 was a reproduction of the act of Congress entitled "An act relating to negotiable instruments within the District of Columbia," approved January 12, 1899.

There was also an amendment to the opening section of said chapter, declaring that its provisions were not applicable to negotiable instruments made and delivered prior to January 12, 1899.

#### The Question Raised.

The remaining amendment, namely, the amendment to section 1309, raises the question which was referred to me. Said section, as it stood, was in the following words:

"When Negotiable Instrument is Payable—Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls on a Sunday or holiday the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before 12 o'clock noon on Saturday, when that entire day is not a holiday."

#### Two Joint Resolutions.

There are two joint resolutions of Congress also which relate to the pay of per diem employees of the General Government at Washington, or elsewhere in the United States, viz:

1. Joint resolution approved January 6, 1885 (23 Stat., 516), which reads as follows:

"That the employees of the navy yard, Government Printing Office, Bureau of Printing and Engraving and all other per diem employees of the Government on duty at Washington or elsewhere in the United States shall be allowed the following holidays, to wit: The 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days."

Joint resolution approved February 22, 1887 (24 Stat., 644), which reads as follows:

"That all per diem employees of the Government, on duty at Washington or elsewhere in the United States, shall be allowed the day of each year which is celebrated as 'Memorial' or 'Decoration' day and the 4th of July of each year as holidays, and shall receive the same pay as on other days."

#### For All Purposes.

By the amendment of the words "within the meaning of this section" were stricken out and in lieu thereof the words "for all purposes" were inserted at the end of the fourth paragraph. So that the fourth paragraph now reads, "the following days in each year, namely, the 1st day of January, etc. \* \* \* every Saturday after 12 o'clock noon shall be holidays in the District for all purposes."

The first and second paragraphs of said section 1309 were a reproduction of section 55 of said act of Congress relating to negotiable instruments.

The two remaining paragraphs are new matter—That is to say, the said act of Congress referred generally to holidays, while the code specifically enumerated the holidays.

The history of Congressional legislation upon the subject of holidays in the District of Columbia is as follows:

#### History of Legislation.

On June 28, 1870 (16 Stat., 163), an act was passed making certain days holidays within the District; the provisions of said act were carried into the Revised Statutes of the United States relating to the District of Columbia, and constituted section 993, which reads:

"The following days, namely, the 1st day of January, commonly called New Year day; the Fourth day of July; the

25th day of December, commonly called Christmas day, and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within the District, and shall, for all purposes of presenting for payment or acceptance, for the maturity and interest, and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, or other negotiable commercial paper, be treated and considered as the first day of the week, commonly called Sunday, and all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on either of said holidays shall be deemed as having matured on the day previous."

#### Another Amendment.

"That whenever any day set apart as a legal holiday within the District of Columbia shall fall on the first day of the week, commonly called Sunday, then and in such event the day next succeeding shall be a holiday within the District of Columbia, and shall for all purposes of presenting for payment or acceptance, for the maturity and interest, and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, or other negotiable commercial paper, be treated and considered as the first day of the week, commonly called Sunday, and all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on such holiday shall be deemed as having matured on the Saturday previous."

On June 18, 1888 (25 Stat., 185), said section 993, R. S. D. C., was further amended: "by adding to the days therein declared to be holidays within the said District, that day upon which the President of the United States is inaugurated, otherwise called Inauguration Day, and that such day shall be a holiday for all the purposes mentioned in said section."

On August 1, 1888 (25 Stat., 253), May 30, in each year, usually called Decoration Day, was made a "holiday in the District of Columbia as fully and in all respects as the days mentioned as holidays in section 993, Revised Statutes, District of Columbia."

#### Saturday Half Holiday.

On December 22, 1892 (47 Stat., 465), Saturday was made a half holiday for banking and trust company purposes in the District of Columbia, and on February 18, 1893, said act was amended. (On Statute 755.)

