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The First Steps Are Taken

For Organization of the Oregon Legislature.

OPPOSITION SWORN IN

And Appoint Assistant Sergeant-at-Arms

TO BRING IN ABSENTEES.

An Important Legal Opinion Is Filed.

TEMPORARY DAVIS ORGANIZERS

Are Complete Masters of the Legislative Situation.

HOUSE—11:30 a. m.
Temporary Speaker Davis in chair. Present: Barkley, Bayer, Bourne, Buckman, Davis, of Um., Davis, of Mult., Dustin, Emery, Gill, Guild, Hill, Howser, Jones, Maxwell, McAllister, Misener, Munkers, Ogle, Povey, Svindseth, U'Ren, 21.

Hill moved a committee of three to inform the chief justice that the members were ready to be sworn. Hill, Emery, Misener were appointed and asked leave to retire. Granted. After a few minutes the committee presented Mr. Chief Justice Moore. The above members were sworn by Justice Moore, except Misener, who had been sworn before.

A resolution was adopted to take steps to bring in absent members. The speaker was authorized to appoint sergeant-at-arms and assistants to compel attendance.

U'Ren asked leave to read letter from Hon. C. E. S. Wood, of Portland, on question of legality of this organization.

ASSISTANT SERGEANTS
The speaker appointed J. J. Sturgill, L. H. McMahon, M. K. Cunningham, C. L. Parmenter, J. E. Povey, D. H. Weyant, P. J. Colton, John D. Daly. On motion the house adjourned to Tuesday at 3:30.

MR. WOOD'S OPINION
Is given in a letter to Hon. W. S. U'Ren, which Mr. U'Ren read to the house. His replies to questions asked are given as follows:

"1. Can the Davis house enforce the presence of recalcitrant members of the house? Yes. The constitution is clear. Less than a majority may compel the attendance of absent members. The object is to prevent a failure of legislation. Less than a quorum cannot legislate. Therefore there must be some means to raise a quorum. This is done by allowing the lesser number to compel attendance. This clause is of its nature self-executory. It relates to the conduct of a legislative body or a minority thereof and leaves to them the method and details by which they will enforce their constitutional prerogative. When a quorum is produced, if the house still does not organize, the penalty is that their pay is stopped. "But a quorum being produced, it rests with the majority thereof to organize.

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"In this particular instance the members, you seek to compel, have qualified and are within the jurisdiction of the house, or a minority thereof seeking a quorum, and in my opinion may be counted by the speaker if brought within the bar of the house.

"2. What particular steps should be followed? Appoint a sergeant-at-arms with full powers, if there be not already such an officer. Direct him, by formal resolution, to bring in the recalcitrant parties naming them. Let him issue his writ or warrant against them, and he and his assistants, exhibiting this warrant and reading it, arrest and bring them forcibly before the house. Have the roll called and these members counted as present. The minority having qualified and those arrested and forcibly brought to the house being already qualified, you can then proceed to a formal organization and business.

"3. What part may the courts take in this business? None, in my opinion. The courts may pass on the constitutionality of a law or on the lawfulness of the arrest and detention of a person, but a legislative body, or a body legislative in embryo and seeking full organization is the exclusive maker of its own rules and the exclusive enforcer of those rules and the exclusive interpreter of those rules. And when a person is held and detained under a warrant from such a body, that body is the sole and exclusive judge of the lawfulness of the detention, and the courts have no jurisdiction in the premises. If they have then the courts may meddle with all the acts of discipline and overrule all the decisions relating to itself and its members which a legislative body may do or decide. This conclusion is to my mind revolutionary and absurd.

SENATE NOT ADJOURNED.
"4. What is the condition as to the senate? I have not followed the facts closely so will give some suggestions on hypothetical conditions.

If the senate has adjourned sine die it cannot reconsider that motion but must be recalled to life under the provisions for calling a new session.

"If it adjourned sine die without the concurrence of the house, it is in effect no adjournment in my opinion, but a mere irregular recess. If no adjournment sine die was announced by the president, the senate cannot assume such adjournment, that officer is its legal and constitutional mouthpiece and the senate, even if it disagrees with him must appeal from him and at last speak through him or possibly for flagrant disobedience on his part depose him, and elect his successor.

"If there be a resolution passed that at a certain hour in the future the senate will adjourn sine die, that may be reconsidered and without further action does not operate as an adjournment sine die. If then, an adjournment be taken before the hour named in the resolution and that adjournment be not specifically an adjournment sine die, it cannot by force of the resolution be considered such an adjournment, but from the failure to name it as an adjournment sine die ought rather to be considered a revocation of the resolution.

