

BY TELEGRAPH.

CONGRESSIONAL.

SENATE.

WASHINGTON, D. C., 11.—The Constitution of the United States did not fix the term of the office of President *pro tem.* of the Senate; he could be removed at any time at the will of the appointing power, which was the Senate. He thought the third resolution declared a plain principle of law which was binding on the Senate. In reply to a question by Wallace Edmunds said the power of the Senate over its President *pro tem.* could not be cut short by any act of Congress.

Wallace differed from the conclusions of the majority of the committee; he argued that the President *pro tem.* of the Senate was an officer of the United States as well as an officer of the Senate.

Morton argued that the general law in regard to deliberating bodies which elected their own officers was, that in the absence of any provision giving to them another presiding officer, they might elect one and remove him at pleasure.

Norwood asked if the President of the United States should die today, would not the president *pro tem.* of the Senate become President of the U. S.? and if so, could the Senate change him and elect another man to-morrow to that office.

Morton said he was prepared to answer that question now. When the duties of President of the U. S. devolved upon the President *pro tem.* of the Senate or Speaker of the House of Representatives, it was an open question whether he could be removed by the Senate or House.

Kernan inquired if the President of the United States should die and the President *pro tem.* of the Senate should enter upon the discharge of the duties of the President, could the Senate appoint a new president *pro tem.*?

Morton said that was one of the difficulties surrounding the question, and it was discussed when the impeachment of President Johnson was pending. His (Morton's) impression was that the President *pro tempore* of the Senate, upon becoming President of the United States, would still be the presiding officer of the Senate and would be compelled to discharge the duties of presiding officer of the Senate as well as those of President of the United States. Resuming his argument, he said the President *pro tempore* of the Senate could not ever become Vice President of the United States; when the duties of President devolved upon him he did not become President of the United States, but simply discharged the duties of that office for the time being. Morton argued that the Speaker of the House of Representatives could be changed at the pleasure of the House.

Thurman argued that if the President of the United States was to die and the President *pro tem.* of the Senate accepted the office of President of the United States, he could not preside over the Senate any longer.

After further debate, by Alcorn, Edmunds, Thurman, and others, a vote was taken on the motion of Thurman to indefinitely postpone the third resolution, and it was rejected, yeas 13, nays 36.

Whyte said he voted for indefinitely postponing it because he did not think there was any practical question in the resolution requiring the action of the Senate. He then submitted an amendment to the third resolution so that the resolution would read—"Resolved that the office of President *pro tempore* of the Senate is held at the pleasure of the Senate until the happening of the contingency," &c. Whyte said he meant to say by this amendment that the Senate should have no power or control over the President *pro tem.*, after he should be called to discharge the duties of President; the amendment was rejected, yeas 18, nays 33.

Stevenson gave notice that, after the resolutions should be disposed of, he would offer a resolution instructing the judiciary committee to investigate the whole question referred to in the debate, and report such measures as would provide against any contingency which might possibly arise by the death of the President, Vice-President and President *pro tem.* of the Senate.

Thurman moved that the Senate proceed to the consideration of the

executive business, the last question being on the passage of the 3rd resolution as reported by the committee; it was adopted, yeas 34, nays 15. The question then being on the resolution declaring that the Hon. Thomas W. Ferry, Senator from Michigan, who was elected President *pro tem.* of the Senate at the last session, is now President *pro tem.*

Edmunds suggested that it be withdrawn, as it was inconsistent with the 3rd resolution; besides, Mr. Ferry was last elected President *pro tem.* at this session, just before the holiday recess.

Morton accepted the suggestion of Edmunds and withdrew the 4th resolution. Adjourned.

HOUSE.

A bill was introduced by Elkins for the admission of New Mexico as a state.

