

KOZER WILL ASK LEGAL RULING ON HALL CANDIDACY

With Senator Charles Hall nominated as an independent candidate for governor, and his acceptance of that nomination forwarded to Secretary of State Koser at Salem for acceptance, the center of interest in the gubernatorial campaign shifts to the state capitol, and the offices of the secretary of state and the attorney general.

Secretary Koser has announced that he will submit the question of the acceptance of Hall's nomination, and the certification of his name for place on the official ballot, to the attorney general for a ruling because of the negative provisions of the statute of 1919—chapter 426—which provides specifically that a defeated candidate for a party nomination may not be an independent candidate for the same office at the ensuing general election.

LAW IS QUOTED.

This law says "that no candidate for a nomination who fails to receive the highest number of votes for the nomination of the political party with which he was affiliated at the time of filing his petition for nomination, shall be entitled to be a candidate for any other political party, or to become an independent candidate at the ensuing election, and in either case the county clerk shall not certify the name of such candidate."

"It is further provided that the county clerk, after making the abstract of votes in his county, shall send a copy of this abstract to the secretary of state, and that the secretary of state, in the presence of the governor and state treasurer, shall canvass the votes and declare the results."

CAN'T BE CANDIDATE.

The law then goes on to say, "No candidate for a nomination who fails to receive the highest number of votes for the nomination of the political party with which he was affiliated at the time of filing his petition for nomination, shall be entitled to be a candidate of any other political party, or to become an independent candidate at the ensuing election, and in either case the county clerk shall not certify the name of such candidate."

From these provisions it would seem that there are three separate legal bars in front of Hall's right to have his name on the ballot.

First is the general prohibition against his becoming an independent candidate, having been defeated for the Republican nomination at the primary election.

Second is the mandate that the county clerk shall not put his name upon the ballot of his county.

Last that the governor, even should the name have been put upon the ballot, may not declare his election.

CONSTITUTIONAL RIGHTS.

It is strenuously contended by Hall's supporters that this statute is unconstitutional in that it not only deprives Hall of his alleged constitutional right to become a candidate for any office whenever he desires, but further that it takes away from the electors who placed him in nomination as an independent their supposed constitutional right of nominating and voting for anyone whom they may desire.

Generally speaking it seems to be the impression that the attorney general will hold that the law is a valid exercise of legislative power, and that he will advise Secretary of State Koser to refuse to accept Hall's nomination or to direct his name to be placed upon the official ballot.

ONE QUALIFICATION.

There is one qualification of this contention, however, and that is that the failure of the law specifically to command the secretary of state to refuse to accept the name for certification may leave his office, in its administrative discretion, with no authority other than to certify the name under the broad terms of the general law regulating independent nominations, and leave the controversy to be settled by the county clerk, or by the courts at the instance of interested parties.

But whichever way Koser may turn, the right of Hall to enter the lists as an independent very probably will be taken to the supreme court. Should Koser refuse to accept the nomination for filing Hall's friends undoubtedly would mandamus him. Should he de-

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termine to accept it, it is practically as certain that some one would enjoin him.

HALL'S ACCEPTANCE OF NOMINATION REACHES SALEM.

Salem, Or., Sept. 12.—Formal acceptance of the nomination as an independent candidate for governor tendered to Charles Hall by an assembly in Portland Saturday was filed with Secretary of State Koser by Hall this morning.

The certificate of nomination, which reached the secretary of state's office Monday night, recites that the petitioner succeeds himself; that he is "compulsory education and development."

Five other independent candidates have filed with the secretary of state's office up to today, the last day on which certificates of nomination for independent candidates may be filed. These are T. M. Kerrigan, independent candidate for public service commissioner to succeed himself; F. T. Johns, industrial labor party candidate for congress from the Third district, and Anders D. Berglund, A. A. Hogland and J. R. Sesholtz, the last two of whom are candidates for state representatives from Multnomah county.

A certificate of nomination, filed for C. V. Soderback as the industrial labor party candidate for county commissioner of Multnomah county, was sent back for corrections and has not yet been returned.

Candidates who desire to file by individual petitions have until September 28 to register their intentions. Only one such petition has made its appearance here, that of George L. Storey, as a candidate for county commissioner of Clatsop county, and this was returned because of lack of sufficient signatures.

CONTENT COURTS SHOULD DETERMINE HALL'S CASE.

Salem, Or., Sept. 12.—The right of Charles Hall of Marshfield to seek the Oregon gubernatorial seat as an independent candidate after having failed to receive the nomination of the Republican party, is a matter for court determination rather than one of clerical jurisdiction, according to the opinion of attorneys about the capitol who are in touch with the situation which has been brought to public attention by Hall's acceptance of the nomination tendered him by the Portland assembly.

