JUDGE M. L. PIPES IN BRIEF SUPPORTS GOVERNOR OLCOTT

Portland Attorney Says Constitutional Provision Not to Fill but to Prevent Any Vacancy.

SUCCESSION INSTANTANEOUS

Says Clause Fixes End of Term as That for Governor and Not That for Secretary of State.

Salem, Or., April 30.—One of the most forceful briefs yet presented in mandamus proceedings instituted in the supreme court by Governor Olcott against State Treasurer Hoff to determine the governor's status as chief executive, was filed today by Judge Martin L. Pipes of Portland.

He quotes a section of the constitution which says in case of removal or death of governor the office shall devolve upon secretary of state.

He says:

"Our fundamental contention is that the object of the clause in question was to insure always the continuity of the office and functions of the chief executive, the head of the state. Its object was not to provide for filling a vacancy, but to prevent a vacancy.

CONTINUITY IN OFFICE

"It was never intended that Oregon should ever be, and she never has been and never will be without a governor, charged with all the powers, entitled to all the emoluments and endowed with all the dignity of the office of governor, including the official name and title thereof.

"In other words, the section provides for a succession, instantaneous and by operation of law. It admits of no interval, suffers no delay, requires no ceremony, awaits no consent, demands no action. When the governor dies, the governor lives. The political power and function comprising the office are to be continuous, uninterrupted and perpetual.

"The idea of the continuity of the office of chief executive of a state or nation is not new or strange. It is history. The most important and fundamental notion in all governments, of whatever form and everywhere, has always been to provide a succession of the executive power, instantaneous, automatic and effective by the sole force of antecedent law."

LITERAL MEANING PRESENTED

Judge Pipes discusses the succession of kings and problems before the colonies before the republic of United States was formed, in providing for succession to office of the chief executive of state and nation, and points out the provisions made in all states to guard against a hiatus occurring in the office of the chief executive for a single moment.

He also discusses the literal meaning of the language used in the Oregon constitutional provision relating to succession in the office of governor and insists that "Not only logically and upon historical, political and judicial principles, Mr. Olcott is governor, but grammatically speaking he is the successor of 'Governor Withycombe.'"

"The contention seems to be made (and this seems to be the principal hope), that the secretary of state," says Judge Pipes, "performs the governor's duties by virtue of being secretary and therefore when he shall cease to be secretary he will cease to perform those duties. Even granting the premise, the conclusion does not follow. The insuperable objection to that view is that the clause itself fixes the duration of the duties and fixes, not at the end of the secretary's term, but at the end of the governor's term."

Higher Prices for Lumber Predicted

Milwaukee, April 30.—(I. N. S.)—That lumber prices are going up was the declaration Tuesday at a conference of sales managers of Wisconsin sawmills at a preliminary conference of the Northern Hemlock and Hardwood Manufacturers' association. The demand is increasing, the lumber production decreased because of an open winter and prices cannot go lower. There was nearly a 20 per cent decrease in production last winter over normal, it was reported.

House of Morgan Boosts Loan Fund

New York, April 30.—A big boost in the sale of the Victory loan was made here Tuesday when J. P. Morgan & Co. purchased $25,000,000 worth of bonds.

'Supports' Needed For World League To Be Successful

Paris, April 30.—(I. N. S.)—The League of Nations' constitution, which was adopted without further amendment by the plenary session of the peace conference Monday, was likened today by Leon Bourgeois to "a house that is open to every wind."

M. Bourgeois, who is the League of Nations' expert on the French peace delegation, says that "supports" are needed.

The French statesman pointed out that President Wilson had won four victories. One on the exemption of the Monroe doctrine from the operations of the league and the others in the capitulation of Japan, France and Belgium on amendments they were supporting.

Welcoming Throng Swarms Onto Piers

New York, April 30.—(I. N. S.)—Several thousand men, women and children from New York, Pittsburg and Philadelphia gathered outside the Hoboken piers Tuesday to greet the 77th division veterans returning aboard the Agamemnon and Pennsylvania troops on the Kroonland, stormed the guards and swarmed out on the piers as the troops began to disembark.

