

FRAME THEATERS MAY HAVE TO GO

Inspector Dobson Favors New Building Law That Will Warn Owners.

FIVE YEARS FOR CHANGE

City Official Will Draw Up Measure and Present It to Council—Nottingham Building May Be Torn Down.

City Building Inspector Dobson is preparing to draft an ordinance, the provisions of which will eliminate from Portland, within the next four or five years, all frame structures used as theaters. He will complete this measure in the near future, he says, and submit it to the City Council for consideration. He believes that the Council will pass it, as a matter of protection to the public.

According to Mr. Dobson, it is imperative that there shall be a revision of the building ordinances, to cover the subject of public buildings, in particular, and others in general, to meet the modern requirements of a great city, such as Portland. He believes that it is his duty to prepare such an ordinance, he declares.

"I believe there should be a more modern law governing building in Portland," said Mr. Dobson, "and that there should be no frame theaters, and in the ordinance which I will submit to the Council there will be a clause that will eliminate such structures in not to exceed five years. That seems reasonable to me, as it gives the theater managers ample opportunity to lay their plans for new and modern fire-proof buildings. As Building Inspector I feel that I cannot afford to do anything short of this."

Such an ordinance as Mr. Dobson proposes submitting to the Council will affect the Empire, Baker and the Heilig, owned by the Northwest Theatrical Association, and the Grand, owned by Sullivan & Considine. In the first three theaters named, Councilman Baker is largely interested. Mr. Dobson will appear before the Council tomorrow morning to ask the members to recommend to the Council that the frame structure, erected by State Senator Nottingham, at East Second and East Stark streets, be torn down. He will urge that this action, although apparently drastic, should be taken because, as he alleges, the most flagrant violation of the building ordinances recently perpetrated occurred there.

The Councilmen who voted for the special permit for Senator Nottingham find themselves in a most embarrassing situation. City Attorney Kavanaugh has officially notified them that their action was illegal. He holds that the Council has no power to grant these special permits. Mr. Dobson, taking a firm stand against infraction of the ordinance governing his department, insists that the Council shall remedy this matter, and he declares he will be satisfied with nothing less than the tearing down of the building. At the last session of the Council the matter was referred to the committee on health and police, and it will be considered tomorrow morning.

This Stenographer Is Really Ingenious.

Unused to Business Ways and Unfamiliar With Zoological Name for Manx, She Learned at Length.

She was just a young, wide-eyed stenographer not very far from business college, and she answered to the name of Mary. Had anyone called her Marie, she would not have known who was meant. Practical business ways were as yet largely unknown to her, although she was wise on business college practice and could deal with hypothetical problems as easily as the president of a phony bank can juggle the trusting depositors' money.

She it was who, on her first day in the office, fell into a tremble when a telegraph office messenger appeared with a business telegram for the boss, and confided her fears to a clerk in the office, thus: "Oh, my goodness! Somebody must be dead. The ornithorynchus when he comes," and hustled away to the car.

The stenographer was stunned. Who or what was the ornithorynchus, anyway? She did not have time to ask the boss, for he got away before she mustered up courage to propound any questions. She did not like to ask anyone in the office for fear it was something she ought to know and they might laugh at her. She tried to find it in the dictionary, one of the best friends a stenographer may have, but could not find any such word.

The afternoon waned and 5 o'clock came. No ornithorynchus. She finally locked up the office and went home. "The next day when the boss came she said: "He didn't come yesterday."

"Who?" asked the boss. "The ornithorynchus. Who is the ornithorynchus, anyway?" "The ornithorynchus is a beast with a bill. We call him the rent man, my dear," said the boss.

WANTS BETTER SERVICE

Curry County Supports Independent Telephone Line.

GOLD BEACH, Or., July 1.—(Special)—The Home Telephone Company is constructing a line from Gold Beach south. Much dissatisfaction was, for a long time, felt with the old line, which connects Curry County with outside communication by way of Gold Beach north. There is no telegraph in the county and excepting by mail, no communication can be had concerning the doings of the outside world but by this line. At the time of the primaries the line was down and again a few days ago at the time of the Chicago Republican convention.

Last January the Southern Curry Telephone Company, a home enterprise, was organized. The line is to extend from Gold Beach to connect with the line at Crescent City, Cal. The capital stock of the company, \$1000, was soon sold. E. A. Bailey, County Judge, was elected president; Dr. F. J. Schlemm, secretary and

treasurer, and W. J. Ward, who is agent and representative here of the Brookings Lumber Company, was chosen manager. All are directors, acting with W. J. Cooley and Delmar Colegrove, of the southern part of the county. Bids were advertised for furnishing poles for the line and George Smith, owner of the Pistol River Mill, was given the contract. Poles are on the ground and are now being set, both from the north and from the south. It is intended to push the work as rapidly as possible.