A similar situation exists with reference to initiative petitions filed with the secretary of state, it is pointed out here.

With these the secretary of state has never regarded it as his duty, based upon the advice of the county clerk, to go back to the records as filed with him and has filed such petitions as were presented to him when insufficient signatures were contained thereon, without inquiring into the validity of the signatures, although recent court action on the same petitions has revealed the fact that thousands of these seemingly regular signatures were not valid.

Should the attorney general hold in the matter of Hall's candidacy, as he has held in the matter of the initiative petitions, that it is not up to the secretary of state to go back to the records as presented to him and the name of Hall be certified to the county clerk as an independent candidate for governor, it is pointed out here that an injunction proceeding attacking the right of the secretary of state to so certify Hall's name will be the only recourse.

ACRESSES VISIT MEDFORD.

Medford, Sept. 12.—Mrs. M. S. Vosburg and Katherine McDonald, actresses of Los Angeles, are in Medford. They are accompanied by Jack Morrill of Gold Hill, whose ranch they will visit.

SALVATION ARMY LAYS STONE FOR NEW STRUCTURE

The corner stone of the new state headquarters for the Salvation Army at Sixth and Ankeny streets was laid with impressive ceremonies Saturday afternoon, with Admiral Henry T. Mayo of the United States navy chairman of the day and the Rt. Rev. W. T. Manning, bishop of New York, officiating.

Several hundred persons, Salvation Army workers, American Legionnaires and others who were members of neither organization attended the ceremony. Admiral Mayo in his opening remarks paid tribute to the great work of the organization and especially to its service in the World war, and expressed appreciation to Brigadier General John W. Hay, division commander of the Oregon division.

Bishop Manning told of the excellent work of the organization throughout the country and said that the affection and appreciation for the Salvation Army cannot be expressed in words.

A miniature silver trowel was presented by the Salvation Army to Bishop Manning upon the close of his address.

Several musical numbers were given and at the close of the services the building was opened for inspection.

The cornerstone bears the inscription: "Erected to the Honor and Glory of God and the Good of Humanity."

HAMMOND LUMBER MILL BURNS DOWN

This is the second disastrous mill fire here during the past year, the previous fire having totally destroyed the sawmill and other buildings of the Astoria Lumber company, which later purchased the holdings and mill of the Clatsop Lumber company, which it now operates. With the destruction of the Hammond mill, this company is now the largest operating sawmill and box factory. It employs several hundred men.

It was reported the Hammond company will endeavor to give employment to as many men as possible during the period of cleaning up following the cooling of the ruins.

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is hours a day, was cutting from 415,000 to 425,000 feet daily.

POWER PLANT BURNED.

The power plant at the mill was burned, throwing all the electrical power which provides electricity both for street and residence lamps and for commercial purposes in Astoria off. Power was restored and lights turned on at 8:30 o'clock in the evening when the Pacific Power & Light company cut in with its new million-dollar plant at Smith's Point.

LOADED CARS SAVED.

Dozens of railroad cars loaded with lumber about to be shipped were moved from the burning area by switch engines of the Spokane, Portland & Seattle railroad.

A telegram was dispatched to Rankin Monday evening telling him of the destruction of the plant, which originally was built some 20 years or more ago by the late George Hume, and later sold by him to the Hammond Lumber company, which has enlarged and improved the plant until it ranked as one of the largest in the timbered districts of Oregon and Washington.

The mill, in the absence of Superintendent Rankin, was in charge of H. W. Kissling.

GUARDS HOLD CROWD.

Twelve large boilers and many powerful dynamo were included in the elaborate equipment of the power plant upon which the city of Astoria has depended for a number of years for lights and power. Guards kept the throngs of people attracted to the blaze, which could be seen for miles up and down the Columbia river, well back of the fire line.

All of the firefighting apparatus of the city and that of the mill company were pressed into service in combating the fire, which was a roaring furnace in intensity, and in preventing its spread to other property in the neighborhood.

SECOND DISASTROUS FIRE.

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to quench the smoldering fires in the Balkans, which threaten to burst into flame again with the sweeping victory of the Turks, Henry Morgenthau, former American ambassador to Turkey, declared in an exclusive interview with the United States press.

He fears that the Turks will become so intoxicated with their success that they will next try to recapture Constantinople and then possibly march on Athens in an attempt to conquer Greece and restore the old empire of Byzantium unless peace can be effected through the good offices of the United States.

