CONTRACTOR NEED NOT ESCAPE

CITY CAN COLLECT DAMAGES FOR DELAY

Punitive Penalties Unlawful, But Damages Can Be Claimed

City Engineer Thomson's startling statement that the city cannot collect penalties from contractors unless the adjoining property owners will come into court and show actual damages, is not endorsed in full by the corporation counsel's office.

In a hasty opinion prepared yesterday, the corporation counsel holds that the city, as trustee or agent for the property owner, can show actual or computed damages arising over an unusual or unnecessary delay in street contract work, and from the same reason can enforce the collection of damages. The opinion follows:

City Can Collect.

"When it has been agreed between contracting parties that upon the failure of one of the parties to complete his work he shall pay the other party a stipulated sum, that clause in the contract is not enforceable if the sum agreed upon is in the nature of a penalty, that is, if it is intended merely as a punishment on the defaulting party, and is not in proportion to the actual damage likely to flow from the default.

"But if the contract is such that a breach gives rise to damages that are speculative and necessarily uncertain and difficult of actual computation, and the parties have agreed upon a stipulated measure of damages to be assessed in case of default, the agreement of the parties concerning the amount of damage will be enforced by the courts unless the amount stipulated for is so palpably disproportionate to the actual damages likely to flow from a breach as to amount to a penalty."

WILL OPEN UP MAGNOLIA WAY

Proposing a 100-foot thoroughfare from the intersection of Second av. N. and Broad st. to the intersection of Elliott av. and W. Mercer st., the council street committee yesterday decided to introduce an ordinance for the opening of Magnolia way. The cost of the street will approximate $300,000. It is the first big job of the kind proposed under the new law by which the city can define the boundaries in which the eminent domain commission are to fix assessments.

As a result of this added power there is no question but that the council will fix an assessment district embracing a very large area, including Ballard. As this law does not become effective until the middle of June, the intervening time will be occupied in preliminary work.

CITY PAYS FOR, BUT DOSEN'T GET, A SEAL

While Mayor Miller yesterday signed the ordinance appropriating $250 to pay as prizes to the winners in the "city seal" contest, the council has not authorized the adoption of either of the three winning designs as an official seal, and until this is done the city will be in the position of buying something which it cannot use.

The members of the council are far from united on the question of the designs accepted by the special seal committee. Many of the city dads believe that the committee made its decision wrong end to, and others say they do not see the necessity of a seal anyhow.

FORMER SENATOR PASSES AWAY

(By United Press.)

WASHINGTON, April 23.—William Morris Stewart, former United States senator for Nevada, died this morning at the Georgetown hospital. A fortnight ago he underwent an operation for enlarged glands. The operation was apparently successful, but Wednesday he suffered a relapse.

Senator Stewart was born at Lyons, N. Y., August 9, 1827. He entered Yale college, but before completing his course was attracted by the gold discoveries in California. He arrived in San Francisco in May, 1850. In 1852 he was admitted to the bar, and in 1854 served as attorney general of California.

He removed to Virginia City, Nev., in 1860, where he practiced law. He also became interested in the famous Comstock mine and amassed a fortune. He served as United States senator from Nevada from 1863 to 1875, and from 1887 to 1905.

MAYOR SIGNS ORDINANCE.

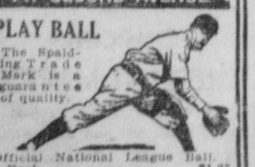
The new ordinance requiring the city council to license and keep tab on places where pool and billiards are played was signed yesterday by Mayor Miller.

