

CONFIDENT RE CAN REVERSE DECISION

City Attorney Will Hasten His Appeal in Charter Amendment Case.

WANTS COMPLETE RULING

Will Ask Supreme Court to Define Correct Method of Procedure in Making Changes in Municipal Charters.

In the appeal that will be taken by the city from the decision of Presiding Judge Cleland, of the State Circuit Court, who has announced that he will hold illegal and void bond issues to the amount of \$5,255,000, voted by the electors of Portland last June, the Oregon Supreme Court will be required specifically to define the method of procedure by which amendments to municipal charters can be constitutionally proposed.

In his written decision, which will probably be submitted at the opening of the January term of the State Circuit Court, Judge Cleland holds that under the amendments to the state constitution that were adopted by the people at the general election in June, 1905, and which gave the right to propose municipal legislation and to amend city charters is granted to the legal voters of municipalities, all such laws and charter amendments must be proposed regularly by the legal voters of the interested city or town by initiative petition in harmony with the general provisions of the original initiative and referendum amendments to the constitution of the state, which was adopted by the people in June, 1902.

Two other questions were involved in the suit attacking the validity of the bond issues, but both will be dismissed by the court as immaterial. One questioned the sufficiency of the notice of the election given by the City Auditor and the other alleged that the proposed amendments had not been suggested in accordance with the provisions of the city charter.

Notice Was Sufficient.

On the first of these points the court will hold that the election at which the charter amendments were voted, was a regular election, while the subjects to be voted on were printed on the official ballot which was in itself competent notice. Had the election been a special one, it will be held the objection could have been urged materially. As to the alleged disregard of the provisions of the city charter in proposing the amendments, Judge Cleland will hold that if the amendment extending to the legal voters of municipalities the right to initiate their own legislation and to propose amendments to their charter is in itself legal, it becomes the fundamental law of the city and should be construed according to its plain meaning. The court of the terms of the charter are no limitation on the powers of the people as granted in the recent amendments.

Confident of Reversal.

City Attorney Kavanaugh and his deputy, Frank S. Grant, place a different construction on the various constitutional amendments involved and feel confident they will secure a reversal of Judge Cleland's decision by an appeal to the Supreme Court which will be taken immediately. It is understood that the City Council acted clearly within its prescribed rights when it adopted resolutions directing that the different charter amendments be submitted to a vote of the legal voters of the city, without resorting to the formality of an initiative petition.

Text of Second Amendment.

But the other amendment, which was also adopted at the election in June, 1905, is the one on which the outcome of the pending controversy hinges. It reads as follows, covering the subject of charter amendments: "Corporations may be formed under the general laws, but shall not be created by the legislative assembly by special laws. The legislative assembly shall not amend, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to amend and amend their municipal charters, subject to the constitution and the criminal laws of the state.

Under this authority, it is asserted by Deputy City Attorney Grant, the city proceeded regularly in proposing the amendments to its charter, since the Legislature in 1907 enacted a law for carrying into effect the provisions of the two constitutional amendments that were adopted at the election in June. In section 12 of that law the following authority is conferred on the City Council:

Amendments to any city charter may be proposed and submitted to the electors of the City Council, with or without initiative petition, but the same shall be filed with the City Clerk for submission not less than 60 days before the election at which they are to be voted upon, and no amendment of a city charter shall be effective until it is approved by a majority of the votes cast thereon by the people of the city or town to which it applies. The City Council may by ordinance order special elections to vote on municipal measures.

The Council proceeded regularly. City Attorney Kavanaugh thinks he can win the case on an appeal to the Supreme Court.

Early Decision Wanted.

The appeal will be taken as soon as the necessary papers can be prepared and because of the importance of the litigation the Supreme Court will be requested to give an early session. In the meantime the members of the City Council will consider some definite steps for bringing the several amendments to another vote of the electors of the city.

Following the announcement of Judge Cleland's opinion, the police committee of the Executive Board has rescinded its action of a few weeks ago when it raised the salary of Sergeants Buty, Jones and Cole to \$115 a month, although the validity of the charter amendment creating that rank had not been determined. The three sergeants will now take their former rank as patrolmen and will receive \$100 a month.