Rum Demon Gives Few Expiring Kicks.

Saloonkeeper Cochran of St. John Opens His Place and Keeps Open Until He Gets Official Notice From Sheriff to Close.

AFTER the big celebration Tuesday night at St. John over the closing of the saloons the inhabitants awoke yesterday morning to find that "King Barleycorn" was not quite dead. They rubbed their eyes and looked again, but there was no mistake. The saloon of S. C. Cochran was wide open, and doing as much business as ever.

But this state of affairs did not last long. The preacher soon became aware of the turn things had taken, and made a tour of investigation. He learned that Mr. Cochran was keeping his saloon open because he had a city license which had not yet expired. It would be time enough for him to close his doors when ordered by the Sheriff to do so. As the mandate of the County Court has gone forth Sheriff Stevens sent Deputy Sheriff I. D. Boyer to St. John yesterday morning to inform the saloon proprietor that unless he complied with the law he would be arrested. Cochran closed the place.

It is said that Cochran was only awaiting the Sheriff's order to close, and that he will now attempt to collect the amount due him from the city on that portion of his license which is unexpired. Rev. F. L. Young, of the St. John Methodist Church, was about to come to Portland to swear out a warrant with the District Attorney for the saloonkeeper's arrest when he learned that a Sheriff's deputy was on his way to close the saloon.

JUNE WEATHER SUMMARY

Month Evenly Divided Between Cloudy and Clear.

Meteorological summaries for the month of June, compiled by Edward A. Seals, district forecaster, show that there were 12 clear days, 12 cloudy and six partly cloudy. The temperature records show that the last day of the month was the hottest, the thermometer registering 92 degrees on that day, with a clear sky. The coolest day was June 2, when the mercury dropped to 42 degrees, with the sky overcast. The greatest range was on that hot last day of the month, when 32 degrees marked the rise from 60 to 92 degrees.

The high mean temperature for the month was 71.1 degrees; low mean, 51.3 degrees, and mean for the month, 61.2 degrees. The average for the month for 27 years is 61.8, indicating for the month just closed four-tenths of a degree cooler than the average record for the period named.

In rainfall there were but two days in the month when the precipitation could be recorded in tenths of an inch—June 20, one-tenth, and June 25-26, two-tenths. There were 21 days when no precipitation was observed, or at best a trace. The average for June for 27 years is .38 inches, which leaves this June about an inch short.

The flood this year showed its maximum stage June 21, when it raised 38 feet above low-water mark and the lowest was on June 4-5, when the water stood at 14.1 feet above.

The prevailing direction of the wind was from the northwest, with an average velocity of 6.1 miles an hour. The highest velocity was attained June 1, when it reached 24 miles an hour, record taken for five days.

WRITES SUFFRAGE PLANK

Mrs. Dunlavy Prepares Section for Democratic Platform.

Mrs. Mary Arkwright Hutton, a former voter of Idaho, but now a tax-paying citizen of Washington, has, on the eve of her departure for Denver, empowered Mrs. Abigail Scott Dunlavy, president of the Oregon Equal Suffrage Association, to write an equal suffrage plank for the platform of the National Democratic convention.

"Mrs. Ruth Bryan Leavitt is a delegate to the convention from Wyoming," writes Mrs. Hutton, "and is an ardent suffragist and close political adviser to her father. Now, among a good, stiff plank I will trust to your subtlety to get up something that sensible men will stand for; and you may trust me to get it in if it is to be set."

The proposed plank follows: Whereas, the periodical enactment of summary laws in many states, and parts thereof, through the maches of professional or paid peripatetic professional agitators, sows the seeds of discord, unsettles values, disturbs commerce and endangers the peace of the people, and without creating any perceptible reformation in the lives and habits of the people, and

Resolved, That we recommend the enfranchisement of women in all the states as an example of serious consideration by the Democratic party, and by all liberty and justice-loving men.

BIDS ON PACKING-PLANT

Estimates Will Be Passed On by Swift & Co.

As previously announced by the company, yesterday was the closing date for receiving bids for piling and excavation for the buildings of the plant of the Union Meat Company on the Peninsula. The bids now go to the construction department of Swift & Co. at Kansas City, for examination before announcement is made concerning the various bids made for the work.