Friendly intervention by a leading American of impartial viewpoint, would, in Morgenthau's opinion, tend to reconcile Anglo-French differences in the Near East and prevent the checking rise of a new Turkey. He also expressed fear of a possible alliance between the Russian soviets and the Turks.

EXTREMELY CRITICAL.

"The whole Near East problem has been reopened in an extremely critical way," Morgenthau told the United States press. "The Turks will now seek to reestablish their old position and regain Constantinople and Thrace. Now is the time for the allies to take combined preventive measures before a new world war threatens. America should join in these. She should send a strong man to the Near East authorized to express the firm, impartial viewpoint of America, and he should do everything possible to reconcile Anglo-French differences there."

Pointing out that the Turks overran Europe in 1460, Morgenthau believes there is danger that the Turks, intoxicated with their victories over the Greeks in Asia Minor, will attempt another conquest.

POSSIBLE SOVIET ALLIANCE.

The Turks probably will present such severe terms to Greece that the latter will be unable to accept them, whereupon the Turks will, no doubt, resume fighting," Morgenthau said. "If they are allowed to get Constantinople they will assume an arrogant, unprecedented cry for vengeance against the Greeks. They may attempt to conquer Greece by marching on Athens. If the ambition of the Turks is not checked there is danger that they will form an alliance with the Russian soviets. That would constitute a great menace to the rest of Europe."

"Retention of the Dardanelles by the allies is necessary to peace in the Balkans. The late World war really began with the first Balkan war in 1912. The Balkan fires are still smoldering. They must be extinguished without being permitted to reach the proportions of the first fire. It is to the world's interest to see that they are extinguished."

"America need not send an army to the Near East. All that is needed is the active participation of America's good offices."

MORGENTHAU SEES DANGER IN MUSSELMAN VICTORY.

By Ralph H. Turner (United States Staff Correspondent)

London, Sept. 12.—America should send a strong man to the Near East

HOUSES DIFFER ON SUFFRAGAN ISSUE

Suffragan bishops had a hectic day Monday at the Episcopal General Convention. They won the day in the house of bishops, but lost their fight for the franchise by a much larger majority in the house of deputies.

Suffragan bishops are assistants to diocesan bishops. They enjoy all the powers of a diocesan, except that of a seat and vote in the procession to the diocesan upon the latter's death. For three years the suffragans have been fighting for a vote and seat in the house of bishops.

Last Friday they lost the day in the house of bishops, but on Saturday the bishops voted to reconsider their action at 2 o'clock Monday. After 30 minutes of warm debate the vote was carried and the franchise was granted 68 to 31. The motion to grant them seats in the house carried with 74 bishops voting aye.

While the bishops were voting, loud applause was heard from the house of deputies and investigation disclosed that they had just voted to table the proposal to give the suffragans a vote. In the house of deputies the racial question was brought into the argument. As a result of the disagreement between the two houses, it is quite probable that a committee on consultation will be requested by both houses to go into the matter and make reports to both houses.

JOHNNY MARVIN, who is stopping at the show at Pantages this week, is working a single act for a few weeks. His vaudeville partner is none other than Charles Sargent, a brother of Lewis Sargent, known to motion picture fans by his inimitable impersonation of Huckleberry Finn and other roles of equal importance in the films. Mr. Sargent is at present at Los Angeles, having an important part in Jackie Coogan's new production of "Oliver Twist."

As soon as his studio engagement ends Mr. Sargent will join Mr. Marvin and the team will continue the engagements in vaudeville. Mr. Marvin has the unique distinction of being the only performer that can play a real tune on a ukulele as well as coax sweet melodies from a common hand saw. Mr. Marvin will give a daily demonstration of his abilities at the Bush & Lane Piano company's small goods department every day this week from 4 to 5 p. m. The public is invited to hear this wonderful player.—Adv.

VANCOUVER LICENSES.

Vancouver, Wash., Sept. 12.—The following marriage licenses were issued Monday: Edward B. Weber, 38, and Bertha E. Green, 33, Portland; George J. Williams, 23, Bay City, Or.; and Pattie C. McIntire, 24, Cosmopolis, Wash.; Dominick Tunatius, 33, Beaver-

ton, Or., and Dora M. Robson, 35, Huber, Or.; Archie C. Brown, 33, and Henrietta M. McShawson, legal, Portland; Albert V. Bergen, 31, and Marie Clarkin, 19, Portland; Charles F. Clinkinbeard, 31, and Ida E. Olson, 25, Portland; Joe Dawes, 21, and Lucy M. Fuller, 18, Portland.

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