The Pennsylvanians led the drive. After threats of army guards had failed the debarkation was stopped until the guards received reinforcements and drove the crowds back.

Man Leaps in Front Of Engine and Dies

Pendleton, April 30.—Harvey Hamby, an inmate of the state hospital here for more than a year, committed suicide Tuesday by throwing himself on the track in front of an O-W. switch engine. Hamby, with a number of other patients of the institution, was digging dandelions from the lawn and as the engine was passing he suddenly dashed forward and ran in front of it before it could be stopped. Hamby had previously shown signs of despondency. He was killed instantly.

Colonials Wounded In Winchester Riot

London, April 30.—Twelve soldiers were wounded and had to be sent to a hospital as a result of a disturbance which broke out among troops waiting at Winchester for transportation overseas, the war office announced late today.

The words "transportation overseas" in the above dispatch would imply that the troops in question were colonials.

Congress Blamed By Senator Borah

Washington, April 30.—(U. P.)—Blaming congress generally with Postmaster General Burleson for alleged evils under the Burleson regime, Senator Borah Tuesday said that repeal of autocratic laws is as vital as the removal of Burleson to restore American rights. He voiced his intention to attempt repeal of the espionage laws immediately upon the reconvening of congress.

Sunday School Body Of Umatilla Meets

Milton, April 30.—The Umatilla County Sunday School association met Sunday at Columbia college with County Secretary Bishop of Pendleton to discuss problems in connection with the Sunday school work of the county. Teachers and workers from Milton, Freewater and Umapine were present.

Alabama Keymen Support Walkout

Birmingham, Ala., April 30.—(I. N. S.)—Sentiment among telegraph operators in Birmingham and vicinity favored the proposed nation-wide strike, 25 to 1, according to a vote being taken among the 150 operators employed in this district, local union officials stated today.

Ex-Kaiser Still Has His Hun Following

Amsterdam, April 30.—The ex-kaiser's friends in Germany still number legions. An address of homage has just been received by him at Amerongen bearing 500,000 signatures.

M'Nary Is Behind Big Cutoff Scheme In Klamath Region

Klamath Falls, April 30.—Captain O. C. Applegate, secretary of the Klamath Chamber of Commerce, who has been in correspondence with Senator McNary of Oregon regarding the completion of the Natron cut-off, from Kirk in this county to Oakridge in Lane county, has been assured by Senator McNary that he is unqualifiedly behind the movement.

He states that "Klamath has been out of Oregon too long already, and I want to assist in bringing it back into the family," and advises that he has seen the railroad administration and that they are favorable to the movement if the consent of the Southern Pacific system can be secured for the expenditure of the necessary funds.

The senator has been requested to communicate with the board of directors of the Southern Pacific company at New York.

Bar Association to Feast in Honor of Returned Fighters

The Multnomah Bar association, Tuesday night at the courthouse, elected new officers and planned for a banquet in honor of the returned soldiers and sailors who belong to the organization.

The following officers were elected: Barge E. Leonard, president; Milton R. Klepper, first vice president; Major Lester Humphreys, second vice president; Judge T. V. McDevitt, third vice president; J. A. Beckwith, treasurer; James W. Crawford, secretary; John Manning, counselor, and Clarence H. Gilbert, W. S. Asher and J. B. Offner, chancellors.

It was decided to hold the banquet during May. One hundred and twelve members of the association were in military service.

Kiwanis Club Aids Campaign in Behalf Of Roosevelt Road

To arouse interest in the proposed highway, the Portland Kiwanis club Tuesday evening held a Roosevelt highway meeting, in charge of S. C. Pier, city commissioner. The meeting was held at the Benson hotel, beginning with dinner, and included besides the talks on the proposed highway, a musical program and dancing afterward, wives of the members being present.

The proposed highway was advocated by Mr. Pier, not merely on the grounds that it would be a fitting memorial but also on the grounds that, being located where it is now proposed, it would open up much farm country and be of value for transportation. Miss Marion Bennett and Charles Kamana Dimond gave musical selections, as well as the Kiwanian orchestra under the direction of W. A. McDougal.