Aside from the wide confusion and great public inconvenience that will result should Judge Cleland's ruling be upheld, the work of the County Election Board in redistricting the county into election precincts will be defeated. Among the amendments to the charter adopted last June was one annexing additional territory to the city, including Rose City Park. The incorporation of this additional territory into the city, followed by the creation of a number of new precincts, besides revising the boundaries of many of the old voting wards.

Ordinances Not Affected.

The status of the five ordinances that were voted on at the June election is not affected by the decision of Judge Cleland. The five ordinances proposed, two were defeated, as follows: Creating board of engineer examiners and regulating electric wiring. The other three measures received a majority of the votes and were enacted, as follows: Granting a franchise to the Economy Gas Company, increasing the annual liquor license to \$50 and limiting the number of salaried officers of the municipal business of wholesalers, grocers, restaurants and druggists handling liquor.

WON'T BELIEVE HIM DEAD

FAMILY AWAITS RETURN TO LIFE OF W. B. SHIVELY.

Death Came by Heart Disease Monday Night—Story Behind Unusual Action.

OREGON CITY, Or., Dec. 20.—(Special.)—Steadfastly refusing to believe the statements of a physician and undertaker that her husband is dead, Mrs. William B. Shively has started tongues wagging at Oregon City by declining to permit the burial of her husband, the well-known actor, who died Monday evening in a store building beneath Shively's opera house on Seventh street. The body reposes, constantly watched day and night, in an adjoining apartment in the family of Mr. Shively, hoping against hope that he is not dead, but merely in a state of coma.

Back of the action of Mrs. Shively is a story that furnishes a basis for her unusual course, and which causes her determination to be strictly respected. Mrs. Shively has a son, Mr. Shively, who lost a daughter. The child was buried and several years afterward the family had occasion to remove the body to another cemetery, and when the remains were exhumed the parents were horrified to learn that the little form had turned into a skeleton. Mrs. Shively, who was then with hands extended above her head, in the casket. There is no certainty that the child was buried alive, in fact it is regarded as probable that the casket was lowered into the grave, and the body being lowered into the grave. Mr. and Mrs. Shively, however, always thought that their little one had been buried alive, and Mrs. Shively had cautioned her son to be absolutely sure of his death before permitting interment.

Mr. Shively was apparently in perfect health last Monday and was seen transacting business until about 6 o'clock. He went home and shortly after entering the house his heart failed suddenly and he fell dead. Dr. M. C. Strickland was called at once and pronounced Mr. Shively dead. It was several hours afterward before an undertaker was called in, but the stricken family would not allow the body to be prepared for burial, and for four full days they have declined to believe that all hope was lost.

ANNUAL MEETING TODAY

Oregon Historical Society Will Hold Interesting Session.

The ninth annual meeting of the Oregon Historical Society will be held at 2 o'clock this afternoon in the Council chamber, at the City Hall. After the annual report is read, offering for the coming year will be discussed and other business transacted. The annual address will be made by Professor H. Morse Stephens, who for several years past has been at the head of the history department of the University of California. Professor Stephens, before coming to the Pacific Coast, had eight years' experience in the chair of history in Cornell University, and is recognized generally as one of the most successful teachers in the country.

In addition to achieving marked distinction in teaching his favorite branch of study, Professor Stephens is an author of note, having written a history of India and Portugal, and for some time past has been at work on a two-volume history of the French Revolution. For two years he has had charge of the Bancroft Library, which, up to the time of its acquisition by the University of California, was not accessible to students of Pacific Coast history. This quality of Professor Stephens to treat his subject—"The Materials for Pacific Coast History"—from the standpoint of the student, is one of the reasons why the Council is empowered to provide for the purchase of the Bancroft Library. The materials in the library referred to were secured in Oregon, it may be expected that frequent reference will be made to these sources. The Council chamber will be reserved for members of the Historical Society; the galleries will be thrown open to the public.

THE SAILING

Of the Breakwater Postponed.

The sailing hour of the steamer Breakwater, for Coos Bay points, has been postponed until tomorrow (Sunday) P. M., December 22, at 8 o'clock, from Oak-street dock.

COAT SALE, \$4.95.

Children's long Coats, mixed cloths, sizes, 6 to 12 years, worth \$10, at Wash-Falls Royal, selling at \$4.95. 375 Washington street.

Finely fitted bags. Harris Trunk Co.

EXPENSE CUT DOWN

Retrenchment the Rule Among Local Railroad Offices.