SPALDING'S ATHLETIC STORE

711 SECOND AVENUE

PLAY BALL

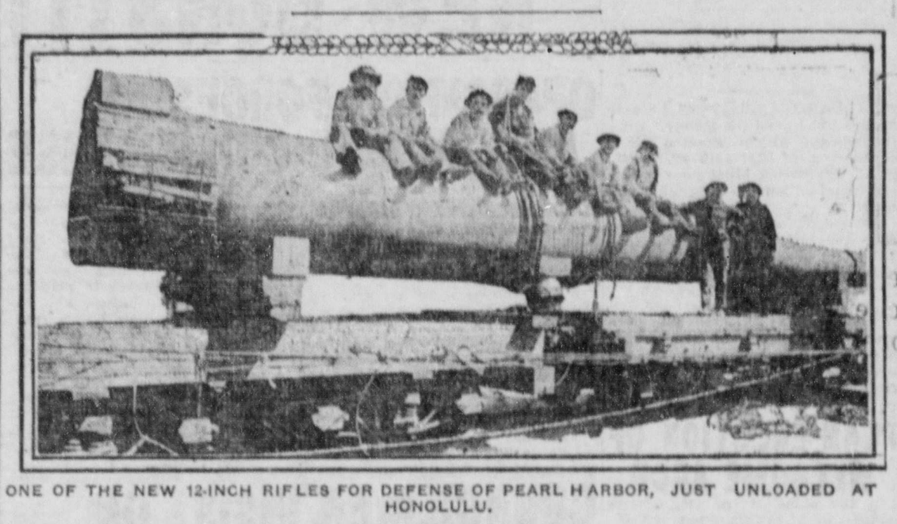
The Spalding Trade Mark is a guarantee of quality.



Official National League Ball. Each $1.25
Bats, dozen styles to select from ..... 10c up
Catchers', Fielders' and Basemen's Mitts, half hundred different styles ..... 25c up
Youths' Uniform No. 6, $1.00—Others, $2.00, $4.00, $5.00, $6.00, $7.50, $10.00, $12.50.
Spalding Catalogue of all Athletic Sports (144 pages, 2,000 illustrations) mailed free.
Open Saturday evenings until 10.

A. G. SPALDING & BROS.

WITH FIRST OF BIG DEFENSE GUNS ON HAND HAWAII BEGINS TO FEEL SECURE



ONE OF THE NEW 12-INCH RIFLES FOR DEFENSE OF PEARL HARBOR, JUST UNLOADED AT HONOLULU.

HONOLULU, Hawaii, April 23.—Two great 12-inch coast-defense rifles have just been unloaded here, and are now being mounted on the new fortification works at the entrance of Pearl Harbor. They are of the latest type of disappearing gun, each weighing 57 tons, and will form an important unit to the extensive system of defenses for the island which are now under way.

The work of lifting the great weapons from the hull of the barge in which they were towed from San Francisco occupied three weeks.

Just east of Honolulu, and on the landward side of the extinct crater cone of Diamond Head, the big mortar batteries which have been in process of construction for over a year are now practically completed. Here eight 12-inch mortars are mounted in two batteries and sweep the approach to Honolulu from the east and from the south.

HEROIC EFFORTS TO SAVE MAN'S LIFE ARE FUTILE

PORTER FINALLY SUCCUMBS AFTER BEING AT DEATH POINT SEVERAL TIMES.

After suffering intense pain for seven days, Elisha B. Francis, a colored porter, died at the city hospital this morning. The body was taken to the undertaking establishment of Butterworth & Sons. No arrangements have yet been made for the funeral.

Francis, on the morning of April 17, swallowed a bichloride of mercury tablet, mistaking it for a headache wafer. Francis was hurried to the city hospital and brought back to consciousness. On the day following his fatal error the muscles of Francis' throat became paralyzed, and it became necessary for the hospital physicians to insert a silver tube into the man's thorax to supply his lungs with air.

Several times later Francis was on the verge of death, but in each instance the vigilance of the hospital physicians intervened. A few days ago uraemia set in, and the end came this morning. Francis was 31 years old. He leaves a mother, Mrs. Rosche Dixon, who lives at 1206 Washington st., and a sister.

STUDENTS APPEAR IN PLAY TONIGHT

Tonight the Broadway high school students will appear in "She Stoops to Conquer," at the Arcade hall, under the auspices of the Alpha Literary society of the Broadway school. The players fit their parts in every respect, and Mrs. G. W. Saunderson, the local dramatic coach, says that she has never handled the production of a play in which the actors looked the characters as well.

The production is receiving the support of the student body, and a large sale of tickets is reported. Miss Melick, the high school instructor who has had charge of the play, says that, being the crowning effort of the dramatic students, it will make a great hit. The curtain will rise at 8 o'clock.

BAD MAN AT LARGE AND BIG REWARD IS OFFERED

CHARLES PHILLIPS, MURDERER, HAS SWORN TO KILL SEATTLE OFFICER.

