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SPEECH

OF

MR. JENIFER, OF MARYLAND,

ON

THE PROPOSITION TO PRINT THE TESTIMONY

IN RELATION TO

THE NEW JERSEY CONTESTED ELECTION.

DELIVERED

DURING THE MORNING HOUR,

MARCH 11, 12, 13, 14, AND 17, 1810.



WASHINGTON:

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SPEECH

WEDNESDAY, MARCH 11.

The resolution reported by Mr. CAMPBELL, chairman of the Committee of Elections, to print the testimony in relation to the New Jersey contested election, and the amendment thereto, offered by Mr. RICE GARLAND, being under consideration—

Mr. JENIFER, of Maryland, obtained the floor, and commenced his remarks by saying that he was in favor of printing the testimony, the journal of the committee, and both the reports. Since the discussion had commenced, circumstances had occurred which made it imperative on the House to get at the whole facts. At present we are ignorant of the proceedings of the committee; and the slight view we have had of them shows that we should examine the whole. Contradictory statements have been made, and suspicions excited, by members of the committee, the correctness of which we cannot determine without an examination. Let us then have the whole, so as to be competent to judge for ourselves.

[The morning hour having expired, during which only the question was discussed, the SPEAKER announced the orders of the day.]

THURSDAY, MARCH 12.

Mr. JENIFER in continuation.

I am not surprised that a majority of the committee should be opposed to printing, but it is indispensable to truth and to justice. The remarks of the gentleman from Virginia (Mr. RIVES) show at once that it is our duty to print. I am for printing the journal of the committee, the whole of the testimony, and both the reports. Gentlemen charge us with preventing this printing; but let them look at their own side; let them remember the open declarations that they would not print. They have now refused to hear the most important testimony; they have refused to hear the parties; and they have refused to give us an opportunity to speak; but have forced the House to a vote under the previous question. It is not true that the minority have opposed the printing: on the contrary, they have gone for it from the first. It is the majority who rush to a judgment without hearing or printing the testimony, or so much as hearing the report of the minority of the committee. It is they who refused to receive that report, and who opposed the printing of it, without knowing a word that was in it; but now, after having blindly voted their men into the House, they are ready to print. I hope they will do it. I want to see the result. Gentlemen seem to exult that the deed is done, and they want to suppress a part of the testimony, that they may be shielded from the indignation of the country. I want to see their journal, for that journal stands impugned by members of their own committee. I want to see it, that we may try the issue. The gentleman from New York

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(Mr. FILLMORE) stated certain things as facts, which the gentleman from Virginia (Mr. RIVES) said were not true. I want to see that matter tried.

Mr. RIVES, of Virginia, here interposed to explain, and said: I will endeavor to state distinctly what occurred. The gentleman from New York (Mr. FILLMORE) was supposing what might have happened in the committee, because the rules did not permit him to speak in a more direct manner. He was supposing fifty things, and, among others, he supposed that a report had been prepared by the chairman, and adopted by the committee, without reading the evidence. I then said, that if he supposed such a thing had been done in the committee, he supposed what was false. I said that it was not true that the report had been adopted without reading the evidence, and that there was not a member of the committee who had not read it. So far as I am myself concerned, I here state that I have read all the evidence. I sent to New Jersey myself and got a copy of all the testimony that had been before the Governor of New Jersey and his Council, that I might examine the whole carefully, and I have done so.

Mr. JENIFER resumed. I will not permit the gentleman from Virginia to escape by making a false issue. An allegation was made by the gentleman from New York, (Mr. FILLMORE,) who spoke in such language as reached the feelings of the gentleman; for there is always a power in the voice of truth. The gentleman, to save himself and his friends, immediately said, in a distinct and audible voice, "It is false."

Mr. RIVES again interposed. As there is likely to grow out of this affair a question of veracity, I would thank the gentleman from New York (Mr. FILLMORE) to state the circumstances.

Mr. JENIFER. I will not allow the gentleman to escape: he has gone off to a false issue.

Mr. RIVES. If I can avoid it, I will not get in a passion.

The CHAIR here called upon Mr. RIVES to take his seat, till it could be ascertained whether the gentleman from Maryland had said any thing offensive, which gave him a right to interpose and explain.

Some sensation was produced in the House, but, after some conversation, Mr. RIVES was permitted to proceed, with the assent of Mr. JENIFER.

What I desire is to put this matter in such a shape that the gentleman may not do me injustice. It is because I dislike a personal difficulty that I arrest the gentleman now. The gentleman from New York, (Mr. FILLMORE,) in stating his various supposititious cases, asked what the House would think, supposing a majority of the committee had directed their chairman to take the evidence and make out such a report as should meet his views, and that report had been brought into the committee-room and adopted by the committee, without having the evidence read. When he reached that point, knowing that I had myself read the evidence, and that the committee had called for it, and that the evidence had been read, I did say that, if the gentleman supposed that, he would be supposing what was false. I was looking at the gentleman from New York at the time, and I would now like him to say whether the facts were not so—I hope the gentleman from Maryland will still yield the floor that the gentleman from New York may make his statement.

Mr. JENIFER resumed. I should yield to the gentleman's request with pleasure were there any mistake as to what had been said, but of that fact there can be none. I never thought that a mere statement of facts, under any circumstances, could lead to any "difficulty" with the gentleman from

Virginia. The gentleman from New York (Mr. FILLMORE) was stating certain facts; the gentleman from Virginia said that that statement was false; on which I immediately said to my friends around me that the journal of the committee must be printed, that it might be decided how the facts stood; because, if the gentleman from New York had indeed stated what was false, he had done the rankest injustice to the committee, and had attempted to deceive the House; but if he had stated what was true, then the gentleman from Virginia had done the same injustice to him. The question now is a question of veracity. I took down the words of the gentleman from New York and the response of the gentleman from Virginia, immediately after they were uttered; and I want to see where the responsibility rests, whether upon the gentleman from New York (Mr. FILLMORE) or the gentleman from Virginia (Mr. RIVES.)

Here Mr. JENIFER read from a memorandum as follows:

"7th March.—Mr. FILLMORE, in his speech upon the New Jersey case, stated, by way of supposition, that a sealed package was in the hands of the chairman of the Committee of Elections, alleged to be the evidence taken in relation to the illegality of the votes given at South Amboy, which was asked to be sent to the Speaker to be opened, which proposition was refused; second, and that the report of the committee was *adopted* without this evidence being examined by the committee—upon which, Mr. RIVES of Virginia, in an audible voice, said "*that such a supposition would be false.*"

Mr. RIVES here interposed. I say that the gentleman in stating this must be mistaken. Among other things, the gentleman has said that which I never denied; but what I did say related to what I have stated. The gentleman from New York did suppose that which the gentleman has now mentioned, and so far he supposed what was true; but he supposed another thing to which my remarks related, and the gentleman from Maryland seems to have confounded the two.

Mr. JENIFER proceeded. Such a thing is possible, but it can scarcely be, because I am intronched by the recollections of gentlemen all around me. The memory of the gentleman from Virginia must have failed him. When I took down his words, I referred to three different gentlemen near me. I took them down while they were yet fresh in my memory. To prevent mistake, I submitted them immediately to the gentleman from New York himself, (Mr. FILLMORE,) who read the memorandum, and made one or two corrections; so that there can be no mistake about that. And this is one reason why I am so anxious for the printing. I am anxious for the dignity of this House, and for the honor of the minority of the committee, who have here been openly charged with making a statement which is false. The gentleman from Ohio (Mr. MEDILL) made a statement which was calculated to bring down the indignation of this House on one of the members of the committee, (Mr. SMITH, of Connecticut;) but, when the circumstances came to be explained, the tables were turned, and that indignation was directed to the gentleman from Ohio. For as much as ten minutes the impression was on the mind of every member who heard the statement, that the gentleman from Connecticut had been guilty of the dishonorable act of violating a seal; but it turned out that no seal had been broken, and that the gentleman was wholly innocent. Then the gentleman from Ohio charged him with being in secret correspondence with some of the parties claiming seats; and yet, in a few moments, he admitted that he himself had been holding correspondence with those on the other side.

Mr. MEDILL, of Ohio, the member alluded to, here rose and said that he

had just entered the House, and would be glad to hear the gentleman repeat the remarks he had made.

