## DEBATE

Joint Resolutions Relative to the Maintenance of the Constitution and the Union.

HOUSE OF REPRESENTATIVES.

Monday Evening, Jan. 21, 1861. The House re-assembled at 7 o'clock, P. M. and resumed the consideration of Senate bill No. 1, entitled "Joint resolutions relative to the maintenance of the Constitution and the Un-

The question was on the amendment submitted by Mr. DUFFIELD.

Mr. DAVIS. Mr. SPEAKER: Had I consulted my own feelings on the present occasion, I should probably have remained silent. But, from the course which this debate has taken, and the manner in which our friends on the e have conducted the discussion, I shall beg leave to occupy the time of the House for

n few moments.
I will remark, in the outset, that I have no apologies to make for slavery; nor have I any philosophical predictions to make with regard

which I have nothing to do.

I would have preferred that the gentleman who has just taken his seat (Mr. Licentenwall-NER) should have gone a little farther with his comparison in regard to Jonah and the whale. I think that the comparison was a good one. I believe that Jonah was swallowed by the whale for good reasons, on account of his wicked prac I have no doubt that it was a bitter pill and that Jonah was as sick as the whale before he got through. [Laughter.] But the gentle-man might have carried the comparison farther. When Jonah had been delivered from this great trial, he was, I believe, a new man ever afterwards; and I trust that when this Democratic party, which the gentleman says has been swallowed up, shall come out, it will be free from the iniquities which brought it into its present

extremity.

The encomium pronounced on the Union by my friend on the other side, meets my hearty concurrence, and I will go as far as any gentleman on this floor to support the Constitution as interpreted by its authors, and handed down

to us by our fathers.

I am in favor of a rigid enforcement of the laws of Congress, and believe I speak the senti-ment of the party of which I am an humble member, when I say we are ready to carry out (odious as some of their provisions may be) all the laws made in pursuance of the compromises of the Federal Constitution.

But, sir, the question is on the amendment of the gentleman from Phila. (Mr. DUFFIELD) to repeal certain sections of the Revised Penal Code from the gentlemen on the other side, no one has attempted to argue that those sections contained anything that could be construed or tor tured into a violation of the Constitution.

But, on the other hand, it has been admitted by all, that those sections are in direct accordance with the decisions of the Supreme Court We are asked to repeal them, not because they conflict with the decisions of the Supreme Court or the rights of other States, but to conciliate. My opinion is, where we have violated no compact, compromises are unnecessary where we have committed no wrong, concession is humiliation and disgrace.

Pennsylvania has no war to wage, whatever may have been her grievances, and I trust her

representatives will support her integrity and their own manhood.

Our Democratic friends are making, it seems to me, an effort to attach odium to the Repub lican party, or to say the least, (and I say it in all s,) they are endeavoring to make politi-

cal capital for themselves.

But there is one thing in connection with this debate I think should not be lost sight of. If there is anything wrong on our statute books if those sections of the penal code are in viola tion of the rights of the South, the blame certainly attaches to the Democratic party.

The law of 1847 was passed under a Demoratic Administration—revised and corrected by Democratic commissioners appointed by a Democratic Governor, and voted for by every member of the Democratic party in 1860, in both branches of the Legislature, signed, sealed and approved by Governor Packer. So if there is any fault to be found with the legislation of

erfecting a code of laws, which, if not re pealed by the Republicans, will be a sufficient cause for a dissolution of our proud and pros-

The Republican party has never enacted any hands of the South, have had exclusive control of all departments of the Gov inment

infecte and coroupt as it has been and with travel of her inceress, wer I winds where has been nothing tone that justifies the present

of any State. Each State has the right to regu- This change in our national feelings, under the

they are.
But as soon as they were read in this House, But as soon as they were read in this House, the gentleman from Philadelphia threw a fire brand in our midst by moving to insert the Breckinridge platform—a platform which was submitted to the country on its merits, and repudiated by two-thirds of the States, and three fourths of the entire people. Thus giving the debate a partizan cast from the first.

Justice and patriotism require that we should do every thing in our power to effect such come. In the promises as will restore peace and harmony to passed March 3d, 147, and the 55th and 96th sections of the Act entitled "an Act to consollidate, revise and amend the Penal Laws of the fourths of the entire people. Thus giving the debate a partizan cast from the first.