NUMBER OF MEN REDUCED

Allowances for Traveling and for Entertainment Closely Curtailed.

There is No Apparent Reason for the Policy.

Retrenchment is the word along Railroad Row. Occasionally a man is being dropped by some of the roads, and other ways expenditures are being reduced to the minimum. The pruning-knife has been ordered into commission by the Eastern officials of the railways having offices here, and there is considerable nervousness along the row as to where the retrenchment policy will stop. Discussions among railroad men concerning the new policy generally result in the agreement that there is no need for added economy in the administration of the affairs of the railroads. The men who represent the different roads here at various capacities agree that business has never been so good as during the past year, and that the showings of both freight and passenger departments have never been so big.

Why there should be a sharp curtailment of forces, and all expenditures just now cannot be explained, but the fact is there was considerable latitude attached to expense accounts. Frequent trips over the state and into neighboring states are necessary in covering this territory, and it has been generally understood that rather large expense accounts would be allowed. This was done so as to compensate officials for their enforced removal from town and to encourage them in making a thorough canvass of the territory at frequent intervals in the interests of their roads.

No longer do expense accounts cover many things. They are submitted to cover the bare outline of the traveling forces, and no more. Another item of legitimate expense by railroaders is that known as "entertainment." The expenditure of money in this item is intended to create a friendly feeling between the railroad officials and shippers, and cigars, drinks and lunches have formerly been bestowed with a liberal hand by railroad officials upon patrons of their lines. The "entertainment" account, a part of the expense account, has been pruned until it now bears little resemblance to what formerly obtained in this line.

Hints have come from headquarters to resident officials that all expenditures should be kept at a minimum, and that for the coming few months extreme care is to be used in keeping down expenses. Persons interested in the Merchants National Bank, of course, are not to be left out of the retrenchment. The return of J. Frank Watson, its president, from the East. He is expected to reach here today or tomorrow, and it is believed that the directors will make a statement as to the future of the institution upon his arrival. While he was in the East he held a conference with the Controller of the Currency and explained the situation to that official. He was undoubtedly informed just what action the bank can take, for the Treasury officials have been making a poor show before the Examiner Wilson at the time President Watson reached Washington.

WATSON IS ON WAY HOME

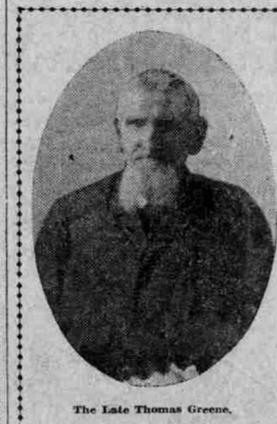
Report of the Merchants National's President Is Eagerly Awaited.

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THOS. GREENE'S FUNERAL

Services Today Will Be Followed by Interment at Salem.

The funeral of Thomas Greene, a pioneer who died Wednesday at the home of his daughter, Mrs. J. D. Sullivan, in Montaville, will be held today at Salem, and the body buried by the side of that of Mrs. Greene, who died 21 years ago. Born in Longford County, Ireland, 81



The Late Thomas Greene.

years ago, Mr. Greene came to the United States when a child. After living in New Orleans for several years he went to Galena, Ill., where he conducted a mercantile business for a number of years. During the gold excitement in California, with thousands of others he caught the fever and went to the mines in the early '50s, where he engaged in mining until 1860, when he came to Portland. He entered the employ of the Oregon & California Railroad when construction was begun on that line, and later was employed in the Southern Pacific carshops for several years. Then he bought a farm near Jefferson, where he lived until 1868. Sixteen years ago he sold his farm and moved to Portland to make his home with his daughter at Montaville.

He is survived by the following children: Frank T. Greene and Mrs. J. D. Sullivan, Portland; Michael J. Greene, Los Angeles, Cal.; Mrs. R. L. Devaney, Jefferson City, Or.; Mrs. W. M. Muser, of Albany. The body will be taken to Salem this morning for interment. Requiem mass will be celebrated at Mount Tabor at a time yet to be fixed. Mr. Greene was well known to old residents of the Willamette Valley.

PEOPLE WANT ANNEXATION

Vote 40 to 10 in Woodmere Improvement Association.

