

TWO MORE BRIEFS OF ED. OLCOTT'S SUIT

Carey & Kerr and Wood, Montague & Matthiessen Say Old Decision Should Be Upheld.

CASE IS HELD IMPORTANT

Decision Essential Before Next Primary Election and for Road Bond Issues, Contention.

Salem, April 28.—Two briefs were filed with the supreme court today in the Olcott vs. Hoff mandamus proceedings.

Both support the view taken by Attorney General Brown in reply to those who have taken the view that the Olcott is governor in fact, independent of whether he remains secretary of state, and that the supreme court's interpretation of the state constitution should be down in the case of Chadwick vs. Earhart, more than 30 years ago, should be adhered to now.

Attorney General Brown sometime this week will file his brief in reply to those who have taken the view that the Chadwick vs. Earhart decision should be upheld.

With these briefs still coming in, no decision in the case is now expected until after the Pendleton session of the supreme court, which opens next week.

WHOLE PEOPLE INTERESTED In their brief, Carey & Kerr bring out the urgent need of a decision in the case from a practical, business standpoint relative to the issuance of millions of dollars' worth of state highway bonds.

The case, indeed, concerns the individual parties in small degree compared with the vital interest to the people generally. It is a question which should be decided by the supreme court, and not by the legislature, state highway bonds, to be issued under chapter 423 of the laws of 1917, are about to be sold by the state highway commission, and by the statute should be signed by the governor, the secretary of state and the state treasurer, and as is customary, fac simile of the signatures of the three should be engraved upon the coupons when prepared for inspection and sale. It is a question whether Mr. Olcott should sign as governor, as secretary of state, or as both governor and secretary of state.

DECISIVE IS IMPERATIVE The various boards in which the three officers act under express provisions of the law will be constantly faced with difficulties by reason of the fact that the offices of governor and secretary of state are held by the same person, either as though Mr. Olcott were acting as the incumbent of two separate offices, or as though he held a single office of secretary of state and acting governor.

"The question will arise, again, for decision next spring, when it will be the duty of the secretary of state to give notice for the election of a governor, and, unless already decided by the court in this case, it will have to be presented by him in another case, so that he may be advised whether the office of secretary of state is to be filled by an election for the unexpired term."

The brief then discusses the question as to whether the court may decide the issues involved through mandamus proceedings, and contends it can. Many decisions of the United States supreme court and of other state courts are cited in support of this view.

REVERSAL HELD INADVISABLE "Whatever view individuals may take of the correctness of the conclusion in the Chadwick-Earhart case, or the reasoning upon which that decision is based, it should be deemed to have settled finally the questions covered by the opinion," says the brief. "A decision of the supreme court in such a case is deemed to have been arrived at after full and mature consideration, and it becomes a part of the law of the state upon which citizens and officers rest their conduct, and upon which the attorney general may base an opinion for the guidance of those who administer the public offices."

"Such a decision is a precedent, and when it constrains a provision of the constitution, it should never be disturbed after the lapse of years by judges, however eminent and learned, though perhaps they might feel inclined to take a different view if the decision had not been rendered."

CONTRADICTIONS POSSIBLE Wood, Montague & Matthiessen, in their brief, point out that "the importance to the state and its citizens of having a real and permanent decision, acting or ex-officio functionary is obvious and requires no argument."

"The confusion and delay which would be caused by a decision which is not a final and permanent one, and which is subject to being reversed, is a matter of course."

"It is interpreted so as to make the secretary of state, on assuming this office,

a locum tenens, upon whom only the duties of the office devolve, endless controversies might arise as to the extent of his powers and privileges and as to whether he could exercise all such rights and powers as are wholly discretionary, and therefore not to be considered as duties.

"A government is obviously lame and incomplete where the chief executive does not exercise independently, but in some apauca of a minor official, a Siamese twin of the secretary of state, who draws his vital functions from the circulatory system of the other officer."

MEANING IS DEFINED "Enough has been said as to how unlikely it is that anyone ever cherished the idea that the governor and secretary of state should be indissolubly welded for the entire term, so that the state must needs be deprived of the services of two brains and two personalities for the discharge of the two most important duties and functions in its administration. This consequence alone, we submit, is sufficient to stamp the interpretation which requires it as a fantastic improbability."

