

Evening Telegraph

BY GEORGE BERGNER.

HARRISBURG, PA., THURSDAY EVENING, JANUARY 7, 1864.

PRICE TWO CENTS.

Pennsylvania Legislature.

SENATE.

Wednesday, January 6, 1864.
The Senate met at 11 o'clock, A. M.
The Journal was read and approved.

BILLS INTRODUCED.

Mr. JOHNSON. I read in my place a bill, entitled: "An act prescribing the time and manner of submitting to the people for their approval and ratification or rejection the proposed amendments to the Constitution."

Mr. STEIN. I rise to a question of order. My point is this, that the Senate not being organized, and no rules having been adopted, no business can be transacted other than that relating to the Constitution.

Mr. CONNELL. I would like to ask a question of the Senator from Northampton—whose fault it is that no rules have been adopted.

The SPEAKER. The question of order has already been decided by the Chair at a former session. It is not well taken.

Mr. STEIN. I appeal from the Chair's decision.

The SPEAKER. It seems to the Chair that an appeal from the Speaker's decision having previously been taken, and the present question being on the same subject, a second appeal is not admissible.

The above bill was then laid on the table.

Mr. CONNELL. I read in my place a bill entitled: "An act to provide for the payment of bounties to volunteers from the State of Pennsylvania."

Mr. CLYMER. I object to the reading of a bill in place by any Senator, and in this instance by the Senator from Philadelphia, without his having first obtained leave of the Senate.

I ask the opinion of the Speaker whether a Senator can at any time read a bill in place without previous leave of the body.

The SPEAKER. The Chair is of opinion that the proper practice would be to ask leave.

Mr. CONNELL. Well then, Mr. Speaker, I ask leave.

Mr. CLYMER. On granting leave, I call the yeas and nays.

The SPEAKER. The question before the Senate is this: The Senator from Philadelphia (Mr. Conway) asks leave of the Senate to read a bill in place at this time. Upon the question of granting leave, the Senator from Berks (Mr. CLYMER) calls the yeas and nays.

Mr. WILSON. I would like to know what rule of the Senate, if we have any, requires the asking of leave to read a bill in place.

The SPEAKER. The question submitted to the Senate is as to the manner in which it shall proceed with its business.

Mr. WILSON. Then I understand that we are virtually adopting a rule.

The SPEAKER. The Senate may determine what particular stage of its proceeding it will entertain the reading of a bill or whether that reading shall be entertained at any time.

Mr. WILSON. The Senator from Philadelphia (Mr. Conway) on the other side has evinced a disposition to dispense with all rules of government and desired to do business in a promiscuous way. For himself he was satisfied to adopt either course so that but one be pursued at a time.

The call for the yeas and nays was seconded by Mr. STEIN and resulted as follows:

YEAS—Messrs. Champeys, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, McCandless, Nichols, Ridgway, Turrell, Wilson, Worthington and Penney, Speaker—16.

NAYS—Messrs. Beardslee, Bucher, Clymer, Donovan, Glatz, Hopkins, Kinsey, Lambertson, Latta, M'Sherry, Montgomery, Reilly, Smith, Stark, Stein and Wallace—16.

So the motion was not agreed to.

ORGANIZATION—SPEAKER OF THE SENATE.

Mr. LOWRY offered the following resolution:

Resolved, That the Union men in the Senate of Pennsylvania were in clear majority until one of their number, Major Harry White, Senator from Indiana, was captured by our common enemy, the rebels.

Resolved, That the patriotism of Harry White shall not be taken advantage of to prevent the complete organization of this body, but that the Speaker elected at the close of the session of 1863 be recognized as the duly elected Speaker of the Senate until such time as Senator White shall be released from captivity or a successor be elected from his Senatorial district, at which time he would be proper for the present Speaker to resign and that a new election for Speaker be held then.

On the question, Will the Senate proceed to a second reading of the resolution?

The yeas and nays were required by Mr. WALLACE and Mr. DONOVAN, and were as follows, viz:

YEAS—Messrs. Champeys, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, McCandless, Nichols, Ridgway, Turrell, Wilson, Worthington and Penney, Speaker—16.

