

MANDAMUS TO FIX STATUS PROBABLE

Supreme Court Expected to Hear Governor's Case.

SUITS TO BE FILED SOON

Prominent Portland Resident Who Is Not Named Is Likely to Begin Friendly Action.

SALEM, Or., Nov. 22.—(Special.)—That preparations are now well advanced whereby a well-known resident of Portland is probably within the next two weeks will file mandamus proceedings in the Oregon supreme court to compel the secretary of state to make provision on the ballot for the nomination of governor at the primary election next May, is indicated in a report reaching the capitol today.

While no information is available here as to the exact nature of the contents to be filed, it is said that he will be guided in preparing the action by the recent legal opinion of Attorney-General Brown. This opinion, it will be recalled, was given by the attorney-general in response to a letter from the secretary of state, asking whether provision should be made for the office of governor in his statements to the county clerks certifying the state and district officers to be elected at the 1920 elections.

Since the president of the time Governor Olcott filed a friendly action against State Treasurer Hoff to collect his salary as executive of Oregon for the month of April, and which was later the subject of a group of opinions handed down by the supreme court, Mr. Brown advised the assistant secretary of state that Mr. Olcott was governor in fact and was entitled to serve out the unexpired term of the late Governor Withycombe. In view of these conclusions the attorney-general has informed Mr. Koser that he need not make any provisions for the office of governor in his statements to the county clerks.

In order, however, that the question might again be taken up by the court for final determination, the attorney-general pointed out that any candidate for the office of governor or any citizen and voter had a legal right under the law to file mandamus proceedings at any time when the secretary of state should declare his refusal to make provision for the governor's election.

Although the proposed mandamus proceedings will no doubt create much interest in political circles of Oregon, practically all of the lawyers who have given the matter any thought are of the opinion that Mr. Brown's advice to the secretary of state was founded on sound law, and that he will be upheld in his contentions by the supreme court.

Law is quoted. The section of law applicable in the case involving Mr. Olcott's advancement from the office of secretary of state to governor upon the death of the late executive, James Withycombe, follows: "In case of the removal of the governor from office, or his death, resignation, or inability to discharge the duties of his office, the same shall devolve on the secretary of state; and in case of removal from office, death, resignation or inability, both of the governor and secretary of state, the president of the senate shall act as governor, until his disability is removed, or a governor is elected."

In the somewhat celebrated case of Chadwick vs. Barhart, upon which Mr. Brown based his opinion, and which is said to be directly in point with the one now at issue, it was held by the Oregon supreme court that "when the governor resigns, the duties of the governor's office devolve upon the secretary of state, who continues to perform them until the remainder of the term of the outgoing governor."

Nearly ten years later, while annotating the Oregon laws, the district court, who previously had gained a wide reputation as being one of the most learned jurists in the west, approved the opinion in the Chadwick-Barhart case, and so stated in his compilation.

Decision Held Applicable. Attorneys say there is no doubt but that the decision in the Chadwick-Barhart case applies to Mr. Olcott and that in addition to being governor in fact he is entitled to serve until 1923, when the late Governor Withycombe's term of office would have expired.

To rule otherwise, these same attorneys say it would be necessary for the supreme court to reverse itself, and thereby establish a precedent in the history of legal affairs in this state. Governor Olcott, who as yet has given no intimation that he would be a candidate for governor at a subsequent election, has repeatedly expressed himself as desirous of having his status as executive determined by the supreme court. To bring this about he says he would welcome mandamus proceedings in line with the suggestions of Attorney-General Brown and the quicker they are instituted the better.

Just before departing for Portland a few days ago to attend the livestock exposition, A. H. Lea, secretary of the state fair board, said he had received many letters from various sections of the state urging him to make the race for secretary of state, but that he would defer definite decision pending his return from Chicago early in December. "Although I have not yet made any decision," said Mr. Lea, "you can be assured that if I enter the contest I will make a vigorous campaign." Mr. Lea will leave next week for the Windy City where he will attend the International Livestock show.

