

The Presidential Succession.

From the New York Sun.

The deplorable event at Washington, aside from its sad surroundings and its solemn instruction, cannot fail to call the serious attention of reflecting minds to the imperfect provisions for an executive head of the Government in contingencies like that which now excites the sympathy of the civilized world, silences the rude voice of faction, spreads the mantle of charity over human infirmities, and touches every American heart as with personal sorrow.

Under the Constitution and existing law, what may be described as the Presidential life is only prolonged in four persons, two of whom, as in the present case, may by different causes be cut off from the regular succession. They are the actual President, the Vice President, the President *pro tempore* of the Senate, and the Speaker of the House of Representatives.

Now, there is no President *pro tempore* of the Senate, nor a Speaker of the House, and these vacancies will continue until the first Monday in December next, unless Congress should be specially called together; and an accident might occasion a void through which Congress could not be convened before the regular time.

The second article of the Constitution provides as follows:

"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disabilities be removed or a President shall be elected."

In conformity with this clause, the act of March 1, 1792, declares (section 146 of Revised Statutes) as follows:

"In case of removal, death, resignation, or inability of both the President and Vice President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives, for the time being, shall act as President until the disability is removed or a President elected."

It is thus seen that the Constitution provides for two lives in the Executive, and that Congress has extended the provision to two more lives, both of the latter being at this time ineffective. The inquiry will be naturally made: How does this void occur with these seeming safeguards of the Constitution and of the law?

Section 3 of the first article of the Constitution, says:

"The Senate shall choose their other officers, and also a Vice President, in the absence of the Vice President, or when he shall exercise the office of President of the United States."

This mandatory clause is enforced in the fourth standing rule of the Senate in the following words:

"In the absence of the Vice-President the Senate shall choose a President *pro tempore*."

The intention to be absent, or actual absence from any cause, must be made known to the Senate by the Vice-President to authorize the choice of a President *pro tempore*. The practice has been for the Vice President to retire from the chair toward the close of a session, when no President *pro tempore* had been previously chosen, to enable the Senate to make an election of that officer, and thus to protect the Presidential succession.

By accident, at the late session Mr. Arthur failed to take this usual course, and the Senate adjourned without having had the opportunity to choose a President *pro tempore*. Such an accident should not occur again. Hereafter the law should either impose this duty on the Vice-President, excluding any discretion on his part, or should direct the Senate, without notice from him, to choose a President *pro tempore*.

The new Congress will regularly meet by law on the first Monday of December. Without an extra session, no Speaker can be elected prior to that day. Therefore, the provision of the act of 1792, that the Speaker of the House, in one of the named contingencies, shall act as President, is now inoperative.

In the eye of the law the President is supposed to be constantly present in the discharge of his duties, by the provisions made for removal, death, resignation, or disability. Even the brief delay in an inauguration of the President, when the 4th of March has fallen on Sunday, has caused anxiety, from causing a break in the continued occupancy of the office.

In presence of the actual situation, there is still graver reasons for regret that any safeguard should be wanting to continue the line unbroken to the point where it is left by law. While there may be no danger of anarchy from the temporary absence of a constitutional President, still it is the part of wisdom to run no risks and, above all things, to avoid any pernicious precedent opening the door to innovation.

Growth of Railways.

The growth of railways in the grand division of the globe, as reported in a recent statistical statement, shows that the New World has been the great theatre of exceptional activity, and Asia, the cradle of the human race, especially torpid in her progress. The reported mileage of 1877 in Europe was 95,017; in Asia, 7,152; Africa, 2,021; Australia, 2,970; and America (with the United States corrected to 1880), 107,875, so that out of a total of 215,005 miles North and South America, mainly on account of extreme rapidity of development in our own country, contained about half the railway mileage of the world. It is scarcely probable that such a relation can permanently exist. The time must come when the obstructions heretofore prevailing to the establishment of railway lines in the populous districts of China and other Asiatic countries will be removed, and this period may be hastened by the success which has attended the operation of a number of the lines in India.

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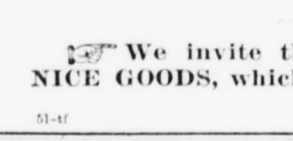
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