

GOVERNOR'S STATUS STILL IS IN TANGLE

Justices of Supreme Court of Five Different Opinions.

CHADWICK RULING GUIDES

Chief Justice McBride Declares Public Interest Should Be Considered in Decision.

SALEM, Or., June 10.—(Special).—Ben W. Olcott's official status was as much "up in the air" today as the governor himself was shortly before noon when he took passage in the big army plane which bore him above the clouds to the City of Roses.

A hopeless division, pregnant with many possible future legal entanglements, was brought to light when the supreme court, in five widely divergent opinions, handed down the long-expected Olcott-Hoff mandamus case without deciding any of the important questions which were sought to be determined in the litigation. A summary of the several opinions shows that in no instance is a majority of the court agreed on any of the real questions raised by the suit.

Chief Justice McBride is the only member of the court who holds absolutely that Mr. Olcott serves out the full unexpired term of the late Governor Withycombe as governor in fact, which carries with it the right to sign as secretary of state and appoint his successor to that office.

Opinions Are Varied. Justices Johns and Bean agree with Chief Justice McBride in fact for four years; they refuse to say, however, whether or not he can resign as secretary of state.

Justices Harris and Benson hold that Mr. Olcott is governor in fact, but that he serves only until the next general election in 1920. They agree with Chief Justice McBride that Mr. Olcott can resign as secretary of state and name a successor.

Justices Bennett and Burnett refuse absolutely to decide either of these important questions. Both of these justices contend that the mandamus proceeding brought by Mr. Olcott were for the sole purposes of determining whether or not he is entitled to the salary of governor. They hold that he is entitled to this salary, but contend that all other questions are not at issue and cannot properly be determined by the court under the present proceedings.

Chadwick Ruling Upheld. Justice Johns, who, originally, was to have written the opinion for the court, declares that the decision laid down by the Oregon supreme court in the Chadwick case must be upheld in the present proceedings, thus making Mr. Olcott governor in fact and entitled to serve the full unexpired term of the late Governor Withycombe.

Regardless of the question as to whether the Chadwick case is sustained by the weight of authority, the fact remains that since his decision in October, 1884, many legislatures have come and gone, and his opinion, that the people have directly or indirectly had the power to amend the constitution, that for more than 34 years it has been the law of the state and that it was decided by eminent justices of this court and sustained by such reasoning and authority as clearly to bring it within the rule of state decision and make it binding on this court.

"Mr. Olcott is governor in fact and has the right and title to the office itself, with the accompanying right and authority to perform the duties and receive the emoluments of the office. As to whether he could resign as secretary of state, and as governor appoint another to that position, and still continue to hold the office of governor, we do not feel legally justified in going beyond anything said in this opinion. That is, at least, a matter more a personal question for Mr. Olcott."

Full Term Approved. "But we do hold that upon the death of the late Governor Withycombe, by reason of the fact that Mr. Olcott then secretary of state, he automatically became governor, and when he took the oath as such the office of governor and the title to that office were thrust upon him, and that under the authority of Chadwick versus Earhart, he became and is now governor in fact, and is entitled to hold that office, perform all of its duties and receive emoluments for the full period of the unexpired term to which the late Governor Withycombe was elected."

Justice Bean concurs in the conclusions reached by Justice Johns. Chief Justice McBride, in a special concurring opinion, declares that he agrees fully with Justice Johns, but "it is his opinion for Mr. Olcott to give up the office of secretary of state and retain the office of governor, he should be permitted to do so, in the public interest, and we ought not to quibble about it in so declaring," is the summary reached by the chief justice.

Public Held Interested. "The public also has an interest in having the duration of his term of office settled. If a new governor is to be chosen at the next general election, the voters of the state should be apprised of that fact so they may know about and weigh the qualifications of the various candidates or prospective candidates with a view to enabling themselves to choose intelligently."

"It is true that each of the questions could be presented later by two or more additional suits; that to use a homely simile we could cut the dog's tail off by inches instead of making one slash and finishing the job. It is true that the progress by inches would

furnish business for attorneys, and capital for petty politicians, but it would not promote the interest of the public, which, as before shown, is to have the questions settled now."