Speaking of the meaning of the constitution, the attorneys say: "The office devolves upon the secretary of state. In other words, no more explicit or positive, becomes invested with the office. No more is said upon the point in the constitution, and no more need be. Everything has been said there is to say. The secretary of state is governor without qualification, restriction or limitation, and that is all there is about it."

NORTHWEST YANKS ARE BACK IN U. S.

(Continued From Page One) wounded, and surrendered. She was wounded later while with the American troops, and came back wearing two wound stripes.

The "Lost Battalion," comprising units of the 308th infantry, which were surrounded for five days by the Germans in Argonne forest, but refused to surrender, came home today aboard the transport America, which landed 7042 troops, including 960 sick and wounded.

As units aboard the America included 308th infantry brigade headquarters, 308th infantry, 307th infantry headquarters, and companies A to E inclusive of the 307th and the 307th machine gun and supply companies, all New York draft organizations.

The transport Lorraine landed 254 men, all casualties. He, in other words, was wounded, and that is all there is about it.

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PORTLAND HORSES FROM WAR ZONE CLIP DIETARY INTAKE

Bands and Reception Committees Absent; Friends and Relatives Extend Greetings.

Without a word of official warning, 29 overseas nurses, members of the famous Base Hospital unit No. 47, slipped into Portland Sunday night on the 7 o'clock Northern Pacific train from the East.

There was a decided dearth of bands, or reception committees, ladies of honor or a year overseas, who nursed practically a year overseas, who nursed the wounded, and stood the terrors of night train by the Pacific coast.

The women are still in the service, but not bound by as rigid rules as are attached to enlisted men. They left France about the middle of the war, nine days ago, and were started home five days ago. Technically they are in the service, but they are at liberty to follow up their own vocations.

RELATIVES, FRIENDS WELCOME A large number of friends and relatives of the family by the name of Jensen, just for the working staff of nurses from the St. Vincent and Good Samaritan hospital were on hand when the train arrived.

The women are still in the service, but not bound by as rigid rules as are attached to enlisted men. They left France about the middle of the war, nine days ago, and were started home five days ago. Technically they are in the service, but they are at liberty to follow up their own vocations.

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DAVID LAWRENCE LEADER WILL VISIT ISMAELIANS

Study of Political Conditions Convincing Writer Wilson Is Strongest Man in the Country.

That history will record Woodrow Wilson as the greatest of all Americans, and should he become a candidate for reelection to the presidency, would ride into office on an overwhelming wave of public favor is the declaration of David Lawrence, representative of a newspaper syndicate headed by the New York Evening Post.

Mr. Lawrence was a visitor from the Twelfth Federal Reserve district and to the country, said Mr. Lamping, who was in the city during the afternoon of the 27th.

Mr. Lawrence's family life was ideal and he felt very keenly the death of his father, who was killed in action in France last autumn.

Resolutions of regret will be forwarded to the family by the Portland Clearing House association.

THOUSANDS VISIT BULLDOG OF NAVY (Continued From Page One) supposed to. It was forbidden for civilians to climb up the big steel fighting tower. A guard was posted at the foot of the tower, and the guard happened to be looking the wrong direction and when he came to there was a stream of civilians climbing up the tower and a small party in the fighting top.

The Oregon came up to the Portland harbor in the morning, meeting the steamer Lurline and the mosquito fleet of the St. Lawrence. On the Lurline were more than 100 persons who were going aboard to greet the city and formally welcome them to the city.

WELCOME IS WARM With the Lurline running alongside and the small launches dashing about and whistles from bills blowing a greeting, the sea rover was welcomed home as she moved majestically up the river.

Finally coming to anchor there was a short bustle about the ship. Barges came alongside, the anchor was dropped, the Union Jack and the flag run up by the staffs and boats were lowered. By the time the Lurline had come up and stairs set down, everything was ready for the visitors.

With Captain Tarrant on the right the officers stood up in order of rank and received the Portland reception committee headed by Senator E. F. Mulkey.

The Oregon, in gala array, with flags and pennants flying, arrived in the lower harbor Saturday night, and lay at anchor in the harbor.

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Hard-Up Uncle Sam Will Sell Victory Bonds

Uncle Sam, who has to raise money to pay off the mortgage, the shipyard worker will impregnate.

Dressed as Uncle Sam, a shipyard worker, in a night shift, will parade the downtown streets from 10 a. m. to 11 p. m. carrying a wheelbarrow and will use this as his perambulating office.

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