



D. W. MOORE,  
G. B. GOODLANDER, Editors and Proprietors.

PRINCIPLES, not MEN.

TERMS:—\$1.50 Per Annum, if paid in advance.

VOL. XXXIV.—WHOLE NO. 1793.

CLEARFIELD, PA., WEDNESDAY, FEBRUARY 3, 1864.

NEW SERIES—VOL. IV.—NO. 20.

### REMARKS

**HON. WILLIAM A. WALLACE.**  
In the Senate of Pennsylvania, Jan. 20, 1864.

We have heard, sir, with no little pleasure, the learned argument and the admirable piece of mosaic which our friend, the Senator from Philadelphia, (Mr. CONNELL,) has elaborated at our expense. If, sir, he means to say that we are the revolutionists of this chamber, we deny and repudiate it. If, sir, he means to assert that in standing behind the ramparts of the Constitution, in placing ourselves upon the "musty" precedents of seventy years and upon the landmarks of the past marked out by the men who framed the Constitution of 1790, and who administered it for thirty years; if, sir, he means to say that in this we are guilty of using red tape, sir, we glory in the red tape; and I, as one of the sixteen Democratic Senators upon this floor, (and I speak not alone for myself, but for each and all of us,) will ever stand behind these ramparts and upon these "musty" precedents, sustaining this doctrine of red tape. Sirs, you are in revolution, and you know it not. Sirs, the "musty records" of the past are those that preserve to this people their liberty, their property, their ancient birth-right; and are these the "musty precedents" of the past and this Constitution, formed by the fathers of the Revolution, to be swept out of existence, to be abrogated, and new precedents and new doctrines to be initiated here, because, forsooth, to-day we have learned that they are red tape? Sirs, although younger in years than the Senator from Philadelphia I am one of those old-fashioned men who believe in standing by the teachings of the past; who believe there, and there alone, are to find safety now and in the future. And, sir, as I read this Constitution, we are right and you are wrong. If you desire an organization of this Senate, why in Heaven's name do you not organize it? If the canon was pointed at the Capitol, and we had an organization by which to vote men and means to save the Commonwealth, is it at our doors the responsibility is to rest? It rests upon the history of the past, upon the letter of the Constitution. You rest upon the presents of to-day. We say to you, Republican Senators, if such were the case, it is upon your heads rests the responsibility, it is in your hands to organize this body, and you fail to do it.

I will state the legal propositions that I believe conclusive upon this question—bear with me whilst I state them. The Constitution of the Commonwealth of Pennsylvania—and I cite it, however "musty and antiquated" the proceedings may be—the Constitution of Pennsylvania provides, in section 10, that "the General Assembly shall meet on the first Tuesday in January of every year unless sooner convened by the Governor." What is the General Assembly? What is defined in the first section of the same article? The legislative power of this Commonwealth shall be vested in a Senate and a House of Representatives. Thus we have what the words "General Assembly" mean: a Senate and a House of Representatives.

Now we pass to section 11, "Each house shall choose its Speaker and officers. The Senate shall also choose a Speaker pro tempore when the Speaker shall exercise the office of Governor." Now, the first query is, what do these words "each house" as used in the eleventh section mean? The interpretation given to them by the first section of article 1, shows that they mean a Senate and a House of Representatives.

There is in addition to this obvious meaning, another meaning. They have reference to the duration of the existence of those two bodies. These words "each house" measure the time during which those two bodies are to exist. If the words "General Assembly" mean a House & a Senate—the words "each house" mean each Senate and each House of Representatives—and thus we have each Senate shall choose its Speaker and other officers. There is no evading this construction. It is clearly and distinctly laid down by the words of the document itself. Now, is this Senate the Senate that existed last year or the Senate that exists this year? Thus I say that the plain and obvious meaning of these two sections of the Constitution as bearing upon the duration of the existence of this body, is, that each Senate shall choose its Speaker and other officers. The words here are plain and they limit and control the construction. We have these words "each house" used no less than six times in article first. Let us see how they are used. We take the section immediately following section second:

"Each house shall judge of the qualifications of its members."