Mr. JENIFER. I say that, with a view of operating injury on one member of the Committee of Elections, an insinuation was made by the gentleman from Ohio which led me, and all those around me, to believe that in that committee a seal had been broken; and that, when this was explained and done away, a further insinuation was made that the same member of the committee was holding a very suspicious correspondence, or a correspondence surrounded with very suspicious circumstances; and that, when the gentleman from Ohio was called upon to say whether he had facts in his possession to sustain him in such an insinuation, he refused to state what they were, although thrice called on to exhibit them if he had any.

Mr. MEDILL. The gentleman does not do me justice. So far from refusing, I tried to get the floor that I might give the suspicious circumstances to which I alluded. I had already given them; but I wished to repeat them; but I was called to order, and not allowed to proceed. Does the gentleman from Maryland question what I then said? Does he design to impute to me that which was untrue?

Mr. JENIFER. Why, in reply to that, I will say this: Unless the suspicious circumstances to which the gentleman alluded shall be developed to the satisfaction of my mind, the gentleman cannot expect me to answer in the negative.

Mr. MEDILL. The circumstances are true as I related them. If they do not satisfy the mind of the gentleman from Maryland, I cannot help it. I now say that they are true, and will maintain what I say either here or elsewhere.

[The morning hour having now expired, the chairman of the Committee of Ways and Means called for the orders of the day, and the discussion was postponed until to-morrow—Mr. JENIFER retaining his right to the floor.]

FRIDAY, MARCH 13.

Mr. JENIFER, in continuation.

Mr. JENIFER rose to address the House, but, on request, yielded the floor to Mr. FILLMORE, who made the following explanation:

Mr. FILLMORE, by permission of Mr. JENIFER, who had the floor, rose and said: I am desirous, Mr. Speaker, to make an explanation in regard to some facts, stated by me the other day in reference to the proceedings of the Committee of Elections, when they agreed upon the basis of a report recently made by a majority of that committee to this House. I observed yesterday that there seemed to be some misunderstanding on this subject. I am the more desirous now of making this explanation, and setting this matter right, so far as I am concerned, because the proceedings of that committee have since been reported to this House, and I am now at liberty to speak of facts as they exist and not hypothetically. I will endeavor, therefore, to be so distinct as not to be misunderstood.

Mr. FILLMORE explained at large, and justified the course taken by the minority of the committee, and supported the allegations he had made against the majority, by quoting the journals of the committee, and reading several resolutions adopted by them and others rejected; and concluded by saying, that "You will perceive after these little amendments, the resolution was rejected. Was not this a direct and express *refusal* to send that package to the Speaker that it might be opened, that the committee could consider of its contents."

Mr. MEDILL here arose, and addressing Mr. FILLMORE, said, Does the gentleman mean to make any question of veracity with me?

Mr. FILLMORE. I make questions of veracity with nobody. I have not come here to settle my character for veracity. I state these things as facts, and here is my proof.

[After some further remarks by others,]

Mr. FILLMORE proceeded. I say, that in relation to this matter, I make no issue of veracity with any man. I have not come here for that purpose. I am compelled, from a sense of duty, to state these facts, that the House and the country may know them, and no threats or attempts at intimidation will prevent me. If any gentleman differs with me in regard to these facts, I cannot help it. I do not profess to be infallible; but I state according to my recollection, and give you the evidence, so far as the journal of our proceedings can be evidence, to show the truth of what I state. I hope those who may differ from me will be able to produce as good a voucher. With all these facts—with the incontestable proof that I have offered from the journal itself, I must leave it for the House and the world to judge, whether I have done the majority of this committee "*gross injustice*" by charging them with "*refusing*" to consider this evidence when they made that report; and with a desire to "*suppress*" evidence when they refused to send the sealed package to the Speaker to have it opened, and agreed upon their report without looking at it.

[Here Mr. FISHER rose to a question of order. Mr. Fillmore remarked that he had said about all that he intended, and he had rather yield the floor than to enter into any contest of order. He then sat down, and Mr. Jenifer resumed.]

On looking over the journals, I find there has been a suppression of material facts. The gentleman from Virginia has certainly come to most extraordinary conclusions, from the facts which there appear. He said that all the testimony had been read and examined. This was denied by his colleague on the committee, (Mr. BOTTS,) because there was one sealed packet of testimony which had never been opened. The gentleman from South Carolina, (Mr. CAMPBELL,) by way of escape, said that he did not consider that as testimony before the committee; it was under an envelope directed to the Speaker, and that therefore the committee could not examine it. Here permit me to say, that this explanation of the chairman of the committee might be understood as implicating the Speaker himself; for, surely, if they had come to him with the packet, he would immediately have sent it back to the committee, and they are responsible for not having done so. I therefore take issue with the gentleman from South Carolina, and aver that that testimony was before the committee; that they had power to examine it, but would not, and did not; and, therefore, have not discharged their duty, under the instructions of the resolution of the 28th February, directing them to report upon the *lawful* votes. To excuse themselves, they have put forth a very ingenious argument, founded on the meaning of the word *forthwith*. I will ask the chairman, and the majority of that committee, whether a majority of this House did not expressly amend the instructions to the committee by the insertion of the word *lawful* before the word votes? Now, let us see whether they have reported who had the majority of all the *lawful* votes. The chairman admits the importance of the evidence contained in that packet, and that the seal was not broken; yet there was an attempt here to produce the impression that the seal had been broken, and that important secrets had

been kept back from the House. I confess I was surprised at what I then witnessed. The chairman of the committee rose, and, with great candor and fairness, declared that nothing had taken place in relation to that packet which was calculated to bring suspicion on any gentleman, or of which any member of the committee had any reason to be ashamed; but, the moment he came to that point, he was put down by loud cries of order, and was refused leave to speak, because he was vindicating the character of an honest and honorable man. We have been told of an attempt to betray the House. It has been insinuated that there was something unfair, because papers were laid before them which they refused to open or read. And why did they refuse? Because they knew those papers contained the proof of facts which would compel them to revise their report, and to declare that those other five members were entitled to seats in this hall, under the instructions of the House.

There are other matters connected with the same subject. A resolution was introduced the other morning, by one of the members of the committee, (Mr. RIVES,) and, as he says, on his own personal responsibility, (I am happy that it does rest on the responsibility of one gentleman alone,) which charged the Governor of New Jersey with having commissioned one set of men, when he knew that the other set had been chosen by the people. Now it is important that we should get at the whole of the facts, in order that we may see whether this is so. This resolution, be it remembered, was moved in the House before the report of that committee was made, and the resolution assumes that evidence was examined before the committee which proved this conduct on the Governor, whom it accuses of direct fraud. Now, I will not say whether the fact is so or not; but this I will say, that the allegation comes in direct conflict with the declarations of the minority of that committee—of gentlemen I never knew to be guilty of falsehood; and I have no hesitation in expressing my confidence in the statement of those gentlemen, until the records shall have been examined, and the contrary appear. It is, therefore, all important that the journals of the committee should be printed, to enable the House to judge of their proceedings.

[Mr. RIVES here interposed, and said, that if allowed to do so, he would now assign the reasons why he had introduced that resolution.]

Mr. JENIFER objected to yielding the floor for the purpose of hearing the gentleman's *reasons*, which he might assign at another time, but suffered Mr. R. to proceed, who said: The course of the gentleman's remarks is calculated to induce a belief that I have been opposed to the printing of these documents. This, I never was; and I introduced the resolution that the public might know the reason why that gentleman and his friends objected to print. I was in favor of printing from the beginning. I was the first man who moved to print all the testimony; but, as gentlemen in the opposition would not consent to this, I moved the resolution, and pledged myself that all the points stated in the preamble would be confirmed by the evidence, when it should appear.

Mr. JENIFER. I have not yet come to that part of my subject. As to the gentleman's great desire for the printing, he will find that a full opportunity will be afforded him to reply. He says he was always for the printing. I ask the gentleman whether he voted for printing the journal of the committee?

Mr. RIVES. I am glad I have been called upon. The proposition to print the journal was made, and I voted against it, for these reasons— [a laugh, and cries of, Oho! that's enough!]

Mr. JENIFER. The gentleman has just said, that he was always for printing. He wanted to print every thing, but now he admits that he was against it, and voted against it. So far, then, the charge is admitted.

Mr. RIVES. I said that no good would grow out of it; that it would lead to bad feelings; that gentlemen would be induced to make attacks on each other; and that, instead of producing any good, it would only lead to mischief. While my own course had been such that I was entirely ready and willing that all should know it, yet I believed such a use would be made of it as to produce bad feeling. But I was overruled. A proposition was made in committee to reconsider this, and to request that so much of the testimony as related to the report should be printed; and also, that the journal should accompany it. I yielded, though I felt unwilling; but, since gentlemen have taken the course they have, I am ready to go all lengths and print every thing. I pursue a straight-forward course, and have done nothing in this matter that will not, as I believe, be approved by my Maker; and which, when known, cannot be condemned by the most violent partisan.