NAYS—Messrs. Beardslee, Bucher, Clymer, Donovan, Glatz, Hopkins, Kinsey, Lambertson, Latta, M'Sherry, Montgomery, Reilly, Smith, Stark, Stein and Wallace—16.

So the question was determined in the negative.

ORGANIZATION.

Mr. CONNELL offered the following resolution:

Resolved, That the Senate having repeatedly decided by ballot not to change the Speaker, it will now proceed with the ordinary business of the session.

On the question, Will the Senate proceed to a second reading of the resolution?

The yeas and nays were required by Mr. DONOVAN and Mr. CONNELL, and were as follows, viz:

YEAS—Messrs. Champeys, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, McCandless, Nichols, Ridgway, Turrell, Wilson, Worthington and Penney, Speaker—16.

NAYS—Messrs. Beardslee, Bucher, Clymer, Donovan, Glatz, Hopkins, Kinsey, Lambertson, Latta, M'Sherry, Montgomery, Reilly, Smith, Stark, Stein and Wallace—16.

So the question was determined in the negative.

MR. U. S. GRANT AND OTHERS.

Mr. LOWRY offered the following resolution:

Resolved, That the thanks of the loyal people of Pennsylvania are due and are hereby tendered to Gen. U. S. Grant and his officers and soldiers serving under him, for the series of gallant services and glorious victories resulting in the liberation of the faithful Union people of East Tennessee from a military despotism more galling than ever was that of Great Britain.

On the question, Will the Senate proceed to a second reading of the resolution?

The yeas and nays were required by Mr. DONOVAN and Mr. WALLACE, and were as follows, viz:

YEAS—Messrs. Champeys, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, McCandless, Nichols, Ridgway, Turrell, Wilson, Worthington and Penney, Speaker—16.

NAYS—Messrs. Beardslee, Bucher, Clymer, Donovan, Glatz, Hopkins, Kinsey, Lambertson, Latta, M'Sherry, Montgomery, Reilly, Smith, Stark, Stein and Wallace—16.

So the question was determined in the negative.

During the call, Mr. CLYMER said: If the Senator from Erie will offer that resolution at the proper time, hereafter, I certainly shall vote for it, and most heartily and gladly. But now, sir, I conceive this Senate to be situated I cannot vote for it, and therefore I vote "no."

Mr. LOWRY said: The Senator from Erie will record his vote for that resolution without entering "a protest."

Mr. SMITH said: For the reasons given by the Senator from Berks, (Mr. CLYMER), I vote "no."

ORGANIZATION—SPEAKER OF THE SENATE.

Mr. BEILLY. I move that we proceed to another ballot for Speaker.

The motion was agreed to and a ninth ballot was taken with the following result:

Messrs. Champeys, Clymer, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, McCandless, Nichols, Ridgway, Turrell, Wilson and Worthington—16, voted for John P. Penney.

Messrs. Beardslee, Bucher, Donovan, Glatz, Hopkins, Kinsey, Lambertson, Latta, M'Sherry, Montgomery, Reilly, Smith, Stark, Stein, Wallace and Penney, Speaker—16, voted for Hester Clymer.

The SPEAKER announced the Clerks agreed in their tallies and that no Senator having received a majority of all the votes cast, there was no election.

Mr. STEIN. Mr. Speaker, I move that we proceed to a tenth ballot.

The motion was agreed, and a tenth ballot resulted as follows:

Messrs. Champeys, Clymer, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, McCandless, Nichols, Ridgway, Turrell, Wilson and Worthington—16, voted for John P. Penney.

Messrs. Beardslee, Bucher, Donovan, Glatz, Hopkins, Kinsey, Lambertson, Latta, M'Sherry, Montgomery, Reilly, Smith, Stark, Stein, Wallace and Penney, Speaker—16, voted for Hester Clymer.

The SPEAKER announced the result.