Red Cross Branches Hold Union Meeting

Milton, April 30.—A union Red Cross meeting of the different branches in this vicinity was held in the auditorium of Columbia college Sunday at which Captain Roy Ritner, who saw active R. C. Cross service in France, gave interesting details of the Red Cross work among the soldiers. Mrs. Jasper Olinger, vice president of the Milton Red Cross, presided over the meeting, and the following program was given: "America," audience; Scripture reading, Rev. Alan McRae; prayer, Rev. Floyd A. Ross; trio, Miss Compton, Mrs. McQuary and Mrs. Munsell; reading, Mrs. Howard; duet, Miss Compton and Dr. McQuary; reading, Miss Rowena Thomas.

Bad Check Given To Pay for Auto

Marshfield, April 30.— Awarrant has been sworn out against Archie V. Arnold, a discharged soldier, who is alleged to have given Miles Richardson or North Bend a check for $650 for an automobile. The check proved to be worthless, Arnold not having an account at the bank on which it was drawn. In company with several other young men, Arnold is said to have left Coos Bay in the automobile. Messages have been sent to places on all roads to have Arnold stopped if he passes with the machine.

Will Present Facts as To Teachers' Salaries

One hundred members of the various fraternal organizations in Portland have been asked to attend a luncheon at the Portland hotel at noon Thursday to hear presented facts in support of the request of Portland school teachers for higher salaries. Circuit Judge Kavanaugh will preside. Henry E. Reed will be one of the speakers and a novelty will be evidence in support of the teachers' claims made by Jack Routledge, a Franklin high school pupil.

Bids on $735,000 Issue Are Opened

Pendleton, April 30.—Bids were opened by the Umatilla county court Tuesday for road improvement bonds voted in March. Seven hundred and thirty-five thousand dollars' worth of bonds are to be sold and the highest bid is for par plus a premium of $19,476, and was made by Detroit and St. Louis trust companies. Twenty-five bids were made for the bonds, six of them being local bidders. The bonds draw 5½ per cent interest and are issued in series to be retired in four to ten years, $105,000 to be retired each year.

Keating Resigns as Eastside Recorder

Marshfield, April 30.—Resignation of C. P. Keating as city recorder of Eastside has been accepted by the city council. Mr. Keating has been recorder of Eastside for 10 years. N. N. Neiman, who conducts a grocery store, has been appointed to fill his office.

Marcola Resident Dies

Marcola, April 30.—Charles Riemenschneider died at the home of his parents, near Marcola, April 21. He is survived by his parents and one brother, Frank Riemenschneider of North Bend.

GRAZING LANDS TO BE PRESERVED IN FOREST RESERVES BY ROTATION

Service and Stockmen Adopt Plan to Prevent Overgrazing in National Forests.

To prevent the national forests from becoming overgrazed and thus rendered useless for several years, a plan of rotation has been adopted by the forest service and the various stock associations, according to J. L. Peterson, grazing examiner of the forest service.

This plan is carried out by dividing the grazing areas according to altitude or by streams. In the first instance the stock are grazed first on the lower altitude where the spring grasses are earlier, moving up the slope as the season advances. The highest altitudes are reached during the summer months and the stock work downward again with the oncoming of autumn. Movement of the stock is directed through the distribution of the salt troughs.

STREAMS FORM BOUNDARIES

In cases where the topography of the country is marked by streams, the stock is rotated along the different watersheds, the mountains between forming a natural barrier to their wandering.

Special attention to grazing problems has been given in the Minam and Wallowa forests in Eastern Oregon. Here the forest is apportioned off to the various cattle and sheep growing associations, common use areas where both cattle and sheep may graze and small allotments for individual stock raisers.

To show the methods of grazing, the effects of overgrazing, salt distribution, and plants that are poisonous to cattle and sheep, the grazing department of the forest service has prepared a set of enlarged pictures, mounted plants and graphic diagrams and maps.

LARKSPUR IS DEADLY

The total cattle losses due to poison larkspur in 1918 amounted to $15,850, according to Mr. Peterson. During the year 1933 acres were grubbed out at a cost of about $5.19 per acre.