Mr. JENIFER. I agree with the gentleman, when he says that he pursues a straight-forward course—he does go straight forward in inconsistency: he tells us that he was always anxious for the printing, yet voted against it; but, now, it seems the gentleman is very anxious to print all the papers. Thank you for nothing, sir: you have got your object—you know the public must have the whole matter sooner or later; and now you wish to make a virtue of necessity. Oh yes, gentlemen have fought us at every step; have kept us in the dark until they have given seats to their own friends; have denied us an examination into their proceedings—and, after having carried their point, are all generosity, magnanimity, and liberality. I want the journal printed, not for the benefit of the House; not for the coming contest for the New Jersey seats—because that I consider settled; but I want it that it may go to the people, that it may go into the gentleman's own State. I want Virginia to see how far that gentleman and his friends can disregard the constitution, and laws of a sovereign State. He has arraigned the Governor of New Jersey, and charged him with a gross and wilful fraud, although he made out his returns in strict conformity with the laws and constitution of that State; and this, because the gentleman thinks there was a majority of votes cast in favor of his own men. Admit there was; what would the gentleman say if, in his own district, there was a majority of five hundred votes cast in his favor, and he knew that it could be proved that more than five hundred aliens and free negroes, not entitled to vote, had voted for him? Would the gentleman come here and claim his seat in virtue of that majority? Mr. J. said the gentleman seemed to nod assent; and if he would do that he would do any thing. If he would, he would go directly against the laws of his own State. He, in common with his friends, has arrogated to himself to control the laws and constitution of New Jersey and of the United States; and he and they have in this House elected five representatives from New Jersey. This resolution of the gentleman's was put forth in anticipation; it was a feeler to try how far they might go, and it was calculated and intended to prejudice the minds of the House. It had the appearance of authority, for it declares that there was evidence before the committee to prove that that fraud had been committed, and the resolution assumes to be based upon testimony which the committee had examined; but when you look at the journal of the committee, you will find that that statement is not true. There was no evidence before the committee to show that the Governor had committed a fraud

but there was evidence to prove that the votes given at Millville and South Amboy had been illegally if not fraudulently given; and the counting those votes did give a majority to Mr. DICKERSON and his friends. Now I am unwilling that the gentleman shall thus forestall public opinion by putting forth resolutions full of strong assertions not supported by the fact; assertions which, if they were true, would compel all honest and honorable men to vote with him. Unquestionably, if it had been proved that such a fraud had been perpetrated, it would be unjust and dishonorable to withhold from his friends their seats. But if the allegations of the gentlemen are not true, and the journal does not show that any evidence was examined to prove such fraud, then I say that the gentleman's course, although *straight forward*, was unfair, and not justified by the facts. He first brings forward a resolution, not founded in truth, and then he refuses to print the journals which would expose its falsehood.

My object is now to show that the majority of this House has adopted a report and resolution which rest upon a false foundation; and this being shown, that they owe it to themselves, to the country, to truth, justice, and the constitution, either to reconsider their vote, or to recommit the report. To show that gentlemen are bound in fairness to do this, I appeal to the journal of the committee itself, which will show that testimony did come before that committee, purporting to contain evidence which would, if admitted, have corrected the error in the report; which, on being corrected, the result would have been the reverse of what it has been. To show this, I will refer to a part of a letter which accompanied this testimony, and then we shall see the reasons why gentlemen suppressed the evidence; why they hurried a report into the House, the reasoning of which they themselves disown and repudiate, but which they adopted, because on that false reasoning the report came to the conclusion they desired; namely, that their five candidates had the greatest number of *lawful votes*. Now we shall see the great formality observed by these lovers of the people's rights. Certain testimony had been taken before, but because there was a legal defect in the notice given to opposite parties, that testimony was rejected; not as untrue, but as informal, and so incompetent. To correct this defect in form, the testimony was taken over again, after the due legal notice; that testimony was brought to the committee; the committee knew what it was; they knew that it went to the very point at issue; yet they refused to look at it, consider it, or have it read; and they made their report on testimony before it came. Now, if I am correct in these facts, it is not assuming too much to say that, under these circumstances, the examination of that testimony was withheld expressly and purposely to suppress the truth. To prevent this monstrous injustice, a gentleman from Virginia, (Mr. BOTTS,) a member of the committee, moved in committee, the following resolution; which was read by Mr. B., as follows:

"Whereas it is the desire of this committee that equal and impartial justice should be rendered both the parties to the contested election from the State of New Jersey; and whereas a mass of testimony has been referred by the House to this committee, which, together with the testimony heretofore received as competent evidence, it is alleged indisputably establishes the right of one, if not all, the commissioned members to occupy their seats, but which it is indispensable should be examined in order to arrive at the truth of the case.

"Resolved, therefore, That the chairman of this committee be instructed to ask that the report heretofore made may be recommitted, in order that the material facts developed in the testimony now before us may be embodied in said report."

Which preamble and resolution the majority of the committee refused to adopt.

Mr. B. stated that he had offered this resolution after the report had been made; but the committee, instead of adopting it, indefinitely postponed its consideration; whereupon, Mr. B. offered the following:

Resolved, That we will proceed to examine the testimony now before us, in order that a supplementary report may be made of all the material facts disclosed therein, and that the chairman of this committee be instructed to ask that the consideration of the report heretofore made to the House may be postponed until Friday next, in order that said supplementary report may be made."

Which was also rejected.

I have read this to show that the committee had it in their power to correct the error in their report, and would not do it. I will now put home to gentlemen this question: If that packet of testimony had come from the opposite party, and instead of showing, as it did show, that the commissioned members were entitled to their seats, it had proved that they were not entitled, would the gentleman from Virginia have found any difficulty—any insuperable obstacle—in the fact that the packet was directed to the Speaker of the House? Would he have hesitated one moment to send it into the House to the Speaker, and get it back to the committee? Will the gentleman say so? But no, sir. The committee knew that if they received that testimony it would turn their report upside down; and therefore they have suppressed material facts which, under the order of this House, it was their bounden duty to consider. And, if it were not unparliamentary, I would say that, knowing what they did know as to the contents of that packet, the objection about the envelope was a poor subterfuge, and nothing better.

They attempt to justify themselves by saying that the packet was not in their possession. Not in their possession, when the chairman had it in his hands, on his table, whilst the committee were in session, and a proposition made to send it to the Speaker to be opened!

Mr. Speaker, if an individual were to receive a letter which he knew contained a notice from bank to pay on a certain day, and were to keep that letter in his pocket unopened until after the day of payment, and were to plead, by way of ridding himself of the debt, that he had received no notice, would not a jury of his country pronounce such transaction to be dishonest? And if it would be so in pecuniary transactions, would it be creditable in political?

This is a novel case; the like of which has never before been attempted to be perpetrated. It has been left for this House to do an act over which posterity may have to mourn. The means resorted to by a party to get unrestrained control over the actions of this House are well calculated to strike terror into the minds of all considerate men.

But a few weeks since, not a member on this floor was bold enough to move that Mr. Dickerson and his friends were entitled to seats in this House; they being in possession of no return, no commission, no credentials; although they allege that they had a majority of the votes of the State of New Jersey. Yet a Committee of Elections has done that which this House refused to do, and the House has sanctioned the act of the committee upon the faith of their report. So the House may say that we did not do it; and the committee may respond that you directed us to do it.

When the House ordered this committee to report, it ordered it to report

“which five claimants had received a majority of the lawful votes cast.” Is that word “lawful” to have no effect? I put it to the chairman of the committee, as an honorable man, whether the gist of the debate in this House, which was finally determined by the casting vote of the Speaker, did not turn upon the insertion of that very word “lawful?” But that word is to be nullified. It is to be utterly deprived of all force and effect, while the word “forthwith,” in the same resolution, is to be all-powerful. See how the chairman reasons. He was ordered to report forthwith: that he must obey most conscientiously. He was ordered to report the lawful votes: that command he utterly disregards. The word lawful might as well have been out of the resolution. I speak of the chairman, because the report is his own, and the very extraordinary reasoning it contains is rejected and disowned by his colleagues. The gentleman, in justification of his conclusion to pay all possible regard to one word in the resolution, and no regard to the other, refers us to the words of the proviso; but surely all the legal knowledge the gentleman may once have possessed must have forsaken him when he took a ground like this. He says the addition of the proviso was a sufficient evidence that the House wanted an immediate report. But what is that proviso? Let us see.