Justice Harris wrote the opinion which holds that Mr. Olcott serves as governor only until the next general election. In this view he is supported by Justice Benson, who concluded in the Harris opinion. Justice Harris gives a history of the Chadwick case and endeavors to show that the present set of facts are much different than at that time.

Justice Harris Outlines Views. "The rule established by the constitution is that one person may hold but one office," states the opinion by Justice Harris. "For one person to hold office is the exception. The framers of the constitution anticipated contingencies of death, resignation or removal by providing for the exception."

A board of three persons is the rule; a board of two persons is the exception. The office of governor as well as that of secretary of state is elective. An election is the rule; an appointment is the exception. Finding, as we do, that two offices with two persons as the officers is the rule, while two offices with one person acting as the two officers is the exception, that an election is the rule and an appointment is the exception, we would also expect to find provisions terminating the exceptions, whenever they occur, and reestablishing the rule at the very earliest opportunity. The rule was provided because it was deemed to be the best; the exception was provided because it was deemed to be the next best; and naturally the theory of the constitution is that the next best shall be had only so long as necessary. The conclusion that the office of governor can be filled by the people at the next election harmonizes every part of the constitution with every other part, gives full meaning to every word and every section in perfect accord with the spirit of our constitution and laws.

Designation Right Seen. "I think, too, that the logic of the holding in Chadwick versus Earhart leads to the conclusion that the petitioner may resign as secretary of state and continue to occupy office of governor."

Justice Bennett, who holds that the court cannot properly determine Mr. Olcott's title to the office of governor under the present proceedings, writes some pointed observations covering the entire case.

"I do not wish to quibble for a share of responsibility in deciding any question that is properly before the court," he says. "Neither am I willing to be stamped into a decision I have no right to make, nor to run headlong into the exercise of powers I do not possess, in order that I may have the satisfaction or the notoriety of helping to decide some important question."

To accept and amplify Mr. Chief Justice McBride's homely illustration, he suggests to "cut the dog's tail off by inches"; it is a case, where, because one dog has a broken tail, which needs amputation, we are asked to drag in the other dogs in the community and mutilate them, because their tails might possibly be broken at sometime in the future."

Case Held Peculiar. He brands the present proceedings as a moot question brought in a "mock trial" at a fictitious lawsuit.

"If I should do my official robe and attempt to give my half-baked street opinions, judicial utterance," he adds, "I would agree with Mr. Chief Justice McBride as to the result, but not as to the reasoning or analogies by which he has reached that result."

Justice Bennett declares that it is the province of the attorney-general to advise Mr. Olcott as to his title to the office of governor, and any attempt on the part of the supreme court to decide this point would be an usurpation of the powers of that official.

In view of the fact that five of the seven justices have decided that Mr. Olcott is governor in fact, it is believed here that he will resign as secretary of state in order that the question may be definitely decided through proceedings which would then come properly before the court.

Resignation Right Seen.

Chief Justice McBride holds without qualification that Mr. Olcott serves the full four years and may resign as secretary of state. Justice Johns and Justice Bean hold that he serves the full four years as governor in fact. Justice Bennett says that were he to give his opinion he would agree with Justice McBride. Justices Johns and Bean agree, by the strongest possible inference, that he may resign as secretary of state, for, to quote Justice Johns' opinion, "this is a personal question for Mr. Olcott to decide."

Thus it is seen that four of the seven justices practically agree that Mr. Olcott serves the full four years as governor with the right to resign as secretary of state. It is pointed out by those in touch with Governor Olcott that the doubt raised by Justices Harris and Benson, who hold that Mr. Olcott serves only until the next election, is certain to bring about further litigation before the next primary election, and Mr. Olcott cannot possibly lose by resigning now as secretary of state. Even Justices Bennett and Harris agree that Mr. Olcott is governor in fact, rather than acting governor, which carries with it the right to resign as secretary of state.

New Suits Foreseen.

There appears to be little doubt here but that gubernatorial candidates will spring up next year, and in that event the court will be called upon definitely to establish Mr. Olcott's title to the office.