Architect Leonard, of Swift & Co.'s engineering department, was in Portland several weeks, familiarizing himself with the grounds and progress made in dredging a channel connecting the plant with the Columbia, and left for the East last week. He will examine the bids submitted for the preliminary work, and, if felt with the old line, which connects Curry County with outside communication by way of Gold Beach north. There is no telegraph in the county and excepting by mail, no communication can be had concerning the doings of the outside world but by this line. At the time of the primaries the line was down and again a few days ago at the time of the Chicago Republican convention.

TEST TOWAGE LAW

Injunction Suit Against Port of Portland.

Case Will Be Appealed

Friendly Procedure Brought by Sylvester Farrell to Prevent \$500,000 Bond Issue Voted at Election of June 1.

An injunction restraining the Port of Portland from issuing the \$500,000 bonds for the establishment of a pilotage and towage service on the Columbia and Willamette Rivers between the city and the sea, is being sought by Sylvester Farrell in the Circuit Court. The suit is a friendly one, brought to test the validity of the initiative act in it if it is to be set.

Mr. Farrell is a member of the firm of Evering & Farrell, and also a member of the Board of Pilot Commissioners. He states that he is the owner of \$148,000 worth of property, and that this will be unjustly taxed if the bonds are issued. The Port of Portland Commission is about to issue 500 bonds of \$1000 each, bearing date of July 1. Fifty of them will run for one year, 50 for two years, and so on to 10 years.

Yesterday's suit was brought through Dolph, Mallory, Simon & Gearin, Farrell's attorneys. Besides the Port of Portland, as a corporation, C. F. Swigert, John Driscoll, E. L. Willis, A. L. Pease, J. C. Ainsworth, C. F. Adams and W. D. Wheelwright are named individually as defendants.

Flanders Files Demurrer. A demurrer to the complaint was filed yesterday by J. Couch Flanders, counsel for the defendants, and argument will be had before Judge Gantenbein Friday morning. Whichever way the case is decided, it will be appealed to the Supreme Court. It is set forth in the complaint that the amendment is unconstitutional, for the following reasons:

Because it violates section 32, article 1, of the State Constitution, which says that "no tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly, and all taxes shall be equal and uniform."

Because it violates section 2, article 2, of the State Constitution, as amended by vote of the people, upon initiative petition, June 4, 1904. This section provides that corporations may be formed under the general laws, but that "the Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town."

"The legal voters of every city and town," reads the law, "are hereby granted the power to enact and amend their municipal charters, subject to the Constitution and criminal laws of the State of Oregon."

Because the amendment purports to confer upon the Port of Portland the power to establish a towage and pilotage service between the port and the sea, while the original act which created the port gave it no such power, it

is contended that the amendment is not in reality an amendment, but an attempt to confer original power, in violation of the law.

It was section 2 of article 11, above quoted, that was invoked when Farrell brought successful suit to declare the Port of Columbia act invalid. The decision of the Supreme Court was that the Legislature could neither amend nor enact the charter of a port. Now that the people have attempted to amend it, the Supreme Court will be asked to decide whether their amendment holds good.

The question voted on at the general election last month was: "Shall the corporate powers of the Port of Portland be enlarged by authorizing it to establish and maintain a towage and pilotage service upon the Columbia River bar and on the Columbia and Willamette Rivers between the southern limits of said port and the sea; with authority, for the purposes aforesaid, to issue and dispose of its bonds in amount not exceeding \$500,000, bearing not exceeding 6 per cent annual interest, and to levy and collect annual taxes upon property within its limits, subject to taxation, not exceeding one-half mill in addition to taxes now authorized."

Only \$12 in two months for the support of these children, aged 12, 7 and 2 respectively, was received by Rose Labelle from Frank Labelle, her divorced husband, according to a complaint filed in the Circuit Court. Judge Cleland yesterday afternoon decided that Labelle must hereafter pay her \$12 a month. Labelle is a barber working for W. G. Jones at 84 Sixth street.

Testimony taken in court yesterday was to the effect that Labelle has paid his wife \$75 since the divorce was granted, May 1, but that only \$6 each month went for the support of the children. He is said to be a good counsel for Mrs. Labelle, to have gone to pay the attorney and the court costs in the divorce suit.

The children are being cared for by their grandparents in one of the suburbs of Portland. Counsel yesterday said that Labelle tried to visit the children last Sunday, and was driven from the place by Mrs. Labelle and her parents. This statement was met by Mrs. Labelle's attorney with the charge that Labelle made himself obnoxious. At the time the divorce was granted the wife said he was in the habit of beating and kicking her, and that he once struck one of the children on the eye.