On June 28, 1894 (28 Stat., 96), Labor Day was made a legal holiday in the following words:

"That the first Monday in September in each year, being the day celebrated and known as Labor's holiday, is hereby made a legal public holiday, in all intents and purposes, in the same manner as Christmas, January 1, February 22, May 30 and July 4 are now made by law public holidays."

The earliest act of Congress on the subject of holidays is the act approved July 4, 1838 (5 Stat., 112). This relates exclusively to the transaction of public business in the offices and bureaus of the General Government, and is as follows:

"That from the first day of the month of October until the first day of the month of April, in each and every year, the General Land Office and all the bureaus and offices, as well as those in the department of the Treasury, War, Navy, State and General Postoffice shall be open for the transaction of the public business at least eight hours in each and every day, except Sundays and December 25, and from the first day of April until the first day of October in each year all the aforesaid offices and bureaus shall be kept open for the transaction of the public business at least ten hours in each and every day, except Sundays, and July 4."

That the employees of the navy yard, Government Printing Office, Bureau of Printing and Engraving and all other per diem employees of the Government on duty at Washington or elsewhere in the United States shall be allowed the following holidays, to wit: The 1st day of January, the 22d day of February, the 4th day of July, the 25th day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days."

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"That all per diem employees of the Government, on duty at Washington or elsewhere in the United States, shall be allowed the day of each year which is celebrated as 'Memorial' or 'Decoration' day and the 4th of July of each year as holidays, and shall receive the same pay as on other days."

Neither said act of July 4, 1838, nor said joint resolutions were affected by the code of law for the District of Columbia, which expressly exempted from repeal in its concluding chapter:

"6. Acts and parts of acts of Congress relating solely to the departments of the General Government in the District of Columbia or any of them."

But not so the remaining above-mentioned acts of Congress: being general and permanent in their nature, and applying solely to the District of Columbia, and the parts of acts of Congress, legislative assembly of the District of Columbia, and all like acts and parts of acts of Congress applying solely to the District of Columbia in force in said District on the day of the passage of this act are hereby repealed, except," etc.

If I am correct in this view of the repealing clause of the code, then it follows that the only provisions for holidays in the District of Columbia, outside of the above-mentioned provisions respecting the offices of the General Government, are those found in said section 1309 of the code, which, unamended, restricted said holidays to "holidays within the meaning of this section," and the amendment may have been intended to remove that restriction.

Whatever its purpose may have been, its legal effect was to place all of the designated holidays on the same footing. As above indicated, the amendment to this section, now under consideration, is a departure in phrase from the other amendments to the chapter; the change of phrase appearing to have been made ex intentione.

If the intention had been to make every Saturday after 12 o'clock noon a holiday only for purposes relating to negotiable instruments, that could have been readily done by declaring every Saturday a half holiday "within the meaning of this chapter."

#### Same as Other Days.

I am, therefore, of the opinion that by reason of said amendment to the code "every Saturday after 12 o'clock noon" is a holiday in the District of Columbia in the same sense and to the like extent as the other days enumerated in said section 1309.

It will be observed that the only business of any character prohibited by the code on these holidays relates to matters concerning negotiable instruments.

These holidays, therefore, are not to be classed with Sundays, which, at common law, was dies non juridicus. Speaking of holidays, the Supreme Court of the United States, in Richardson v. Goddard (23 How., 28), said:

"Formerly the courts sat even on Sundays, inasmuch as made on that day considered illegal or void until the statute of 29 Chas. II. was enacted, whereby 'no person whatever is allowed to do or exercise any worldly labor or work of his callings on the Lord's day, but this prohibition was never extended, either by statute or usage, to other church fasts, festivals, or holidays.'"

Referring to some of the features incident to legal holidays, it is said in 20th Enc. Ill. and Pr. 1295, that:

"In many of the States it is expressly provided by statute that no courts can be opened or judicial business be transacted on any legal holiday, with certain specified exceptions. Where a statute enumerates what is forbidden to be done on a holiday, the performance of other things being discretionary, judicial acts not specially prohibited which are performed on that day are not void. Municipal courts may properly be performed on legal holidays in the absence of express statutory provisions, and statutes prohibiting judicial acts do not apply to such as are merely ministerial."

