

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 their approval or rejection of the proposed amendments to the Constitution.'

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

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 has the 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. CONNELL) asks leave of the Senate to read a bill in place at this time.

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 proceedings it will entertain the reading of a bill or whether that reading shall be entertained at any time.

Mr. WILSON was understood to say that Senators on the other side had evinced a disposition to dispense with all rules of government and desired to do business in a promiscuous way.

The call for the yeas and nays was acceded to by Mr. STEIN.

Yeas—Messrs. Champneys, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, M'Callister, Nichols, Ridgway, Turrell, Wilson, Worthington and Penney, Speaker—16.

NAYS—Messrs. Boardman, 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: Whereas, The Union men to the Senate of Pennsylvania were in clear majority until one of their number, Major Harry White, common enemy, therefore;

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 be elected at the close of the session of 1863 by 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 it would be proper for the present Speaker to resign and that a new election of 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. DONOVAN and Mr. CONNELL, and were as follows, viz:

Yeas—Messrs. Champneys, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, M'Callister, Nichols, Ridgway, Turrell, Wilson, Worthington and Penney, Speaker—16.

NAYS—Messrs. Boardman, 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. Champneys, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, M'Callister, Nichols, Ridgway, Turrell, Wilson, Worthington and Penney, Speaker—16.

NAYS—Messrs. Boardman, 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. LOWRY said: The Senator from Erie will record his vote for that resolution without entering 'no protest.'

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

ORGANIZATION—SPEAKER OF THE SENATE. Mr. REILLY. I move that we proceed to another ballot for Speaker.

The motion was agreed to and a sixth ballot was taken with the following result: Messrs. Champneys, Clymer, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, M'Callister, Nichols, Ridgway, Turrell, Wilson and Worthington—16, voted for John P. Penney.

Messrs. Boardman, 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 to, and a tenth ballot resulted as follows: Messrs. Champneys, Clymer, Connell, Dunlap, Fleming, Graham, Hoge, Householder, Johnson, Lowry, M'Callister, Nichols, Ridgway, Turrell, Wilson and Worthington—16, voted for John P. Penney.

Messrs. Boardman, 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.

Mr. CLYMER. We are willing to tender the resignation of the Speaker of the Senate, if we can be more successful than the Senators with whom I have the honor to act politically in bringing this state of affairs to some amicable conclusion.

Mr. CLYMER. 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 the resignation of the Speaker of the Senate, if we can be more successful than the Senators with whom I have the honor to act politically in bringing this state of affairs to some amicable conclusion.

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In your position as Speaker and that we would proceed with the business until such time as HARRY WARRS should return. He will return, I have no doubt, as soon as Jeff Davis hears that we have organized without him.

Mr. CLYMER. Mr. Speaker, this is a profound 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 I have hitherto said nothing that would wound the feelings of any Senator, and I intend to be equally courteous hereafter.

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here we stand until the dog days, or until doom-day, if Major WARRS or his successor does not appear.

Mr. TURRELL. I desire to add one remark to the statement made by the Senator from Erie, (Mr. Lowry), in relation to the effort to make the statement upon the highest and most reliable authority. Very soon after the late election the Secretary of War took measures to effect the release of Major WARRS, desiring his attendance as a witness upon the court martial of General Milroy.

When our Commissioner communicated that fact to the rebel Commissioner Galt, what reply did he receive? The rebel Commissioner Galt, in reply to his note very significantly, and remarked: "Yes, you want him very much a witness to testify at Harburg."

This shows that the enemy had received information that early of the position occupied by Major WARRS. Sir, who was it that at that early date communicated such information to the rebel authorities? Certainly no Republican or Union man. I leave it to the country to judge; but most certainly it will not be charged upon any Republican or Union man transmitted such intelligence.

I wish to call attention to another matter in reply to the proposition which is submitted here by the Senator from Berks. I adverted yesterday to the contest which took place in the Senate in 1855; and I wish to contrast here, upon the record, the position of our party at that time with the position now taken by our friends on the other side of the chamber.

Mr. CLYMER. I leave that matter there, sir, and the Senator's resignation is his own. I have no right to say in my opinion that he has no longer a right to a seat in this body and that it was the duty of the Speaker of the Senate to issue his warrant and supply the vacancy thus created.