Garfield commenced his remarks by expressing his regret on the course which the debate, especially yesterday, had taken. Any one who read the report of the speeches of Cox and Hill would not suppose that the House was discussing a question of relieving men from political disabilities, he would rather say that it was an arraignment of the administration of the country. If he had been called upon to pick out the words which constituted the topic of debate, he would have picked out the opening paragraphs of Hill's speech, in which he prayed that if the history of the past fifteen years is an evidence of the grace and magnanimity of the republican party the country might be spared any future exercise of those virtues. He desired to bring the House back to the real issues before it, and in doing so he stated the two pending propositions, the one made by Randall and the other by Blaine. He said the speech made by Blaine had been answered in the first place by a speech by Cox, full of brilliant sallies, but it was like joking at a funeral; and, in the second place by the speech of Hill, which arraigned not the republican party alone but arraigned twenty-five millions of people, arraigned the history of the republic, arraigned everything that was glorious in its record and high and worthy in its achievements. He was deeply and painfully sorry that such an arraignment should have been made on such a subject. He should try to be responsible to the points made by Hill.

He did not desire to hold Jefferson Davis responsible for the rebellion; he did not believe in the doctrine of vicarious atonement in human affairs. Davis was no more guilty than any other man who went into the rebellion with equal light and intelligence. The question was whether he who was the head of the rebellion practised in the dread court of war the rules of war, whether in appealing to war he obeyed the laws of war, or whether he so violated the laws of that higher tribunal as that he did not deserve permission to come back into his place in Congress. That was the whole question, and it was as plain and fair a question for deliberation as had been ever stated in the House. He wished it had been discussed without passion and without passionate thoughts.

Coming down to Hill's denial of the charges in regard to Andersonville, he remarked that the charges, whether just or unjust, were made by the Government of the U. S., and in that connection he quoted a communication from the Secretary of War in May, 1864, calling attention to the condition of a large number of federal prisoners who had just returned, and arrived at Annapolis, and stating that the enormity of the crimes committed against those prisoners was such and so well known to the civilized world that it ought to be put on record in some permanent form. It was then that a joint committee of the two houses was appointed, which committee had been characterized by the gentleman from N. Y. (Cox) as a humbug committee, and by the gentleman from Georgia (Hill) as a partizan committee. There were four democratic members on that joint committee and they coincided in the report, which was unanimous. That report declared that it was clear from the evidence, that it was the deliberate purpose of the authorities of the rebel government so to reduce those soldiers by deprivation of food and clothing that they might be unfit to re-enter the ranks. A large number of those prisoners had come from Belle Isle and Libby, where they had been under the

very eyes of the chief head of the Confederate Government.

Referring to the order for the establishment of the Andersonville prison, as quoted yesterday by the gentleman from Georgia, he asked how was the order executed, and to whose hands was it committed? It was committed to the hands of General Winder, a man of whom the Richmond *Examiner* said, the day he took his departure for Andersonville, "Thank God that Richmond is at last rid of old Winder; God have mercy on those to whom he has been sent."

Garfield then quoted some of the testimony given on the Wirz trial, as to the condition of the stockade, the dead line, etc., and remarked upon it that in the midst of a pine country a place had been selected which had a miasmatic marsh in its midst, and a small stream of water having been found the troops had been stationed on it above the stockade, so that it was defiled by all the excrement of the camp before it reached the stockade. Besides that, in the very excess of cruelty, and as if to negative every clause of the order, men had been detailed to cut down every tree in the inclosure, and left not a tree, shrub or leaf to show where a garden or forest had been.

He then referred to the report made by Col. Chandler, who had been detailed to inspect Andersonville prison, which was by Adjutant-General Cooper submitted to the Secretary of War, with the remark that the condition of that prison was a reproach to the Confederacy, so that the knowledge of its horrors had thus been brought home to the political family of Davis. But the answer to Col. Chandler was the issuing of an order, a few days afterward, promoting Winder to be Commissary-General of all prisons and prisoners throughout the Confederacy; and when the commanding general of the army subsequently removed Winder, Davis revoked the order of removal, and endorsed on it that it was entirely uncalled for. The British army had lost, in ten of the great battles of the Napoleonic war, including Waterloo, not quite 130,000 men, but this Major General Winder, within his terrible pit of death, from April 1864 to April 1865, pitched into the awful trench the dead bodies of his prisoners to the number of 12,644. As to Hill's comparison of the atrocities of Elmira and Andersonville, he challenged any democratic member from the neighborhood of Elmira, Camp Douglas or Fort Delaware to rise and say that any inhumanity had been practised there. No democratic member doing so, he denounced the assertion as fearfully and awfully untrue.