At a well-attended mass meeting last night, held at Woodmere, under the auspices of the Woodmere Improvement Association, R. A. Stewart presiding, in the interest of annexation to Portland,

the sentiment was overwhelmingly for annexation. The vote taken at the conclusion of the meeting was 40 to 10 for annexation. Ben Riedland, representing the Woodstock Park Club, presented figures to show that increased taxation would be more than offset by the decreased cost of water that would result from annexation. The water question was the main one involved in the discussion.

M. Krouder, of Creston, talked for half an hour in support of annexation. He said: "I have a property-owner in Nashville, and also of Portland, delivered a vigorous talk for a greater Portland. He insisted that the Woodstock Park Club, representing the land and declared that annexation would infuse new progressive life in the whole territory."

John L. Boile, of the United East Side Push Club, discussed the water question in detail and gave much information. He said that it was proposed to lay a pipeline that will bring 40,000,000 gallons of water a day which would provide water for Portland and all its suburbs. N. Ford, of the Mount Scott district, spoke briefly for annexation.

The petition for annexation are in the hands of the committees and will be circulated at once. It is expected to secure 15 per cent of the voters within the next 10 days, when they can be presented to the City Council, which will decide whether or not to afford opportunity to the electors. It is expected, however, that the question will be placed on the official ballot. By those who have looked into the situation in the territory to be annexed it is considered reasonably sure that if a vote can be had at the June election.

BOYS ENTERTAIN FRIENDS

Pupils of Blanchet Institute Render Lengthy Programme.

A Christmas entertainment, for which the boys of Blanchet Institute had been preparing some weeks, was given yesterday afternoon in the lecture room of St. Michael's Catholic Church. Father H. J. McDevitt was present and spoke to the children and their parents and friends who were present. The object of the programme, alluding to a poem, "Crooked Mouths," which had just been recited by Clyde Hoobler, and saying a crooked mouth is the sign of the poor people's money, was far worse, and a disgrace to the community, even though he had a fine education. He also spoke of John F. Kennedy at the funeral of James Frayne, and said it was because of Mr. Frayne's honesty that people honored him.

The address of welcome was delivered by Carl C. Mayer, of the preparatory department, and recitations, songs and violin selections by pupils in this department were followed by those of the intermediate department of the institute. Then the pupils in the commercial department had their turn.

Among the recitations were the following: "The Star of Bethlehem," by Melville O'Shea; "Christmas Everywhere," by John Driscoll, and "A Parting Wish," by John Driscoll. The songs were rendered by Francis Elvers and A. Hyland and violin selections by Robert Driscoll, F. Gansseder and E. Klesendahl.

IRONWORKERS BIDE TIME

Will Take No Action Until Unions Complete Merger.

Union men employed at the iron trades in the foundries of this city are not prepared to announce their plans for reaching the efforts of their employers to establish the "open shop." Such of these men as have not already been discharged are remaining at work until the different iron trades unions of the city can be merged into one body, when it is proposed to demand that all non-union workmen be discharged. Otherwise it is understood the union men will declare a strike and walk out.

IRONWORKERS BIDE TIME

Complete Merger.

The men employed in these trades will hold a meeting at Drew Hall tomorrow afternoon, when they will complete the organization of an Iron Trades Council.

BONDS FOR NEW SCHOOLS

Financial Plan of North East Side Improvement Association.

The North East Side Improvement Association favors the issuing of bonds for the erection of all future new schools in this district. S. C. Beach brought the matter up at the meeting last night in the form of a resolution. The preamble sets forth that it was the purpose of all good citizens to issue bonds for this purpose, and the resolution itself adopted was as follows:

Resolved, That the Board of Education be requested to bond the cost of the construction of all new buildings to be erected, and provide a sinking fund for the retirement of the bonds by the time of their maturity.

L. T. Peery, R. E. Menefee, S. C. Beach and Fred C. Glasscock spoke for the resolution. It will be presented at the general taxpayers' meeting.

Fred O. Olson and E. Versteeg reported on the bridge across Sullivan Gulch. Extended discussion followed, with the result the committee was continued with instructions to convey to the Mayor and Executive Board the fact that the people want the bridges at Union avenue and East Twenty-eighth street as soon as possible, and urged that the necessary steps be taken to get them. If necessary the board will be asked to readvertise for new bids.