Holidays, it seems, have only the sanctity attached to them by the particular statute, and all business may be transacted on them except such as is expressly forbidden.

#### PUBLIC WORK ORDERED.

##### Sewers to Be Constructed in Various Localities.

The District Commissioners yesterday issued the following orders:

That sewer be constructed along the north side of S Street northwest, between Eighteenth and Twentieth Streets, at an estimated cost of \$3,435, chargeable to the current appropriation for main pipe and sewers.

That sewer be constructed crossing the intersection of Connecticut and Kalorama Avenues at an estimated cost of \$170, chargeable to the current appropriation for suburban sewers.

That sewer be constructed along the south side of O Street, crossing the intersection of M and Half Streets southwest, at an estimated cost of \$150, chargeable to the current appropriation for main pipe and sewers.

That sewer be constructed along the west side of Third Street southwest, crossing O Street, at an estimated cost of \$110, chargeable to the current appropriation for main pipe and sewers.

That sewer be constructed along the south side of Decatur Street, crossing Florida Avenue and crossing the intersection of Massachusetts Avenue and Decatur Street, at a total estimated cost of \$250, chargeable to the current appropriation for main pipe and sewers.

That sewer be constructed along the north side of Columbia Road at an estimated cost of \$946, and in Champlain Avenue between Erie Street and the south side of Columbia Road and along the south side of Columbia Road eastward from Champlain Avenue at an estimated cost of \$100, all chargeable to the current appropriation for suburban sewers.

That sewer be constructed along the way across the property of Westman College in Anacostia, D. C., at an estimated cost of \$2,100, chargeable to the current appropriation for suburban sewers.

That a 10-foot strip of gravel be laid on Flint Street, Forty-seventh Street, Erie Street, Forty-eighth Street, Chesapeake Street, Forty-ninth Street, Arden Place, to junction of Forty-ninth Street and Maryland Mill Road, at an estimated cost of \$490, chargeable to the current appropriation for repairs to roads.

Will Leave Property to Husband.

The will of Mrs. Charlotte R. White, dated August 29, 1900, was filed yesterday for probate. She leaves her residence at the southeast corner of Fourth and T Streets northwest to her husband, Charles A. White. She also bequeaths to him all her other property, real and personal.

PIANOS IN EMERALD

More Square Pianos Wanted By the Bradbury Co.

Mr. Van Winkle Returns From Brooklyn After a Fruitless Search for Second-Hand Pianos.

Mr. W. P. Van Winkle, of the Bradbury Piano Co., who has just returned from a trip to the Brooklyn office, says he failed to secure any square pianos, while there to supply the demand from the country branches. The manager of the Brooklyn factory, which contained over 300 square pianos, had caused square pianos to be sent to call on Washington to supply them with second-hand square and upright pianos at once.

Anyone who has an old piano in storage or second-hand square or upright pianos, should call on the Bradbury Piano Co. right away. They will take any make piano—Bradburys, Chickering, Steinways, Knabes, Bechsteins, Stubbins, Fishers, Webbers, or the piano of any other make, paying a due bill in exchange, which will be honored and accepted the same as cash at the local warehouses, 1225 Pennsylvania Avenue, or at any Bradbury warehouse in the country in the purchase of a new upright.