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I deny the right of any State to second from the Union. There can be no right unless by overnment, and forbear.

I have an undying faith in the justiless of heaven, and the matteousness of our cause; and if all honorable means of adjustment fail, then God be with the right. May His hand guide the destiny of the nation, and tune the harmony of the actions of the friends of Constitutional Liberty.

Mr. LEISENRING said:

Mr. Speaker: The gentleman from Venango, (Mr. Davis,) has given the House the very reasons why I desire a repeal of portions of the 95th and 96th sections of the revised penal code. He has told you that they were origin-

of any State. Each State has the right to regulate its institutions in its own way, but we hold slavery to be a local institution, while we regard it as wrong and inhuman. We have no right nor no desire to meddle with it in the States where it exists if they bring on the crisis, it is their own funeral. But while we acknowledge their rights, and are willing to concede them, we also know our own and will main lain them.

The people of Pennsylvania have decided by

The people of Pennsylvania have decided by The people of Pennsylvania have decided, by an unparalelled majority, in favor of freedom, in favor of saying to this foulest curse that ever stained the earth, or shocked high Heaven, thus fur shalt thou go and no farther.

And we, to be true to our trust, must stand firm. A desertion of principles as has been truly said, will ruin any party.

It has made, the old Whig and Democratic listens are common brotherhood between man and man. Is there anything unrighteous in this? Any

It has made the old Whig and Democratic Is there anything unrighteous in this? Anything that pertains both subjects for history; for the history thing derogatory to our characters is their representatives? Anything that pertains, in any particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the strict paths declares that is no necessary particular, to a departure from the constitution of the Con But let us stand firm in this hour of peril rearing aloft the proud banner of our beloved country without one star crased, declaring to the world that Pennsylvania, the Keystone of the Federal Arch, is ready to exert her influence in this request; and when I contemplate who these fifteen shousand petitioners are, federal Arch, is ready to exert her influence in favor of the maintenance of the Constitution and the Union, relying upon the justices of her cause and the protection of Heaven.

I have but little more to say at present on the subject under consideration.

I would not have occupied the time of the manifest disposition on the part-of our Democratic friends to make political capital out of the present alarming State of our public affects of the messent alarming the messent alarmi

Democratic friends to make political capital out just, honest or patriotic that they, (meaning the thousand eight hundred and fifty, for the present alarming State of our public at people of every section of the United States), are how what is wrong in this proposition? No member on this floor, I think, can interpose an objection to the principle that the laws of the would have passed without any serious objection to the mass an inheritance—the same as left to us by our Fathers—and to section to the principle that the laws of the would have passed without any serious object. would have passed without any serious object same as left to us by our fathers—and to secure tions—patriotic, cautious, and conciliatory, as this end, (mark the great benefits to result), they are. Thus giving the judgment is dearer to an American citizen—nothing more sacred or more important to an individual, except the salvation of his soul!

the conservative States who love the Union, I have disclaimed it. There the controversy would hold no truce with those States who have ought to end,

ought to end.

Mr. LEISENRING. Let me say to the members of this body; that if such be the estimate placed upon the merchants and manufacturers revolution, and revolution, unless successful, is treason. But, sir, I still hope that the Cotton States will see the reckless madness of their present treasonable attempts to destroy the monwealth. He insimulates that the names were secured by purchase, and that they do not present the sentiment of even those who signed the petitions, much less the community. Let me the petitions, much less the community. Let me thinon of the United States requires, the Presissy, again, that his random shots and slanders dent of the nation, in every emergency. fall harmless before those gentlemen, whose the presimble to the Senate resolutions recharacters for fidelity to their country, strict cites what a few misguided men in a sister State business integrity, honesty of purpose, and loy-lave done, and the resolutions, in effect, threat-alty to the Constitution, are so well established throughout the length and breadth of the land as to need no particular vindication at my sity for such an announcement from the Legis-lands. They are an industrieus intelligent as to need no particular vindication at my hands. They are an industrious, intelligent, peace-loving and law-abiding population, used her citizens appeal to us to clean their skirts, it to meeting their obligations, opposed, in seems indelicate, to say the least, for us to see every manner to repudiation, and always ready up our judgment and determination against Pennsylvania it is the Democratic, and not the Republican party, that is responsible.

Republican party, that is responsible.

