

MANDAMUS TO TEST TENURE BY OLCOTT

Jackson District Attorney to Institute Proceedings.

BROWN GIVES OPINION

Second Request for Settlement of Governorship Question Brings Promise of Action.

ROSEBURG, Or., Nov. 29.—(Special.)—Mandamus proceedings to settle the question as to whether Governor OLCOTT is to serve out the unexpired term of the late Governor Withycombe or to hold the office merely until the next election will be instituted at once by G. M. Roberts, district attorney of Jackson county, according to that purpose made by Attorney-General Brown tonight.

The step to settle the matter was announced at the result of a written opinion submitted by Mr. Brown in substantiation of a former request to District Attorney Roberts that the issue be put before the supreme court for final decision.

The opinion given by Mr. Brown in advising the proceedings was as follows: "The purpose of this letter is to confirm in writing a request I made of you recently to institute proceedings in the supreme court of the state of Oregon for the purpose of settling and determining the question whether or not there is to be a governor elected at the next regular election.

Mandamus Previously Asked. "I had hoped that the question as to whether or not a governor was to be elected in 1920 would be settled in the case of OLCOTT versus Hoff, an original proceeding in mandamus instituted for that purpose.

"In a brief that I filed in the supreme court in that case I said: 'If this court does not at least pass upon the question now, it must do so later. At least 45 days before the next primary nominating election it becomes the duty of the secretary of state to furnish to each county clerk a statement showing the several states and district officers for which candidates are to be chosen. In the event that it has not been determined by opinion of this court that Governor OLCOTT is to fill the unexpired term of Governor Withycombe, the state will institute mandamus proceedings as in the case of State ex rel. versus Ware, 13 Oregon, 386, for the purpose of settling the question by decision of this court.'

On November 4, 1918, the late James Withycombe was duly elected governor of the state of Oregon and thereafter qualified and entered upon his duties as such governor, which office he filled until the date of his death. On November 7, 1916, Ben W. OLCOTT was duly elected secretary of state.

"His duty qualified and became and now is the duly elected, qualified and acting secretary of state of the state of Oregon. On March 3, 1919, Governor Withycombe, Oregon's great war governor, was removed by death from the executive office, which he filled with great credit to his friends, himself, the state and the nation at large.

Succession to Office Viewed. "Because of the death of Governor Withycombe and by virtue of the constitutional provision, section 8 of article V of the constitution of Oregon, the office of governor devolved upon Ben W. OLCOTT, secretary of state. Governor OLCOTT is now serving the state of Oregon as de jure governor as well as its de jure secretary of state and is performing the functions of the two separate offices.

"In the case of Chadwick vs. Earhart, 11 Oregon, 385, it was held by the supreme court of this state under the provisions of said section 8 of article V, that when the governor resigns, the duties of the office devolve upon the secretary of state, who continues to fill the remainder of the unexpired term of the outgoing governor.

"The attorney-general's office in advising Governor OLCOTT, as well as deputy secretary of state Sam Koser, was guided by the holding of the supreme court of this state in Chadwick vs. Earhart, supra, and therefore we advised Governor OLCOTT is governor in fact and that he is entitled to serve the full term for which Governor Withycombe was elected.

Court Opinion is Cited. "As the interpretation of the provisions of section 8 of article V now stands, it not having been overruled, Governor OLCOTT is entitled to fill out the unexpired term of Governor Withycombe, but the opinion of the court in Chadwick vs. Earhart, supra, has been questioned by two of the justices.

"Whether Governor OLCOTT is to fill out the unexpired term of the late Governor Withycombe, or whether he is to serve until a successor is elected in 1920, is a matter in which the public is extraordinarily interested. It is a public question and it is the duty of the law officers of the state to take the matter into the courts and have it determined. The office of governor is the most important of all state offices, and there should be no question concerning his legal hold upon the office.

"The deputy secretary of state is certifying, as provided by statute, a list of the officers to be nominated at the primary election next May, and sending such list to the county clerks of the state.

"I will add that such certification is in accordance with an opinion I have rendered the office of the secretary of state, and the proceedings that I am advising you to institute are not contrary to the wishes of Governor OLCOTT. Upon the other hand, he has often expressed himself as not only willing but anxious to have the matter of his tenure of office as governor adjudicated by the highest court of the state.

USE OF WATER SOUGHT

PORTLAND MAN HAS PROJECT ON ZIG ZAG RIVER.