Another possible legal entanglement is set forth in the opinion of Justice Bennett, who holds that the next secretary of state, to be elected in November, 1920, might demand a right to resign as governor, and in that event, he points out, the court would be called upon to give the incumbent a decision.

Another feature of the case which is of interest to the capital politically is that in that Mr. Olcott must run for office in 1920, it will mean the office of state treasurer will be the most important place on the state ballot four years hence, inasmuch as both the governor and secretary of state will have been elected at the next election.

Corvallis Man Enters Shoot.

CORVALLIS, Or., June 10.—(Special).—After having given up all hope of winning the Varsity Rifle and Pistol shoot at Corvallis, June 12, Mark Rickard, king of Willamette valley scatter-gun artists, has decided to leave Corvallis tomorrow for Portland and will be among those present at Everding park, home of the Portland Gun club, when the cream of northwest shooters start blowing away in the big tournament.

At the Oregon state trapshooting championships held at Pendleton recently Rickard finished with an average of 92 per cent.

Camas Stores Are Robbed.

VANCOUVER, Wash., June 10.—(Special).—The stores of Farrell & Farrell, Wilmer Swank and the Williams store in Camas were robbed Saturday night. Joseph W. Peirault, alias Joseph O'Day, David McKinnin, Lloyd S. Baxter, alias Lloyd S. Hamilton and Donald G. Brown, alias James Anderson, who were arrested Saturday night on suspicion of having committed the robbery, admitted their guilt.

ORPHEUM MATINEE after parade today.

ORPHEUM MATINEE after parade today.

ORPHEUM MATINEE after parade today.



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SAM'L ROSENBLATT & CO.

The Men's Store for Quality and Service

Gasco Bldg. Fifth and Alder

Pioneer Near Death May Live.

COVE, Or., June 10.—(Special).—Mrs. Myrtle M. Davis, superintendent of Highview sanitarium, Pittsburg, Pa., and Mrs. J. R. Weaver of Medford, Or., daughters of Mrs. M. A. Wagner, were called here to the bedside of their mother, who had been suddenly stricken with pneumonia, Monday. A sister, Mrs. H. J. Myers of Vale, Or., and a niece, Mrs. Lola Compton of Wallace, Idaho, also hurried to Cove. But the patient, who is Cove's oldest living pioneer, rallied and may recover.

Guard Receives Equipment.

ABERDEEN, Wash., June 10.—(Special).—A large shipment of government property has been received by company H to be distributed to company members. The shipment consists of shelter tents, blankets, trenching tools, pack carriers, haversacks, canteens and bacon cans, which will be issued to the guardsmen, as the company has been ordered to enter camp July 6 in heavy marching order.

Selah Oddfellows Raise \$8000. SELAH, Wash., June 10.—Selah Oddfellows have raised \$8000 toward a \$22,000 structure it is planned to erect in the near future. The exact site for the proposed building has not been chosen.

"Today the world stands free from the threat of militarism, but as yet we stand only at the threshold of happier times. To enter, we must fulfill to the utmost the demands which we have made,"—President Wilson.

AFTER PARADE today, Orpheum matinee.

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Assorted Jams and Jellies; 16-ounce jars 23c
Solid Pack Tomatoes, No. 2; cans for 20c
Dried Green Peas, 2 pounds for only 25c
Lighthouse Washing Powder, large package 25c

SIMON'S
THE STORE OF BARGAINS
FIRST, SECOND AND ALDER STS.

Hardware Sundries

75c Hand Sprayers priced special at only 50c
Screen Door Hinges priced, the pair at 25c
Screen Door Springs, special, 2 for 15c
Adjustable Wire Racks, for cooking in jars 75c

PORTLAND'S BIG DOWNTOWN STORE IS CELEBRATING FESTIVAL WEEK

Portland folks, as well as our thousands of visitors from other cities, will find here desirable merchandise underpriced. We are constantly growing—constantly enlarging. The reason is summed up in two words—UNDERBUY! UNDERSELL! Visit this store. We will be glad to see you—and it will pay you!