THREE DIVORCE SUITS FILED

Desertion Alleged by Two Wives and One Husband.

Three divorce suits charging desertion have been filed in the Circuit Court. Mathilda Ritchie says she married William H. Ritchie September 6, 1904, and that he deserted her March 13, 1905, being now in Seattle.

Charles Dupuis says he married Hattie M. Dupuis in Multnomah County August 5, 1892, and that she left him two years later. Minnie Burke has brought suit against Michael Burke, and desires to resume her maiden name, Minnie Brandenberg. They were married in Portland in 1883, and the wife says her husband left her in 1904, without any means of support.

RESTRAINED FROM GRADING STREET

The City of Portland, M. J. Connelley, W. Scott and T. McDougal are restrained by an injunction issued in the Circuit Court yesterday from grading Franklin street, on Waverleigh heights, between East Thirty-first and East Thirty-third street. The injunction is the result of a suit filed by the John P. Sharkey Company. The city recently let the contract for grading to Connelley, and he in turn let it to Scott & McDougal. They proceeded with the work until the Sharkey Company protested to the removal of the dirt, which the company said, is its property. The real estate firm owns blocks 23 and 24, and wants the dirt dumped on block 24.

ASKS \$32,065 FOR LOSS OF LEG.

Because his left leg was caught by a towline and crushed against the timber head on the barge La Camas, James M. Williams has brought suit in the Circuit Court against the Oregon Round Lumber Company to recover \$32,065 damages. The accident occurred November 11, last year, while the steamer Diamond O was attempting to move the barge. Williams says that he was in command of the barge at the time, and that the steamer was started before he gave the signal that everything was ready. Amputation of the leg was necessary. Williams asserts that the physician's fee was \$155, and the nurse \$110. He was earning \$75 a month, and wants \$12,000 because he is now unfitted for labor, and \$20,000 for bodily and mental pain.

COURT NOTES

Gustav Zippel and Emma Zippel have filed suit in the Circuit Court to foreclose a \$2000 mortgage on lot 4, block 6, Dunn's Addition. F. J. Norton, L. R. Flagg and F. W. Watson have been appointed appraisers of the estate of Emory A. Huson, valued at \$198,500. Huson died at Wallace, Idaho, June 7.

That Andrew J. Hammond and George Pope swindled Daniel J. Finn out of a deed to property in Woodstock is the allegation made in a complaint which Finn filed yesterday in the Circuit Court. Finn asserts that he is entitled to recover \$750 damages.

REAL ESTATE TRANSFERS

- Lone Fir Cemetery Co. to Reuben Smith, Lots 48, 50, Block 32, said cemetery. \$70
Portland Realty & Trust Co. to B. R. Wood, Lots 1, 2, 3, Block 4, Evelyn. \$200
Evelyn Block 2, Block 1, and wife to B. R. Wood, Lot 1, Block 2, 1st 18. \$1,500
Block 18, Miller's Addition. \$1,500
Phillip E. Bates and wife to Henry Parker, Block 2, F. \$1
Henry Parker and wife to Day & Williston, 100x100 feet beginning at N. Ely, corner of Block 10, where west line of Overlook boulevard intersects west line of Melrose Drive. \$1
F. W. Yattick and wife to Chas. O. Foster, Lot 15, Block 2, N. Irvington Municipal Railway & Improvement Co. to Jessie Stewart, Lot 1, Block 3, Terrace Park. \$10
To Land Co. of Oregon, to W. J. Viarrett, Lot 10, Block 20, City View. \$470
Orville H. Reed to J. M. Glass, 20 acre beginning at point in Astoria Block 2, Block 1, said block corner of Sec. 30, T. 1 S., R. 1 E. W. H. Glass to W. W. Graves, Lot 18, Block 3, Watt's subdivision of Lot 4, Fruitvale. \$200
Geo. M. Wilson and wife to Kay and Amelia Gaebler, Lot 15, Block 4, Midway Addition. \$300
Curd Sengstacke et al. to Legation, Khabat et al., undivided half of Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 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1825, 1827, 1829, 1831, 1833, 1835, 1837, 1839, 1841, 1843, 1845, 1847, 1849, 1851, 1853, 1855, 1857, 1859, 1861, 1863, 1865, 1867, 1869, 1871, 1873, 1875, 1877, 1879, 1881