“*Provided*, That nothing herein contained shall be so construed as to prevent or delay the action of said committee in *taking testimony*, or deciding the said case upon the merits of the election.”

So far from abolishing the force of the word “lawful,” it does away the force of the word “forthwith.” The committee must report the majority of lawful votes, provided their doing so will not delay the investigation. But, admitting that the resolution did require an immediate report; surely, as an honorable man, I never would have reported that which I knew not to be true. If there was a real inconsistency between two commands given by the House at the same time, the committee was bound in fairness to apprise the House of that fact, and ask for further orders; but if I had been chairman of that committee, sooner than I would have reported to this House what I knew in my conscience to be untrue, I would have made no report at all. And the fact was that the committee themselves did not approve the report, although they agreed with its conclusions; nor did the chairman himself, for he refused to vote.

I have in relation to this matter a few questions, which I am warranted in asking. If members come here and present resolutions, I think that those resolutions are fair subjects of examination. I hope that I shall not be considered, in what I am going to say, as improperly volunteering in a matter that does not belong to me. I am about to do what I feel bound in justice to do. The gentleman from Virginia (Mr. RIVES) wields, I know, a powerful influence in his own State, and also in this House. The gentleman from Virginia roundly pronounced the statement made by the gentleman from New York (Mr. FILLMORE) to be “false.” There is no real question of veracity, but the majority of the committee have thrown themselves into the breach to protect their report, and to denounce, unsparingly, all who oppose it. I will oppose it for one, for should the facts be suppressed, it would go forth to all Virginia that the minority of the Committee of Elections had been guilty of falsehood. First comes the gentleman from Virginia, and attacks the gentleman from New York as stating what is false: then comes the gentleman from Ohio, (Mr. MEDILL,) and attacks the gentleman from Connecticut, (Mr. SMITH,) with an insinuation that he had violated a

seal. Seldom have I been more surprised, and never have I felt deeper indignation, than in seeing honorable men assailed in this manner, whose moral and religious characters are without a stain.

[Mr. CAMPBELL, chairman of the committee, interposed and spoke with some warmth, but his voice is weak from bodily indisposition, and the noise in the House was very great, so that the reporter could catch little of what Mr. C. said except the words—"It is not the fact—let the gentlemen speak for themselves."]

Mr. JENIFER continued. No direct charge is made; but dark and insidious surmises are resorted to, to cast opprobrium upon, and unworthy and unwarranted attempts made to excite suspicion against, a man whose purity of life, ingenuousness of conduct, and high moral standing, may well excite the jealousy and envy of those who have neither the magnanimity to do justice to, nor the honor to appreciate merit in, a political opponent. Where is the gallantry of gentlemen in singling out members whose moral and religious principles, as well as the known opinions of the section of country from whence they come, compel them to refrain from a just chastisement of such unwarranted attacks?

If, when the insinuation was made, there was a laugh of scorn at such disreputable conduct, with what force should it recoil upon those who excited suspicions without the shadow of foundation!

When the chairman got up and explained, and attempted to vindicate the conduct of the gentleman accused, a question of order was immediately raised, and he was put down.

The gentleman from Ohio (Mr. MEDILL) was then called upon by the gentleman from Kentucky (Mr. GRAVES) to state the grounds of his impression, that there was something very suspicious about the correspondence of the gentleman from Connecticut; my own impression was that he had no grounds to state. If he has, I will do him the justice to say, that I am confident he will state them. If he says that his attempt to injure the gentleman from Connecticut, is no business of mine, I reply it was an injury to the committee, and reflects back on every member of the minority. But has any insinuation been thrown out against the gentleman from Virginia, (Mr. BOTTS,) or the gentleman from Alabama, (Mr. CRABE,) who are known not to be under the same restraints with the two gentlemen from New York and Connecticut? Has the slightest insinuation been directed against them? None, sir, none. On which I will only remark, that prudence is sometimes an important virtue. When I see such a distinction made I have a right to draw my own conclusion.

This is a grave question. The true issue is, who are ultimately entitled to seats in this House. If members of the minority have made assertions here, which are not supported by fact, it ought to be known. If the gentleman from New York (Mr. FILLMORE) has made statements which are not true, his conduct has been such as should draw down upon him the indignation of this House, and of all upright men. When I heard the gentleman from South Carolina (Mr. CAMPBELL) rise and make the candid explanation which he did, I did think there would have been a magnanimous feeling in this House which would have responded with joy to his manly attempt to vindicate the injured. But he was cried down with violence, as soon as it was discovered that he was defending an innocent man from a charge that was not true. Where, I would ask again, is the gallantry of gentlemen who profess so much? Where is their delicacy and magnanimity to a political oppo-

ment, honestly differing from them in opinion? One gentleman pronounces a statement false; another gentleman charges another with dishonorable conduct, and he is denied the privilege to explain. If these chivalrous gentlemen will look for a moment at the position in which they now stand before the country, they must perceive that they can gain no honor there.

Gentlemen tell us they are responsible here and elsewhere for all they say. Yes, sir, and I remember that General Jackson took the responsibility when he removed the deposits, but who could touch him? Responsible? What is their responsibility? If the responsibility amounts to this, that, both here and elsewhere, gentlemen are ready to adhere to statements which are not true, I envy them not. Or, by dark insinuations bring suspicion upon honorable men, when a direct attack could be met by immediate refutation, they resemble more the midnight assassin, than the bolder daring of the highway robber.

[The morning hour here expired, and the CHAIR declared Mr. JENIFER still entitled to the floor, when the subject should be resumed.]

SATURDAY, MARCH 14.

Mr. JENIFER in continuation.

Mr. JENIFER. I shall endeavor to show that the views I have heretofore presented were justified by the facts. I hope gentlemen will have a little patience; and should I arraign their proceedings, they will not regard it as personal. Yesterday I had the report of the majority under consideration, since when I have looked at the minority report, which I have only seen this morning; and by that, and the slight examination I have been able to make of the journal of the committee, I find I am fortified in what I have said. From all of which I infer, that when the Committee on Elections first entered upon their duties, they designed to act fairly and impartially; they were bona fide at work; they adopted the usual correct course; they commenced under the standing rules of the House to ascertain who were entitled to seats "according to the constitution of the United States and the laws of New Jersey," as will appear by their resolutions; amongst the first of which, was the following:

"Resolved, That this committee will now proceed to ascertain which five of the ten individuals claiming the five vacant seats from New Jersey, received a majority of *legal* votes, and therefore are duly elected members of the 26th Congress from that State, according to the constitution of the United States and the laws of New Jersey."

How far they have adhered to this and other resolutions still on their journal, facts yet to be developed will sufficiently demonstrate. They profess, at least, a determination to investigate and ascertain who were entitled to seats on the ground of having received the greatest number of *lawful* votes. They follow up this resolution by adopting another, which appears to be an additional evidence that they intended to act impartially, and do justice to all sides.

"Resolved, *further*, That whilst, in the opinion of this committee, the certificates of the Governor of New Jersey are *prima facie* evidence that those who hold them are entitled to seats, they are not conclusive evidence as to the ultimate right, and that such certificates, being contested, such right must depend on the majority of *legal* votes, given in conformity with the constitution of the United States and the laws of New Jersey."

The first branch of this resolution was adopted *unanimously*. After which the claimants appeared before the committee; and, being severally heard, the following resolution was adopted:

“*Resolved*, That we will now take up the testimony which has been referred to this committee in the New Jersey case; and if, during the investigation of the subject, it shall be desired by either party to furnish additional testimony, that then the parties be allowed such reasonable time as may be determined by the committee, to take such additional testimony, in the manner prescribed by the laws of New Jersey relating to contested elections, unless the parties agree upon some other mode which may be sanctioned by the committee.”

Thus the parties were allowed time to take additional testimony, for the purpose of enabling the committee to do justice to each. And that there might be no mistake—no misunderstanding as to what the claimants had to expect, upon the application of J. B. Aycrigg and his friends, further time was allowed to take testimony, as will appear by the following resolution:

“*Therefore, resolved*, That the chairman be required to notify the several claimants aforesaid that this committee will not proceed to a final decision of the question of ultimate right depending before them until the second Monday in April next, at which time the committee will report, the proofs to be closed, and will not receive any testimony taken by either of the parties after that time; but nothing in this resolution shall prevent the committee at any time before that day from taking up and deciding said case, if the parties shall declare themselves ready with all their testimony.”

