BRUIN IS OUSTED OTHERS MAY GO

Half of the Employes of City of Portland Hold Jobs Illegally.

FLAWS IN CIVIL SERVICE

Examinations by Commission Have Been Held Without Sufficient Notice-Chief Campbell Is on the List.

THE JOB THAT PUT BRUIN IN. A special investigation of the ap-

cil, which rendered a report January 24, 1905, in which it held that the charter civil service rules had been fingrantly violated and that Bruin had been holding office illegally. The committee found that Bruin had been examined orally in a private room by Postmaster Minto and James Nevins; that no notice of an oral examination was given; that the provision of the charter cailing for competitive examnations was practically abolished in order to boost Bruin into a captaincy. Among other findings of the commit-tee were the following: That Patrick Bruin was not a resi-

dent of Portland. That Bruin's appointment was there-

fore illegal. That Bruin was not a registered violated section 128 of the charter. That Bruin was not a citizen of the United States, nor had he resided in Portland a year prior to his exami-

That changes in civil service rules That section 311 was violated in the oral examination that resulted in Bruin's appointment.

By rendering a decision ousting Captain of Detectives Bruin from his office, Judge A. L. Frazer, of the State Circuit Court, took action yesterday which may be much more sweeping in its results than was at

first realized.

It is alleged that the same irregularities which rendered Bruin's appointment invalid have occurred in the selection of a large proportion of the city employes who have received their appointments under the Civil Service Commission, and that all who have been so appointed hold their

who have been so appointed hold their positions without any legal title. It appears that the decision in question may prove to be the opening of Pandora's box among the members of the various civil service departments.

The ousting of Bruin is based on the fact that two weeks' notice of examination was not given at the time of his appointment, as is required under the city charter. Section 311 of the charter provides that "Notice of the time, place and general scope of every examination shall vides that "Notice of the time, place and general scope of every examination shall be given by the Commission by publication in the city official newspaper once each week for two successive weeks and by posting such notice in a conspicuous place in the office of the commission for not less than two weeks preceding the examination."

Half of City Employes Affected.

In the case of Bruin, only nine days' this ground Judge Frazer has declared his position forfeited in response to proceed-ings instituted by Oscar Isakson. It is now said that as many as one-half of the a culmination of the same irregular occeedings, and that their position would declared forfeited by the courts if

FACTS ABOUT BRUIN'S TENURE OF OFFICE. Took out first naturalization papers December 12, 1805.

Took out final naturalization pa-pers October 24, 1905. Began civil service examination the

same day.
Obtained his position November 17, 1905.

The fact that notice of examina-tion was not given two weeks in advance are the grounds upon which he is custed. Many other examinations have been held in the same irregular manner and the decision may affect large portion of the civil service

action should be brought against them nong those whose official heads, it eged, would fall are Chief Campbell, the fire department, and other important officials, as well as scores of miner ones. An investigation into the manner of the appointment of all of the city employes who hold office through the Civil Service Commission is to be made by O. L. Mc-Pherson, secretary of the commission, Pherson, secretary of the commission, upon the instruction of Mayor Lane. The investigation will take several days, and at that time the results will be reported to the Mayor. Already it is known that wholesale cases will be discovered where the technicality of the charter has been

All Could Be Ousted.

"I should not be surprised if fully one-half of the city employes who hold their positions through the civil service have received their appointments within the ten days' notice of examination having been given," said Mayor Lane. "In this case they would have no more title to their position than Bruin, and action could be brought to quat them by anyone who

their position than Bruin, and action could be brought to oust them by anyone who desired to institute proceedings."

There are about 571 employes of the city government holding office under the civil service. If it is found that any large number of them have received their appointments without ten days notice of pointments without ten days notice of examination being given, it is probable that the decision of Judge Frazer will be appealed, and that in the meantime a stay of execution will be asked for.

McPherson Is Surprised.

McPherson is Surprised.