Death camas causes the greatest sheep loss. In one locality alone, 900 sheep out of a total flock of 2000 died from the effects of the plant. Lupine, while poisonous, is not so dangerous as the others, since it is more widely scattered and not concentrated in small areas, as are many of the other poisonous species.

E. N. Kavanagh, who is in charge of grazing at the forest service, and M. Peterson took the pictures to the recent Cattle and Horse Growers' association at Bend, where they attracted much attention among the stockmen.

Smoot Is Pleased With Amendments Covenant Carries

Salt Lake City, April 30.—(U. P.)—"Most of the amendments demanded by the Republican senators has been adequate," said Senator Smoot today, expressing pleasure at the disposition of the League of Nations covenant.

"The specific recognition of the Monroe doctrine should be clarified, and I think article 10 is dangerous and should be amended."

Smoot will express no opinion as to whether the covenant would pass the senate until he has seen the official draft and considered it carefully.

Snappy Wrestling Matches to Be Given Thursday Evening

Snappy wrestling matches will feature the program Thursday night at Optimism Square, Sixth and Yamhill streets. Arrangements for the bouts is in the hands of Arthur M. Grilley, acting secretary of the Y. M. C. A., and he promises that several fast grapplers will participate.

In addition to the wrestling there will be motion pictures, singing and speaking. Another attractive program will be staged at the square Saturday night, but there will probably be a program Friday night.

President Wilson Cables to Gompers

New York, April 30.—(U. P.)—President Samuel Gompers of the American Federation of Labor, who is recovering from an automobile accident, today received the following telegram from President Wilson: "Deeply grieved to hear of your accident. Hope everything goes well with you. Warmest sympathy and regards."

Tragedy Stalked The Footsteps of Young Hotel Clerk

Grants Pass, April 30.—Considerable mystery has surrounded the antecedents of John Lawrence Goodell, crippled night clerk who was shot and killed at the Angela hotel in Portland April 25 by A. B. Foster, a druggist. It was variously said that young Goodell was an orphan, was born in Salem and was the son of an Alaskan judge.

According to George M. Esterly, mining man of Waldo and who also has mining interests in Alaska, the lad's father went to Alaska a few years ago as deputy collector of customs, practiced law at Valdez, Alaska, and later became United States commissioner at Cooks Inlet. In 1896 he was county clerk of Josephine county, Oregon. His health failed and five years ago he committed suicide at Sitka Hot Springs, Alaska.

John Lawrence Goodell's mother was a daughter of Frank W. Benson, once secretary of state of Oregon, who became ex-officio governor in 1909 when Governor Chamberlain was elected to the United States senate. Benson was governor from March 1, 1909, to June 17, 1910.

Daring Fireman Braves Ammonia To Close Pipes

Donning a smoke helmet, Second Lieutenant Elmer Balsiger of truck 4 of the fire department, braved the poisonous fumes escaping from a leaking ammonia tank at the Tru-Blu Biscuit company plant Tuesday afternoon and shut off the pipes before hundreds of dollars' worth of pastry was ruined.

The fumes were so penetrating that employes were forced to quit the building. Before Balsiger could reach the shut off valve he had to find his way uraided through the basement and then through the sub-basement. The captain of his company says Balsiger deserves considerable credit.

Submarine Chasers Arrive at Seattle For Loan Campaign

Seattle, April 30.—(I. N. S.)—A flotilla of nine submarine chasers, under command of Lieutenant Ernest Gregory and direct from service with the American navy in the North Atlantic, arrived here at 10 o'clock Tuesday morning to take part in the Victory loan campaign.

With them came the United States coast guard cutter Snohomish, which is acting as "mother ship."

Twenty-four officers and 150 enlisted men from the flotilla took part in a parade in honor of men of the Ninety-first (Wild West) division, who arrived today.

Benefit Association Closes Its Sessions

The state convention of the Women's Benefit association of the Maccabees closed its session at noon today in the Masonic temple. Mrs. Ella Feller of Donald, Or., was elected delegate from Oregon to the supreme review in Port Huron in July, and Mrs. Beatrice Little of Portland alternate. A class of 100 candidates were initiated Tuesday night. Mrs. Minnie W. Aydelotte, deputy supreme commander, of Oakland, Cal., presided. Miss Bina M. West, supreme commander, of Port Huron, Mich., was a guest of the convention Monday and Tuesday.