Boys' Suits

With two pairs of "knicks"
\$8⁹⁸ \$10⁹⁸ \$11⁵⁰
Coats are in the new waistline models

The Prices Save You Dollars

Boys' Suits

With one pair of "knicks"
\$5⁹⁸ \$7⁹⁸ \$10⁹⁸
Splendid values in all of these. Fit your boy out at Simon's and save money.

REDUCED PRICES ON MEN'S SUITS ALL THIS WEEK. BUY!

White Shoes, Oxfords and Pumps

FOR WOMEN AND GROWING GIRLS

At \$1.49

This is the surplus stock of a large shoe jobber who could not replace the lines save at an enormous advance in price. Rather than do this, he decided to close out the lines. We own them at a price that means a big saving to all who buy them. The values are unusual, even for Simon's. The styles are as follows:
White Canvas Sport Oxfords; green trimmed ball strap, low rubber heels, fiber soles. We show the same style also with white trimmed ball strap. White Canvas Mary Jane pumps; medium wide toes, low rubber heels, fiber soles, white ribbon bows. White Canvas High Shoes; sport model, with low heels and fiber soles; or French heels with leather soles.

\$1.49--Your Choice--\$1.49

CHILDREN'S DRESSES

75c to \$2.98
We show these in plain colors, stripes and plaids, in standard gingham and percales. Choose from them for your little girls.

WOOL GRANITE CLOTH

ONLY 98c
This is a rare bargain. The material is 36 inches wide; pin stripe effects in navy, taupe, liberty blue and burgundy. We also show shepherd checks in 40-inch materials at the same price.

ENGLISH NAINSOOK

ONLY 25c
This is an excellent quality of fine soft bleached Nainsook, 32 inches wide. It is a splendid material for underwear and for infants' wear.

CURTAIN SCRIM

ONLY 15c
A limited amount to sell in white, cream and ecru, with fancy borders. Take advantage.

WOMEN'S WHITE WASH SKIRTS

ONLY \$2.98
We show these in fine pique, in both heavy and fine rib; also in plain middie cloth. They are garments appropriate for summer outing wear.



Overall Aprons Only \$1.69

These are made of good gingham and percale. The price is a decided reduction from the regular prices.

Women's Union Suits 49c

Splendid knit suits are these; made sleeveless, with either lace or tight knees. Excellent for summer wearing.

Ball-Bearing Lawn Mowers

14-inch Mowers, with 8 1/2-inch wheels \$8.35
14-inch Mowers, with 10 1/2-inch wheels \$9.85
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Reg. \$3.00 Grass Scythes, complete \$2.25
Grass Hooks 60c, 75c, 85c

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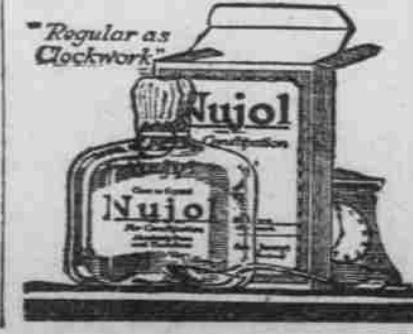
Bass-Hueter's House Paint, gallon \$2.65
In 5-gal. cans; gal. \$2.55
Bass-Hueter Floor Paint; gal. 70c
Bass-Hueter's Furniture Varnish; gallon \$1.90
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Old English Floor Wax, the 25c pound
Complete lines Kalsomine, Turpentine, Oils, Lead, and Paint Brushes.

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Save five to ten dollars quickly by dry cleaning everything in the home with gasoline that would be ruined by soap and water—suits, coats, waists, silks, laces, gloves, shoes, furs, draperies, rugs—everything!
Place a gallon or more of gasoline in a dishpan, or washbowl, then put in the things to be dry cleaned, then wash them with Solvite soap. Shortly everything comes out looking like new. Nothing fades, shrinks or wrinkles. Do not attempt to dry clean without Solvite soap. This gasoline soap is the secret of all dry cleaning.

A package of Solvite soap containing directions for home dry cleaning, costs little at any drug store. Dry clean outdoors or away from flames.



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