

THE LEGISLATURE.

The Senatorial Question Blocks Legislation—Additional Notes on Another Page.

SALEM, Or., Feb. 2.—An eager crowd thronged the lobby of the senate chamber this morning in expectation that a test vote would be taken upon the election of United States senator. It was known that an effort would be made to force the senate to act in conjunction with the Benson noise and vote separately upon that question. It was recognized that the lines would be drawn between the supporters of Senator Mitchell and the opposition. Although it was thought that several senators who favored Mitchell if they were ever required to record their votes would resist the attempt of the Mitchell management, on the contrary it was currently stated that the democrats had been induced to aid in passing a resolution to go on with the vote.

The senate assembled as usual at 10 o'clock and took up the regular order of business. After several memorials had been adopted, Senator Brownell, who appeared in his seat for the first time in two weeks, being kept out by illness, arose and addressed the chair: "I would like to offer a resolution," said the senator.

The senate became immediately expectant. Brownell was known to be the man who was to lead the Mitchell fight.

The resolution was sent up to the clerk's desk, and he was directed by the chair to read it.

"Resolved, That the senate proceed openly, by viva voce vote of each member present, to name one person for senator in congress from the state of Oregon for the full term, commencing March 4, 1897."

Arising in his place, President Simon addressed the senate, saying: "The chair will state that, under the act of congress passed in 1896, it is directed that a vote for United States senator shall be taken on the second Tuesday after the organization of the legislature. The senate has already, on two occasions, placed on record its decision that the house is not legally organized, once by the assent of the senate to the chair's ruling a week ago Monday, and again this morning. The chair is therefore constrained to hold that this resolution is not in order at this time."

Several members at once rose to their feet for the purpose of appealing.—Brownell was recognized and made the formal motion to overrule the chair. President Simon then stated that the question before the senate was as to whether the chair should be sustained in his ruling.

Driver, the venerable senator from Lane, was the first to start the debate. His voice was husky and there was so much confusion that all he said could not be distinctly caught, but he was on the floor long enough to impugn the honesty of the chair in deciding that the Dufur resolution had been lost by a vote of 12 to 11. The Dufur resolution related to the printing of senate bills, and contained among many other things a statement that the house was not yet organized. It was to this resolution that President Simon referred when he stated that the senate had already that morning placed itself on record against recognizing the house.

"I dissent from that statement," cried Driver. "I am told by gentlemen from the outside that more than 11 voted against that resolution. It is the business of the chair, under the laws of the state, to see that an honest count is made. It is also the duty of the chair to see that the secretary makes the count and not himself."

Senator Mulkey declared that there was no doubt but that on two occasions the senate had refused to recognize the unorganized house. Once it is done by the silent assent of the senate to the ruling of the chair, and once in the adoption of the Dufur resolution, Mulkey then very sharply criticized Driver.

right to pass upon the legality of the organization of the house than I have upon the supreme court. Each house decides the qualifications of its own members, and no power in heaven or on earth can change it. 'Vox populi, vox Dei.' Driver went on to say that no member is elected until he is qualified, and said that neither the governor nor secretary of state had a right to decide that question. The senator then made the assertion familiar to all who have heard throughout the state, that he had lived here for 40 years, and had had many flattering opportunities to go elsewhere, but he had stayed right here. And he wound up with the following: "I would just as soon be one of the men who held up that train in Southern Oregon as the men who are holding up this legislature, or who recognize or sympathize with it."

Senator Dufur then explained his printing resolution, and said that it was not designed to pass upon the status of the house. There was no doubt that the house had some kind of an organization, and it was the duty of the senate under the statute to go ahead with the election of a senator.

Brownell then assured the chair of his friendship and esteem. "But I believe that if it stands it will be one of the great crimes against the public liberties of the people of Oregon. This senate has no more right to say how the house shall organize than we have to say how the editor of The Oregonian shall conduct his newspaper to assist those who are holding up this legislature. I appeal to the virtue of the senate. I appeal to your honesty and candor. Do you want to assist Jonathan Bourne in holding up this legislature? Do you want to assist Barkley, the high priest of demagoguery?" The speaker was here interrupted by a loud rapping of the gavel from the chair.

"Permit me to say to the senator that he has no right to abuse members of the legislature upon the floor of this senate," said the president.

"Have you any evidence that they are members of the legislature," retorted Brownell.

"There is plenty of evidence in the office of the secretary of state," was the president's answer. Brownell then went on to say that something must be done to proceed with work and enact remedial legislation.

Michell protested against the senators casting insinuations on the honor of other senators.

Senator Reed arose, and addressing himself more particularly to Driver, said he had intended to vote for the resolution. He said he had recognized the laws of God and man, but that the laws of God had nothing to do with this, the senator from Lane to the contrary notwithstanding.

