

OLCOTT TO SERVE UNEXPIRED TERM OF WITHYCOMBE

There is no occasion for the election of a governor of Oregon at the general election to be held in 1920 in the opinion of Attorney General Brown...

Ben W. Olcott, the opinion declares, is a real, de jure governor serving on the unexpired term of the late Governor Withycombe. The secretary of state as a ministerial officer, he declares, and cannot question the correctness of a decision of the supreme court...

If, however, the correctness of this interpretation, is questioned the attorney general cites as a remedy for the situation a proceeding in mandamus which may be instituted by any citizen and voter of the state in an effort to compel the secretary of state to file the petition...

An election in order to valid must be held in pursuance to some provision of law authorizing it. The opinion of Attorney General Brown reads: "Section seven, article five of the constitution of Oregon provides that the term of the office of governor of Oregon shall be four years..."

This advice, the attorney general states, as was his opinion of March 21, last, addressed to Governor Olcott, is based upon the provisions of the constitution of Oregon and the exposition of this particular section by the supreme court of the state in the case of Chadwick vs. Earhart in which it was judicially determined that in the event of the removal of the governor from office or his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the secretary of state...

"That determination by the commonwealth's highest court is binding upon you as a ministerial officer of this state," the opinion continues. "It is likewise binding upon the writer of this opinion. It can only be disregarded or overturned by the supreme court of the state that gave utterance to this construction of the constitution or by the people themselves who are the source of all power..."

"When the highest court of the state has said that the duties of the office of governor devolve upon the secretary of state, who continues to perform such duties for the remainder of the term of the outgoing governor it means exactly what it says. Your office, being a ministerial office, your powers are limited to those expressly granted by law or necessarily implied therefrom, and you are compelled to perform the duties of your office as declared by law whether the same be statutory law or court made law..."

"It is not within the scope of the duties of a ministerial officer to pass upon the validity of a law requiring his action. He has but one duty in such a case and that is obedience. Quoting from the 'Illuminating but divergent opinions prepared by the justices of the supreme court in the case of Olcott vs. Hoff, a proceeding brought in the hope that the question that you are now asking, might be settled,' Brown declares: 'One thing, however, that case did settle, is that Governor Olcott is a real, de jure governor and in exercising his duties as such, he is an actual governor and not an acting governor; that the obligations being executed by the state are and must be settled by him as governor in fact, as well as secretary of state in fact...'"

Referring to these same 'divergent opinions' of the supreme court in the Olcott-Hoff case, the attorney general declares 'It will be seen... that the authority of the Chadwick-Earhart case has been questioned by two justices thereof, nevertheless, it was not overruled but is yet law and binding upon us.' 'If the Chadwick-Earhart case is not correct law it should be overruled,' he declares. 'In omitting the office of governor from the notice required by section 3352 amended, you are obeying the fundamental law as interpreted by our supreme court and if the Chadwick-Earhart case is not correct law, it should be set aside as a precedent, as the law affords simple remedy...'

"Catarrh Of Stomach" Corrected By Internal Baths Mrs. John F. Preble of 6151 S. Lincoln St., Chicago, Ill., writes to the Tyrell Hygienic Institute: "My symptoms were terrible and my physician said that catarrh was affecting my whole intestinal tract. After using the 'J. B. L. Cascade,' however, instead of a strict diet as before, I now eat almost anything I want without trouble. I recommend it whenever I get a chance. The 'J. B. L. Cascade' cleanses the lower intestine its entire length and keeps it always free of poisonous waste. Thousands testify that constipation, indigestion, stomach troubles, biliousness, headaches and all the many serious troubles which they cause are absolutely relieved and prevented by this nature treatment. Daniel J. Fry will be glad to show you the 'J. B. L. Cascade,' explain its simple operation and will give you, free on request, an interesting little book by Dr. Chas. A. Tyrell of New York, a noted specialist on internal bathing for 25 years in that city. Clip this out as a reminder to ask for the booklet at your first opportunity."

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WATER PERMITS

Applications for permit to appropriate water have been filed with State Engineer Percy A. Cupper, state engineer, by Walter E. Boner, Henry Fairchild, Harry Coleman and Joshua Downing, all of Joseph, to use water from a spring for domestic purposes, and by Frank E. Foster of John Day to appropriate water from Canyon creek for the irrigation of a small tract of land.

Application for the appropriation of 20 second feet of water from the south fork of Galice creek for placer mining purposes was filed with State Engineer Cupper, Saturday, by J. E. Stichel of Gold Hill.

Other applications for water rights were filed as follows: Jacob S. Mallenhour of Speake, Or., for the appropriation of 10 second feet of water from Wolfe creek for placer mining purposes. Artie E. Thumblison of Kerby, Or., for the appropriation of water from Sucker creek for the irrigation of small tract of land near Kirby. Louis Gerber for the appropriation of water from south fork of Sprague river for the irrigation of a small tract near Bly. D. B. Woodruff and Matilda Woodruff of Lowden, Wash., for the appropriation of water from Pine creek for the irrigation of a 160-acre tract near Freewater.