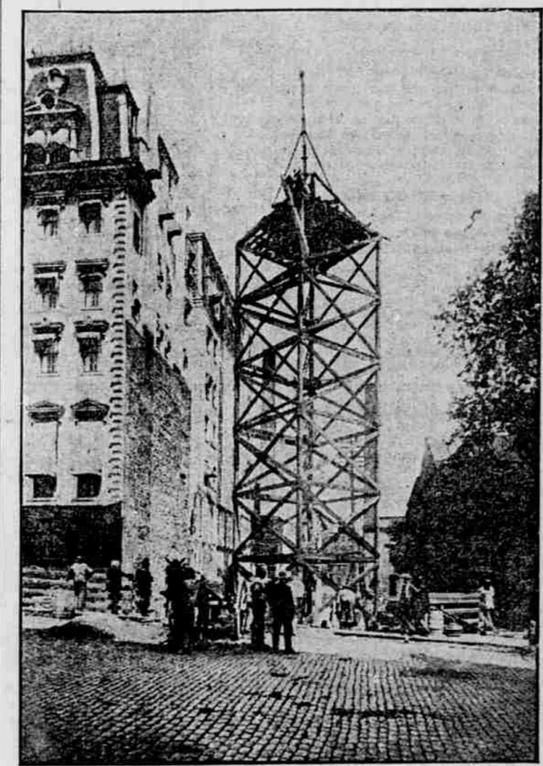
The Bradbury Company will move the old piano from your residence or the storage house to their warehouse free of any charge, and will move all pianos shipped them from points outside of Washington from the freight depot without charge. Simply notify them on the date of shipment and railroad over which piano is shipped.

No one should feel like holding on to an old second-hand square or upright piano, which must be steadily decreasing in value all the time, when such a good opportunity as this presents itself of disposing of the instrument to good advantage.

## UNUSUAL PLAN IN CONSTRUCTION.

One of the most peculiar building constructions that has attracted the attention of the Washington public for some time is the massive framework where the eight-story office building is to be erected on Fourteenth Street next to the Ebbitt House. The structure runs up to a height of ninety-four feet,

tal height of the peculiar tower 114 feet. The work on the new building is being done by a Washington man, Mr. James H. McGill, who, in explaining the purpose of the odd-looking tower to a Times representative yesterday, said: "That tower construction to support the derrick arms is one of the most



The Power Derrick.

not obstruct the erection of the steel uprights and girders in the least. There are two huge arms on the top of the tower, one facing toward the alley in the rear of the premises and the other toward Fourteenth Street. In a few days we will have two separate engines set up and two gangs of men, so that double work can be done. The front part of the structural steel work can be placed up, and the back part run up with it at the same time, neither derrick interfering with the other.

"But the greatest advantage of the tower is the fact that it can remain just as it is until the framework with its consequent heavy lifting is completed. Ordinarily these derricks are merely erected on each floor of the building as it is put up, so as to permit the beams for the floor above to be hoisted into place. When this is done the whole force is taken from its regular work and made to take the derrick apart and raise it to the next story, where it is again set up. This process usually takes at least two full days, and in a building of eight stories, such as this will be, sixteen days are practically wasted in this continual shifting of the derrick."

"With this one tower having the derricks at the top, the work can be pushed right ahead without this sixteen days' delay. And this saving of time often means much in the erection of a big modern building. Here the trucks carrying the steel girders and parts of the framework can come right up to the back alley and to the front of the lot on Fourteenth Street, where they can be quickly unloaded by the two swinging arms of the tower derrick, and the material placed on the ground at the base of the structure. From here it can be lifted into place at a moment's notice."

#### DISAPPEARANCE OF SECRETARY MOODY

##### Supposed, From Word Left Last Friday, He Has But Taken Trip Down River on Sylph.

Secretary Moody disappeared from the city, officially, Friday evening leaving no word as to his next address. In consequence, conjecture has since been busy, and has located him at almost any point from Oyster Bay to Newport News.

His only message, it is said, was that he would reappear Monday morning, and some ground for the theory that he has but taken a run down the Potomac on the Sylph is found in this message.

#### Injured by Fall From Car.

Mary A. Grant, sixty years of age, living at 647 Maryland Avenue northeast, fell from a Capital Traction car near the corner of Seventh Street and Pennsylvania Avenue northwest, about 8 o'clock yesterday morning, receiving painful injuries to the hip. She was removed to her home.