"I'm waiting to hear from some of my friends before making definite announcement for secretary of state," was the expression of Chauncey Butler today. Mr. Butler is now in charge of the automobile department of the secretary of state's office, and prior to coming to Salem resided at The Dalles. Mr. Butler says he is convinced that with six or seven candidates from western Oregon in the race he would form a formidable strength east of the mountains to overcome the lead of any single aspirant. Mr. Butler has announced that he may be expected next week, according to his intimations.

Whether Ed Wright, secretary of the Oregon public service commission, and H. J. Schulerman, state corporation commissioner, will make the race for secretary of state, will probably be determined within the next few days.

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NEW OIL DERRICK TO RISE

Timbers Ordered for Structure Near Montesano.

Drilling, Delayed by Inability of Company to Close Leases, to Start Soon.

ABERDEEN, Wash., Nov. 21.—(Special.)—The Wyoming Oil & Gas company, which has leased a great area of land near Montesano, has placed an order with the Brady mill for the erection of the company's first derrick near Montesano. Delivery of the lumber for the derrick will begin next Wednesday, according to a statement made by W. M. Fulton, president of the company. The exact site of the first well of the company has not been announced, further than that it will be in the vicinity of Montesano and between that city and Brady. Erection of the derrick will be started as soon as the rig iron arrive from San Francisco. The drilling rig, Fulton says, has been purchased in California.

The hole will be started with 20-inch drive pipe, which later will be followed with 14-inch casing, thereby insuring a deep hole, if necessary. A depth of 4000 feet can be attained with this equipment, Mr. Fulton states. Active work by this company is stated to have been delayed because of inability to close leases for all the land desired in that vicinity. The Wyoming company says their leases are located on a favorable anticline. The Wyoming company is operating in Kentucky and Montana and is stated to have production wells in Kentucky and one near completion in Montana.

ELKS SELECT PASTOR

Hood River Minister to Speak at The Dalles Memorial Service.

HOOD RIVER, Or., Nov. 22.—(Special.)—W. H. Boddy, pastor of the Riverside community church, has accepted an invitation to deliver the Elks memorial address at services to be held by The Dalles lodge on Sunday, December 7. Rev. Boddy, secretary of Portland, superintendent of the Oregon Presbyterian synod, will deliver the sermon at Mr. Boddy's church on the Sunday of his absence. More than 20 Hood River business men and orchestra members of The Dalles B. P. O. E. lodge, and many of their well attend the memorial service.

Apartment House to Rise.

PENDLETON, Or., Nov. 22.—(Special.)—Negotiations were completed today for the purchase of a lot, the first step in the construction of a \$7500 apartment house here. The house will be constructed by a group of local men organized as the Security Loan & Investment company, and the new building will rise on property bought from the Elks' lodge. Thirty apartments will be available. Construction will be started immediately.

Deer Killing Costs \$30.

ROSEBURG, Or., Nov. 22.—(Special.)—John Lawson, a farmer residing about 14 miles northeast of Oakland, yesterday paid a fine of \$30 in the justice court for killing two deer since the season was closed. Mr. Lawson pleaded guilty. The arrest was made by Deputy Game Warden Herrington.

N. G. Anderson Wins Bride.

POMEROY, Wash., Nov. 22.—(Special.)—Miss Hulda Malone, a daughter of Al Malone, a Garfield county farmer, was recently married to Nathan Grant Anderson, an ex-service man and young attorney of Portland, where the young people will make their home after a honeymoon trip.

Legion Organizer Visits Camp.

COTTAGE GROVE, Or., Nov. 22.—(Special.)—A. W. Mueller, general field officer of the Loyal Legion of the

5,000 U. S. Army BLANKETS

—at— \$6.50 Each

This remarkable sale is a death blow to the high cost of merchandising and an opportunity that will never be repeated. These blankets are the all-wool government standard and come in blue and gray mixed and olive drab colors. Each weighs approximately five pounds. All are in first-class shape. Sale starts November 24th and will positively end November 29th, 1919. Get your orders in now. To delay may mean failure to purchase. Orders filled in order received.

Atiyeh Bros. Tenth and Alder. Largest Oriental Rug Dealers in the Northwest. Military Plaza San Antonio, Texas. Send Money Order or Cashier's Check.