Platt read a telegram received by him from B. F. Tracy, late commander of the military post of Elmira, stating that facts justified him (Platt), yesterday, in his denial of inhumanity or neglect in the treatment of prisoners at Elmira.

Walker rose on the democratic side of the house, and stated that he lived within 17 miles of Elmira; he endorsed the statement in the telegram. (Applause on the republican side.)

Hill disclaimed any purpose, in his remarks yesterday, of charging inhumanity on anybody about Elmira, or anywhere else; he had only read, yesterday, a letter from the N. Y. *World* as evidence of the cruelties inseparable from prison life, and he had wound up the statement by saying that the official record showed the relative mortality to be greater among the southern prisoners at the North than among the northern prisoners at the South.

A member—"Do you charge that the mortality among the confederate prisoners at the North was owing to cruelty?"

Hill—"I do not undertake to say to what the mortality on either side of the line was attributable, I say that it was attributable to those horrors inseparable from prison life anywhere, and I intended my point against striving to work up these horrors of the past and to keep alive strife which ought to be buried. (Applause.)"

Garfield remarked that even on the testimony of the anonymous letter read yesterday by Hill, the post of Elmira had been located in as healthy a place as there could be found in the State of New York. He called attention to the fact that the place in which the confederate prisoners who had died at Elmira were buried had been enclosed and cared for by the administration,

which had been characterized by the gentleman from Georgia as a malignant, ferocious administration, hating the South.

Hill remarked that at the last time of decorating the graves in the South the southern people united with northern soldiers and decorated in harmonious accord the graves of fallen federals and confederates, and it was because of that glorious feeling that he protested against a renewal of the history of such horrors. (Applause.)

Garfield—"So do I, but who brought it here?" (Chorus from the democratic members—"Blaine, Blaine.")

Garfield said he wished that some fraternal feeling could follow the forty maimed Union soldiers who had recently lost their places about the House.

A discussion ensued on that point, which developed a statement on the democratic side that whereas, out of 158 subordinate positions in the last House, only eighteen were filled by Union soldiers, and in the present House, out of eighty-five subordinate positions, twenty-six were filled by Union soldiers; and also a statement on the other side that in the present House post office nine Union soldiers had been dismissed and their places filled by nine confederate soldiers.

Garfield, passing from that point, proceeded to discuss the question of the exchange of prisoners, and to relate its history and to give a detailed account of the causes for the interruption of the exchange. He showed that the central point of difficulty was in the determination of the Confederate Government and people to exclude from the common rules of war the officers and men of the negro regiments, while on the other hand the government of the Union had committed itself to the declaration that the negro was a man and not a chattel, that being a man he had a right to help to fight for the Union, and that being a soldier the government was bound to see to it that he was treated like a soldier. He also quoted a passage from a communication from Major Ould, confederate agent, to General Winder, to the effect that the arrangement for exchange worked largely in their favor, as they got rid of most miserable wretches and received back some of the best material he had ever seen. Commenting on that letter, he referred to it as an exhibition, not between *par nobis fratrum*, but between *par diabolum*. The object of the outrageous treatment of the prisoners at Andersonville had therefore been to make Union soldiers so that when exchanged they would be valueless. It seemed incontrovertible that the record adduced on that subject was true, and Davis having been the author of that terrible work at Andersonville, the American people still hold him to be unfit to be admitted among the legislators of the nation.

In the course of some further remarks by Garfield, having reference to army and navy officers who had gone into the rebellion, he said they had added to their other crimes that of perjury in the eye of the law.

The word was caught at and resented by Tucker, who said it reflected on some of the noblest of men, with whom the gentleman from Ohio might be proud to be classed as a peer.

Garfield explained that he had merely said that these men were, in the eyes of the law, guilty of perjury, he himself had not made the law or the dictionary. He concluded his speech with a peroration in which he thanked God for peace, and for the fact that in the awful flame of war slavery had been burned to death.