Charles Phillips, the half-breed Indian who murdered Detective James Wells on the night of November 29, 1897, in front of police headquarters, and who swore, when sentenced to Walla Walla for 12 years, that he would return to Seattle to "get" another detective and a local physician, is the object of much concern to Gov. Hay.

A reward of $250 has been offered by the governor for the arrest and conviction of Phillips, who is now wanted for the murder of Rawl Siebert, in Ferry county, July 25, 1908.

Before Phillips came to Seattle in 1897 he served a term in the penitentiary at New Westminster, B. C. He was arrested by Detective Wells within 15 minutes after reaching Seattle. While climbing from the patrol wagon Phillips pulled a revolver from his pocket and shot Wells through the heart.

He was run to earth a few blocks away after being shot through the right wrist. The hand was later amputated. Phillips always swore to return to Seattle to murder the physician who needlessly, he claimed, amputated the hand. He also said he would murder the detective who shot him through the wrist if it was the last act of his life.

When released from the Walla Walla penitentiary, Phillips went to Ferry county, where he murdered Siebert.

Do you want to buy a cigar stand? See the business chance column.

PREVENTS A HOLDUP

Hearing cries for help in an alley on Main st. near Third av. south, last night, Patrolman Thomas Nash arrived in time to prevent what he thinks was a bold attempt to commit highway robbery.

When Nash reached the alley he saw two men struggling. Nash placed the combatants under arrest. Andrew Lodahl, who emitted the cries for help, says J. L. Morris was trying to rob him. Nash says Morris has been in trouble before.

CASTRO BACK IN FRANCE

MAN WITHOUT A COUNTRY IS GOING TO SPAIN TO LIVE FOR TIME.

(By United Press.)

SAINT NAZAIRE, France, April 23.—With former President Castro, of Venezuela, as one of its passengers, the steamer Versailles arrived here at daybreak today.

No attempt was made on the part of the government to prevent him from landing. He was simply treated as an ordinary passenger, no favor being shown him. It was evident that the former dictator is a very sick man, as he could not walk without the assistance of a nurse. He declared his intention of staying here for Paris, and thence for Spain.

In a statement after landing, Castro said:

"The authorities say that I am free. This is untrue, inasmuch as I am not permitted to return to Fort De France. If I had been free I would have returned to Venezuela and with my former army would have recovered power."

TRANSFER SALE

Clothing, Hats, Shoes and Furnishings on sale at 424 Pike st at tremendous reductions. Sale opened today. Come early tomorrow for bargains. You'll not be disappointed.

$1.00 a week

Will Dress You Well

Buy your spring apparel here on credit for the same price as you will have to pay elsewhere for spot cash. Why deprive yourself of all your ready cash when we are willing to wait for our money? Our unequaled buying facilities enable us to sell on long time at strictly low cash prices.

Very complete and down-to-date stocks of Men's and Women's Ready-to-Wear Apparel ready for your selection.

Men's and Youths' Suits From $15 Up; and Ladies' and Misses' Suits From $15 Up

Pacific Outfitting Co.

422—PIKE STREET—422

Home of Popular Credit, Store Open Saturdays Until 10 p. m.

WE DRESS YOU WELL FOR $1.00 A WEEK.

THE END IN SIGHT

Four Contemplated Piano Clubs Nearly Filled

Your Last Opportunity to Join in Wholesale Buying. Two More Carloads of Club Pianos Arrived Yesterday. By Joining One of the Piano Clubs We Guarantee a Saving of $85 to $190. Don't Miss This Opportunity.

If you intend to join one of the Johnston Piano Clubs and benefit with others in wholesale buying, you will have to make application at once—without delay.

We have nearly reached the four hundred mark, and at the rate memberships are now pouring in all the Clubs will be filled in the next few days. Remember, there's no dues or waiting. Simply join whichever Club best meets your requirements, make the initial payment, and the piano is delivered at once.

It is not yet too late to join Club "A," with payments of $6 down and $1.25 to $1.50 weekly.

Club "B" is nearly filled, and "C" will undoubtedly reach its limit in the next few days. In the first, terms are $10 to $15 down and $1.75 to $2.00 a week; in Club "C," $15 to $20 down and balance at the rate of $2.25 or $2.50 weekly.

About three-fourths of the necessary members have already joined Club "D." In this Club those joining secure the very finest grade instruments on terms of $20 to $25 down and $2.75 to $3.50 weekly.