By this the parties were notified that, unless they themselves agreed that a decision should be had before, the committee would not dispose of the case “until the second Monday in April next.” What sudden thought came over the minds of the committee, or what extraneous influence was brought to bear, subsequently, so as to produce a total change in their opinions and actions, we are left to conjecture. Whilst J. B. Aycrigg and his friends were absent in New Jersey taking depositions, under the direction of the committee, the chairman was instructed to make a report, in virtue of which PHILEMON DICKERSON and his friends are declared to be entitled to seats in this House, and the Speaker directed to qualify them as members. Was there ever a more flagrant violation of a recorded pledge? Was there ever a greater want of delicacy, than that this report should have been made to the House on the 8th of March, without even advising those claimants of their intention so to do?

I am aware that the honorable chairman says that they were instructed, under the House resolution of the 28th of February, to report *forthwith*, and the committee cloak themselves under this resolution. But if it can be shown that this is a mere subterfuge to screen themselves from the odium of an act the responsibility of which they are anxious to be relieved from, it will only be an additional evidence of a want of ingenuousness.

How was that resolution adopted? by whom advocated? By the majority of the committee themselves. It is true, they did not move it; their consciences would not permit them to do that; but a less conscientious individual is found in the chairman of the Committee of Military Affairs, (Mr. JOHNSON, of Tennessee,)—and such may be found for any purpose—who seems to have extended his guardian care over all the committees of this House. He moved the resolution—the majority of the committee voted for it. He was the instrument—they the approvers.

Let us see what the resolution is, and whether they have obeyed its instructions, according to the spirit and intention.

Resolution of the House, February 28, 1840.

“*Resolved*, That the Committee of Elections be authorized to report to this House such papers and such of their proceedings as they *may desire to have printed* by order of the House; and that they be instructed also to report forthwith which five of the ten individuals claiming seats from the State of New Jersey received the greatest number of *lawful* votes from the whole State for Representatives in the Congress of the United States at

the election of 1838 in said State, with all the evidence of that fact in their possession: *Provided*, That nothing herein contained shall be so construed as to prevent or delay the action of said committee in taking testimony, and deciding the said case upon the merits of the election."

By this resolution they are instructed to report forthwith "which five of the ten individuals claiming seats from the State of New Jersey received the greatest number of 'lawful' votes." And they have assumed and reported votes to be *lawful*, when they had evidence in their possession, had they examined it before they made that report, going to prove that the polls at Millville and South Amboy had been conducted fraudulently, and that a number of the votes taken was illegal, and not entitled to be taken under the law of New Jersey. The report is *justified* upon the pretence that the word "forthwith," in the resolution of the 28th of February, was imperative upon the committee; and the word "lawful" of no import whatever. But it will be recollected, and the honorable chairman is well aware of the fact, that the word "lawful," after considerable debate, was inserted before the word "votes" in the resolution, by the casting vote of the Speaker. Why the formality of the ayes and noes upon the insertion of that word alone, if it were of no import? If the word "*lawful*" was, in the opinion of the committee, and more especially in that of the chairman, a mere intruder, and of no effect, why should the honorable chairman have occupied so large a space in that report, in attempting to show that the word "forthwith" was the gist of the instructions, and the word "lawful" of no avail. It would seem as if, whilst the chairman was drawing that report, he felt great difficulty in reconciling it to himself to disregard that word "lawful," and yet he tells us he had none whatever. Then the argument in the report must have been to satisfy the consciences of his friends on the committee, because he had no right to suppose that the House would have any doubt, as he himself had none. Be this as it may, the committee were instructed to report upon the "lawful votes." They have reported votes to be "*lawful*," which the facts go to show are unlawful; and this the report itself seems to admit when it says:

"It is proper, however, to state that, *should all the votes proved to be illegal by competent testimony, be deducted from those who received the greatest number at the polls, which appear to have been held in conformity with law*, the result would not affect the right of any candidate to a seat."

They say the "*illegal votes deducted* from those who received the greatest number, the result would not affect the right of any candidate to a seat." Now that is precisely what we believe not to be the fact; and, therefore, the committee were instructed to report who had the greatest number of *lawful* votes. Yet they have not stated the number of either lawful or unlawful votes taken, but assume that all the votes taken were "*lawful*."

But to come back for a moment to the resolution of the 28th February, under which the committee felt bound to report "forthwith," without regard to the "*lawful votes*," how have they obeyed the instruction to report forthwith? The committee met on the 29th of February, the day after the passage of the resolution. Mr. FILLMORE, a minority member, offered this:

"*Resolved*, That this committee, in obedience to the resolution of the House adopted yesterday, will *forthwith* proceed to take up the evidence now before the committee, to ascertain "which five of the ten individuals claiming seats from the State of New Jersey received the greatest number of *lawful* votes from the whole State for Representatives in the Congress of the United States at the election of 1838 in said State."

This was rejected—Messrs. Rives, Medill, Brown, and Fisher, voting in the negative. The chairman and Mr. Botts being absent. Thus they refused to examine the evidence before them, and adopted the following:

Resolved, That the chairman prepare a report in pursuance of the House resolution of yesterday, and that in doing so he take and consider the votes adjudged to have been given to the several claimants by the Governor and Privy Council of New Jersey, together with those returned by the election officers of the townships of Millville, in Cumberland county, and South Amboy, in Middlesex county, to the clerks of said counties, respectively, as having been polled in said townships, as the number of **LAWFUL VOTES given in the said State.**"

On this resolution the vote was as follows :

Ayes—Messrs. Rives, Medill, Brown, and Fisher—4.

Noes—Messrs. Fillmore, Crabb, and Smith—3.

But before the vote was taken upon it, Mr. CRABB moved to amend it by adding at the end, after the word "State," the following words :

"Deducting such votes as the *evidence* referred by the House to this committee may show to be *unlawful votes*, or have been polled inconsistently with the election laws of such State."

On this amendment the vote was as follows :

Ayes—Fillmore, Crabb, and Smith.

Noes—Rives, Medill, Brown, and Fisher.

The committee first refuse to take up and examine the evidence before them, and also refuse to permit the chairman "to deduct the votes which the evidence referred by the House to the committee may show to be unlawful." After such developments as these, is it not proper that the House should examine for themselves, before they consummate a deed which, if the facts as stated be correct, will bring down upon the perpetrators of it the just indignation of an insulted people? The minority of the committee, having failed in their efforts to have equal justice done to all, believing that it was right that the absent claimants should be heard before the "forthwith" report should be made, one of the members (Mr. SMITH) offered the following resolution :

Resolved, That, before any proceeding is taken under the foregoing resolution, the chairman of this committee forward, per mail, to each of the ten claimants to the vacant seats from New Jersey, a copy of the resolution voted yesterday by the House of Representatives; and also that the chairman give notice to said parties that, on the 4th day of March next, at 10 o'clock, A. M., the committee will hear them at this committee-room, touching the inquiries directed by said resolution.

"Upon which amendment to the amendment the yeas and nays being taken, those who voted in the affirmative were—Mr. Fillmore, Mr. Crabb, Mr. Smith—3.

"And in the negative—Mr. Rives, Mr. Medill, Mr. Brown, Mr. Fisher, Mr. Campbell—5."

If the facts were not recorded, it would be almost impossible to believe that a committee of this House could be found so reckless of public opinion, after having passed the resolution stating that they "will not proceed to a final decision of the question of ultimate right depending before them, until the second Monday in April next," to have instructed their chairman to make a report on the 5th of March, by which seats are given to their opponents, and to have refused to notify J. B. Aycrigg and his friends of the fact. What must have been the surprise of these gentlemen when they first heard that this step had been taken; that they had been betrayed; that their case was adjudged before the day of trial, and without their having a hearing: that their opponents were placed in their seats at the moment that they were absent taking testimony, by leave of the committee?