Secretary McPherson was greatly surprised at the decision of the court, as he believed that the requirements of the charter had been obeyed. "We have always considered that we were complying with the charter in having notice of examinations advertised in the official paper two consecutive weeks. We did not interpret the provision to mean that it was necessary to give notice the full it days in advance. If the latter is the case, as held by the decision of Judge Frazer, many of the appointments have been invalid. I would not undertake to say how large a per cent. Sometimes we have given it days' notice, but have made no special effort to do so, and there is no

oubt that a large portion of the examina-

doubt that a large portion of the examinations have been made within ten days
after the notice was first posted.

"I have only begun to search the records to determine in what particular cases
the notice of examination has been defective. I have found, however, that
there is no record of two weeks notice
having been given at the time of the first
appointment of members of the first
appointment after the present charter went
into effect. This occurred May 25, 1900,
and at that time Chief Campbell, Assistant Chief Landenktos and Battalion
Chiefs Holden and Young, and many others of the present department received called Holder and Foung, and many others of the present department received their positions. If I am right that due notice was not given at that time, these appointments would be invalid under the decision of Judge Frazer."

In the case of Bruin and any other city officials who might be ousted from their positions the Fracewick Power would de-

positions the Executive Board would de-clare vacancies, and it would be necessary to hold new examinations under the Civil Service Commission.

Judge Frazer's Decision.

Patrick Bruin has illegally held the of-fice of Police Captain and Chief of De-tectives for eight months, according to the decision handed down by Judge Fraz-

er. Temporarily, at least, the place filled by Patrick Bruin will be vacant. Captain Bruin was given the position he held until today November 17, 1965. A civil service examination was held Oc-tober 24 and 25 of the same year to pass your the qualifications of applicants for civil service examination was held, October 24 and 25 of the same year to pass
upon the qualifications of applicants for
the office of Police Captain. Among those
who took the examination was Oscar F.
Isakson, and when the appointment of
Bruin was announced Isakson objected to
being placed under a man who, he
claimed, was not legally entitled to the
place. November 37, 1935, Isakson filed
suit in the State Circuit Court to oust
Bruin from Office, and after many delays, due to legal technicalities, Judge
Frazer rendered his decision yesterday.
The question of Bruin's eligibility for
the position of Captain of Police was
not gone into by Judge Frazer; neither
was the question of his citizenship taken
into consideration by the court, it being
held that there was no ground for action
with regard to the matters. The legality of the examination and the appointment alone were the questions consideered.

"If the Civil Service Commission had jurisdiction in this case," said Judge Frazer, "being a quasi-judicial body and exercising a judicial function, its action would have the same binding effect as that of any inferior judicial tribunal, and this court could not review or annul such action, however irregular it might be, in a collateral proceeding such as this. The Supreme Court has often held that deviation from the legal requirements in the matter of giving hotice makes action in cases such as this wholly ineffective. The notice for the period prescribed tive. The notice for the period prescribed by law was not given, and the jurisdic-tion of the Civil Service Commission wholly depends upon the giving of notice in accordance with law.

in accordance with law.
"It follows that no legal notice of the examination having been given, the commission had no authority to hold the examination, and legally there was no examination. The list of eligibles prepared by the commission at that time was



Patrick Bruln, Who Holds Office of Captain of Detectives Illegally.

therefore wholly void, and appointments made from that list have no binding effect whatever."

Another Examination to Be Held.

In the complaint filed in the State Circuit Court by Isakson it was further claimed that Bruin had not been a resi-dent of the State of Oregon for three years preceding the examination. Evi-dence adduced during the hearing of the case went to show that Bruin was a ma-tive of Ireland, that he took out his first papers in Cook County, Illinois, Decem-ber 12, 1895, and that he did not take out his final papers until October 24, 1996, the day on which he started to take the ex-amination for the position of Captain of Police.

Conduct of Police Department.

Mayor Lane disclaims any knowledge of gambling being as prevalent in Portland as reported. He declares that he has known Chinese lottery games have existed to some extent, but declares he knows nothing of regular poker games and other systems of chance being conducted in Portland in many different places to which access can be easily obtained. That poker games engaged in by private parties in the backs of saloous, he says, is

games engaged in by private parties in the backs of saloons, he says, is news to him.