But, sir, I am not willing to vote for the repeal of those sections, unless I can be convinced they from the four party for bringing about the present state from party for bringing about the present state of affairs, yet I am loth to believe that the Democratic party of Pennsylvania, while present state tending friendship for the South, have been for years perfecting a code of laws which gained on the popular that the supreme tribunal of their wishes and carnest desires. Let the politicans bow in submission to the commonwealth in punishing repudiators.

Sir, in times past, the citizens of that same and our national devernment, in the Commonwealth in punishing repudiators.

Sir, in times past, the citizens of that same and our national troubles will soon cease.

The people will apply a remedy, if the opport the south. Another is the form our present state the blame for our present their wishes and carnest desires. Let the politicans bow in submission to the commonwealth in punishing repudiators.

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the list of our way. Not one present and a list present a discontinuous of the list present and a list present and a list present and a list present and a list present a list present and a list present a

By adopting the amendment to the Senate resolutions we will take one step in that "examCommonwealth be composed of "country law-

truly said, will ruin any party.

a common brotherhood between man and man, re olutions. The first resolution of the amend

It has made, the old Whig and Democratic Is there anything unrighteous in this? Any ment sets forth that the provisions contained binding upon the people of all the States, and

> What does the second propose? The repeal of the 5th and 7th sections of the Act to prevent

debate a partizan cast from the first.

The gentleman on the other side cry Union, concession peace. Yet, they are not willing to vote for anything that is not embodied in their own party platform. The people of Pennsylvania fully recognize and are too wise and magnanimous, to be decived by the schemes of politicians, or designing men who are no politicians, or designing men who are no politicians.

All such schemes, come from whatever quarter they may, will meet the condemnation of an outraged constituency. The time for deceiving the people has gone by, and he that attempts if the people has gone by, and he that attempts if the people has gone by, and he that attempts in been, to extend the hand of fellowship to all Union men, North or South. The Legislature of the gallant little State of Delaware—the particle and concession peace. Yet they are not willing to not individual, except the salvation of his soul!

Intended on more important to an individual, except the salvation of his soul!

The third resolution, which sets forth that the people of Pennsylvania fully recognize and accept on more important to an individual, except the salvation of his soul!

Who are these petitioners. The member of the several States in the common territories of the Federal Union, and that the people of Pennsylvania fully recognize and accept on more important to an individual, except the salvation of his soul!

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The third resolution, which sets forth that the people of Pennsylvania fully recognize and accept on the several States in the central state of the several States in the control of the United States, as will permit the citizens of all the several States in

oeen, to extend the hand of fellowship to all Union men, North or South. The Legislature of the gallant little State of Delaware—the patriotic Gov. Hicks—the brave and chivalric Magneton—and all kindred spirits who are devoted to the Union. When they ask for sympathy, or solicit aid, they strike a chord that vibrates to the immost soul.

And if there can be anything done to encourage the border States to stand by the country, I believe the Representatives of Pennsylvania are willing to act, if the requirements be consistent with the cause of truth and right.—We have no malice to gratify no hatred against any portion of the country; we are all equals.

Or Philadelphia. They are a class of men whom I represent very largely myself.

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Whom I represent very largely myself.

I took occasion, sir, to gentle man, and I would say here, that his speech as reported in the Record is not the speech gentleman, and I would say here, that his speech as reported in the Record is not the speech delivered on the floor, so far as Philadelphia is concerned.

Mr. WILLIAMS. Therein I must be allowed to say, it is word for word, and letter for letter, to the Constitution and the identical speech. I ought to have a better recollection of, the matter than the gentleman from Philadelphia.

Mr. LEISENRING. Let me say—

We have no malice to gratify no hatred against any portion of the country; we are all equals.

Mr. WILLIAMS. I should suppose however. the common property of the general govern-ment. The Supreme Court of the United States is the sole arbiter of the equality of these rights

We have no malice to gratify no hatred against any portion of the country; we are all equals.

And while I would make honorable terms with the conservative States who love the Union, I would have been sufficient for me to the conservative States who have disclaimed it. There the controversy ought to end, would have the arm of rebellion.

Mr. LEISENRING. Let me say our reflow-citizens, no matter where they belong, at the same time proposing the exhaustion of all peaceable and Constitutional remedies to prevent the destruction of the common bond and common brotherhood, and that clearing already raised the arm of rebellion.