State Engineer Receives Several Other Applications for Appropriation From Streams.

SALEM, Or., Nov. 29.—(Special.)—Joseph R. Keep of Portland has filed application with the state engineer here for the appropriation of water from Harney creek for the development of 1000 theoretical horse power at the headwaters of Zig Zag river.

Squire S. Alken of Prospect has asked for the appropriation of water from Mill creek, a tributary of Rogue river, for the irrigation of a small tract of land and for the operation of an hydraulic ram.

Tom C. Watson, David C. Watson

and Glen R. Watson of Five request permission to enlarge the McGilchrist reservoir for the storage of 80 acre feet of water and the appropriation of this water for the irrigation of several small tracts of land.

C. L. Holliday of Klamath Falls asks for the appropriation of water from Klamath river sufficient to irrigate 231 acres of land near Klamath Falls.

The Plevna District Improvement company of Klamath Falls also asks appropriation of water from Klamath river to irrigate a tract of land estimated to contain 570 acres.

Nellie M. Boss of Marshfield has filed application for permission to appropriate water from three small streams for irrigation purposes.

Zella McMullen of Drewsey has also filed an application which asks for the appropriation of water from the middle fork of the Malheur river for the irrigation of a small tract of land.

NEW FISH TREATY READY

EARLY SIGNING OF AMERICAN-CANADIAN PACT EXPECTED.

Agreement to Run for 15 Years With Privilege of Renewal; Closed Season Is Fixed.

OREGONIAN NEWS BUREAU, Washington, Nov. 29.—A new American-Canadian fisheries treaty has been prepared, following recent sessions of the joint international fisheries conference. Early signature is expected by both governments. While the draft of the treaty is held secret, its general effect has become known.

The treaty is to run for 15 years, with the privilege of renewal, according to information which Senator Jones has been permitted to divulge to the fishing interests. It affects halibut fishing and reciprocal port privileges in the north Pacific and lobster fishing in the north Atlantic. Its provisions are to be enforced under the direction of the international fisheries commission created by the sockeye salmon treaty, which is now pending in the senate. An annual closed season for halibut from November 16 to February 15 is provided, beginning November, 1920. The closed season does not prevent Canadians or Americans fishing in the north Pacific for other fish during that period, but it is provided that any halibut caught incidentally must be sold fresh at the landing port, or canned or cured at such port. Another provision prohibits shipping from any port of fresh halibut during the closed season. The treaty binds both the United States and Canada to levy no customs duties on shipments of fresh fish, including frozen fish.

STORMS DELAY TRAINS

Drifting Snows in Mountains Put Schedule Out of Kelter.

There was no serious impairment of service on the railroads in the Pacific northwest because of the storm of the past week, but transcontinental trains were delayed in the Rocky mountain region and on the great plains. Retards received at local offices of the railroads were that considerable delays were caused by drifting snow in the Dakotas, Montana, Wyoming, Colorado and in Kansas and Nebraska, in the first phase of the storm, followed by intense cold.

Owing to the low temperature that have prevailed during the week, unusual caution was necessary in the operation of trains and the delays were largely incident to the resultant effects. Train No. 17, of the Union Pacific system, which in Portland at 7:30 P. M. Friday, did not arrive until noon yesterday and No. 19, due at 7:30 P. M. yesterday, did not arrive until 7:30 last night.

CARLISLE LEAVES CARD

Train Robber Drops Line to Chief Announcing Arrival.

A letter purporting to have been written by "Bill" Carlisle, daring hold-up man and train robber, was received yesterday by Chief Jenkins and announced the arrival of Carlisle in the city.

"Seattle is quiet, Portland is dead," the letter, written in a good hand, declared. "Whether or not Carlisle is or was in Portland, however, is speculation, as it is the belief of many that practical jokers are at work. Carlisle became famous because of daring hold-ups of Union Pacific trains in Wyoming after an escape from prison. A man signing himself 'Robin Hood' and declaring himself to be a crook, also wrote a postcard to Chief Jenkins. 'I am leaving town. Thanks for the rest,' he said.

Five Below at Cove.

COVE, Or., Nov. 29.—(Special.)—After a series of fine autumn days in Cove and vicinity a violent all-day wind storm from the north ran the mercury down to 13 degrees Wednesday and down to 5 degrees below Thursday morning, which means all non-protected fruits, vegetables and plants are frozen. The few head of stock that were snowed in in the mountains perished within 48 hours.