JURY DISAGREES

Marshfield, Nov. 2.—The jury in the case of Harold Howell, 15 year old Bandon boy charged with the murder of Lillian Leuthold on July 27, recorded a disagreement after being out nearly 30 hours, and the case must be tried again, possibly at this term of the court. The defendant showed no emotion when the jury reported.

Glass Of Salts If Your Kidneys Hurt

Eat less meat if you feel Backache or have Bladder trouble—Salts fine for Kidneys. Meat forms uric acid which excites and overworks the kidneys in their efforts to filter it from the system. Regular eaters of meat must flush the kidneys occasionally. You must relieve them like you relieve your bowels; removing all the acids, waste and poison, else you feel a dull misery in the kidney region, sharp pains in the back or sick headache, dizziness, your stomach sour, tongue is coated and when the weather is bad you have rheumatic twinges. The urine is cloudy, full of sediment; the channels often get irritated, obliging you to get up two or three times during the night. To neutralize these irritating acids and flush off the body's urinous waste get about four ounces of Jad Salts from any pharmacy; take a tablespoonful in a glass of water before breakfast for a few days and your kidneys will then act fine and bladder disorders disappear. This famous salt is made from the acid of grapes and lemon juice, combined with lithia, and has been used for generations to clean and stimulate sluggish kidneys and stop bladder irritation. Jad Salts is inexpensive; harmless and makes a delightful effervescent lithia-water drink which millions of men and women take now and then, thus avoiding serious kidney and bladder diseases. (Adv)

To Prevent Grip Take "Laxative Bromo Quinine Tablets"

Be sure you get the Genuine Look for this signature C. M. Grove on the box. 30c

PAYING ATTORNEYS TO PLEA CONVICT'S CASES DISCOURAGED

The employment of paid attorneys by friends or relatives in an effort to secure the extension of executive clemency toward some convict is discouraged in a statement issued by Governor Olcott this afternoon. Neither the executive officers nor the state parole board will give heed to the pleadings of such paid counsel, declares the governor. "Pathetic instances have come to my notice where relatives or friends of a convicted man have made great financial sacrifices to pay a fee to an attorney to make a plea for securing executive clemency for him," declares Governor Olcott. "I believe that this is unjust, both to such relatives and friends and the convicted man. I wish it plainly understood that representations in behalf of a prisoner, coming from some one paid to make such representations, rather prejudice than assist the cause of such prisoner. I cannot countenance or tacitly encourage such commercializing of human liberty."

THIS WOMAN SAVED FROM AN OPERATION

By taking Lydia E. Pinkham's Vegetable Compound, One of Thousands of Such Cases. Black River Falls, Wis.—"As Lydia E. Pinkham's Vegetable Compound saved me from an operation, I cannot say enough in praise of it. I suffered from organic troubles and my side hurt me so I could hardly be up from my bed, and I was unable to do my household work. I had the best doctors in Eau Claire and they wanted me to have an operation, but Lydia E. Pinkham's Vegetable Compound cured me so I did not need the operation, and I am telling all my friends about it."—Mrs. A. W. Binzer, Black River Falls, Wis. It is just such experiences as that of Mrs. Binzer that has made this famous root and herb remedy a household word from ocean to ocean. Any woman who suffers from inflammation, ulceration, displacements, backache, nervousness, irregularities or "the blues" should not rest until she has given it a trial, and for special advice write Lydia E. Pinkham Medicine Co., Lynn, Mass.

INCORPORATIONS

The A. & A. Lumber company of Portland filed articles of incorporation Friday. The capital stock is \$15,000 and the incorporators are J. W. Seigel, M. B. Seigel and B. C. Fisher.

Other concerns filing articles were: Astoria Amusement company, capital \$50,000, S. Danz, Mrs. Allie Danz, R. Straus, Mrs. J. D. Straus and the Master Cleaners & Dyers, Portland, \$5000, J. E. Beegley, Abbie C. Beegley, Otto Reech and Carrie Reech.

The DesChutes Falls Power company, capitalized at \$5,000,000 was granted permission Friday by the State Corporation Commission, to operate in Oregon. Head offices of the company, which is organized under the laws of Nevada, are in Carson City, Nev. A. M. Wright, vice president of the United States National Bank of Portland is named as attorney in fact. The company will do a general business in the distribution of electricity for heat, power and light.

Dan Wulfe & Co., of New York, importers and exporters of fruits, have filed with Corporation Commissioner Schulerman a declaration of intention to transact business in Oregon. Augustus Edward Woolpert is named as attorney in fact with office in Hoop River. The company is capitalized at \$100,000.