The Senator from Erie says that if the Senate is organized now, Major WARRS will be here within a certain time. I say then to the Senator who is so bold as to say that he is alluring his friends personally, that it is a cruel act in them not to organize this Senate when they could thereby bring Senator WARRS here. They have the power as well as we; therefore you, Senators, are his jailors. But is the Senator from Erie correct in his assertion? Major WARRS' fate is the fate of ten thousand other brave men who are now languishing in the dungeons of the South; for some have not changed since Major WARRS' "skedaddle" from Winchester. I honor Major WARRS that he is a prisoner there instead of having run away like a whipped nigger. It is to his credit and to his manhood that he is a prisoner there. He falls under the general rule with respect to prisoners of war, and I doubt whether any action on our part would make him an exception to that rule.

Mr. CLYMER. Then I say, sir, there are Senators here who are making a mistake as to the will of the district they represent. It is not 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 the lists here with you, and perfect our organization. You may, to-day, point out the Senator on this side of the House and he will resign—I pledge myself that he will resign.

Now, sir, here we stand, here we must stand, here we will stand; we can do nothing but our duty, and that we will discharge in all fairness. I say, sir, that a fair proposition that made by this side of the chamber was never made between peers for the settlement of a controversy; and I do trust and believe that our proposition or there will fully consider our proposition.

Mr. CLYMER. I am proud to believe that there is a little consequence. The Senators on the other side of this floor have taken the responsibility, in opposition to the will of a majority of the people of Pennsylvania, to hold out against an organization of this body; and with those gentlemen rests the responsibility. Mr. Speaker, they say to us that there will be no organization here until the dog days. We say to the gentlemen on the other side that in the presence of God they will be no organization here until Gabriel blows his last trumpet, unless the minority yield, and that organization be in accordance with the will of the majority as expressed at the polls at the last October election. We have a right to this organization. The people of Pennsylvania have said to the Republican party, "you are the guardians of our interests, and to you alone we will commit them. Being overpowered by a majority of the rebel forces, we have taken refuge here, and we are now a distressed and discomfited people in captivity in a Southern dungeon; he feels the want of everything that is necessary to make him comfortable; he has for the time being lost his right to a seat on this floor; and yet the gentlemen on the other side say to us, organize. Why, the people of Pennsylvania do not want an organization as long as we stand here as we are. We stand up before the people of Pennsylvania, and say to them boldly "we will not organize, we dare not organize against your express instructions;" and that people will say to us, "well done, that is the instruction we gave you, and you would be recreant to the trust reposed in you, if you yielded or compromised with those who are the enemies of our country. We are organized, sir. This is an organized body; we have a Speaker, we have a corps of officers, and we perfectly competent to go on with business. If the gentlemen on the other side of the floor wish to go on with the regular business of the Senate they are perfectly at liberty to do so. But no; they want a share of the organization; they would begin to have a hand in the conduct of the people on their behalf, and so on. We say to you, gentlemen, you will not do so. We will stand here, if needed, forever in defence of our rights, as instructed by the people of Pennsylvania. The proposition is very much like that of his Majesty when he offered our Saviour all the kingdoms of the earth and did not own an acre. They have no right to a share in this organization; hence we say to you, gentlemen, we will stand here as we are until Major WARRS or his successor is here, and then we will be ready to go on with business. Until that time I oppose the wheels of legislation are stopped, because on all matters of public interest sixteen gentlemen will vote against us, as they have done up to the present time. We stand before the people as an organized body, with a Speaker in the Chair, and a corps of officers ready and willing to perform the duties of the Senate; and if the gentlemen on the other side wish to go on with the regular business of the Senate, let them do so. We will stand here, if needed, forever in defence of our rights, as instructed by the people of Pennsylvania. The proposition is very much like that of his Majesty when he offered our Saviour all the kingdoms of the earth and did not own an acre. They have no right to a share in this organization; hence we say to you, gentlemen, we will stand here as we are until Major WARRS or his successor is here, and then we will be ready to go on with business. Until that time I oppose the wheels of legislation are stopped, because on all matters of public interest sixteen gentlemen will vote against us, as they have done up to the present time. 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