It has been frequently the custom of members, when compelled to quit their seats on business or to visit their families, to pair off with a political opponent—a term well known here. I have never yet known a member so regardless of his obligations of honor as to avail himself of his presence here

to vote in the absence of his opponent. But a Committee of Elections, with their voluntary resolution unrepealed, giving until the second Monday in April for a final hearing, do make a report on the 5th of March contrary to their recorded pledge, by which five individuals are made members of this House, from the State of New Jersey, who have no *returns*, no certificates, no credentials, according to the laws of that State. To show that this committee were determined to go the whole, and not to permit any obstacle to stand in the way of the accomplishment of their object, after the report had been made to the House, and before the adoption of the resolution of the 10th March by the House, giving seats to Mr. Dickerson and his friends, they refuse to have the report recommitted for the purpose of examining that very evidence which they wish the House to believe they had it not in their power to examine. They also refuse to ask the House to delay its action upon their report for a few days, until they could examine the testimony referred to them. All this appears from the journals, which may be a sufficient reason why the printing of their proceedings and the minority report should be objected to. Still gentlemen profess great consistency and straight forwardness: advocates for the printing, yet voting against it; asserting the doctrine of majorities, yet, when it subserves their purpose, voting against it. Witness their conduct in the case of Naylor and Ingersoll.

The journals of the present session show how sincere they are in these professions. [Here Mr. J. read from the journals of December 14, where 112 members voted against Mr. NAYLOR's right to vote, although he was commissioned by the Governor of Pennsylvania, and had an admitted majority of upwards of 700 votes over his competitor, Mr. INGERSOLL.] Amongst this number (Mr. J. said) would be found the same Democratic Republican gentlemen who now profess to be such advocates for the doctrine of majorities. Yes, those same gentlemen of the committee, merely because Mr. INGERSOLL charged that fraud had been committed at the election, which, by their repudiating his claim to a seat, without a hearing, they evidently did not believe, voted against Mr. NAYLOR's right to his seat, and now, when fraud is proven in the New Jersey case, they refuse to examine the testimony, and report all the votes given to be "*lawful*."

Mr. J. said he thought he had presented sufficient reasons why the House should delay the execution of their resolution of the 10th March until the evidence (the journal of the committee and the minority report) should be printed. He would now refer to the means which had been resorted to to get up a false issue, to give a coloring to these transactions. The minority in this House has been charged with objecting to the printing of the documents, &c., in the New Jersey case, and the gentleman from Virginia (Mr. RIVES) says we changed our ground—first against, and now for printing. It is not true that the minority in this House have ever been opposed to printing; notwithstanding which, these and other statements are made and go out through the country, as the *majority* report is intended to do, without the antidote going with the poison. We have opposed your one-sided partial statements. We have objected to the majority's report going out without the evidence to prove its falsity accompanying it. We have proposed that the two reports should be printed together; this you have objected to. We propose to print the journal and the evidence, you have prevented it. You now state that you are in favor of printing the whole. It is because you have accomplished your object in making five Representatives for the State of New Jersey; and because you know that these facts will go to the country, whether printed by Congress or not.

The SPEAKER having announced that the morning hour had expired—

Mr. RUSSELL moved that the House proceed to the orders of the day.

Mr. RIVES said he hoped the House, by unanimous consent, would permit the gentleman from Maryland (Mr. JENIFER) to finish his remarks, so that the House might be enabled immediately to order the printing of the testimony.

Mr. RUSSELL objecting, and persisting in his call for the orders of the day, which were private bills—

Mr. RIVES moved a suspension of the rule, for the purpose above indicated by him, and asked the yeas and nays; which were ordered, and, being taken, were: Yeas 89, nays 75.

So, two-thirds not voting in the affirmative, the rules were not suspended.

Mr. RIVES then said he had risen for the purpose of asking the favor of the House that he might make a statement in relation to what had occurred this morning in particular. He believed the gentleman from Maryland, (Mr. JENIFER,) in the course of his remarks, did him injustice; and he had not been afforded an opportunity to ascertain whether it was intentionally done or not. It was with that view that he had moved a suspension of the rules, in order that he might, at the earliest moment, call on that gentleman for an explanation. Can I proceed? (inquired Mr. R.)

The SPEAKER said the gentleman could only proceed by unanimous consent.

Mr. ALFORD said, I object. I am tired of the discussion of matters of this kind in this House. The House has already refused to suspend the rule; and I hope, in the irresponsible condition in which we all are as to the law, that gentlemen will unite with me in putting down these personalities.

Mr. RIVES. Let me tell the gentleman from Georgia (Mr. ALFORD) that his refusing to suffer me to proceed at this time may produce the very state of things which, I am inclined to think, he wishes to avoid.

Mr. JENIFER hoped the gentleman from Georgia would withdraw his objection.

Mr. ALFORD. I cannot do so. Let the matter be taken up when the report comes up in the next morning hour, when gentlemen are cool.

Mr. RIVES. Then I respectfully appeal to my political friends on this floor never to proceed to any other business until I have been enabled to do myself justice.

The SPEAKER again notified the gentleman from Virginia that he could only proceed by general consent.

Mr. JENIFER said he would appeal to his friends here to suffer the gentleman from Virginia (Mr. RIVES) to make his statement.

Mr. STANLY. I call the gentleman from Maryland (Mr. JENIFER) to order. I hope the House will go to the private orders of the day.

Mr. RIVES. Have I a friend in this House who will move that the rules be suspended, that I may be permitted to be heard?

Mr. BEATTY. I move a suspension of the rules, for the purpose of allowing the gentleman to make his explanation.

Mr. WELLER, observing that he wished to know who it was that was unwilling to allow the gentleman from Virginia to have justice done him, asked the yeas and nays, which were ordered.

Mr. ALFORD raised a question of order whether it was competent to move a suspension of the rules twice for the same purpose, no action having taken place by the House intervening the motions.

The **SPEAKER** said the other motion was to suspend the rules for the purpose of considering the subject of the New Jersey question generally, and the motion now was to permit the gentleman from Virginia (Mr. RIVES) to make a statement in relation to a particular matter, and it was therefore in order.

Mr. ALFORD. Well, sir; the law forbids fighting here, and I shall do all I can to put down these personal matters.

After a remark from Mr. ADAMS, the import of which the Reporter could not hear with accuracy—

The question on the motion to suspend the rules was taken, and decided in the affirmative: Yeas 132, nays 37.

So the **SPEAKER** announced that the rules were suspended for the purpose of enabling the gentleman from Virginia (Mr. RIVES) to make his explanation.

Mr. RIVES then said: Mr. Speaker: Before I proceed to the consideration of any thing that has been said by the gentleman from Maryland, (Mr. JENIFER,) I beg leave to give my thanks to the House for the privilege it has afforded me. And, further, I have a request to make of the Reporters who are present. I have also the same request to make of the letter-writers. Sir, we have witnesses in this House, and what a gentleman may say is written down by them, and, if privately done, it is impossible for them at times to keep themselves erect before their constituents. Hence it is that I have made this appeal to Reporters—to partisan Reporters—for it is to be presumed that, upon occasions, generally they will give a coloring to the side which they advocate; but when any thing personal has taken place between members, it is their duty, as honorable men, to give a fair account of what has occurred. I believe confidently that, in this instance, they will do me justice.

I was apprehensive when the gentleman from Maryland (Mr. JENIFER) first took the floor, knowing that he was a gentleman of much impetuosity of temper, and fearing that he might, under his then state of feeling, do me injustice—so soon as he opened the subject which was calculated to make a breach between us—I told him, in the most respectful manner, what was the position I occupied, and what my object was. Personal difficulties I always like to avoid, and, to prevent them, it is frequent for gentlemen to throw themselves between another's speaking and what he was likely to say.

Without entertaining any idea of what the gentleman might say, and in order to justify myself to the world, should any thing unpleasant occur, I was disposed to prevent the injury from being done, and therefore interrupted him in the course of his remarks by a brief explanation. On yesterday I was inclined to think that the gentleman did not put the subject in a situation rendering it necessary for me to notice any thing he said; but I have since understood that he has made a remark, which, if I am not mistaken, may render it necessary for me to bring it to the notice of this House. This I shall do in the conclusion of my remarks.