Monthly payments in any club can be arranged if desired.

WHAT CLUB BUYING MEANS.

Remember that you have never been able heretofore to buy a strictly brand new, fully warranted piano for anywhere near $250 that is as good and reliable a one as is now offered to members of Club "A" for $165; and for $253 we are now turning over to Club Members a splendid, well made and most desirable instrument that cannot ordinarily be obtained for less than $350.

This Co-operative Buying that makes these big savings possible. It's the joining together of five hundred players and buying these instruments practically at one time. In reality it's the application of the wholesale principles to the retail department.

On the Club Plan we are able to offer the very finest high grade instruments, that always bring $550, $600 and $650—we say we are able, on the Co-operative Plan, to offer these to Club Members for $396, $428 and $462.

The very choicest $450, $475 and $500 values, Club Members secure for $320, $337 and $360.

ALL ARE NEW ONES.

For the purpose of convincing everyone of the genuineness of this occasion, we wish here to state that every piano included in this Co-operative Club Plan is strictly brand new and the very latest catalogue style.

Your choice between such well known makes as the Kimball, the artistic Hobart M. Cable, the popular Schumann, the famous Lester, the time-honored Hallet & Davis, the reliable Marshall & Wendell, Story & Clark, Schubert, Johnston, and a score of other equally meritorious makes.

Bear in mind there's no dues or red tape or waiting on the Club Plan. Select your piano, make the first payment, and the instrument is delivered at once. Balance in easy weekly or monthly installments as stated above.

Remember, too, that we are doing business on the broad basis, "Money back if not exactly as represented."

Don't miss this opportunity to share in wholesale buying. If you cannot call tomorrow, morning or afternoon, drop in tomorrow evening. Store open until 10 p. m. D. S. Johnston Co., Washington's Oldest and Largest Piano Dealers, Johnston Co. building, Third and University.

SUFFRAGISTS MEET

Seattle's vote-seeking women suffragists indulged in a card party yesterday afternoon, at the Fairfield, in which all spare time was used for the purpose of recruiting new members.

Incidentally a fee was exacted from those attending to swell the entertainment fund for the National convention which meets here in July.

Mrs. Nell Mitchell Fick and Mrs. E. M. Rininger were the hostesses.

BANK SUES FOR MONEY STOLEN BY ROBBERS

(By United Press.)

LOS ANGELES, Cal., April 23.—Suit has been brought against the Maryland Casualty company of Baltimore by the First National bank of Monrovia, in the superior court here, to recover $20,000 alleged to be due the bank on account of the robbery of the bank some time ago by Allen George Beatty and his associates. The bank had four policies with the company, indemnifying it against loss by robbery, and upon attempting to recover on the policies the bank was informed from the home office of the company that it was held that the directors of the bank were negligent and therefore no settlement would be made. The robbers secured about $29,000, $7,000 of which was recovered after the capture of members of the gang.

CANADIAN NORTHERN PLANS EXTENSIVE BUILDING

(By United Press.)

WINNIPEG, April 23.—D. D. Mann, vice president of the Canadian Northern railroad, arrived here last night and said his company will spend more than an average of $1,000,000 a month during the rest of the year on new construction. In addition rolling stock to the value of $3,000,000 will be purchased.

In all the company will build approximately 400 miles of new track in Western Canada this year, including a portion of the line westward from the Rocky mountains to the Pacific Coast, surveys for which are now being made.

NEW ALASKA PAPER

(By United Press.)

CORDOVA, Alaska., April 23.—Braving the day, also the number "23," Robert McChesney, a well known newspaper man, started an afternoon daily here today that will be known as the North Star. Mr. McChesney was for years in the newspaper business at Fairbanks.

There will be big doings now, as the Daily Alaskan, the pioneer newspaper here, will make a hard road for its competitor to travel. The Alaskan secures the up-to-the-minute service of the United Press.

CRUMLEY DIES OF HIS INJURIES

As a result of being struck by a Northern Pacific train at Bothell Wednesday morning, Field Deputy Arthur Crumley, under County Assessor Thomas A. Parish, died at the Seattle General hospital yesterday afternoon.

Mr. Crumley leaves a wife and three daughters. The body will be shipped to Bothell for interment. Funeral arrangements have not been announced as yet.

