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Tacoma ... ... 7 5 3

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LOS ANGELES, May 2 .-

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LOS ANGELES ... ... 11 12 1

SEATTLE, Wash., May 2 .--

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Crespi, Smith and Brooks.

## REPLY BRIEF IS FILED IN COURT

## Attorney General Brown Sets Arguments Against Those Opposing Olcott

Eight propositions, all treated at ength, are set forth in the contentention that Ben W. Olcott is governor of Oregon in fact in a brief filed in the supreme court by Attorney General Brown in reply to attorneys who, as amicic curiae have filed briefs in the test case of Olcott vs. Hoff in opposition to Mr. Olcott's side of the case. Not only does the attorney general quote widely from the judicial literature of the land but he presents a syllabus of all opinions of the Oregon supreme court which have a bearing on the case in

Mr. Brown sets out four propositions of the attorneys opposing him to which he directs his attention.

These are: 1. The problem presented by the petition is prompted by personal ra-

ther than public interest. 2. The issues involved raise a question of title to office and, therefore, mandamus is not the proper

3. The petitioner is opposed to constitutional provisions, statutory enactment and by court decisions. 4. The controversy submitted to

this court by this procedure is not supported by public interest not common welfare. The attorney general presents ar-

gument to show that these deductions are fallacious. In support of his position he then goes at length into the following propositions:

1. The issue concerns the public vastly more than it does the personal interest of either of the par-

2. Governor Olcott may resign his office of secretary of state and apremainder of the present term. This principle and rule of law, he holds, was settled in the case of Chadwick vs. Earhart

3. This is not a proceeding wherein we could invoke the extraordinary proceeding of quo warranto, but it is proper for the petitioner to assert his right to the title and emoluments of the office by mandamus. Under this head the brief disputes the claims of those attorneys who assert is is the "duties" and not the "office" which have devolved upon

Darham and Patterson; Morton 4. The po 4. The petition filed in this court and cause merits consideration, and the prayer of the petitioner is worthy of an affirmative answer. Under R H E this head the attorney general points secretary of state are executive offi-Williams, Gibson and Boelzle; Alcers and that the business of the exander and Cadman (called end 9th. state demands that the two offices be filled by different individuals, particularly as the judgment of both is needed on boards and commissions. 'A letter from Roy A. Klein. R H E secretary of the state highway com-asked concerning the signatures of Henion and Patterson; Engle and the governor and the secretary of tate on highway bonds. The attorney general's office is beseiged with inquiries concerning the effect of transactions requiring the signatures

of the governor and the secretary of state, says the brief. 5. The principle and rule of law R H E announced in the case of Chadwick ...... 1 3. 3 vs. Earhart should be the determin-Kramer and Elliott; Oldham and its disposition in the instant case. It is held that the petitioner has a right to invoke the rule of stare de-!

R H E 6. Mere technicalities should not uine and simple disposition of this Bromley and Fisher; Aldrich. important matter.

7. The construction given in section 8, article 5 of the constitution of Oregon by this court in the Chadwick case reveals the meaning and RHE purpose intended to be conveyed by Seattle ...... 3 6 1 the authors of that part of the or-Check and Cook; Mains and Coleganic law.

circumstances peculiar to the country at the time when the present de-R H E bated constitutional provision was written offer further proof that the makers of that instrument intended San Francisco . . . . . . . . 7 13 2 Leverenz and Byler; Kantlehner. that he secreary of state, upon the happening of the contingencies therein enumerated, become governor in

HE DOES HEAVY WORK

'I do heavy work and that is a strain on a man's kidneys," writes Bert Dawson, Canton, Ill. "My trouble started with severe, sharp pains over my back. I bought a bottle of Foley's Kidney Pills, and before it was gone, my pains had entirely left me. "They banish rheumatic pains, backache, soreness, stiffness. J. C.

She Asks Gehlhar About It; Law Doesn't Compel Her to Drink 'Em

quire a wife to drink 350 bacteria per centimeter or to consume rain water from a barrel that is full of Attorney Max Gehlbar, who has just replied to the following query made by-a woman near Salem who, according to her tale, has plenty of troubles of her own.