Mr. Speaker, through life it has ever been my disposition to produce harmony among those with whom I may have occasion to act, either in private or in public life. It has been my disposition to throw, whenever I could, oil on the tempestuous waves. It has always been my wish, instead of producing dissensions, to heal them. Instead of endeavoring to produce angry collisions—instead of trying to get one man arrayed against another—it has always been my disposition to interpose and effect a reconciliation. But,

sir, whilst I have done this—whilst I have on all occasions tried to avoid personal difficulties—and whilst I have never set myself up as possessing any extraordinary degree of bravery—whilst I have always been disposed to have things done quietly and peaceably—whilst I may have shuddered at times at the peril to which I might be exposed, and felt probably that I did not possess personal courage, yet I have something else far more valuable. I have pride, sir, and that alone might cause me to do what my reason might disapprove. Sir, much as I love this world, much as I am attached to friends and family, yes, Mr. Speaker, however strong may be the ties that bind me to those I love, I prize honor infinitely above life. Sir, this thing, if suffered to go on in the way it has been going on this morning, might produce the very state of things I might be inclined to deprecate. Hence it was that I was anxious to take the floor, with a view of ascertaining from the gentleman from Maryland whether it was really his intention to inflict on me a personal injury. It has ever been my custom, if I think an injury was intended me, to take it at the first hop. Things can be better settled that way, than if left to the interposition of friends. I shall proceed on the belief that the gentleman from Maryland, if convinced that he has done me injury, will, as an honorable man, repair that injury. Hence I am disposed to be prudent, and, whilst addressing the gentleman, request him to believe that I mean nothing in intimidation in what I am saying. My purpose is to have myself righted—not to intimidate another. I know the gentleman too well to believe that he could be induced, under a threat or a menace, to repair an injury, which, on reflection, he might be convinced he has done me. I know him too well to believe that. I do not address him, then, with this view.

The gentleman from Maryland has undertaken to say that certain members of this committee had been assailed by certain other members of the committee, when they would not assail certain other members. What is the inference? That the gentleman from New York (Mr. FILLMORE) and the gentleman from Connecticut (Mr. SMITH) were believed to be men who would not resent an injury done them. That was the inference to which the gentleman came, because he says the gentleman from Virginia (Mr. BOTTS) and the gentleman from Alabama, (Mr. CRABB,) who would probably defend themselves, had not been assailed; and that those who assailed the gentlemen from New York and Connecticut were afraid to assail the gentlemen from Virginia and Alabama. That was the inference. Now, so far as regards myself, I have not assailed any one. Hence it was that the gentleman from Maryland throws himself in, not as a volunteer in the matter, as he says; but so it is, he comes out in defence of the gentleman from New York and the gentleman from Connecticut. Now, sir, in defending these gentlemen, he has said many things upon this subject that are entirely unfounded in truth. I use this word, not in an offensive sense, because I have not asserted it in that sense, but because the gentleman has stated many things that are not sustained by the record. He, however, has done this not intentionally, as I hope and presume; but simply because he was engaged in discussing a subject he was not acquainted with. His over anxiety to protect certain gentlemen who, as he said, could not protect themselves, engaged him to volunteer to enter upon a subject when he knows nothing at all about it.

I will now state to the gentleman from Maryland one thing he said, which is to me offensive, and I wish him to determine whether, in my understanding of it, I am mistaken or not. In speaking of my remarks on the course

of the Governor of New Jersey, the gentleman said to me, "Suppose the Governor of old Virginia were to return one individual as duly elected to a seat in this House, and another individual should come here and claim a seat under a return, not from the Governor, but from the sheriff who conducted the election, would the gentleman from Virginia be willing to take a seat in this way?" I understood the gentleman to mean to ask me whether I would come here under the sheriffs' return, when the Governor of Virginia had returned another gentleman as duly elected? Was that the case?

[Mr. JENIFER said he had made no such statement—had supposed no such case.]

Mr. RIVES. Then I have mistaken the matter entirely. I understood him to ask me whether I would come here and claim a seat under a return from the sheriffs, while another held the return of the Governor, which should have been given to me. So understanding him, I nodded assent. It has been stated to me by gentlemen around me that the gentleman from Maryland then said "he believed the gentleman from Virginia would do *any* thing." I do not know whether the gentleman did say so; I wish him to state whether he did or not. I did not myself hear him say so. When I nod to the gentleman's inquiry, I mean to say that, if the sheriffs furnished me with evidence that showed I had been elected, I would come to this Hall and take my seat on that evidence. And why? Because the laws of Virginia require the sheriffs to furnish me with this evidence, and to send another copy of the same to the Governor; and it further requires that the Governor shall return as elected the same individual whom the sheriffs return to him as elected. Suppose the Governor had returned my competitor, and the sheriffs had returned me, I say I would come here on the sheriffs' return.

But in relation to the Governor of Virginia, who has undertaken to express an opinion in reference to the course of the Governor of New Jersey. Although the laws require that he shall return all those whom the sheriffs return, he returned but one individual. If I had waited for the broad seal, I should have come here without any title at all. I brought with me the evidence of my election, and the contesting claimants from New Jersey also brought with them the evidence of their having been elected, and hence I advocate their claim to seats on this floor.

It has been said that the committee made a report in their favor without having read the evidence. The gentleman from New York (Mr. FILLMORE) supposed a case, it is true, and he asked what would the House think if a report should have been adopted in the committee when the members of that committee had not read the evidence on which it professed to be founded? And an attempt has been made to impress the public mind with the belief that the evidence never was read. The journal of the committee, which is here, will show the falsehood of such a charge. Before I resume my seat, I shall insist on a portion of it being read. The House will then see that the evidence was read, not once only, but twice, and that it was argued at length before the committee by the parties themselves, although it has been roundly asserted here that it never was read at all.

I feel very unwilling, after the House has so far indulged me, to trespass on its kindness by making a speech. I would prefer doing that hereafter; and then I should like to see how many of those who have occupied a certain ground will abandon it before this discussion closes. However anxious I may be to discuss the subject, after the gentleman from Maryland has said that we are unwilling to print, and want to keep the people of Virginia in the

dark, I will not do so at this time. But I want now prominently to call the attention of the people of the United States to this fact. When the Committee of Elections had determined that the case of the New Jersey election should be postponed until the second Monday in April next, I moved that the chairman be directed to have all the papers in the case printed; but in that I failed. The gentlemen in the opposition all voted against it. I then gave information to the members of the committee that I would next morning move in the House the same instruction to the chairman; and, further, that I would continue to move the same thing, from day to day, unless some other gentleman did it, till they were printed. And I did so. I made the proposition here and in the committee to print *all* the papers.

[Mr. SMITH, of Connecticut, here rose to explain, but cries of "No, no"—"Order"—"Go on, go on," arose, and Mr. S. resumed his seat.

Mr. GENTRY now called Mr. RIVES to order. He said it was with great reluctance that he interrupted the gentleman; but he had, at the gentleman's earnest request, voted to suspend the rules for the purpose of an explanation of some matter personal to the gentleman himself, and in which he conceived his honor to be implicated; not that he might enter into the general subject of the conduct of the committee or the printing of papers.

Mr. RIVES said he had been charged with a desire to suppress the evidence, and with being guilty of acts which he was unwilling the people should know. Would the gentleman refuse him the liberty to vindicate himself?

Mr. GENTRY. All that relates to his course as a public man: it has nothing to do with his personal honor.]

Mr. RIVES. I moved to print the whole of the papers connected with the New Jersey case. This was on Friday. I moved to suspend the rules in order to introduce a resolution that the discussion be deferred till the Tuesday following; that it then be made the special order, and so continue every day after the morning hour, till the subject should be disposed of; and that, in the meanwhile, all the papers be printed. The chairman of the committee has, on two occasions, moved to print all the papers connected with the case; but gentlemen on the other side would not suspend the rules. On six different occasions I voted for the printing; yet I have been charged with a disposition to suppress the facts of the case until the elections in Virginia should be over. You, sir, know that our Legislature proceeded in that manner. Our party in that body proposed to send to the Governor of New Jersey for the evidence in the case which had been before him; but the Whigs were afraid of its effect, and would not consent to it. I am delighted since then to find that the party has become ashamed of itself for moving in that manner, and have abandoned it, because they knew that their course would meet the condemnation of the people. The administration party in this House have been endeavoring to print the evidence, and the opposition have perseveringly refused to do it. In my own State we ask for all the papers, but—

[Mr. GENTRY here again interposed, and called Mr. RIVES to order. He wished the Chair to decide whether, after the floor had been given to the gentleman to make a personal explanation, and prevent a personal difficulty with the gentleman from Maryland, he was in order in going into a discussion of what had passed in the Virginia Legislature?

Mr. BOTTS said, if the gentleman was allowed to go into that subject, he should claim to say a word.

Mr. WISE said he was willing his colleague should proceed; but if he at-

tacked the conduct of Mr. W.'s friends in the Virginia Legislature, who were not here to reply for themselves, Mr. W. should certainly claim the right to speaking for them.

Mr. GENTRY said, after the House, by an express vote, had refused to continue the discussion on the New Jersey case, and the gentleman from Virginia had earnestly entreated liberty to make an explanation personal to himself, in which his private honor was concerned, could it be in order for him to go into the general subject?