Now, how absurd it would be to say that the house that sat last year shall judge of the qualifications of the Senators who met here this year. It is contrary to common sense; it is contrary to every rule of construction; so that by the plain words of section 12, the words "each house" apply to the duration of the existence of the body. "Each house shall judge of the qualifications of its members," this Senate shall judge of the qualifications of its members.

Again, we have in section 13 this language "Each house may determine the rules of its proceedings." Now, shall it be said that the Senate of last year is to determine the rules of the proceedings of this body. If that be the true construction, then we have the rules of last session in full force and governing us. Such a construction has never been attempted to be set up, and it is contrary to good sense, the section continues:

"Punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same cause."

Can it be said that these words "each house" mean that the Senate that sat here last year has the right to expel a member of this body? Certainly not. No man will contend for such a construction. Then if these words in sections 12 and 13 limit the construction they do the same in section 11, and the words "each house" have special reference to the duration of the existence of each body; that is, the sessions of each house commence on the first Tuesday of January and last until the first Tuesday of January of each succeeding year.

We have, then the words and the context to sustain our position. What next we have to sustain our position? I go back again to the "musty records" that are cited with disapprobation by the Senator from Philadelphia. Here on the statute book, I find a law of 1804, that prescribes the mode of administering the oath to the Speaker of this Senate.

What are its words? "That when either branch of the Legislature shall have made choice of a Speaker the oaths and affirmations prescribed in the Constitution of this Commonwealth and in the Constitution of the United States shall be administered to the Speaker elect by a member appointed for the purpose by a majority of members present; and the Speaker so sworn or affirmed shall administer the oath to the Senators elect."

We have here the law for the precedent that was cited with disapprobation by the Senator from Susquehanna. (Mr. Turrell.) He said that it was a custom that ought to be abolished, that the custom of administering the oath of office after the election was a bad custom.

Mr. Turrell. I said that the practice of allowing men to act officially without the sanction of an oath was a practice that ought to be abandoned.

Mr. WALLACE. Then, Mr. Speaker, I say that the answer to the argument of the Senator from Susquehanna is found in another of these "musty precedents" that has been upon the statute books of the Commonwealth of Pennsylvania for sixty years. It is to-day the law of the land, that the Speaker of the Senate is to be sworn before entering upon his office, and when sworn, he is to administer the oath to the incoming Senators. We have thus the law nearly contemporaneous with the provision in the Constitution. We have, then, the continued practice, without a single precedent to break the continuous chain from 1794 to this day.

Thus we have the obvious meaning of the words, the context, the law, and the practice, all according with our position. But there is another thing upon which it appears to me Senators err—and I refer as well to Senators on our side of the house as to Senators on the other side of the house. It is this, that no Speaker was ever elected at the close of a session unless the Speaker who vacated the chair was an outgoing Senator. That has been the practice, I assert, from the commencement of the government. Now, if that be true, there is no law and no precedent for the election of a Speaker at the close of a session when the Senator in the chair is not an outgoing Senator. And I refer to the very last cases upon record—the case of Mr. Matthias, in 1851, and Mr. Darsie, in 1849. They held over—there was no election at the close of the session. Every Speaker in the chair since 1851 has been an outgoing Senator. Go back, then, to these "musty records," and you find at the commencement of the session of 1863, for example, a Speaker is elected; that Speaker remained in the chair as the Speaker of the Senate until the meeting of the General Assembly in the succeeding January. That is the consistent practice of this government. Now, if this be

true, the election of a Speaker at a prior session amounts to nothing. Each Senate elects its Speaker at the commencement of the session, and only because the outgoing Senator's term expires at the October election is a new Speaker elected.