"It has been my policy in the past and will continue to be my policy in the future to keep down gambling as much as possible," stated Mayor Lane yesterday. "I have given rigid instructions to the Police Department to suppress gambling, and will immediately call attention to my orders, and will most assuredly sacertain whether they have been carried out.

"All this publicity of alleged gambling is news to me. I am utterly unaware of it. Through the Police Department, I have known that the Chinese played lottery, and we have tried hard to stop that, but I have had no idea that gambling was so widespread as it is said to be. I will endeavor to find out the true conditions."

"SEE AMERICA FIRST."

The Denver & Rio Grande has resumed the operation of its open-top and parior observation cars through Colorado's famous scenery—scenery not found elsewhere in the world. All reduced rates Apply via this route. For whatever information you may desire call upon W. C. McBride. 124 Third street.

EAST SIDE DROPS CITY BARN FIGHT

Mayor Offers to Sell Site to Property-Owners If Another Is Offered.

COST BARS COMPROMISE

Committee of Citizens Ascertain That \$3000 Would Have to Be Raised in Order to Have the Barn Moved Elsewhere.

Property-owners in the vicinity of Hancock and East Seventh streets will make no further opposition to the erection of the new barn for the street-cleaning department. A committee of representative citizens, all of whom possess large property holdings near the site of the new barn, waited upon Mayor Lane yesterday afternoon and after the meeting was over concluded it was useless to do anything except to let the matter frop.

The members of the committee, after a long discussion with Mayor Lane, realized that there were but two alternatives for them to adopt. Either to raise a sum of not less than 1300 to purchase the lot and cover the money already expended on the foundation of the new barn, or to let the matter stand as it is. After a lengthy discussion with Mayor Lane and among themselves they decided that the only coures left open for them is to adopt the latter alternative. As much of the property surrounding the site of the barn is represented by the committee, it is thought that the other property-owners will abide with the decision arrived at by the committee.

Mayor Lane and C. A. Cogswell, of the Executive Board, entered into discussion

Mayor Lane and C. A. Cogswell, of the Mayor Lane and C. A. Cogswell, of the Executive Board, entered into discussion with the members of the committee and informed them that they had to protect the rights of the city at all cost. They stated, however, that they believed the difficulty could be adjusted if the property-owners would purchase the site, make arrangements with the contractor, who now has a force of men at work upon the foundation and secure for the city another site equally as attractive as

which they recently received oners from a firm which desired it for commercial a firm which desired it for commercial a firm which desired it for commercial purposes. Two offers were received for the commercial purposes. Two offers were received for the city another site equally as attractive as the present one.

The members of the committee consulted among themselves and estimated that they would have to raise in all about \$3000. This they agreed was too much. The city paid \$1200 for the site and \$1000 or more has already been expended upon the foundation. Thomas Muir is the contractor and they figured that, at the least, he would ask \$300 to relinquish his contract. Then after that would come the extremely difficult task of finding another location for the barn.

The committee laid stress upon the point that the city had made a bad bargain, and on behalf of the property-owners offered to take over the site of the barn. Various members quoted estimates made by the City Engineer's office that to upon the foundation and secure for the city another site equally as attractive as the present one.

The members of the committee consulted among themselves and estimated that they would have to raise in all about \$200. This they agreed was too much. The city paid \$1500 for the site and \$1600 or more has already been expended upon the foundation. Thomas Muir is the contractor and they figured that, at the least, he would ask \$500 to relinquish his contract. Then after that would come the extremely difficult task of finding another location for the barn.

The committee laid stress upon the point that the city had made a bad bargain, and on behalf of the property-owners offered to take over the site of the barn. Various members quoted estimates made by the City Engineer's office that to repair the streets so that entrance could be obtained to the barn when it is erected would cost in the neighborhood of \$500. But the Mayor and Mr. Cogswell contended that the streets could be filled

But the Mayor and Mr. Cogswell con-tended that the streets could be filled with sweepings at minihum expense. "My duty is to convey a good title to the city and if I haven't I most as-

suredly will," remarked Mr. Cogswell when asked what action would be taken if the city were enjoined from building on the grounds that the title was defective. Bought Property "Sight Unseen."