"5. Would laws passed by this senate and house be constitutional? If there be a quorum in the senate, and a quorum in the house (compelled or voluntary quorum) the house being then duly organized, in my opinion YES. But the courts would pass on this question as cases under the laws were brought before them, and the decisions of courts do not always coincide with the opinions of attorneys."

ORGANIZATION CERTAIN.
THE JOURNAL is able to say and does say on very reliable authority that the legislature will be permanently organized in a very short time. At least twelve members of the house besides the thirty in the Davis house have signified that under certain conditions they will participate, and those conditions will be met.

From a perfectly reliable source, in fact a reliable source we are informed that twenty senators will be found willing to participate in legislation whenever the house is permanently organized, and it will be organized soon.

THE BATTLE BEGUN.
Davis called his squad together at 12:30 and held a conference. The men were armed with warrants and nearly all left on the 2:30 train for absentees. One was sent to Astoria to bring Mr.

Gratke. Chief Glen Holman will escort the Multnomah Bensonites to Salem.

Two officials were sent up the Columbia river, two will go south, and one will stay in Salem to serve warrants. Dr. J. N. Smith declared to a friend that he would resist the process by habeas corpus proceedings. But no process can begin until after members are delivered within the bar of the house. It is believed that quite a number will voluntarily attend as soon as they are served with papers. It is known that a number will attend without being arrested.

THE SENATE.
Meets this evening at 7:30 o'clock, and will only adjourn over to Tuesday. The Davis house expects to secure a quorum by Tuesday afternoon or Wednesday at farthest.

"We will come for more per diem and double mileage or we won't come at all."—Some of the Recalcitrants.

It is said that Governor Lord was never notified that there was a legislature in session or even trying to be in session. Therefore how could the governor act?—Albany Democrat.

Albany Democrat: "A man is reported so economical that he took this year to die in, when everything is down and it will be easier to draw his last breath." What a splendid legislator he would have made!

Here is a chance for one of the attendants of the legislature—an Albany paper advertises: "Wanted: One that has a farm or is used to farm life, preferred, and of suitable age. I am 50 years old, a non-user of tobacco and whiskey. Some means. Address J. H., Box 526.

Future Politics.

WASHINGTON, March 1.—Dubois came forward Saturday with something of a sensational statement. He said the scolding of members of the senate appropriation committee, the midnight sessions and the necessity of work on Sunday, led him to say that if he was a member of the next senate, he would renew the fight to strip the appropriations committee of its autocratic power, and to distribute the various appropriation bills. "I think the next senate should divide the appropriation bills," continued Dubois. "It will be an elegant time. No party will have a majority in this chamber. There is a distinct party there now called the silver republican party. They will not co-operate with you (turning and pointing to the Republican senators), you have not the power to organize the senate."

Nelson—Who are you referring to? Dubois—I am referring to the Republicans.

Nelson—What have you got against them?

Dubois—I have this against them; that while saying to us for years, "We will help you make this fight for silver," you came out at St. Louis as the advocates of the single gold standard, and now you see what you were warned of there; you lose the coast senators. Just as fast as the people of that section have an election for senator, just so fast will a republican senator go down. There have been seven senators elected there to take the place of seven Republicans. One Republican comes back out of the seven, and I say to you, as the people there have a chance to express themselves, just so fast will you lose a Republican senator if you cling to the single gold standard. You cannot organize the senate, nor can you organize any other senate. As we said at St. Louis, the republican party is a party which has written its last line on the statute books of this country. If you get your tariff bill through, it will not be by republican votes. You cannot get them; they do not belong to you, and you will be further from getting them in the senate after two years.

A FUSION PLAN.
The declaration, of Senator Dubois, that the Republicans could not organize the next senate, disclosed a purpose that has been forming for a fusion organization of that body. It is the intention to have the three parties opposed to the Republicans—the Democrats, Populists and silver Republicans—caucus separately and appoint representatives to confer for the purpose of forming a fusion organization.

The public feeling at Athens is that nothing can prevent the powers from coming to blow over Crete. The rumor was circulated yesterday morning that the English flag alone had been hoisted over the fortress of Izedding. Everybody immediately leaped to the conclusion that England was trying to steal a march on the other powers by seizing the Suda harbor.

It seems certain to the correspondent that one of the great powers is now urging the sultan to take the offensive immediately with the intention of protecting Greece in case the Turks should overrun Thessaly, but more likely with ulterior design of seizing Constantinople.

Yesterday a Greek cruiser landed 100 Turkish prisoners on Greek soil. As yet, the Turkish minister here maintains friendly relations.

CRETE.

Heavy Fighting Continues

The Sultan Preparing to Invade Thessaly.