Seelye followed in a few remarks, adverse to that part of Blaine's amendment which excludes Davis from the amnesty, but favoring that part of it which requires amnestied persons to take the oath of allegiance.

Randall explained that that was unnecessary, inasmuch as the bill only removed such political disabilities as prevented the holding of office, and every person entering on an office was obliged to take the oath of allegiance.

WASHINGTON, 13.

Bennett of Idaho, offered a resolution instructing the judiciary committee to inquire into the expediency of incorporating into the constitutional amendment a provision giving to citizens of organized Territories the right to vote for President and Vice-President; adopted.

After a very exciting debate on the Amnesty bill, Rauldall moved to refer the bill, with the amendment offered by Banks requiring an oath to be taken, but not excluding Jefferson Davis, to the judiciary committee, and it was so referred.

Jefferson Davis had lost it by his crimes, and the gentleman from Pennsylvania proposed, in hot haste and without debate and without amendment, to drag every gentleman in the House to say "aye" or "no" on the bill, declaring Jefferson Davis to be entitled, now and henceforth, to all the rights of an American citizen. To that he, Blaine, and those with him, dissented. They were not seeking to throw any other element of an inflammable character into the politics of the day; whatever of that kind had flown into the discussion lay at the door of the gentleman from Pennsylvania and those who stood with him. It was not his proposition to punish, but it was not to honor, and while he, Blaine, and those with him, disclaimed the intention or design to punish Jefferson Davis, they resisted the proposition to honor him.

He passed on to the discussion of the question in regard to the treatment of Union prisoners, and who was to blame for preventing the exchange of prisoners. The speech of the gentleman from Ohio, yesterday, had left him literally nothing to say, the subject was exhausted and the argument was unanswerable, and he undertook to say that, as yet, no gentleman had answered one fact which the gentleman from Ohio had alleged, and that no one could answer them. He (Blaine) should not therefore, at any length, rest on that point. But there was one allegation as to a point in the history which he felt it his duty, not merely as a member of the republican party, but as a citizen of the American Union, to resist and resent, and that was the allegation in regard to the manner the confederate prisoners were treated in the prisons of the Union. The gentleman from Georgia, Hill, had spoken one sentence in his speech—"I have also proved that, with all the horrors which you have made such a noise about, as occurring at Andersonville, greater horrors occurred in the prisons where our troops were held." He could not but admire the "our" and "your" with which the gentleman communicated the decision; it ill compared with his pretension to Unionism. It was certainly flinging the shadow of the dead confederacy a long way over the dial of the National House of Representatives, and I think the gentleman from New York, Cox, fell into a little of the same line. Mr. Hill says—"And the atrocities of Andersonville do not compare with the atrocities of Elmira, Camp Douglas or Fort Delaware, and of all the atrocities at Andersonville and Elmira the confederate authorities stand acquitted."

Hill, who occupied a front seat on the republican side, arose and said—"I certainly did no such thing. I stated that I brought no charge against anybody, but that, according to the gentleman's logic, the result followed."

Blaine—"That is not the report of the speech as he delivered it."

Hill—"You are only quoting one sentence out of its connection."

Blaine—"I beg your pardon, I am speaking of it as it appeared in the Washington *Chronicle* and in the Associated Press report. I do not pretend to be bound by the version of it which may appear hereafter in the *Congressional Record*, because I observe that the gentleman from N. Y., Cox, spoke one speech and published another, and I suppose the gentleman from Georgia will do the same. I admit that he has a difficult role to play to keep himself in line with the N. Y. democracy and to keep himself in proper position for democratic candidate as Senator from Georgia, and it is a very difficult thing to reconcile the two. (Laughter on the republican side.) The barburner democrats in 1853 found it very hard to adhere to their anti-slavery principle in N. Y., and still support the Pierce administration; and Mr. Greeley, with his inimitable humor, which was characteristic of him, said they had a hard row to straddle, and that they were like militia generals on parade day in Broadway, who found it almost an impossibility to follow the music and keep clear of the omnibuses. And that is the case with the gentleman from Georgia. I

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