"This piece of business doesn't look right and we haven't had a chance to protest," declared C. G. Pawling, a mem-ber of the committee, with rising anger. "You evaded us and purchased the property without seeing it," he continued, addressing Mr. Cogswell, who purchased the property and then delivered the deed unto the city. "What if I hired an agent and he bought a farm for me without Acting Detective C. H. Hill, several

"I acted upon the advice of Superinten. rent Donaldson of the street-cleaning de-partment, and he ought to know whether he location is suited for the purposes in tended better than any of us," retorted Mr. Cogswell. "Maybe I should have acted a little differently, but I took his advice and am open to criticism."

"Are you wedded to the idea of

building a barn there irrespective of the wishes of the property-owners?" inquired Attorney Dan R. Murphy of Mayor Lane.

Barn Needed on East Side.

Barn Needed on East Side.

Barn Needed on East Side.

"We don't want it there more than any other place that is centrally located," replied the Mayor. "We have to go some place. If we should hunt out another site we would be subjected to more protests. We must have a barn on the East Side. We have force on a charge of making an unwarranted attack upon petty efficers of the United States war vessels Chicago and Princeton. It is probable that another examination will be held to fill the place made vacant by the ousting of Bruin as the only eligibles on the list took the examination at the same time as Bruin.

KNOWS NOTHING OF GAMING

Declares That He Will Investigate

Conduct of Police Department.

Barn Needed on East Side.

"We don't want it there more than any other place that is centrally located," replied the Mayor. "We have to go some place. If we should hunt out another site we would be subjected to more protests. We must have a barn on the East Side. We have purchased that site, the contractor has given his bond, and now has a large force employed, and what can we do but allow the work to progress? If we take the barn someplace else we will receive just as much protest."

"It reminds me of the man with the samelpox: nobeded on East Side.

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"It we take the barn somephace else we will r

F. Sinnott, a member of the committee.

"The strest-cleaning department informs me that we are in need of some guiches to-fill up," said Mayor Lane.

"We will construct a plank bridge to the barn when it is completed, and inside of a comparatively short time we will have a good level street, because the sweepings are immense," said Mr. Cogswell, who was in the thick and thin of the conversation.

And so it was all afternoon. The members declared the barn would paralyze building operations in that vicinity, depreciate property values, and some contended that as a general thing street cleaners were not a very

are low.

Mayor Lane and Mr. Cogswell both were of the opinion that it was to be regretted that the barn was to be located in a place which called out a protest of the citizens, and said they were sorry that nothing could be done. They said the Council had appropriated the money, and that they had to put it to the proper use. They said they did not have the power to settle a large sum of money upon contractor and then go build somewhere else.

thing street cleaners were not a very desirable class, and that their morals

Property-Owners Had Protested.

In answer to a question propounded by Mayor Lane why the committee had not made a protest before the committee answered that the property-owners had signed a protest before the contract was let, and that it was submitted to Auditor T. C. Devlin. They supposed that the protest had been presented for the consideration of the Executive Board. Mr. Devlin explained that the document had been sent to the police and health committee, and that members of the Executive Board had been apprised of its existence. In answer to a question propounded

property-owners within 200 feet of the proposed building had to be obtained. The property-owners affected by the 200-foot limit signed the protest and submitted it to Auditor Devlin, thinking that was all that was necessary. They learned later that the ordinance was admittedly unconstitutional. Had they known this sooner they probably could have done something effective. D. G. Tomasini, a member of the committee, stated that the city had paid an exorbitant price for the property, and said that William Reidt, the owner, had been advised of the intentions of the Executive Board and advanced his price. He said he had obtained his information from W. C. North, of the Assessor's office, but the latter gentleman was called, and he declared that he had been misunderstood. roperty-owners within 200 feet of the

Protest Will Be Dropped.

Protest Will Be Dropped.