Pneumonia Claims Englewood Woman

Marshfield, April 30. — Mrs. Andrew Lassila of Englewood died Tuesday of pneumonia, following influenza. The body will be taken to Hancock, Mich., for burial. Although several cases of influenza have been reported in the past week, this is the first death since the disease broke out following the putting down of the first epidemic.

Anti-Semitic Riots Reported in Vienna

London, April 30.—(U. P.)—Twelve persons were killed in anti-Semetic riots in Vienna, according to an Exchange telegraph dispatch Tuesday.

PROPOSES THAT RANGE WEST OF MOUNTAINS BE OFFERED TO SHEEP

James S. Stewart Points Out That the Animals Would Be Nearer Market in Fall.

Sheepmen of Eastern Oregon and owners of logged-off and timber lands in the western part of the state are being urged to get together on a summer grazing proposal which prominent men of both sections believe would be decidedly beneficial to the industry and to all parts of the state.

This matter was recently brought to the attention of Secretary George Quayle of the State Chamber of Commerce by James S. Stewart, recent member of the house of representatives.

"Twice as many sheep would be raised in Eastern Oregon if enough summer range were available," says H. H. Hendricks, an attorney of Fossil, Or., in a letter to the State Chamber of Commerce, urging the organization to adopt a campaign to bring the eastern and western sections into closer harmony.

Timber and logged-off land skirting the Willamette valley would be readily adaptable as summer grazing ground for sheep, according to both Mr. Hendricks and Mr. Stewart, who say that only a little is in use now and practically none but a few pastures are fenced.

Mr. Hendricks says that sheep raised in the valley are not usually the kind that can be herded in the timber, but says that experienced sheep herders of certain breeds of Merinos would not hesitate to lead their flocks over this land, as they are used to this type of territory in Eastern Oregon.

The advantage of this class of grazing, according to letters from prominent Oregon men interested in the proposition, lies in the fact that when the sheep, which would be brought to the western section in the spring, were ready for mutton in the fall a market would be nearby.

A great number of sheep are being shipped to the mountains of Idaho to be fattened for the eastern market, according to the communication from Mr. Hendricks. These sheep are allowed a stay in the mountain district by the railroad company and are carried on a through consignment to the eastern market after they are ready for mutton. Mr. Hendricks believes that it would be more profitable for the Eastern and Western Oregon men to cooperate in keeping this industry at home.

Eastern Oregon sheep would have to be shipped in the spring to the Willamette river by rail or water, as the snow on the Cascades would not permit the safe conduct of the herds. The sheep are usually moved from eastern to western sections about May 30.

When educated up to it, Mr. Hendricks says, the Willamette valley man who has a summer range would be in the market for Eastern Oregon sheep himself and summer them under his own supervision.

Price of Coal Reduced

Salt Lake, April 30.—(U. P.)—The cost of coal to consumers was reduced 50 cents a ton today by the Utah Coal Producers.

Brother Murdered, Marshfield Message

Marshfield, April 30.—Newman Moon, a prominent local contractor, received a message Tuesday saying his oldest brother, Charles Moon, residing at Yreka, Cal., had been found dead and presumably was murdered. No particulars were given. Mr. Moon has left for Yreka.

A patent has been issued for a garter for men with a snap button pocket to hold valuables.

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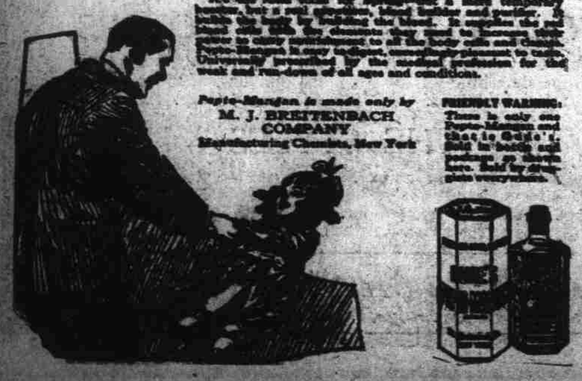

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