Mr. CLYMER obtained leave of the Senate to make a statement, as follows:

It is perfectly evident, sir, that as this Senate is now constituted it will be impossible to effect an organization. We are likely to remain here at this rate till the dog days. That is neither desirable on the score of personal convenience or public policy. No man can be more anxious than the Senators with whom I have the honor to act politically in bringing this state of affairs to some amicable conclusion. We are prepared therefore, sir, to say to this Senate deliberately that for the purpose of effecting an organization, and in order that the legislation of the State may proceed, we are willing to tender to the other side of this chamber as a compromise of the difficulties existing between us, this arrangement: That they shall select, first, any office within the gift of this Senate, we to select the second, the third and so on to the end of the list. We make this offer, trusting that its fairness will commend it to the judgment of this Senate, as it certainly will commend itself to the judgment of the people of this State. We are now 16 to 16 on this floor. It is no fault of this side of the Chamber that such a state of affairs exists. It is true that one Senator is absent. It is true, if we are to believe the organs of the Republican party, if we are to believe Senators on this floor and officers of this Senate, that Major Warr is no longer a member of this body, having resigned weeks ago. If these statements are true, that gentleman is no longer a member of the Senate, and I hold that it was the duty of those who controlled the affairs of this Senate, who were its officers, to have ordered an election, and to have had his successor here; and if we effect no organization under present circumstances the responsibility must lie upon them.

Now, sir, for the sake of arriving at a just and amicable arrangement, we have offered the proposition I have stated. I trust that for the sake of the interests of the State, the proposition will be accepted.

Mr. NICHOLS. Mr. Speaker, I move that we proceed to an eleventh ballot for Speaker.

The motion was agreed to, and a further ballot resulted as follows:

Messrs. Champeys, Clymer, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, McCandless, Nichols, Ridgway, Turrell, Wilson and Worthington—16, voted for John P. Penney.

Messrs. Beardslee, Bucher, Donovan, Glatz, Hopkins, Kinsey, Lambertson, Latta, M'Sherry, Montgomery, Reilly, Smith, Stark, Stein, Wallace and Penney, Speaker—16, voted for Hester Clymer.

Mr. LOWRY. I rise for the purpose of saying to the Senate that I am entirely unaware that the resignation of Senator Warr is here. I know nothing of the kind; I have never seen anything which would lead me to believe any thing of the kind. I would ask the Speaker if he has any knowledge on the subject.

The SPEAKER. In reply to the question of the Senator from Erie, the Speaker would state that he has not the slightest knowledge of the resignation of the Senator from Indiana. He has certainly received no official knowledge on that matter; nor does he individually suppose that the resignation has been tendered.

Mr. LOWRY. For my own part, Mr. Speaker, I do not think that any person has the resignation of Senator Warr. And I would inform the Senator from Berks that if he is really desirous of organizing this body and proceeding to business he can by that means have Harry Warr back here, as I believe, within the next ten days. It is well known to the Senate and to the people of Pennsylvania that some time ago a Major from the rebel army by the name of Jones applied to the authorities at Washington saying that he could procure the release of Harry Warr in exchange for himself.

Now, sir, as I am informed and believe, took his parole and went to Richmond. He went there and was informed by the rebel authorities that he, Major Jones, had no vote in the Senate of Pennsylvania, but that Major Warr had, and that the Union party of Pennsylvania would be organized in case Major Warr was retained. Consequently Mr. Jones was sent back to Washington.

Now, Senators cannot blink this question. Jeff Davis understands the importance of keeping Senator Warr in prison, of confining him so closely that, perhaps, that Senator desired to

tender his resignation he could not write it, there is Senator Warr in prison; and every vote given here by the Senator from Berks is given to keep him where he is, because Harry Warr would have been home long ago had it not been that Jeff Davis considered his release of importance to the cause of the Union.

Mr. DONOVAN. I rise to ask the Senator a question. Does the Senator from Erie wish to be understood as saying that the authorities at Richmond look upon the Republican party of Pennsylvania as the Union party?

Mr. LOWRY. There is no Union party except the Republican party and no Republican party except the Union party in this country. I do not desire to get into an angry discussion at this time, and I will not suffer myself to be led away from the question before us.