Minstrels Tonight

Funny amateurs at Shell theatre tonight. Third av., between Pike and Union. ***

MRS. SCOTT ELECTED

(By United Press.)

WASHINGTON, April 23.—Mrs. A. R. Scott, of Illinois, the administration candidate for the office of president-general of the Daughters of the Amerigan Revolution was elected today, having received 436 votes. Her only opponent, Mrs. Story of New York, who was the candidate of the anti-administration faction, received 428 votes. This has been the closest race ever witnessed in the history of the organization. The count was completed at 10:30 o'clock this forenoon.

The Continental hotel was packed with delegates when the announcement of the vote was made. Mrs. Story immediately made a motion that the election of Mrs. Scott be declared unanimous, but it was not carried. In declaring the motion lost, Mrs. McLean, chairman of the convention, complimented Mrs. Story on the gracious manner in which she accepted her defeat. Some of the delegates are suggesting a contest, alleging that outsiders had been in telephonic communication with the tellers' room.

PULLED FROM FIRE

(By United Press.)

SUMNER, Wash., April 23.—While burning brush Joseph Murphy fell into the fire and was held there by a log. His two little daughters near by saw his predicament and pulled him out. He was badly burned about the head and chest but will live.

HOGGATT IN FRISCO

(By United Press.)

SAN FRANCISCO, April 23.—Gov. W. B. Hoggatt, of Alaska, has arrived here and will leave in several days for Seattle, thence to Juneau.

TIDE FLATS SANITARY

The long reaches of tideland beneath the wharves of the waterfront, once reeking with filth and seepage, and for years festering holes of germ-laden debris, are now comparatively clean.

Health Commissioner Crichton and several assistants walked almost the entire distance beneath the long wharves yesterday, and report that, with few exceptions, practically every foot of ground is in a sanitary condition and clean of all rubbish which would offer food for rats.

WILL MEET COMPANY

Capt. John E. Carroll, recently authorized to organize a new company of national guard infantry, will be at the armory tonight to receive applications for admittance.

"If they keep coming in as fast as they have in the last few days," said Capt. Carroll, "the company will be ready for inspection by April 27."

Fun—Fun—Fun

Amateur minstrels tonight at Shell theatre, Third av., between Pike and Union. ***

Benson Clothing Company

—HAVE—

TRANSFERRED

Stock of High Grade Clothing and Furnishing Goods to the Fitwell Clothing Co., and the entire stock must be sold in 10 days. Never before has such a sale taken place.

$35.00 Suits at $14.75
$30.00 Suits at $13.75
$25.00 Suits at $12.50
$20.00 Suits at $9.75
$1.50 Shirts at .....95¢
$3.00 Shirts at $1.39
$2.00 Shirts at.....$1.25
75c Shirts at .....39¢

Every dollar's worth of goods are new and up-to-date, but must be sold.

Yours for Big Doings,

The Fitwell Clothing Co

501 PIKE ST.

Comfortable Rockers

In a variety of patterns—pleasing things in Mission.

"Get Poynor's Prices."

S. H. POYNOR—Furniture

Waldorf Bldg. 708-10 Pike St.

Ladies' Hats Reblocked

Straws and Panamas of all kinds cleaned, bleached, dyed and resewed in latest styles.

MODEL MILLINERY CO., 520-25 People's Bank Bldg. 5th Floor. Main 1619; Ind. 4920.

THE CHICAGO MISFIT PARLORS 1400 FIRST AV.

Wonderful values in Men's Tailor-Made Uncalled-for Suits, Overcoats, Cravenettes and Trousers. A fine new line of Men's Furnishings, Hats, Caps and Suit Cases. Also Full Dress Suits for rent.

WHEN PRINT BLURS

Irritable temper and general discomfort result. We positively cure this condition with our specially ground glasses. Schuchard Optical Co., Eye Specialists, 1207 Second av., Seattle.

GREAT BUNDLES OF WALL PAPER

Are daily being shipped into the suburban towns—showing you that your neighbors are taking advantage of the Great Stock Reducing Wall Paper Sale now in progress at the

FEDERAL PAINT & WALL PAPER CO., 1314 First Ave.

STATE TO SELL ITS GRAIN SACKS

(By United Press.)

OLYMPIA, April 23.—The state will at once place two men on the road selling grain sacks. The revenue derived is expected to reach at least $175,000.