Her letter follows: "Please inform me in this mater: We have no well or other supply water than rain water caught a barrel or to carry from a seigh-

believed the water bad and the cause of my rheumatism and stomach trouble, so I sent a sample of water in a special container to the state board of health and received this report on February 4, 1919; The sample of water submitted showed 350 bacteria per c. c.; 75 per cent gas formation upon 72 hours incubation, colon bacilli recovered; this water is unfit for domestic use; in regard to what you may do ia the case we are forwarding your letter to the county health officer, Dr. Cashatt; you may take the mater up with him.'

"I wrote Dr. Cashatt the following day but have not received a reply. If I refuse to use this water and go away until my husband puts a well, can he refuse to support me? The rain water in the barrel is very low and full of wiggles."

Mr. Gehlhar advised that her husband's attention be called to the situation in order that he might be fully advised as to the mater. He further says: My dear Madam:

"There is no criminal statute by which you can make him support All you can do is to have him punished for failing to support you without just or sufficient cause. Your husband naturally has a legal right to fix the family domicile and naturally has a right to refuse to support you unless you reside there. If, however, the conditions are such declared them seriously injurious to would be no such obligation on your part, as there is no law that teria per cc., or to drink rafa water from the rain barrel that is full of wiggles. Under no construction of the law could you be expected or required to live under such condi-

## You Can Cure That Backache

Pain along the back, dizziness, headache and general languor. Get a package of Mother Gray's AROMATIC-LEAF, the pleas-ant Medicinal Tea. Use it at first sign of a cold. When you feel all run down, tired, weak and without energy use this remarkable combination of nature's herbs and roots. As a tonic laxative it has no equal. Mother point a successor, and continue to Gray's Aromatic-Leaf is sold by druggists of hold the office of governor for the sent by mail for 60 cents. Sample sent present form This

### JUNIOR PLAY SCORES (Continued from Page 1.)

in Salem, having presented a number of other plays here. Kenneth C. Legge managed the play and Merrill Ohling was stage manager.

Following the first act the varsity quartette, Gustav Anderson, Floyd McIntyre, tenors, and Paul Sterling. Harry Bowers, bass, sang "Annie Laurie, ' responding to repeated encores. Music was furnished by the Swartz-Stege orchestra.

occupied a box. The royal party was composed of Queen Margaret I. Arlie Walker, President and Mrs. Carl Gregg Doney, Miss Helen Rose. Lestle Sparks, Gladys Nichols, and Homer Tasker.

"The Arival of Kitty" brought to close the first day of the Junior Week-end and May Day festivities at Willamette university. The morning was spent in cleaning up the campus and welcoming the visitors, who are expected to number near 100. At moon a student lunch, at which the high school seniors were special guests, was enjoyed on the campus. followed immediately by the Freshman green cap stunt of burning the

# HIPPODROME VAUDEVILLE TODAY BLIGHTHEATRE

caps, only after due and justly deserved ceremony.

At 2:30 the varsity baseball team met Chemawa's men on Sweetland prom. field, the result of which was a score of 8 to 2 in favor of Willamette

men. The line-up of the local team was: Basler, c; H. Dimick, p; Mc-Kittrick, 1st b; R. Dimick, 2nd b; Davies, ss; Olson, 3rd b; Hickman, rf; Wapate, cf; Austin, 1st f.

Today's events will be started off that the state board of health has with a May morning breakfast followed by tennis matches with O. A. your health as you claim, there C. until noon. Immediately after noon Queen Margaret I wil lbe crowned by James Crowford of Portcan require you to drink 350 bac- land. Following the crowning the May fete will be presented and the Read the Classified Ads.

remainder of the afternoon will filled with track matches. At 8 o'clock will be the annual Junior

## Today Is Last Chance for Voters to Register

Today is the last day for registration for the June elections. All day long yesterday several clerks were kept busy at the office of County Clerk Boyer at the regis-

tration desk and an even greater

rush is expected today.

Opening Sunday

PROF. E. D. PAVATTE

will play the opening of our new

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