Mr. LEISENRING. Let me say our reflow-citizens, no matter where they belong, at the same time proposing the exhaustion of all peaceable and Constitutional remedies to prevent the destruction of the common bond and common brotherhood, and that clearing their record of all causes of complaint, no matter where they belong the constitutions. ter from what quarter they may come, they will stand unflinchingly by the Executive of the United States, in all his efforts to maintain the constitution, exact obedience to the laws, and protect the property of the General Govern-ment. This, it will be observed, contains the gist of the whole matter—that of clearing our own record, and then sustaining, as the Consti-tution of the United States requires, the Presi-

lature of old conservative Pennsylvania? When seems indendate, to say the reast, for us to set up our judgment and determination against their wishes and carnest desires. Let the poli-ticians bow in submission to the popular will, and our National troubles will soon cease.

The remarks of an internal and the company to the company of the c

remove every just cause of dissatisfaction with ted States have affirmed the decision of our State court, in a great test question familiar to it may be, that foiled in repeated efforts to sub-vert law and to accomplish dishonest purposes through legal chicanery, it is intended designedly toplunge this country into revolution as the only and last means, terrible though it may be, to escape the payment of just debts. In revolution no debts are paid They are often wiped out, entirely, and in fratricidal war it may be that temporary relief may be found from that taxation, to the payment of which revolution is so much preferred. The sentiments uttered by the gentleman from Alleghany, are a fitting type of the constituency he represents. For long years, it is said, they have used him as a willing instrument in their purposed repudiation, and it appears that parties are used now, in this other sphere, to create a state of affairs by which alone they can achieve further distinction in their peculiar ideas. If honor there he in such a course lat the gentlement there be in such a course, let the gentleman favoring this purpose wear the laurels. My constituents, who are the creditors of some of the parties here represented, want none of Mr. Speaker, turning aside from thistecrrible

thought of revolution, I appeal to the onservative members on this floor to stand firm, and, in the language of Governor Curtin, "by a prompt repeal of every statute that may, even by implication, be liable to reasonable objection, do our part to remove every just cause for dis-satisfaction with our legislation." Let us forget party, sacrifice partisan views and princiciples, if necessary, to bolster up and conciliate those of the border States whose interests are identified with ours, and who, like us, are opposed to the thought, tolly, effect and curse of secession. Let us plant ourselves on the plat-form—not of this or that party—but the Constitution, to observe which compromises have been made in the past and must be arranged in the future. This will, as Governor Curtin requests us, "exhibit to other States that may have enacted laws interfering with the rights, or obstructive of the remedies, which be-long constitutionally to all American citizens, an example of magnanimity and of im-plicit obedience to the paramount law." As partizans we can accomplish nothing. Commit curselves to the policy of compromise, as the brightest intellects and tried men, (who have gone to an eternal rest, I trust, in the arms of a forgiving Savior,) always did, in the hour of difficulty, and old Pennsylvania may still be able to hald he averaged to a proposed in the same of the s able to hold her exalted conservative position in the family of States comprising the Union. This cannot be done by a series of resolutions, adopted by a mere majority of her Legislature, which suggest nothing to heal the troubles in which we are involved, provide no remedy for the evils which must necessarily be entailed upon us, offer nothing in the shape of peace or com-promise, but hold out a threat. My friends, my judgment teaches me that this policy, on our part, is suicidal. Adopt it, and the leaders of secession have gained a triumph over the co-operationists. Their efforts to plunge us into a civil war will be seconded by the authorities of Pennsylvania—all hopes of settlement may pass away—and the valleys and plains of the sunny South will be crimsoned with the blood of our fathers and mothers, brothers

and sisters, and dear children. Legislators of Pennsylvania! I appeal to you, this day, to record our votes in opposition to such scenes—in opposition to the proposition to aid in bringing about a worse condition of affairs than has eve yet been witnessed on the habitable globe.