#### B. RICH'S SONS,

High-grade Footwear,  
Ten-one F Street—Cor. 10th.

We can fill your mail orders to perfect satisfaction, and your being at the seashore, country or mountains need not deter you from getting just the shoes you need and the correct fit. Special attention is given to this feature of our business, and during the summer months it is extraordinary. Most of our patrons will wear no other shoes but ours, and find when they get away from this city they have forgotten something. If you send us the number registered in your shoe along with a delineation of your foot upon a piece of paper you will be sure to receive what fits you the first time. If you shouldn't we'll be pleased to send them until you do.

Buckskin, linen, and canvas shoes have become the correct footwear for the seashore, as the salt air is most disastrous to leather shoes.

Heavy calf shoes with extension soles and heels are best suited for mountain wear, as the rough walking among the rocks and peels the leather if very soft and thin. A very extensive showing is made in this line of footwear.

For yachting, tennis, golfing, rowing, riding, and the playing of all sports, you should wear the shoes made for such uses.

We've every sort of shoes for every purpose for which shoes are made, and we show exclusive styles in each line.

For house and veranda wear we show barefoot sandals in many styles.

Store Closes Daily at 5 o'Clock, Saturdays Excepted

## GOLDENBERG'S

### SEVENTH AND K STREETS.

Balance of that Great Purchase of Men's Negligee Shirts, Worth \$1.00, \$1.25 and \$1.50 **48c**

Great, good news! Out goes every Negligee Shirt of that all-eclipsing purchase made last week at a price never equaled for Shirts of such superior goodness and high grade quality. They are the celebrated "IMPERIAL" brand Negligee Shirts, of best imported madras, in all the best styles and colorings of the season, including oxblood, black and white, blue, pink, lavender, in all sorts of fashionable stripes. Latest styles in both plain and pleated bosoms. With each shirt a pair of separate cuffs. All sizes from 14 to 17.

Imported Fancy Pique and Oxford Madras, silk corded. Regular 25c and 19c qualities. Reduced to **12 1/2c**

50 pieces of Satin Stripes Lawns; quality sold all season at 10c yard. Reduced to **6 1/2c**

48-inch fine Persian Lawn, beautiful material for white dresses and waists. Reduced for Monday to **22c**

Corded and Checked Lawns; neat patterns; entirely fresh and new; for aprons and children's dresses. Monday at **3 1/2c**

Fresh, sheer quality Dimities, in white, black, and leading colors. Special for Monday at **8 1/2c**

Swiss Organdies, in black, white, and the season's choicest colorings; sheer quality. Special for **10 1/2c**

#### SHIRT WAIST SUITS FOR 98c.

Just think of it—a well-made, perfect-fitting Wash Suit for 98 cents. A lot of 200 Shirt Waist Suits, of percale, in neat black and white stripes, also plain madras. Waists are full blouse front, and skirts are graduated flounce with strap trimming. All sizes from 22 to 44. Tomorrow at 98 cents for choice.

#### FOUR GREAT LOTS OF WASH GOODS FOR MONDAY.

Here are assembled the "best pickings" from the entire stock of Wash Goods. Choicest styles of the season—most favored weaves and colorings—are to be distributed at amazingly little prices. You have come to look for best assortments and biggest values here, and we shall not disappoint you.

LOT 1—Consists of 200 pieces of Madras and Embroid Batiste Lawns, in a very wide assortment of light and dark patterns. Patterns of every new and desirable sort—a choice that includes every conceivable sort. Regular 10c and 12 1/2c qualities, for **5c**

LOT 2—Includes Rare Dimities, Spiral Leno, and Given Batistes, in light, dark, and tinted grounds. The variety of colorings and patterns is prodigious, and includes all the choicest styles of the season. Among them the favorite Polka dots. Regular 12 1/2c qualities, for **7 1/2c**