LONDON, March 1.—It is stated here that there is good authority for believing the result of the conferences between representatives of the great powers at Constantinople and Athens will be the presentation of collective notes to Turkey and Greece tomorrow. Greece will be allowed four days to recall her land and sea forces from Crete.

It is reported from Canea that several insurgent leaders have sent to Vice-Admiral Canevaro, of the Italian fleet, a signed declaration that the Cretans will accept no solution of the pending question but political union with Greece.

Fighting continues between the insurgents and Mussulmans near Retime and elsewhere. The Christians besieged the Turkish garrisons in the blockhouse at Malta for several days.

Today, a body of Turkish regulars and irregulars left Canea with a convoy to reticulate the blockhouse. The insurgents attacked the column and killed several of the escort, whereupon the Turkish battle-ship Fuad opened fire upon the insurgents with shells, and continued firing upon till stopped by order of the foreign admirals. The convoy was finally compelled to retire.

May Come to Blows.

LONDON, March 1.—The Athens correspondent, of the Times, says that a war tax is about to be proclaimed in the provinces of Thessaly and Arta.

Its Bucharest correspondent states that the Roumanian government has decided to call out all the reserves from the years 18 to 52.

The Times advises report serious news from Candia. Colonel Goracac, with 15,000 insurgents and three guns, to attack Hierapetra, where the garrison is ill supplied with arms and ammunition, and the forts are weak. It is feared this may seriously complicate the situation. A famine is imminent in Candia, and it is intimated the troops there may pillage the district.

Fighting is in progress at Malta today. The Bashl Bazouks lost three killed and five wounded. The regulars lost eight killed and five wounded.

The Times correspondent at Canea states the insurgents bitterly denounce British Consul Blottti as the chief instrument in thwarting for many years the attempt to liberate Crete.

The Mohammedans looted the British consul's house at Hierapetra, Friday night, yet only on the previous day he had vehemently denounced any act of incendiarism or looting on the part of the Moslems.

According to the Athens correspondent of the Times, the Greek carnival revels passed off with the usual spirit and enthusiasm.

Adhem Pasha, it is understood, will proceed on Tuesday to take command of the forces on the Macedonian frontier.

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It is stated that Conolei Vassos, commander of the Greek forces, in Crete, has started for the interior, and will establish his headquarters at Alikino.

Indians on the Warpath.

DENVER, March 1.—The Papagos will not be downed since the killing of Chief Pedro, reported last week at El Plomo. The Mexican troops have not been able to do anything in the way of protecting life or property in the region, which is one of the most remote of the northern part of the republic. As many Americans were said to be in danger, the department of the Colorado was called upon for help, and under the treaty negotiated between General Wheaton and President Diaz there was no delay in ordering troops across the border in full accord with the terms agreed upon after the fruitless chase after the "Kid."

Since the killing at El Plomo, the Mexicans tried to round up the Indians, with the result that they had a skirmish last Sunday, wherein two Mexicans were killed and four wounded. The facts coming so soon after the killing of Chief Pedro alarmed the commander at Fort Huachuca, and on the following day Colonel Bacon, of the United States cavalry, and two troops, went to Alvarez hills to investigate, with the result stated in their dispatch received at headquarters last night. It is dated Buenos Ayres, via Nogales, and says:

"Will cross Baboquivare range to Indians camp at Alvarez mountain tomorrow. The news of the attacking of the El Plomo camp is confirmed. It is believed that the Indians concerned are from the Mexican side. Have warned those found crossing. Will return to the ranch March 3d.

Hanna Will Take a Hand.

WASHINGTON, March 1.—Chairman Hanna and party arrived at Arlington hotel. Hanna went to the capitol immediately and was in conference with the Republican senators. He had an extended consultation with Senator Hoar, chairman of the judiciary committee, upon the senatorial situation in Oregon.

An effort is being made by Hanna, as chairman of the national committee, to secure the election of a Republican senator from Oregon. The fact that the legislature never organized raises the question as to the ability of those now sitting at Salem to adjourn.

There has been considerable telegraphic correspondence between Hanna and the Republicans of Oregon, and it may result in an agreement of the Republicans of the legislature to elect a senator.

Our indicated to Hanna his belief that an appointment by the governor would not be accepted by the senate.

Murder in New Mexico.

SANTA FE, N. M., March 1.—The territorial officials have been notified that Fred Stewart, foreman of the Burdick ranch near Deming, was shot and killed by Sam Tyndall, a Deming cattleman. Tyndall's request for a night's lodging at the ranch-house was refused. A quarrel ensued and Stewart started for a gun, when he was killed. Tyndall is in jail.

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