R. E. Menefee, L. T. Peery and F. A. Nichols were appointed to confer with Postmaster Minto about securing additional mail delivery for the business district north of Sullivan's Gulch.

MAKE PREPARATIONS

For the cold weather. Get your fireplaces equipped with the M. J. Walsh Company's grates, andirons, firesets and spark guards. It is a well-known fact that they carry the best class of goods in the city in their line. They wish to call your attention to their beautiful line of gas and electric table lamps, just opened up at a sample sale. You should not miss seeing them. Just the thing for a nice Xmas gift. Salesrooms 211 Stark, between Fifth and Sixth streets.

Sunday Lid for St. John.

Councilman Leggett, of St. John, yesterday announced that he would introduce an ordinance at the meeting of the Council next Tuesday night declaring it unlawful to keep open skating rinks, pool-rooms, billiard-rooms, bowling alleys or shooting galleries on Sunday. This is in accordance with the petition from nearly 200 residents, submitted at the meeting of the Council last Tuesday night. The petition received scant attention, being accepted and placed on file, which was a polite way of getting rid of it. Councilman King opposed the petition at that time by saying the owners of these places had a right to make a living, which they could not do unless they could keep open on Sunday. He contended that the young people would go to Portland by streetcar if their amusements in St. John were cut off. Following his remarks the petition

LIVED SQUALOR

Juvenile Court Takes Charge of the Bradley Children.

MOTHER IS DISSOLUTE

Long Recognized by Authorities as Unfit Person to Have Custody of Little Ones—The Father Still Eludes the Police.

On the ground that the woman is drunken and dissolute and unfit to have her custody, the five little children of Mrs. Melville G. Bradley were taken from their squalid home in the suburbs of Albina, last night, by Detective Hawley, of the Juvenile Court, and placed in the detention home of that tribunal. Mrs. Bradley is the wife of the blacksmith who killed John W. Gittings, a policeman, at Albina, Wednesday night, and who is now a fugitive from justice. Mrs. Bradley was "found an awful state of affairs in the Bradley home," said Detective Hawley. "The woman and her brother, that fellow Silvester, who was mixed up in the shooting scrape, were both there, drunk. The house was not merely dirty; it was filthy, and the poor little children were neither properly clothed nor fed. It would be a disgrace to humanity to leave the unfortunate little ones in such surroundings and under such care."

"This is an old case in the Juvenile Court. We have had them up before. This is the Mrs. Bradley's own case. She has been taken away from this woman. We showed in court that both she and Bradley were drunk a great deal of the time, that both abused and neglected the children, and that the character of their mother, outside her home life, was such as to unfit her for the custody of innocent children."

The Bradley children are Elmer, aged 12; Lilly, 11; Arthur, 8; Bessie, 5, and Johnnie, 3. They were taken in charge by the juvenile officer about 18 months ago, but allowed to return to their home on the promise of their parents to do better. Again about a year ago they were taken in charge, but this time they were not allowed to return to the Boys' and Girls' Aid Society, where they remained until about five months ago, when they were sent home again on the promise of their mother, who again promised reform.

The case in all its phases has brought to light a most deplorable state of affairs and the urgent business admissions, besides other evidence, have shown that the step taken last night was to have been expected. Except that he himself was brutalized by drink, there seems no explanation for the Bradley's having continued to live with his wife, to have gone so far as to shoot and kill a policeman, and to have been willing to kill his brother-in-law, Silvester, over her.

Bradley's whereabouts are still unknown to the police, and he has not been heard from. The story printed yesterday that the police had received information that Bradley was in hiding in the city and had consulted a lawyer to find out if he could put up a plea of self-defense, was ridiculed last night by Chief Critchfield. The case was held in the night of the killing. From the evidence given on the night of the affair and before the coroner's jury, it is thought that Bradley would have a poor show before a jury.

The funeral of Policeman Gittings will be held today at 1:30 P. M. from Finley's chapel. The services being held under the auspices of the Knights of Pythias, of which Gittings was a member, and the Police Department. It is understood that all members of the police force who are not on duty at the time will attend in a body.

BANK FAILURE TO BLAME

Contractor Howard Tells Executive Board Why He Is Behind on Work.

Contractor Harry Howard appeared before the street committee of the executive board last night and was asked to explain, and explained why he had been unable to complete several pieces of improvement work left to him a long time ago. Howard informed the committee that the Trust Company, saying that through one of its numerous subsidiary holding companies he had received funds with which to complete the work, but that the company had since been unable to secure anything from that source, hence his inability to complete the contracts.