"I didn't say anything of the kind," cried Driver.

"I repeat," said Reed, "that this house has nothing to do with the laws of God."

Driver several times interrupted to explain what he had said. Patterson said that one point had been overlooked, and that how the senator should be elected.

Johnson of Linn declared that the senate had the right to proceed even if the organization in the house was only temporary; that a vote should really have been taken January 19. Johnson argued at length that the senate would, by adopting the resolution, recognize organization, permanent or temporary.

Senator Selling began his remarks by saying he felt very timid in the presence of so many able attorneys and ministers of the gospel. "But," he added, "when it comes to a question of honor, I feel that I am as good as any of them, perhaps even the ministers." The senator discussed the question in a clear and cogent manner, saying the speakers on the other side had not yet convinced him that two-thirds of 60 is 31. He read the recently-printed opinions of Senator Dolph and C. E. S. Wood, and the telegram from Senator Morgan, of Alabama. Patterson of Marion interrupted to call attention to the fact that the Morgan telegram was addressed to Jonathan Bourne. This raised a laugh.

"I am opposed to anything revolutionary," continued Selling. "Is the house Bourne connected with a revolutionary body?" asked Brownell. "That is a disorganized house," replied Selling. The senator referred to the remarks made by the speakers impugning the motives of Driver and also of the president. Driver promptly rose a question of privilege and, being recognized, started another speech. He was soon called to order by the president, who said Selling had the floor.

"The senator referred to my name," asserted Driver.

"I did not," retorted Selling, sharply. "You did! You did! I did not impugn the motives of my fellow senators," cried Driver.

"I want the public to know," said Selling, calmly, "who it is that puts the president and other members on a par with train-robbers. What did the senator mean when he said he would as soon be one of those robbers as the men who are—"

in which he said something about going ahead according to the constitution, if it put his satanic majesty in the United States senate, and was called to order by Holt, who asked how many speeches a senator could make without giving the others a chance.

"I call to a vote," demanded Driver. "The senator would hardly be ungenerous enough to call for a vote just after making three speeches," mildly suggested the chair, and Driver was silenced.

King of Baker continued the discussion by saying it was absurd to hold that the senate had no right to inquire into the house organization. "We must determine," he declared "whether we are to act with the house. Suppose a third house should send in a communication purporting to come from the house. Would we not have the right to inquire into its status?" King went on to show that if the theory of the Mitchell men is correct that 31 can organize the house, it would be impossible to elect a United States senator with three votes. He cited the Kansas case, and concluded by saying:

"Those who talk most about the constitution are now willing to come in and override it. Shall we set ourselves down as political outlaws?"

Daly stated his position, resting his contention on the Dubois case, and arguing it was proper to vote.

Holt then spoke, among other things saying it was beneath the dignity of any senator to insinuate that the men who had stayed out of the house were on a par with robbers.

"That isn't what I said," called out Driver.

"No, sir! no, sir! no, sir!" exclaimed Driver, vociferously.

Holt insisted and Driver continuing his noisy objections, the chair finally rapped for order.

"At least, the senator will allow me to take my own view of the meaning of his remarks," resumed Holt.

"I have no objection, as long as it does not conflict with the facts," replied Driver. The crowd cheered and the chair threatened to clear out the lobby.

Holt continued his remarks and was interrupted by Johnson and Patterson, who both claimed the Brownell resolution recognized no house.

"If this resolution passes," inquired the chair of Patterson, "does it not necessarily follow that the senate will tomorrow go into joint convention with the Benson house?"

"It does not," replied Patterson. "A joint convention is composed of members of the legislature," not necessarily of both houses."

"Then a joint convention can be held down town or anywhere else?" asked the chair.

"Yes, sir," answered Patterson. "This resolution does not recognize anybody."

Holt then finished his speech. Gowan said the resolution was harmless in that it simply permitted senators to express their preferences. He pointed out that it was not a joint resolution, Gowan also discussed the Kansas case, replying to King.

Smith of Clatsop spoke at considerable length, saying that to pass the resolution would be to recognize the Benson house. Believing that organization illegal, he would vote accordingly.

This closed the discussion and the clerk proceeded to call the roll. Several members explained their votes and others desired to file written protests against proceeding to vote for senate.

The vote was as follows: Ayes—Bates, Calbreath, Dawson, Gesner, Hobson, Holt, King, Mackay, McClung, Michell, Mulkey, Patterson of Washington, Reed, Selling, Smith, Wade—16.

Noes—Brownell, Daly, Driver, Dufur, Gowan, Harmon, Haseltine, Hughes, Johnson, Patterson of Marion, Price, Taylor—12.

Absent—Oarter. Not voting—President Simon.

When it was announced that the chair had been sustained, a loud cheer went up from the crowd, but was checked by the chair.