The meeting began at 2 o'clock and lasted until about 5 o'clock. Then the members of the committee conferred among themselves for half an hour or more in the hallway, after which they announced their decision. They believed that if the city was enjoined because of an alleged defective title Mr. Cogswell could receive back the title and transfer it to some one else, who would then return it to the city. It is held that Mr. Cogswell, masmuch as he occupies a position upon the Executive Board, cannot legally transfer property to the city. He bought it himself, believing the property could be purchased cheaper in this way than if it were known that it was intended for the city.

Those who composed the committee were: Frank D. Jones, John A. Paterson, J. F. Sinnott, C. G. Pawling, W. J. Hughes, D. G. Tomasini, J. L. Morgan, E. J. McKlitrick and Attorney Dan R. Murphy.

UNITARIANS WILL NOT SELL

OFFER OF \$100,000 FOR CHURCH SITE IS REFUSED.

Unanimous Sentiment of Trustees Is Opposed to Disposing of Property to Business Firm.

Members of the First Unitarian Church have determined not to sell their property at Seventh and Yamhill streets, upon which they recently received offers from a firm which desired it for commercial

CHINESE GAMES ARE RAIDED

Three Denizens of Fantan Den Are Arrested.

Ah Son, Ah Yong and Ah Sule could not find the trapdoor at 33 Second street quick mough yesterday evening to escape the who was on the lookout for just such a quiet fantan game as that with which these Celestial worthles were amusing themselves. Smith made his entrance to the scene of operation by means of a sledge, but when he arrived on the ground most of the wily Chinese had all made their escape by means known only to themselves. The three sons of Ah alone

Acting Detective C. H. Hill, several hours later, did not look good to another crowd of yellow devotees of fantan at the corner of Second and Alder. These players calmiy threw their chips out of the upstairs window when they heard Hill coming, and thereby cleared themselves of any evidence which Judge Cameron might be convinced gave proof of the existence of a game.

VISIT OF GENERAL GREELY

Relief Work Over, He Inspects Northwest Army Posts.

General A. W. Greely, U. S. A., com-mander of the Pacific Division, was at the Hotel Portland yesterday on his way to Seattle. He was accompanied by Mrs. Greely. General Greely is on a tour of

Three Boys Set Out to Explore the City and Are Lost

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Three Boys Set Out to Explore the City and Are Lost

Three Boys Set Out to Explore th tified to keep a sharp lookout for the group of knight-errants. Two little girls were also reported lost early in the even-ing, but these were found soon after straying from home.

EASTERN EXCURSION RATES

August 7, 8, 9, September 8 and 10. On the above dates the Great North-On the above dates the Great Northern Rallway will have on sale tickets to Chicago and return at rate of \$71.50, St. Louis and return \$67.50, St. Paul, Minneapolis and Duluth, Superior, or Sioux City and return, \$60. Tickets first-class, good going via the Great Northern, returning same or any direct route, stop-overs allowed. For tickets, sleeping car reservations, or any additional information, call on or address H. Dickson, C. P. & T. A., 132 Third street, Portland.

THAT EILERS OFFICE BOY

The Big Safe Goes to Spokane. Downstairs Salesrooms Going Again.

PORTLAND, OR., JULY 23, '06

Dear ChuB |

The big SaFe is going to SpOkane, Mr. Heidinger says the growing deamands of his increasing business makes it urgently necessary to have it. I copied that from his letter. Just think Chub, -when I started the whole Spokane business could be put in our mail sack, and now he's yellin for the big SAfe. I guess he sure needs it for it takes Mr. Bugshwa, - I nevver could spell that name right, nearly anhour a day to check in Spoakane sale RePorts. Theyse doing a big business in ASTOrla too and maybe all along the line.

We've got swell rooms now down stairs for STaTunary and catalogues, a place for everything, etc. etc. The old down stairs piano parlors are going to be used again very soon. No use trotting everybody over to the Warehouse, in a few days we'll have a swell stock in those parlors down StaIrs. Piano sales is GreaT! But of course with a layout of \$5 cash and \$3 a month anybody can have a good piano. They're real swell pianos that they're selling that way, for Mr. A says no use selling the cheap kinds that way else they'll' have em worn out maybe before theyre paid for, and on a \$5 a month payment plan it takes a very good piano or maybe the hous e might not get its pay for the piano at all. Mr. McCORMIck says it knocks the renting trade tho, becaus many are BUYING now whats been only renting before. Keeps the dray boys humping tho. We've got two cars of swell Chickerings in, and them two cars of Eoline products, -Pianola Pianos, and Pianolas, and Orjhestrellas, are now here too. We're going to have another guy in the office to help out writing up contraks. The country businessis coming great. The mail runs awful big. So Long.