I trust that the gentlemen on the other side of this House will see the necessity of not pursuing this kind of conduct further. I think it is becoming the dignity of a Senator to get up here and make bargains for trading off this office for that office. That is beneath the dignity of the Senate and unbecoming the Senator from Berks. The intention of the people of Pennsylvania to place us in a majority here could not have been expressed in stronger language than it has been. They are placed in a majority, but the fortunes of war have taken one of our number from us and left us here powerless, allowing the other side to delay the business of legislation as long as they see proper. I appeal to them as patriotic men to allow us to proceed to business; the country requires that we should not play the schoolboy here any longer, but that we should organize.

The people of the State have spoken on this question, and it is dangerous to attempt to thwart their desire. I did not think when I submitted a resolution this morning that you, sir, would be acknowledged by the other side in your position as Speaker and that we would proceed with the business until such time as Harry Warr should return. He will return; I have no doubt, as soon as Jeff Davis hears that we have organized without him. This is a profitable discussion, and if it must be entered into at all it should be with entire good feeling on both sides of this Chamber. I trust that we have hitherto said nothing that would wound the feelings of any Senator, and I intend to be equally courteous hereafter. As to the resignation of Major Warr, my only authority for the authenticity of the rumor is the fact that I have seen statements to that effect published in a leading Republican newspaper.

But, sir, a paper edited by a former distinguished member of this body, Col. M'Clure, in a paper edited by the former Clerk of the House, Mr. Rauch, in a paper edited by the former printer of the Legislature, Mr. Bergner, I know that we Democrats are not in the habit of carrying out agreements made in private.

I am just informed by the Senator from Washington (Mr. Horner) that the Republican paper published in his own home at Indiana asserted the fact that the resignation was in the hands of Major Warr's father. I have been assured by persons now upon this floor that this was a fact; and not only did they know the fact, but that they entered into an agreement to stand by it, and that the resignation was received. So that if it was a matter for a jury to determine, whether the resignation was or was not sent, I think they would have little difficulty in disposing of it.

I leave that matter there, sir. If the Senator's resignation is here, I hold that I am right in my position, that he has no longer a right to a seat in this body and that it was the duty of the Senate to issue a warrant and arrest and supply the vacancy thus created.

The Senator from Erie says that if the Senate is organized now, Major Warr will be here within a certain time. I say then to the Senators who are his friends (I say them) (we all being his friends personally) that it is a cruel act in them not to organize this Senate when they could thereby bring Senator Warr here. They have the power as well as we; therefore, they, Senators, are his jailors. But the Senator from Erie corrects his assertion: "Major Warr's fate is the fate of ten thousand other brave men who are now languishing in the prisons of the South; for none have been exchanged since Millroy's 'skedaddle' from Winchester. I honor Major Warr that he is a prisoner here instead of having run away like a whipped hound. It is to his credit and to his manhood that he is a prisoner here. His honor and manhood are not to be sold to the prisoners of war, and I doubt whether any action on our part would make him an exception to the general rule. Perhaps the Senator from Erie believes that an organization would effect the release of the Senator from Indiana. If he believes that, let him vote to organize the Senate and have his friend here within ten days."

Mr. LOWRY made a remark which was not directly heard by the Republican side.

Mr. CLYMER. Then I say, sir, there are Senators here who hold their seats against the will of the district they represent. If we are going to have a new election let a gentleman resign on your side, and you may point to any gentleman on our side whom you desire to go back to the people; and when that special election is over we will be ready and willing to come into this hall here with you, and to organize this body on the other side of the chamber as deprived of a majority," and so Mr. Davis voted for the Democratic nominee, Mr. Hester.

I suppose my friend from Berks is a namesake of his. The Republican party of that day held at that time a majority in this body; and, if they had chosen to take advantage of their position, could have elected a Republican Speaker. Mark the contrast! Here the contest is upon a simple. There we had clearly one majority, which was sufficient to give us the organization; but we declined, like men, to take advantage of it. But this is not all, sir. We conceded to them, as we honorably should, under those circumstances, a large share of the subordinate offices within the gift of the Senate. The record will substantiate my statement. Now, sir, I merely desire to call the attention of the Senate to this fact, in connection with the proposition which is made to us here now. Our friends may consider it if they choose, and the public can have the benefit of it.