PRAIRIE FIRES

(By United Press.)

PECOS, Tex., April 23.—After burning four days, sweeping an area of 200,000 acres and causing an estimated loss of $50,000, a prairie fire was extinguished near this town.

EL PASO, Tex., April 23.—Reports reached here that large fires are sweeping the country near Toyah, Marfa and Marathon, destroying all in their path. More than 100,000 acres have been swept clean at Toyah.

Interested in Milk Crusade.

Portland's new milk inspector, Dr. D. W. Mack, is in Seattle investigating the manner in which Health Commissioner Crichton looks after the milk situation in this district.

A FINE JOB

Three carpet layers. 1318 Almy. East 128. —17-19

Ever lay carpets?

Swell job—isn't it?

Do you think you'd ever get down on your knees and lay other folks' carpets after you've almost cracked your back laying a few strips in a couple of rooms for your wife?

Not much.

It's a pretty hard matter to get any person to work all day long at that sort of work.

There's nothing wrong with the job.

Good pay and all that.

But it's just naturally hard to get men to lay carpets—even for the B. W. O. E.

Geo. M. Mumford lives at 1318 Almy st., over near Lake Union.

He'd been doing his level best to get hold of three men to lay carpets for several days.

He put an ad in two other Seattle papers.

Nary a one answered the ad in either paper.

Then he came to The Star.

Like all the rest of them.

The second day we had him fixed up and the three men are now working.

Mr. Mumford knows now where he'll advertise next time.

B. W. O. E. up there means Best Woman On Earth.

We made that up ourselves.

Call Main 1050; Ind. 441.

SHOE VALUE

lies in the fit, the style and the wear of a shoe. These three points are what give the greatest shoe value for the money to

Old Oak Shoes $4.00

The low styles which will be correct from now on are made close fitting at the instep and heel. No bulging under the ankle bone or rubbing at the heel. There's a big range of lasts from the latest "swing" toe to a "common sense" last, with lots of toe room.

Better get your tans today.

Men's Shoe Store

Colman Bldg. 805 First Av.

Stacy-Adams Shoes are always the leaders at any price. We sell them. $6 to $8.

BREAD WILL GO TO TEN CENTS A LOAF

(By United Press.)

WALLA WALLA, April 23.—On the first of the month bread will go to 10 cents a loaf. However, the loaves, the bakers say, will be large.

EDISON

PHONOGRAPHS

It's almost impossible to carry in your mind's ear the tone quality of different makes of Talking Machines from one store to another. Yet how can you decide to your own satisfaction whether you want an Edison or a Victor unless you hear both?

That's one of the many advantages of dealing at headquarters—the D. S. Johnston Co. Here you can test—side by side in a private room—all the models of both Edison and Victor.

Besides, in dealing at headquarters you are assured of easier terms and the very lowest prices.

Drop in tomorrow — morning, afternoon or evening.

Johnston Co. Building — JOHNSTON — Third and University

Now is the time to plant Evergreens more successfully than any time of the year. Tel. East 138; Ind. X 8236.

Twenty Years' Experience. Eyesight Specialist.

YOUR OPTICIAN WETZEL

Eye troubles progress rapidly. Go at once to this painstaking optician, whose ability is unquestioned.

Glasses $3.50 to $5

A. U. WETZEL, Oph. D.

328 People's Bank Bldg. Cor. Second and Pike.

You Get the Money

When you need it. When you are not able to work.

A Combination Policy

Paying you for the time you lose on account of any sickness or any accident.

Paying you for loss of life, loss of limb, and loss of sight.

A policy issued by a stock company; a policy you can READ and UNDERSTAND, paying losses fairly and promptly.

$1.00 A MONTH PROTECTS YOU

All policies issued and all claims paid from the Seattle office. No Delays.

SECURITY CASUALTY COMPANY

Empire Building.

Pianos, Pianos

Retiring From Business

LESS THAN FACTORY PRICES FOR PIANOS

Kimball Piano, little used $110
Marshall & Wendell, little used $110
Behr Bros. Piano, little used $135
Kingsbury Piano, little used $110
Crown Piano, little used $250

Knabe, Chickering Bros., Behning, Haines Bros., and other high grade Pianos, all go regardless of cost.

CLINE PIANO CO.

1406 FIRST AVE.