Mazamas Leave Tonight to Scale Washington Peak.

SIDE TRIP AT BELLINGHAM

Party Will Be Greatly Reinforced at Scattle, and Fully Eighty Persons Will Essay Ascent of Lofty Peak.

Portland's famous mountain- climb-

moo beach will be features of the day.

Friday morning at 7 o'clock the Mazamas will leave Bellingham on a special train, which will take them to Glacier, the terminus of the railroad. From this point a 12-mile tramp will take them to the permanent camp, from which the climb to the top of the mountain and many other excursions will be made. C. H. Sholes, the president of the club, will be in charge of the trip throughout. The personnel of the party follows:

Members of the committes—B. P. Shelden, M. W. Gorman and F. H. Klser, of Portland; Charles E. Cutter, of Tacoma; Samuel Collier, of Seattle, and Charles Landes, of Bellingham.

Members of the party:

Apply via this route. For whatever information you may desire call upon W. C. McBride. 124 Third street.

To regulate the stomach, liver and bowels and promote digestion, take one of Carter's Little Liver Pills every night.

Try them.

Apply via this route. For whatever information you may desire call upon W. C. D. C. P. & T. A., 122 Third street.

McBride. 124 Third street.

McBride. 125 Third street.

McBride. 126 Third street.

McBride. 127 Third street.

McBride. 128 Third street.

There is an ordinance to the effect that before a barn can be erected in certain districts the consent of the whole system.

Rich red blood naturally results from taking Hood's Earsaparilla. It tones the whole system.

Beilingham.

Members of the party:

McBride. 128 Third street.

Shelden. Redney L. Glisan, M. W. Gorman.

Size H. Dickson, C. P. & T. A., 122 Third street.

There is an ordinance to the effect that before a barn can be erected in certain districts the consent of the whole system.

R. Miller, Miss M. E. Nilsson, Miss Emily Young, Miss Kate Young, Miss Helen S.

Hutchinson and T. F. Colbert
Scattle-Miss Alice Fryer, Miss Charlotte
MacGregor, W. M. Price, Miss Anna Hubert, Miss Alida J. Biglow, Dr. Annie Russell,
Dr. J. P. Sweney, Mrs. Dr. Sweney, Miss
Mary Sweeney, J. Trideaux, Miss Gertrude Dr. E. F. Stevena, Mrs. Dr. Stavens, Asabel
Curtis, Miss Delsy Lane, Caseius M. Williams, Dr. B. R. Stevens, Miss Hilda Gaches,
Bellingham—G. P. Kinkald, Miss Nellie
Lee, Miss M. Belle Sperry, Charles F. Easton, Martin H. Easton, A. J. Craven and Zo
thers whose names have not been received.
Tacoma—Miss Evs Webster, Dean Langmuir and Mrs. Langmuir, William Clarke.
Boston—Herbert W. Gleason and Mr. Gleason and Theodore Scudder.
Detroit—Frank B. Leland and Mrs. Leland.
Brigton—Miss Mollie Leckendy and Harry
Leckendy.
Winsiow—Mrs. M. L. MacDonald and Miss

You can't help liking them they Niedergresaess, Miss Christine Niedergesaess,

-Mrs. M. L. MacDonald and Miss

St. Louis-Dr. Carl Barck.

Chicago—J. H. Cameron. Ellensburg—Miss E. G. Grindrod. Castle Rock—C. E. Forsytha.

Multnomah Promenade Thursday, 1 The annual promenade of the Multno-mah Club will be held next Thursday night. Brilliant illumination effects will

You can't help liking them, they are so very small and their action so per-fect. Only one pill a dose. Carter's Lit-tle Liver Pills. Try them.