Mr. CLYMER. I ask leave to make a statement in order to correct some errors into which the Senator from Susquehanna has fallen—unwittingly, I have no doubt.

When the Senate met in 1855 it was composed of but thirty-one members; Mr. Foulkrod, of Philadelphia, being dead, Charles E. Backus, of Columbia, being absent on a mission. Byron D. Hamlin was the Speaker elect of the preceding session. The absence of Mr. Backus and the death of Mr. Foulkrod put the Republican party of that day (Know Nothing) in the majority. Unfortunately, however, for the Republican party, at the election in the fall of that year, a then member of the Senate, Hon. George Darle, who was, sir, one of your most

honored predecessors, had been the candidate of the Old Line Whig party for the office of Canal Commissioner. The Old Line Whig party that year went into Know Nothingism and refused to support Mr. Darle, because there was a prejudice against him, as he was born in Scotland. He felt and resented the insult and the injury; therefore he refused to act with the party, after it had changed its principles and its name, for that year.

In further reply to the Senator from Susquehanna, I may state that on the twenty-fourth ballot, Mr. Price voted for Mr. Skinner, who was the Republican candidate after Mr. Hendricks of the county of Schuylkill was dropped. But, sir, this "balloting" continued for many days. Mr. Darle refused to act with his former colleagues. Although Mr. Backus arrived in the city of New York and instantly telegraphed that he would be here on the following day; and it was merely that fact, rendering the organization inevitable next day, that induced George Darle to vote for his friend, although his opponent in politics, Wm. M. Hester, of the county of Agate, who the Republican party stood out until that last hour. There was no merit in their repugnance at that hour. The thing was inevitable and would have occurred within twenty-four hours. Mr. Darle chose to elect Mr. Hester, instead of Mr. Hamlin, who would have been elected the next day. Is there any particular merit in that? None in the world. The other side would have carried their point if they had had the power; and they evinced their determination in that respect by some thirty-eight ballots. They would have continued balloting if they had had any hope of success. Mr. Darle, on the organization of the committees of that Senate, was appointed by Mr. Hester chairman of the principal committees of this body; he was made chairman of the committee on Finance, and acted during that whole session as, at least, a neutral between the two parties on this floor.

Mr. NICHOLS inquired whether the arrival of Mr. Backus did not make it the duty of the Senate, and was answered by Mr. CLYMER in the affirmative.

Mr. CLYMER. I will make another statement which has been suggested to me by one of my colleagues. It is this, that Mr. Price was not elected as a Whig. He beat the regular Whig candidate in the city of Philadelphia and was elected by Democratic votes.

Mr. TURRELL. Everybody that knows Eli K. Price knows that he was an old-line Whig. Several Senators. He did not turn Know Nothing.

Mr. TURRELL. The Senator from Berks may be correct in ascribing to Mr. Darle the motive of his action which he has stated, but I am not satisfied that he is correct. Mr. Skinner was a candidate and was not a Know Nothing, so that Mr. Darle's objection could not have been the one that the Senator suggests.

Mr. CHAMPEYS stated his inability to add anything to the intelligence of the Senate upon the question before the body, and therefore would content himself with the humble task of following in the path of those who had preceded him.