There is another point to which I ask the attention of the Senate. How and where do we find the expiration of the term of each house? Sirs, the Constitution provides that the people at the polls shall end your existence. Your co-ordinate branch, the House, meet the people annually at the October election and there they surrender their powers to them.—And, sir, we here too have our powers defined and our time limited. Two-thirds of the members of the Senate hold over, while the terms of office of the remaining third of the Senators expire on the second Tuesday of October, and the Speaker that is elected by the preceding Senate, being a Senator who holds over, comes to the chair at the incoming session. Then comes with the records of his office the Secretary of the Commonwealth, and he brings to the bar of the Senate and to the man in the chair, the official notification that the people have said his duties are at an end. Sir, when the Secretary of the Commonwealth comes to the bar of the Senate with the certificates of the election of eleven new Senators, (there is a new election in this body, and the man in the chair has official notification under the Constitution of the Commonwealth, that his duties are ended; and practice, precedent and law require that he should leave the chair. In the past, he has always left it, but now we find a Speaker attempting to retain it, sustained by the Senator from Philadelphia, and the name of usurper given to him with congratulation.

Sirs, the doctrine of a perpetual organization is contrary to the genius of our institutions. Sirs, that "the king never dies" is not the doctrine of a republican government; and, sir, that the creature of the people made under the forms of law lasts forever is not the doctrine of a republican government. Ask gentlemen if they know whether they are tending; I ask them whether they are not becoming aristocratic in their tendencies; whether this doctrine that the Speaker never dies is not very nearly parallel with the doctrine that the king never dies. Sirs, we have always a Senate composed of at least two-thirds of the entire number; and whether the chair be vacant by reason of the death of the Governor and of the Speaker of the Senate, or because of a failure on the part of the Senate to elect, amounts to nothing. The right of sovereignty in this government rests not in the creatures of the Constitution, but rests in the people. They have here a body chosen for the purpose and vested with full power to fill the place.

The precedent of 1838 that was cited the other day by the Senator from Lycoming, if of any value to Senators, they are welcome to it. Sirs, when you set up the attempt of one branch of this Legislature to hold its position against the expressed will of the people at the ballot box as a precedent, you sustain the assertion that you are for revolution; you assume that the "Buckshot war" gives you a precedent. Sirs, if you take anything by the precedent of 1838, we concede it. We deny the value of the precedent. It was at a time when designing men had worked revolution in the State; it was at a time when the party in power sought to hold it against the will of the people; and only after continued, determined and energetic action on the part of the regularly elected representatives of the people were they compelled to yield to that will.—Sirs, the Speaker of the Senate, does not live forever. He lives under the Constitution from January, 1863, to January, 1864. Then official notice comes to him that his duties have ceased, that there are in this body eleven men who were not in it before, and who under the Constitution of Pennsylvania are entitled to vote for the Speaker of their choice.

This is our position, and by it we will stand. If, in sustaining these doctrines, we shall incur odium, as is said, in God's name let it come. If in standing firmly erect in support of the right and in defence of the principles of law and order, odium do come, we will gladly receive it. We are standing upon the battlements of the Constitution, entrenched by principle and precedent, and feel that we do but perform our duty and preserve our official oaths inviolate.

Mr. CONNELL. I desire to ask the Senator from Clearfield a question—whether any act passed by the present Legislature, and attested by John P. Penney, the Speaker of the Senate, and approved by the Governor, would not be held to be a valid law in any court in this Commonwealth.

Mr. WALLACE. What may be the rights of parties who can obtain legislation at the hands of this Legislature, conceding it to be organized, is one thing. Whether we have an organized body is another thing. You may be the Speaker de facto, and not the Speaker de jure. We know that you are not the Speaker in accordance with the law and the Constitution.—Whilst your acts may be sustained as those of the Speaker de facto, that does not prove anything in the argument.—The question here is whether we are to have a Speaker that is to live forever—or whether we are to stand by the "musty records of the past," and have a right to elect a Speaker at the commencement of a session. If you are for usurpation—if you choose to call it so—these are your words not mine—if you are for usurpation, and congratulate yourselves upon the name of usurper you are welcome to it.