Howard informed the committee of which Mayor Lane is chairman, that he is now prepared to proceed to the completion of all the contracts, as he said had been arranged with Receiver E. C. Mears for sufficient funds to do so. Mayor Lane, however, was dissatisfied with this statement, and said he would exact bond from the contractor to cure the city on the contracts. Then, said the Mayor, should Howard fail to complete the work, the city will do so and collect from Howard's bondsmen.

MAINTAIN THE BOYCOTT

Local Unions Keep Big Stove Foundry on Unfair List.

Justice Gould, of the Equity Court of the District of Columbia, may enjoy the honor of being the first to lead in boycotting the Buck Stove Foundry, but the labor unions of this city continue to maintain their "unfair" list. At a meeting of the Federated Brotherhood of Labor last night, the speaker took to light more effectively employers who are unfriendly to organized labor. The list of "we don't patronize" firms was read, and it was further agreed that the different organizations will direct their light against one firm at a time, instead of undertaking to oppose the "unfair" list until every possible effort to compromise the differences has been made.

It was reported by a committee representing the engineers that the trouble between that union and the Portland Brewing Company had been settled satisfactorily after several months' wrangling. The report was accepted.

Must vacate store December 21—selling trunks, bags and suit cases at a sacrifice. 231 Morrison st., near 2nd.



"LEST YE FORGET"

LENNON'S GLOVE ORDERS AS A REMINDER

To those who have yet to complete their Christmas purchases we suggest LENNON'S GLOVE ORDERS

Have you forgotten your friend in San Francisco? You have ample time to reach her (him) by mail with one of our glove orders, which are redeemable with the best gloves at our San Francisco stores on Van Ness avenue or Fillmore street, in San Francisco. In Seattle, we have three stores on Second ave. Your Portland friends may present Lennon's glove orders at 309 Morrison at any time and receive in exchange a selection of the world's best makes of gloves.

Purchase one of Lennon's glove orders as a present to man, woman or child, and save yourself the trouble and annoyance of making a selection of the goods. Sold for as much money as you care to spend.

Lennon's
MORRISON ST., OPPOSITE POSTOFFICE

was "put to bed." However, the petition has considerable backing, and Councilman Leggett says he will draw the fire of the opposition at least and make a record, even if he does nothing else.

J. Nolan, of San Francisco, a member of the executive board of the same international association, is expected to reach this city early next week to counsel with the machinists and ironworkers in such action as it may be decided to take in order to meet the attack that has been made by employers on organized labor.

IRONWORKERS BIDE TIME

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The men employed in these trades will hold a meeting at Drew Hall tomorrow afternoon, when they will complete the organization of an Iron Trades Council.

SATURDAY BARGAINS.

Long Kid Gloves at \$2.25; 4 grade at \$3.28; two-clasp Kid Gloves at \$1 a pair; men's \$1.50 Sweaters at 50c; special prices on Belts, Purse, Neckwear and Hosiery. Portland agents for Warner's and Thomson's corsets. McAllen & McDonnell. The store noted for best goods at lowest prices.

EXPENSIVE FOR CHRISTMAS.

Klaser's scenic Photos. 245 Alder street. Closing out sale of trunks, bags and suit cases at 231 Morrison, near 2nd.

BIG SALE

\$1.00 IN SILVER

IN MDSE.

\$2.00

By January 1st our store must be vacated and our large stock sold, regardless of cost. A nice line of Ladies' Silk Mouslin Underwear, Silk Wrappers, Kimonos, Dress and Underskirts, Waists, Suits, Vests, Lace Embroideries, etc.

Magnificent Stock of Men's and Children's Wearing Apparel to Choose From

Dry Goods, Christmas Novelties and Fancy Goods of all varieties to select from and at your own price. The finest materials and daintiest patterns.

ALL GRADES

The entire stock, without reserve, must be sold. Fixtures for sale.

G. S. LONG & CO.

147 1/2 Sixth Street, Between Alder and Morrison, Portland, Or.



HOLIDAY HEADQUARTERS—EVERYBODY GETS A PRESENT

W.C.

WHISKIES A 541—PHONE—MAIN 380 WINES