Dancing TODAY
Columbia Beach
6:30 to 11:30
BUTTERFIELD ORCHESTRA
Fine Floor. Beautiful Pavilion.
Take Vancouver Cars.
5th, Broadway, Washington St.
Every few minutes.

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HART BARES PLOT OF ROAD BUILDERS

Governor Exposes Effort to Oust Commissioner.

THREATS PART OF PLAN

Executive Tells 'Financial Return' Is Intimated by Men Who Approached Him on Subject.

TACOMA, Wash., Nov. 29.—How Governor Hart was approached with an offer of "strong financial return" if he would discharge State Highway Commissioner James Allen and how the proposal also carried with it a threat if he did not, was disclosed in a letter from the governor to the Automobile Club of Western Washington, made public tonight.

The governor in his letter mentions highways in this county on which paving contracts amounting to \$2,500,000 are to be let from a fund created by a bond issue recently voted upon favorably by the taxpayers. Not once, but upon different occasions the governor was approached, he writes, and charged that the same persons who made this "intimation" declared that the reasons why such a change in the highway department was desired were given as "it would mean a change in the specifications for state highways and permit the use" of a certain type of paving.

Governor Tells of Pressure. Governor Hart's letter in part says: "Supplementing our conversation of a few days ago, I beg to advise you that on different occasions several of my acquaintances and more or less close friends have intimated to me, in rather forceful language at times, that the personnel of the highway commission ought to be changed and that such a change might reasonably be expected to result in strong financial returns to me; particularly if it would mean a change in the specifications for state highways.

Threats Are Recounted. "I also have been advised on several occasions as to what I might expect in the way of propaganda and newspaper publicity in case I refused to act upon these suggestions. That I in each instance promptly closed the interview when these suggestions were made and declined to comply with their desires, is a fact patent to anyone who knows me. Possibly when I retire from office my former friends may feel somewhat chagrined at the weakness and inefficiency of my governmental policies, but none of them will ever have reason to question my integrity or doubt the honesty of any appointees of mine."

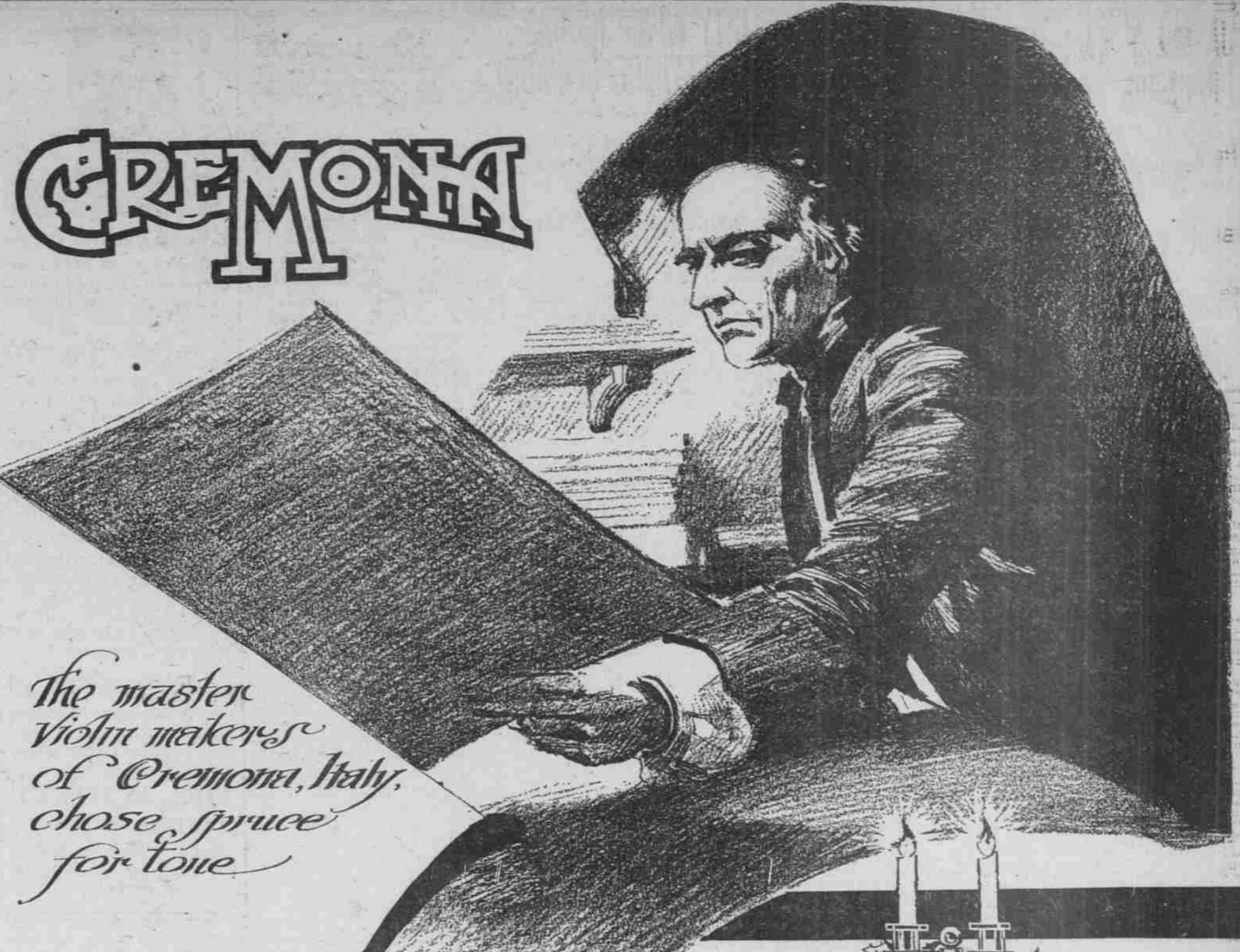
COAL DEALER ARRESTED
Federal Authorities Hold Spokane Man as Profiteer.