In the course of a speech delivered in Congress, session of 1862-3, Hon. Thaddeus Stevens stated that 1,400,000 men had been mustered into the U. S. service, of which number only 400,000 then remained fit for the service. The rest of this host, namely 700,000, had either been killed in battle, died of disease or wounds, or been disabled. A year has passed since then, and during that year many of the bloodiest battles of the war have been fought. How many have fallen in these battles, and from like causes which swept away the 700,000? Who can tell? This terrible waste of human life has been constantly replenished by voluntary enlistments and by conscription, else we should now be literally without an army. If any mitigation of the horrors of such a picture to reflect, that the very guns and bullets which caused the slaughter of so many of our countrymen, were put into the hands of the rebels by Mr. Lincoln's office holders, at New York and elsewhere? These are the men who are such brazenly for continuing the war, and whose flippant assurance is ever ready with the epithet of "traitor" for all who do not hold to their opinions.—Age.

**MR. WALLACE.** What may be the rights of parties who can obtain legislation at the hands of this Legislature, conceding it to be organized, is one thing. Whether we have an organized body is another thing. You may be the Speaker de facto, and not the Speaker de jure. We know that you are not the Speaker in accordance with the law and the Constitution.—Whilst your acts may be sustained as those of the Speaker de facto, that does not prove anything in the argument.—The question here is whether we are to have a Speaker that is to live forever—or whether we are to stand by the "musty records of the past," and have a right to elect a Speaker at the commencement of a session. If you are for usurpation—if you choose to call it so—these are your words not mine—if you are for usurpation, and congratulate yourselves upon the name of usurper you are welcome to it.

**MR. WALLACE.** What may be the rights of parties who can obtain legislation at the hands of this Legislature, conceding it to be organized, is one thing. Whether we have an organized body is another thing. You may be the Speaker de facto, and not the Speaker de jure. We know that you are not the Speaker in accordance with the law and the Constitution.—Whilst your acts may be sustained as those of the Speaker de facto, that does not prove anything in the argument.—The question here is whether we are to have a Speaker that is to live forever—or whether we are to stand by the "musty records of the past," and have a right to elect a Speaker at the commencement of a session. If you are for usurpation—if you choose to call it so—these are your words not mine—if you are for usurpation, and congratulate yourselves upon the name of usurper you are welcome to it.

**A NEGRO FIGHTS WITH A WHITE GIRL.**—The Abolitionists of Medina county are beginning to realize as they have sworn they shall realize. The doctrine of negro equality, so liberally advocated by them, is bearing the legitimate fruit in practice, and the preachers of that doctrine can reflect with gratification that their labors have not been in vain. It is understood that a negro was implicated in the murder of the Coy family, and recently the right-minded portion of the people of Medina have been shocked by the elopement of a negro with a young white girl. The negro is a barber, is thirty-five years old and has a wife and three children. The girl is sixteen years of age, and is the daughter of a man named Hill. The pair went on foot from Medina to Wellington, a distance of twenty miles. They were overtaken at the latter place and brought back to Medina, where the negro is now in jail. He asserts that the girl persuaded him to elope with her.—Wayne County Ohio Democrat.

**EXPANSION FOR LESSON.**—Step out into the purest air you can find; stand perfectly erect with head and shoulders back, and then fixing the lips as though you were going to whistle, draw the air, not through the nostrils, but through the lips into the lungs. When the chest is about full, raise the arms, keeping them extended, with the palms of the hands down, as you suck in the air, so as to bring them over the head just as the lungs are quite full. Then drop the thumbs inward, and after gently forcing the arms backwards, and the chest open, reverse the process by which you draw your breath. Till the lungs are entirely empty. The process should be repeated three or four times a day. It is impossible to describe to one who has never tried it the glorious sense of vigor which follows this exercise. It is the best expectorant in the world. We know a gentleman, the measure of whose chest has been increased some three inches during six months.