The Big Gift Store is ready for you. Look over what we have to offer the Christmas Shopper. did you ever see such an array of good, practical gifts. You can please every one on your list here. We are the gift store ideal, for the best gifts are those that fill a long felt want and surprise the recipient in that you know where his interests lie.

New Books for Gifts Theodore Roosevelt. An intimate biography. By William Roscoe Thayer. The life story of Roosevelt as told by his life-long friend, William Roscoe Thayer, author of "The Life and Letters of John Hay" is bound to be one of the most widely read and discussed of the fall and winter. Ill. \$5.00 net.

Office Furniture and Office Supply Departments. A splendid opportunity to remember the man or woman at the desk with worthwhile goods at special prices. Buy now for Christmas and save money.

Second Floor Gift and Art Shop. Pyralin Ivory. Leather Goods. Stationery Gift Boxes. Folding Card Tables. Christmas Specials.

The Second Book of Modern Verse. A supplementary volume to "The Little Book of Modern Verse" containing over 200 of the best poems of the present day. \$1.50 net. Flex. Lea. \$2.50 net.

Globe-Wernicke Sectional Bookcases. Filing Cabinets and Safes. Desks, Tables, Chairs. Xmas Suggestions from the Office Supply Department. For the Technical Man and Artists.

Novelty. Rustcraft, Pholcon, etc. You who are familiar with these names will recognize immediately what these novelties are. These names stand for the most clever and original of gift novelties. They are what you see in the most exclusive gift and art shops. They are complete known useful articles from a baby's rattle to a complete search done up in exquisite gift boxes and wrapped in delicately tinted tissue papers including an original gift card hand-colored.

The Valley of Vision. By Henry van Dyke. A van Dyke book and the Christmas season are an ideal combination. "A book for the dreamer, for the thinker, for the reader who delights in observing the spirit of life in the best manifestations. There is great need for such a sane and beautiful book in such times as these."—Bookman. \$1.50.

Christmas Specials. A splendid opportunity to remember the man or woman at the desk with worthwhile goods at special prices. Buy now for Christmas and save money.

Calendars for 1920. Barse-Hopkins, Volland, Dodge, \$2-page book calendars, Harrison, Fisher, Jessie, Wilson Smith, Highway Scene Calendars, etc. etc. Many subjects to choose from, all the height of the artists' art.

Fiction. Re-Creation of Brina Kent. \$1.50. Jungle Tales of Tarzan. 1.40. Dangerous Days. 1.60. Young Visitors. 1.00. Branding Iron. 1.45. Sherry. 1.75. Lamp on the Desert. 1.75. The Four Horsemen of the Apocalypse. 1.00. Christopher and Columbus. 1.60. Mare Nostrum. 1.00. Saint's Progress—\$1.75. "Galsworthy at his best."

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Christmas Cards, Seals, Tags, Dressings, Gift Boxes, Tissue Paper, Holly Decorated Paper, Ribbon, Etc. Christmas Tree Ornaments and Crepe Paper Decorations, Place Cards and Tally Cards, Dinner Favors and Decorations.

The J. K. Gill Co. Booksellers, Stationers, Office Outfitters. THIRD AND ALDER STREETS. Bring the Kiddies to Toyland. Games, Toys, Dolls, Carts, Wagons, Wheelbarrows, Blackboards, Coaster Wagons, Kiddie Cars, Flying Machines.

Loggers and Lumbermen, former members of the legislature and former Columbia county attorney, visited Loyal Legion camps in this section during the past week. He made the statement that the legion is doing the greatest work of any organization of working men in the history of the world and that this fact is being rapidly recognized by employers of labor. He found the legion in being rapidly recognized by employers of labor.

This Shield Is the Mark of Good Dentistry. The E. R. Parker System means the use of every known and proved method to give you good dentistry. It means better teeth for everybody, and this means better people. It means a fair price for dental work done by experienced and careful men. It means that every effort is made to give entire satisfaction to every patient treated in a Parker System office.

Another Sleepless Night? It's been a busy and fretful day. Brain fagged, nerves frayed and body exhausted—conscious that tomorrow is fraught with new trials and tribulations, he realizes the imperative need of a refreshing night's rest. Yet, he hesitates and dreads to go to bed lest he roll and toss throughout the night.

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