SALEM, Or., Feb. 3.—Senator Mitchell held his rump convention at noon today. It was a failure. Thirty nine members responded to the roll call. He was thus just seven short of the necessary 46. Tonight an adjourned session of the convention was held, and the same 29 representatives and 10 senators answered to their names.

This was the climax of Mitchell's long struggle. He now has only the most slender chance of winning. Nothing short of a miracle can save him.

The joint convention was made up of the Benson house, with one exception, and 10 of the 12 senators who voted yesterday to reverse President Simon. The first exception was Lake, of Lincoln and Benton. Lake told Mitchell several days ago that, in his judgment, the proposed convention would not be regular and legal, and he would not enter in it. Senator Daly and Haseltine were the two others.

SALEM, Or., Feb. 3.—The state capitol presented an unusually animated scene all the morning. The crowd around the lobbies was larger than at any time since the session began. It was the fatal day for Senator Mitchell.

senators into the house has been a very formal and dignified proceeding.

There was nothing like that today. The several Mitchell senators dropped in, one by one, and took seats arranged for them in the front of the house. When the hands of the big clock pointed to noon Somers arose, and said:

"In order that members of the house may attend the joint senatorial convention, I move we now adjourn."

"The joint assembly will now come to order," he cried. "I move that the Hon. George C. Brownell act as president."

Without waiting for other nominations, Patterson quickly put the motion and declared it carried.

"Come to order," he said. "The object of this joint assembly is to vote for United States senator."

The two clerks then in succession called the roll of the house and senate, and the following were found to be present: Senate—Brownell, Driver, Dufur, Gowan, Johnson, Patterson of Marion, Price, Taylor—8.

Absent—22. House—Benson, Bridges, Brown, Chapman, Conn, Crawford, David, Gratke, Guilan, Hogue, Hope, Hudson, Huntington, Jennings, Langell, Marsh, Merrill, Mitchell, Noster, Palm, Rigby, Smith of Marion, Somers, Stanley, Thomas, Thompson, Vaughan, Veness, Wagner—29.

Absent—31, including Lake and Misener; of the qualified members.

"The chair notes the presence of Senator Haseltine," said Brownell. "The clerks will enroll him as present."

Then Haseltine exploded a bombshell. Advancing to the front he said:

"Mr. President: I have a question in my mind about the legality of the vote yesterday. On that account I decline to come in at present."

Haseltine was elected as a Mitchell republican. His independent stand was not expected.

The clerk reached up to Chairman Brownell and whispered that there were just 39. Brownell made no response, and there was no announcement of the result. After waiting 15 minutes for the members who never came, the convention adjourned till tomorrow at noon.

SALEM, Feb. 4.—Special—On the joint ballot for senator at noon Mitchell lost one vote (representative) and another promised to stay out tomorrow unless a majority was present.

NEED FOR SLEEP.

The Most Important Compensation For All Effects of Fatigue.

By far the most important compensation for all effects of fatigue is sleep. Everybody, even the man mentally most inert, develops when awake a mass of mental effort which he cannot afford continuously without suffering. We need, therefore, regularly recurring periods in which the consumption of mental force shall be slower than the continuous replacement. The lower the degree to which the activity of the brain sinks the more rapid and more complete the recovery.

The mental vigor of most men is usually maintained at a certain height for the longest time in the forenoon. Evidence of fatigue come on later at this time of day than in the evening, when the store of force in our brain has been already considerably drawn upon by the whole day's work. If no recovery by sleep is enjoyed or it is imperfect, the consequences will invariably make themselves evident the next day in a depression of mental vigor, as well as in a rise in the personal susceptibility to fatigue. The rapidity with which one of the persons I experimented upon could perform his task in addition sank about a third after a night's journey by railway with insufficient sleep. Another experimenter could detect the effects of keeping himself awake at night in a gradual decrease of vigor lasting through four days. This observation was all the more surprising because the subject was not conscious of the long duration of the disturbance and was first made aware of it incidentally by the results of continuing measurements on the causes of the manifestations of fatigue.—Popular Science Monthly.

Officials Without an Office.

The queen's watermen are officials without an office. A waterman without a large must be something like an editor without a paper. But we must not forget this difference, that while one fattens on the indulgence of the nation the other would starve. There are altogether 36 of this admirable body of do-nothings. For performing their task admirably they receive a salary of about £5 a year.—Exchange.

All Seasons For Its Own.

"Ice is an awfully ruinous thing," sighed Cholly. "In winter whole towns are bankrupted by ice gorges, and in the summer the young men are bankrupted by ice cream gorges."—Chicago Tribune.

Every man will find his own private affairs more difficult to manage and control than any public affairs in which he may be engaged.—Lord Melbourne.

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