He continued:

Now, sir, what is the great question presented before this body? It is whether we have the government in Pennsylvania or not—whether the Constitution of 1790 and the Constitution of 1855, contain the elements of their own destruction. The affirmative of that position was the doctrine, sir, of the late administration at Washington, overruling the manifest opinion of the great men who formed the Constitution of the United States for the purpose of protecting the integrity of the Government against every purpose of seceding and suppressing rebellion. The discovery was made by the late Chief Executive of the nation; and made for the first time in the history of the Government, that we had really no government, that there was no power in the Constitution to insure the execution of the laws; and therefore he willfully forgot, or willfully perverted, his oath of office. He said that he was sworn to see that the laws were faithfully executed. That was not the oath administered to the Chief Executive of the United States, under the Constitution of the United States. To protect, defend, and support the Constitution of the United States, and to see that the laws were executed, was only one of many incidents of the Executive power. What is the case now in Pennsylvania? Why, sir, I heard it rumored by a very distinguished gentleman who occupied a high position in this State, that the very moment the Senate was elected, there would be, an end to all organization. What would be the result of that doctrine? It is nothing more than carrying out the doctrine of the late Administration in reference to the Constitution of the United States. It is virtually promulgating the heresy, that the Constitution contains within itself the elements of its own destruction. Now, what is specified in a case of this kind by the Constitution of Pennsylvania? The Speaker is perpetually during his term of office. Why does he live perpetually, Mr. Speaker? Because, if the Governor dies, as was said by the Senators from Erie and Susquehanna, and by the Senator from Butler, unless their is a Speaker of the Senate to fill the vacancy in the Governorship, the Government of the State is at an end. The consideration of that question, sir, is not to believe from the position assumed by the gentlemen on the other side, that they have a further object in view. Why, sir, the inauguration of the Governor depends upon the fact of the Speaker of the Senate being a perpetual officer.

I do not want to refer any length to the precedents which have already been adverted to, and I may be pardoned a casual reference to them. The first to which reference was made, that of 1855, was a precedent of courtesy and magnanimity, and the Senator from Berks has mistaken the position of Mr. Darle upon that question, because, sir, upon looking at the Journal you will find Messrs. Crabbs, Darle, etc., voting for James Skinner. That was after the 25th ballot, and it was on the 27th vote for Speaker that Mr. Darle rose and made a statement, as will appear by the Legislative Journal, to the effect that he really and truly the other side of the Chamber, and that the gentlemen on the other side of the Chamber were entitled to the organization. How much stronger is our own case at this time, when one of our Senators engaged in this glorious struggle for his country, and for the life of the Union, and the existence of free institutions, is confined in a loathsome dungeon!

From the information that has reached us concerning the condition of affairs in the territory of the rebellion we are constrained to believe that a more revolting and oppressive tyranny than that of the rebel government does not exist in the "civilized" world. We have learned that our fellow citizens whom the fortune of war has placed in the hands of the enemy are upon the verge of starvation; and further the evidence of brutality to their prisoners the part of the enemy are constantly increasing. I might mention for instance the captivity and sufferings of a late Col. of artillery whose name was brought to my notice by a

son of a distinguished gentleman in Philadelphia, well known to the Speaker and members of this body. While in the hands of the rebels they treated him like a dog, giving him not even a blanket, and compelling him to live in a weak and emaciated condition, his recovery was for many weeks extremely doubtful.

Now, sir, if there could be any case that would appeal to the courtesy and magnanimity of the Senate, it seems to me that this is such a case, and that it is one which presents to gentlemen on the other side an opportunity to acquire for themselves a great deal of credit, more particularly when we reflect that at the last election the present Governor of Pennsylvania was re-elected by a large majority after a most exciting contest, during which all the great questions of the day were discussed.

There is another provision of the Constitution by which I find this matter so clear and explicit that I cannot conceive how any two persons can differ about it. When the Speaker of the Senate becomes Governor of the State, by the death or the resignation of the Governor elect, then a Speaker pro tem is elected. He is not a Speaker elect, but a Speaker pro tem. A Speaker for the time that the Speaker would have held the office, showing that it is a perpetual office. This explicit provision is one that the office of Speaker of the Senate is essentially perpetual.

The speaker then explained the respective positions of his own and the other side of the chamber, and demonstrated the ultimate effect of each. He contended that in the formation of any statute or constitution it was positively required that a certain construction should be made as would carry into effect the purpose for which it was framed.