**IN** the last six months one-fifth of the whole population of Panama has perished from small-pox. All the churches and cathedrals are now without pastors. The dead are buried without religious ceremonies; marriages are performed by the civil authorities or consuls, or by the chaplains of the war ships.

Punch says:—"Mrs. Partington wants to know why the Americans cannot imitate the French in this last move as in everything else. Why not submit the quarrel to arbitration? She is sure Mr. Lincoln is arbitrary enough or anything."

### LETTER FROM "YOUNG NESTOR"

For the Republican.  
BOSTON, Thursday, Jan. 21, 1864.  
MRS. BARRON:—Lagin take my pen to scribble a little for the *Republican*—not like Leroi, of the *Journal*, to sound the solemn knell of the dead "63," and perform a dirge to his memory, for I think my pen is not adequately gifted to engage in the performance of that sacred duty.—'63 needs not the assistance of Leroi and his supernatural, ink-corroded pen to make his memory perpetual. The pages of history will teem with events which have transpired within his "bounds of time."

Could we but measure, and appreciate the value of the countless gallons of human blood that has been shed at the shrine of Moloch; the millions of the people's money that have been squandered away; the thousands of precious lives that have been lost; the innumerable number of homes made desolate by the unfeeling hand of war, we would not think of writing such a memoir of the departed '63. Nay, we would rather sit in moody silence, thinking of his sorrow-stricken casualties.

The black cloud that darkened the horizon of sixty-three has drawn its crimson-hued mantle over the incipient form of sixty-four, more dismal and appalling than before.

Fortune still turns upon me, as if we were especially destined as a subject of her ridicule and reproaches; yet, whether frothing or snuffing at us, not only hope, but act for the best. Let us struggle impetuously against the encroachments of tyranny upon the sacred precincts of our cherished liberty. Let us compel them (our rulers) to return to the landmarks of our fathers, and to a legitimate course of action under the Constitution. Let us stop this cruel, unnatural strife, which is hurrying us furiously into the path of ruin, ere we are irretrievably lost. But I am not going to dictate to the readers of the *Republican*. They need no dictator. They know their rights, and can support them like men, worthy of the name. *Let them have justice and not the law.*

Beyond the questions of winter and summer there is little talked of but the war. And of this mind-engrossing topic we hear nothing but angry bickering and railing of infamous epithets—arguments are unavailing, how ever convincing they may be. The Republicans of America are as tenacious in their opinions, as if they (the party) were not responsible for all this blood and desolation. Perhaps they are not. Let their own arguments convince them of the fact; we'll try Helper.

Terror-cogitations of the South, we have fully and frankly defined our position; we have no modifications to propose, no compromise to offer, nothing to retract. Frown, sir, frown; prepare your weapons, threat, strike, shoot, stab, bring on all your force, dissolve the Union, nay, annihilate the solar system if you will—use all those, more, less, better, worse, anything—do what you will, sir, you can neither frighten nor intimidate us; our purpose is as firmly fixed as the eternal pillars of Heaven; we have DETERMINED TO ABOLISH SLAVERY, AND SO HELP US GOD WE WILL! Take this to bed with you to-night, sir, and think about it, dream over it, and let us know how you feel to-morrow morning. *Helper's Book, 90th page.*

Friends, Republicans, what do you think of this? It is nothing compared to the rest of the book. 'Tis but an extract from thousands of similar ones. You may read page after page of just such maddening, hateful, devilish free-trade thrown at the South, calculated to excite discord, and drive the Southern people to desperation—only a drop in the ocean of injuries showered upon the heads of slaveholders, from pulp and from rostrum, and from the press, everywhere over the North. Can you ask again, "Why did the South secede?" Why, you can find written on the pages of the same book.—"Against slavery and slaveholders we wage an exterminating war." Ah! they (the Republicans) roared exterminating, massacre, death to the slaveholders, and destruction to his property. Who would not fight rather than die coward's death? You would not? Then be still, say no more that you are not responsible for this brutal war.