LOT 3—Is made up of 200 pieces Emerald Dimities, in beautiful colors and entirely new patterns. Also plain-colored Lawns, including the popular linen shade. Superior quality and the weaves in highest favor. Regular 12 1/2c values—60c. **8 1/2c**

LOT 4—Offers an unexampled choice of the loveliest fabrics of the season, including Holly Batiste, Geneva Dotted Swiss, Sea Island Dimities, and Lace-stripe Lawns. In rich colors and choice patterns; also plain colored Dimities, Polka dots, and Swiss. Regular values, 9 1/2c worth up to 18c, for **9 1/2c**

#### SURPRISE SALE OF NOTIONS.

2c Wood Cabinets Hairpins.....1c  
12c Collar Forms.....3 1/2c  
6c Tubular Shoe Laces, dozen.....2 1/2c  
10c Puller's Machine Oil.....3c  
10c Ladies' Garters, with belt, pr. 3c  
5c Smith's Best Needles, paper, 24pc  
2c King's 200-yd. Spool Cotton.....1 1/2c  
12 dozen Agate Buttons for.....4c  
5c French Bones, all sizes; doz. 2 1/2c  
10c Genuine 2 and 4-hole Pearl Buttons; all sizes; dozen.....4c

6 spools Clark's O. N. T. Cotton for.....20c  
25c Genuine Steel Scissors; all sizes; pair.....10c  
5c Dexter's Knitting Cotton.....3c  
Threads, ball.....3c  
10c Filled Garter Web, strip.....2c  
Fancy Glasshead Pins; assorted; box.....10c  
15c Child's Rubber-end Garters; all sizes; pair.....7 1/2c

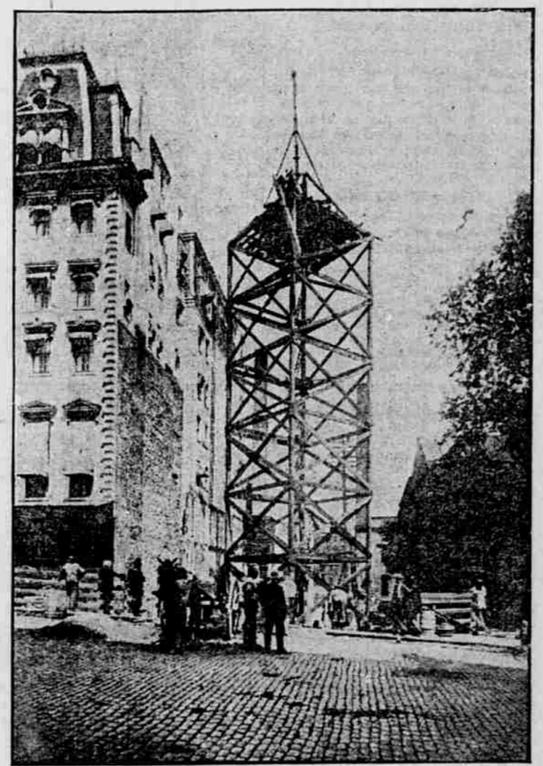
50 feet best quality Cotton 5c  
Clothes Lines, worth 10c.....5c  
Two-burner Oil Stoves, with 2 1/2 inch wheels, brass legs for turning wheels, and safety water pans. 59c Special.....59c  
Furnace Refrigerator, with removable and adjustable parts, galvanized iron lined, steel ice rack, mineral wool and charcoal packing, full brass trimmed, ball-bearing casters and patent drip cup.....\$7.98

12c Walnut-finished Window Screens, 18 inches high, open 8 1/2c to 34 1/2c. Special.....8 1/2c  
Walnut-finished Screen Doors, complete with fixtures; in all 6 1/2c sizes; bring measure.....6 1/2c  
8-ft Granite Iron Covered Seamless Sumpcans. Special.....7 1/2c  
3c 3-piece Steel Garden Sets (large size), Hoe, Rake, and Spade, 24-inch handles.....15c

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