Mr. WALLACE. In common with our brother Senators on this side of the floor we are anxious to proceed to business. We are desirous that the Senate may be organized. But, sir, we are now reading, as we believe, on a principle that is embodied in the Government of which we are a part. We believe that precedent, custom and law—yes, the organic law have fixed this point so clearly and so distinctly that Senators cannot conscientiously differ.

In reply to what the Senator who has just taken his seat (Mr. CHAMPEYS) has said, let me ask him why in all the pages of all the journals of the past we find that the Speaker elect at the close of the last session has vacated the chair immediately after the reading of the returns of the election of Senators elect at the preceding election? Let me ask him why, sir, the Republican party of this State composed of Senators elect at the last session, (several of whom had no voice in the election of yourself to the position you occupy,) met in caucus and nominated a candidate for Speaker, Clerk and every other office in this Senate? Let me ask him why they assented to the passage of a resolution that declared explicitly and distinctly that it was the duty of the Senate to proceed to elect a Speaker of the body? If it is not true that that was the proper and legal course, why did they assent to the passage of that resolution? It tells too plainly that they admitted that the Constitution was clear, distinct and explicit upon that point; and they were willing to concede it. Sir, this is a question of principle, and we stand upon it, and intend to stand upon it, believing that if there may be a *casus omnis* in the Constitution, between the date of the going out of a retiring Speaker and the election of a new one, it is like many another *casus omnis* in provisions of law and constitutions of government. But, sir, suppose that to-day you, the Speaker of the Senate, were a prisoner at Richmond in place of Senator White, and suppose that during your imprisonment the Governor would die, who then would be the Governor of this State? Would he would occupy your chair? It would be Speaker *tempore*, elected by the Senate of Pennsylvania.

But, sir, I cannot see the force of the argument made by the Senator from Lancaster. We stand upon the position that the business of this Senate now is its organization; we believe that the only business before this Senate is to proceed to organize by the election of a Speaker and the other officers. Upon that we have offered what we believe to be a fair and equitable adjustment. We stand here, sixteen to sixteen. Why? Because that Senator Warr is a prisoner. And an inference is thrown out, and I am sorry to see it, and for one I at once place myself in the position of spurning all such insinuations and all such inferences, that we, the Democratic Senators of Pennsylvania, your peers, gentlemen, are in conference with the rebel government at Richmond. For my part I spurn all such insinuations and all inferences of that character that are attempted to be drawn from our present position. I am here, sir, in my place, a Senator of Pennsylvania. I feel and believe that we will go as far to sustain this Government as will other Senators upon this floor. In behalf of myself and my fellow Senators I throw from me all such imputations.

The assertion of the Senator from Susquehanna (Mr. TURRELL) may find its explanation in the fact that the New York Tribune and other Republican papers proclaimed that Major Warr was a Senator of Pennsylvania, and that his captivity made some little difficulty.

Mr. TURRELL. Allow me to correct one statement. So far as my knowledge extends, the information given by a public print in this country of the position of Senator Warr was given by the New York World.

Mr. WALLACE. I am informed by the Senator from Washington (Mr. Horner) that, a paper in Senator Warr's own district made statements of that kind.

However, there is another point here. Senators place themselves in the position, and pride themselves upon it, that they are here representing a majority of the people of Pennsylvania. Last winter, we stood here thirteen to twenty; now we are here sixteen to seventeen. Six of your members were voted out of their places and Democratic Senators substituted, and not a single Democratic Senator has been displaced.

Sir, the Senator who gives you a majority in this body to-day represents a Democratic district, and was elected two years ago; he represents a district that at the last election and the one previous gave a Democratic majority.

Sir, a majority of the people of this Commonwealth upon the question of the Governor of the Commonwealth is one thing, and a majority of the people of this Commonwealth in the election of their Senators is another thing. Members of this Senate are elected in districts arranged in accordance with the Constitution; and this arrangement exists because it is essential to a perfect whole to make up the Government in that way. When, therefore, Senators undertake to allege that they have a majority of the people, they simply beg the question. The question is, is there a majority in the Senatorial districts represented on this floor? If there be, then, the question of the Governor of the Commonwealth is settled.

Continued on Fourth Page.