Friends, you are, you will not own. What is among honest people known that you, and you alone, are the cause of our injured nation—our broken laws. Our desolation wide-spread, our woe. Don't shrink the truth, nor answer "no." You alone have ruined our land. Though you cast it on Secession's hand, if 'twas not for you, and you alone, Secession would have ne'er been known.

Epigon! who, crying, vengeance vixera; begonia! soul of immensity! don't probe the wound you have already indicated on our hearts. It is enough to awaken us, to know that you have affronted us in a disgraceful war, without dissecting in our ears the very doctrine that has done it—go to the rocks of the mountain and utter to them your obnoxious sentiments of disunion and hate; but don't come to us with your mouths full of slander, and falsehood—every word (of a political meaning) that falls from your audacious tongues, is a bitter pang to our hearts.

A word to the readers of the *Republican* and I will wind up. The winding up of this letter will be the winding up of "Nestor's" correspondence. He assures me that I can get him to write, and when I do write I am in such a hurry that my thoughts become blinded and confused.

Have I written anything which would, or has injured the feelings of any one? If I have it was politically and not socially—not the social, but the political feelings which were injured,—and I hope, perhaps vainly, that political ill-will may not keep over its headlines and gather itself into the social circle. If we want to discuss politics, let us do so intemperately and fairly, seeking after truth as most essential argument, not grasping after falsehood and unsatisfactory suppositions, and not carry even these beyond the delimiting room conversation.

Friends, foes, democrats, republicans, ladies and gentlemen, accept my feelings of deference to you, and

May the war grim and bloody,  
That now embroils the land,  
Cease, ere the orb of day to-morrow,  
To desolate Columbia's strand. [read]  
May the bonds of Union, lately dissolved,  
Grow more firm and fixedly strong,  
And may the foes of the Union be smitten,  
And then the right will conquer the wrong.

And now I will bid you fare well affectionately. Thus I will end my political communications. Yours ever,  
YOUNG NESTOR.

Who pays for the Stamp.—Judge Sherwood, of the District Court of Philadelphia, a few days ago, made the following decision, requiring the purchaser of property to pay for the stamps to be attached to a deed.

SHAWNEEN, P. J.—The question presented now is, whether the vendor or vendee under a contract "to execute a good and sufficient deed in fee simple" is bound to pay for the stamps. The case states that "it has for many years been the custom in this city that purchasers of real estate furnish the deed." The contract here is not that the vendor shall prepare, but execute the deed. If it had been the former it would have overridden the custom.—But as it does not, we see no reason to relax full weight to such custom. It gives no dispute as to the style, number, and contents of the deed, whether it shall be written or printed on parchment or paper, whether the searches shall be made or registered. Essentially, we know that all taxes and expenses attending the transfer of property, fall on the seller. The vendor, if he calculates closely, includes the expenses of obtaining the title, in his estimate of the price which he will give for the property. Judgment for plaintiff \$100.

ATTORNEY GENERAL.—John S. Richards, Esq., on behalf of Major-General F. Sigel, Commanding the 16th District of the Department of the Susquehanna, present of last week to the Berks County Court the application of the military authorities for the delivery of the body of Sergeant James L. White, charged with the killing of Jeremiah Weaver, for trial under military jurisdiction. The Court denied the application (although there might be joint jurisdiction of the case, yet the jurisdiction of the civil authorities once attached it could not afterwards be waived.

Prisoner at the bar, said a Judge in Indiana to a culprit before passing sentence, "Providence has given you a good degree of health and strength to make a living, instead of a living which you go about to county stealing. Mr. Moon might address the same remark to a majority of official agents, without doing any injury to their morals.

The followers of Lincoln do me speak of the Canon. They call it "Canonically," by which they mean a very decent thing from the Union; yet the consolidation of the States into one moral Abolition despotism. Such a national day as we see in Russia, Austria, and Turkey.

A Western editor was lately shot in an affray. Luckily, the ball came gained a handful of unpaid accounts in a pocket. Gunpowder could not get there that no how.

Bury me in the sunshine," was the last words of Archbishop Hughes.