SPOKANE, Wash., Nov. 29.—Frank H. Benton, a local coal dealer, was arrested today by federal authorities and bound over to the federal grand jury on a charge of profiteering in coal. It is alleged that after the beginning of the soft coal miners' strike Benton jumped the price of coal in sacks from 50 cents to 70 cents and then to 75 cents, if the purchaser furnished the sack, and 85 cents if the dealer furnished the sack.

HIGHER CARFARE GRANTED
Lewiston-Clarkston Company Permitted to Raise Rates.

BOISE, Idaho, Nov. 29.—(Special.)—The public utilities commission today granted the Lewiston-Clarkston Transit company permission to increase its fares from 5 to 7 cents to all passengers and charge 8 1/2 cents for tickets in blocks of four or more. This line does an interstate business between Clarkston, Wash., and Lewiston, Idaho.

SEATTLE TO OBSERVE FOUNDRY.
SEATTLE, Wash., Nov. 29.—Plans for elaborate exercises to be held December 2 to observe the 50th anniversary of the incorporation of Seattle, were announced today by a special committee of the city council. The chief feature of the celebration will be a mass meeting of citizens at which a number of the pioneer founders of the city will be present, it was announced.



The master violin makers of Cremona, Italy, chose spruce for tone

WAKEFIELD MUSIC COMPANY

427 Washington St., Portland, Or.

The finest violins in the world were made in Cremona, Italy, three hundred years ago. Mountain spruce was used—the same kind of long-fiber spruce that grows in the mountain forests of Oregon and is used to make the sound chamber of the Cremona phonograph.

This Cremona sound chamber is not a new invention; it is the application of an old, proven principle of harmony. The resonator is built entirely of spruce and attaches directly to the tone arm. There is no metal in the sound chamber to give out harsh tones.

Cremona plays all makes of records. Call and make the "blindfold test"—let your ear and your sense of harmony select your phonograph.

Place an order today for your Christmas Cremona, if you would be sure of your favorite model, and we will arrange for Xmas delivery.



The Phonograph that Sings

The Columbia Grafophone Co. Succeeds in Producing the Clearest Words on the Phonograph. Understand the Words of Your Records.

The Columbia Grafonola Guarantee
Twenty years' experience has Perfected the Grafonola beyond any doubt

Grafonolas \$25 and up
Terms if Desired—Select Yours Today!



Complete Stock
All Sizes
Open Evenings

COLUMBIA RECORDS AT THE SONG SHOP

Headquarters for Xmas Greeting Cards! We are already displaying our large assortment of handsome Christmas and New Year greeting cards and booklets. We advise you to make your selection early before the big jam arrives.

"When It's Music Records Go Where the Crowds Go"

322 Washington
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Phone Main 2269

The Service Rendered Is the Final Mark of Character
This institution has maintained a standard of service which has been equal to everyone, without regard to their circumstances.

J. P. FINLEY & SON
FURNAL DIRECTORS, MONTGOMERY AT FIFTH.