Mr. BUTLER, (Crawford) So much has been said, and well said on this subject, that we night afford to let it come to an end immediately; but such seems not to be the disposition of this House. The debate has taken a wide range. Perhaps it is well that such has wide range. Perhaps it is well that such has been the case. Not only the question before us has been debated, but other questions have been brought in. It is well, perhaps, that it has been so. It has afforded an opportunity to each and every one of us to make a speech either for our country or for "buncombe." just as to us it might seem beet and most recommendation.

as to us it might seem best and most nece One of the matters which have been intro duced, and which I consider as not being par ticularly pertinent to the subject, was the ques tion as to where lies the blame for our present

our statute book any law that is Constitutional at the bidding of any outside party.

When a claim is set up here, that those who

controlled that meeting would do as much or even more than the citizens of other States to least once a year, and sometimes oftener," the highest tribunal in the land has given them a good certificate for sound judgment by the affirmation in this particular case. But would be willing to compromise their honor. their independence as men, and their rights as aState, to appease the anticipated high demands of "King Cotton." Sir, these periodical Union of "King Cotton." Sir, these periodical Union-meetings, stripped of all verbiage, mean noth-ing, more nor less than a bid for the Southern trade. Sir, the "almighty dollar" is at the nottom of such movements.

Mr. Douglas and his course have been introduced into the debate. I am sorry that this has been done; I am sorry that any gentleman disturbed the repose of the dead.

But, sir, the real question before us is wheth

er we shall modify or repeal our laws, either for the North or the South, the East or the West. Three millions of people, sir, who would be willing to abandon their rights at the bidding of any outside parties, would be fit in-struments to enslave others.

But, sir, shall we repeal the 95th and 96th sections of our Penal Code? That appears to be the great question here. It make no difference to me who made those laws—who decided them to be constitutional—who were the codifiers, or who signed the act of last session. It these laws are unconstitutional—if they come in conflict with the laws of the General Government they are null and void, and should be re-pealed. I say repeal them, when it shall be clearly shown that they do thus conflict with the Constitution and laws. Until this be clearly proved, abate not one syllable, not one letter. But, sir, it strikes me, from present appearances, that the period when this shall be proved, is far, very far, in the future.

"It is objected to a part of the 95th section that, according to its provisions, the owners of

slaves may not violate the peace or commit ri-otous acts in securing their slaves. I believe, sir, that this prohibition would exist by virtue of the common law, in the absence of any positive legislative enactment on the subject. It has been decided by the highest authority that the owner may recapture his fugitive slave without legal process, provided he can do so peaceably. But this clause of the law had no application, as I understand it, to prevent owners from proceeding by legal process in the arrest of their fugitive slaves. This act applies only where the master, without legal process, attempts to take his slaves in a violent and tumultusus manner. Is there anything wrong in that? I, conceive not.

Another objection urged is that our judges and magistrates are not allowed to take jurisdiction of the case of fugitive slaves. Several legal gentlemen here have produced the exposition of the laws upon this subject; but for fear that the matters decided may have escaped the minds of some, I will read from one or two

of the decisions:
"The Court have not the slightest hesitation in holding that under and in virtue of the Constitution, the owner of the slave is clothed with authority, in every State of the Union, to seize and re-capture his slave, whenever he can do it without any breach of the peace or illegal violence. In this sense, and to this extent, this clause in the Constitution may properly be said to execute itself, and to require no aid from legislation, State or National."—[Peters' Reports,

tion, State or National."—[Peters' Reports, vol. 1 p. 303.]

"The provisions of the Act of the 12th of February, 1793, relative to fugitive slaves, is clearly Constitutional in all its leading provisions, and indeed, with the exception of that part which confers authority on State Magiatrates, is free from reasonable doubt or difficult. ty. As to the authority so conferred on State Magistrates, while a difference of opinion exists, and may exist on this point, in different States, whether State Magistrates are bound to act under it, none is entertained by the Court,

act under it, none is entertained by the Court, that State Magistrates may, if they choose, exercise the authority, unless probibled by State legislation."—[Peters' Reports, vol. 1, p. 394.]

"The clause relating to fugitive slave is found in the National Constitution, and not in that of any State. It might well be deemed an unconstitutional exercise of the power of interpretation, to insist that the States are bound to provide means to carry info effect the duffer of provide means to carry into effect the duties of the National government, nowhere delegated or entrusted to them by the Constitution. On the contrary, the natural, if not the necessary con-clusion, is, that the National Government, in

the subject of slavery, either in the light of participantly in the believe them in the light of participantly in the believe the Democratic party in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe them in the light of participantly in the believe the light of participant th