The following articles of incorporation were filed Saturday: Carbon Coal company, Portland, \$20,000; A. G. Riddell, M. A. Daniels and F. C. Gillespie.

Oregon Gearless Differential company, Portland, \$25,000; J. W. Linn, D. W. Linn and J. L. Hadley.

Gresham Home Builders association, Gresham, \$10,000; R. H. Todd, J. A. Pattenbunde and H. L. St. Claire. Hibbert Bros., Inc., of Portland, filed a certificate showing an increase in capital stock from \$5000 to \$40,000. A decrease in capital stock from \$250,000 to \$235,000 is reported by the Bacon Estate company of Portland.

The Oregon Realty company of Portland filed resolutions of dissolution.

HALF MILLION PAID BY AUTOMOBILE TAX

A total of 596,832 in fees and licenses had been collected by the automobile registration department of the secretary of state's office up to October 31, according to a statement issued today by Sam A. Kozler, deputy secretary of state, which shows a total of \$2,569 automobile registered in the state up to that date. Receipts of the department for 1919 will be approximately \$140,000 greater than for 1918 based on present estimates. In October, this year, which exceeds the record of that month in any previous year there were 1984 passenger and commercial automobile registered as again only 780 for the same month a year ago. Only the inability of dealers to supply the demand for automobiles will prevent the total registration in this state from topping the \$5,000 mark this year, Kozler declares.

L. A. Smith has contracted with the county court to spread on roads in the vicinity of Mount Angel 10,000 yards of crushed rock during the winter months.

BISHOPS FABRICS Say, Fellows! MOTHER purchased my Union Suits at ---BISHOP'S--- They are so comfortable these cold mornings. WHEN you have on your winter weight underwear you needn't be so careful, you don't catch cold so easy. WHY delay purchasing your boys' underwear? WE have a wonderful selection for you, complete in most all numbers. BOYS' 1-in-1 Ribbed Union Suits in winter weight, that you will appreciate, the moderate price and wonderful value in this garment we are convinced. EXTRA heavy weight in BOYS' UNION SUITS in the "DERBY". This is exceptionally appropriate for colder weather. LAST but not least comes COOPER'S BENVINGTON. You doubtless know very much about this popular garment, made on the spring needle, and containing fully 1-3 more yarn than other underwear. While Outfitting the Boy YOU cannot afford to overlook BISHOP'S FABRIC shirts. They are made so full and roomy. ARMY style in pockets with buttoned down flaps and military collars. THEY are a good health insurance now that the boy is out of doors, in school and playing in his odd moments. MADE of pure "FLEECE WOOL" and are made to carry the boy through all his boisterous play. THEY'RE insurance against "WORRY and MENDING." BOYS SHOES. WE venture to say that we have the best school and dress shoe on the market today. They are made of honest LEATHER--and that is hard to find these days. WE have one of the most expert men in charge of this department to be found on the coast today. From the "Hide to the Shoe" utilizing his expert knowledge in purchasing shoes. BISHOP has a wonderful, snappy line for men and boys. TOMORROW NEVER COMES--DO IT TODAY. "Every Family In Marion and Polk Counties a Patron" Salem Woolen Mills Store

Harvesters of Health



Tuberculosis lurks in wait for persons who become run down in health. With their power of resistance diminished they fall easy prey to the death-dealing germs, which in many instances have been in their system since early childhood. The young women in the picture are winning back health under ideal conditions at the Night and Day Camp in St. Louis, Mo. This camp is conducted by the St. Louis Tuberculosis Society, one of the thousand or more organizations allied with the National Tuberculosis Association. The approaching Red Cross Christmas Seal sale campaign will benefit this and thousands of other anti-tuberculosis activities. Only "predisposed" cases are received at the Night and Day camp.

Personal Many a thrilling story might be written around "personal" Want Ads that have appeared in this newspaper. In them there has been romance and tragedy, pathos and comedy. But, above all, these "personal" Want Ads have been of the greatest usefulness. They have effected reconciliations, reunited families, located missing persons, found heirs to estates, etc. Whenever you have need of the services "personal" Want Ads can render, use our columns freely. It is really one of the marvels of the day how information imparted in our little Want Ads spreads to every nook and cranny. Try them. Here Are Two Good Personals PERSONAL—I am endeavoring to locate my brother George H. Wilson. Last heard of in this city, six months ago. He is a printer, age 45, five feet ten inches tall, weighs about 170 pounds. Dark complexion. Interested in estate if his father awaits him. Any information will be appreciated. ADDRESS: PERSONAL—If Mr. Richard B. formerly of 8622 Magnolia Ave., this city, will communicate with the undersigned he will learn of something to his advantage. Warner, Gardner and Miller, Attorneys. ADDRESS: Little Want Ads like these are read in the most unexpected places and have brought results where results seemed impossible. Read and Use the Want Ads in DAILY CAPITAL JOURNAL