Mr. BYNUM required Mr. GENTRY to reduce his point of order to writing.

Mr. GENTRY said he would, at the request of several of his friends, consent to withdraw his objection, and let the gentleman proceed.

Mr. BOTTS said, then he should renew the objection. He had voted to suspend the rules, because the gentleman had earnestly appealed to the House, and had asked whether he had not one friend on that floor who would move that the rules be suspended that he might be allowed to make a personal explanation—but not that the gentleman might arraign the course of the Governor of Virginia. If the gentleman proceeded any further on that ground, Mr. B. had a word to say.

Mr. BYNUM required Mr. BOTTS to reduce his point of order to writing.

Mr. BOTTS. If the Chair requests it, I will do so with the utmost pleasure; but if not, I won't. Mr. B. understanding it to be required by the Chair, was proceeding to reduce his point of order to writing when—

Mr. RIVES rose and began to speak.

Mr. BOTTS. I hope my colleague will be required to take his seat, and keep it, until I have written the point of order.

Mr. RIVES resumed his seat, and the point of order was sent to the Clerk's table and read.

Mr. WELLER inquired of the Chair on whose motion the rules had been suspended?

The Chair replied on the motion of the gentleman from Pennsylvania, (Mr. BEATTY.)

The Chair now decided that Mr. Rives was out of order in going into the general subject of the New Jersey election, and particularly in discussing what had taken place in the Legislature of Virginia.

Mr. RIVES resumed. I most cheerfully acquiesce in the decision of the Chair. But the Speaker and the House will see how I was situated, owing to the personalities which have grown out of this subject. The gentleman from Maryland alluded to Virginia, to my influence in that State, and said that the party with whom I act had done certain things which were not fair; and hence I was induced to say what I did.

I have probably dwelt longer upon this subject than I should have done. I will not insist upon having the journal of the committee read, as I had at first designed. When it is printed it will show that the evidence was read twice, as I said.

And now, with all proper respect, I will ask of the gentleman from Maryland whether he said what I understand from others, that he did say, viz. that I "would do *any* thing?" I stated some time ago, that it had been so stated to me. When the gentleman inquired whether, if returned by the sheriffs only, I would come on and claim my seat, I nodded, on which the gentleman, as I am informed, went on to say, "the gentleman nods assent; if he would do that, he would do any thing." These were the words which I hope he did not use, and if he did use them, I hope he will see the impropriety of having done so.

Mr. JENIFER. Have you done ?

Mr. RIVES. I want him to answer my inquiry.

Mr. JENIFER. I ask you if you have done, or have you more to say ; if so, proceed till you have finished.

Mr. RIVES. I desire the gentleman should, if he pleases, answer me at this time.

Mr. JENIFER. I will do so with pleasure ; but I want to hear the whole indictment. If this is all the gentleman has to ask of me, I will reply to him ; if he has more queries to put, I should like, at once, to hear them.

Mr. RIVES. There were many remarks of the gentleman in the course of his speech which I thought the facts would not justify, but I determined to let the other things pass over, because I conceived them levelled at the party rather than at myself individually ; but this one remark seemed to be directed to me personally.

Mr. JENIFER said he was gratified that the House had suspended the rules to afford the gentleman from Virginia an opportunity of asking for and making an explanation. He was gratified also for another reason ; because, since he had commenced his remarks, he had seen a charge made against him, whether official or not he could not pretend to say, that "on the motion to print the one-sided depositions, Mr. JENIFER obtained the floor, and had kept it through the morning hour ever since, without giving the republican members of the committee an opportunity of reply to his distortions." In reply to this, he had only to say that he had never refused to yield the floor when asked for, and that a considerable portion of the morning hour had been consumed by gentlemen making explanations. Therefore this allegation is known to every member on this floor not to be true. The courtesy which has been extended to the gentleman from Virginia, by so decisive a vote of the House, Mr. J. hoped would be the harbinger of a better and more liberal feeling than has been heretofore practised towards other gentlemen who have been assailed, and who have been denied the privilege of either explaining or responding.

The gentleman from Virginia was greatly mistaken if he supposed that his *impetuosity* had led him to make the remarks of which the gentleman complained. It was true that his manner and habit of speaking was usually warm, but neither passion nor impetuosity had prompted the remarks he had made, but a conviction of the correctness of them, which was expressed in an earnestness which the occasion called for. In the commencement of this discussion, he had been warned by the kind admonition of the gentleman, and was restrained by the anxiety which he had expressed "that no personal difficulty should grow out of it." As an evidence of this disposition, he (Mr. J.) had upon all occasions yielded the floor for any explanation from any gentleman who might consider himself aggrieved, or to correct any erroneous statement of which he was advised. Now, in regard to the gentleman from Virginia, he would answer him, and, in doing so, he would do it frankly, for the gentleman had disclaimed any intention of menace, any imputation as to motives.

In order to understand the question propounded, and the answer to be given, it will be necessary to refer to the fact which gave rise to the remarks of which the gentleman complains.

Mr. J. said he was asked whether he used the expression that "the gentleman from Virginia would do any thing," and whether that remark "was intended as a personal injury?" In replying he would repeat, as nearly as he could recollect, the language he did use.

It will be borne in mind, that the gentleman had introduced a resolution in this House, now on the Speaker's desk, charging the Governor of New Jersey with having acted lawlessly and fraudulently in giving certificates to five of the individuals claiming seats upon this floor from that State, and basing the charge of fraud upon the ground that the other five claimants had a majority of the votes, whether lawful or not.

This, together with other acts of the gentleman and his colleagues on the committee to which he had referred, induced him to put the following question.

"Were the election laws of the State of Virginia similar to those of New Jersey, and the Governor of Virginia had given a certificate of election according to the Constitution of the United States and the laws of Virginia to another individual, would the gentleman come here and charge fraud upon the Governor of Virginia, and claim his seat upon the ground that under the returns of the sheriffs he had a majority of votes, when that majority was obtained by the votes of foreigners, of non-residents, and others, not entitled to vote under the laws of Virginia, and when fraud had been committed by the sheriffs or judges of election in receiving those votes, knowing them to be illegal?"

To this question the gentleman from Virginia seemed to nod assent, and then the remark was made that "if he would do that, *he would do any thing.*"

He, with his friends, had voted against the right to a seat of a member who was admitted to have a majority of upwards of 700 votes; and if the supporting those who had a minority of votes was evidence of fraud—he wished it to be distinctly understood that if the gentleman believed that the giving a certificate to a man who had a minority of votes was evidence of fraud—the gentleman himself had answered the question. But (Mr. J. said) if the gentleman from Virginia would satisfy him that he had done him injustice, or that he would not thus have acted, it would give him pleasure to disclaim any offensive allusion.

Mr. RIVES. I thought the gentleman was supposing my own case. I received a majority of several hundred votes over my competitor. Now, in Virginia, it is the duty of the sheriffs to conduct the elections, and to give to the person having a majority of the votes a certificate that he is elected, at the same time sending a duplicate of the same certificate to the Governor. The law then makes it the duty of the Governor to give his returns to the person who had thus received the certificate of the sheriffs. This being the state of the fact, I supposed that the gentleman was stating my own case; and believing that he inquired of me whether I, having received a majority of the votes, would come here and claim my seat upon the return of the sheriffs, when my competitor who received a minority of the votes, came here and claimed it upon the return of the Governor—believing this to be the case supposed by the gentleman, I nodded assent that I would.

Mr. WISE. Mr. Speaker, I hope this business will now be dropped; it is evident there is nothing between the gentlemen which requires any explanation, and I hope we shall proceed with the business of the House.

Mr. JENIFER asked the gentleman from Virginia if he was satisfied?

Mr. RIVES replied that he was.

Mr. JENIFER then said he had nothing more to say.

There was a general expression of assent through the hall, and the House proceeded to the orders of the day.

TUESDAY, MARCH 17.

Mr. JENIFER, in continuation.

Mr. JENIFER said he desired to have finished on Saturday, and should have done so but for the repeated interruptions for explanation; nor should he now proceed to say any thing more, greatly preferring some member of the committee being heard, did he not see gentlemen looking with the eyes of a lynx to catch the Speaker's attention to call the previous question, which he felt assured would be done as soon as some member of the majority was heard. It has been done before and will be done again. He, therefore, should sum up what he had to say in as short a space as possible.

The chairman of the Committee of Elections says that the instructions of the House have been obeyed, and that equal and impartial justice has been done. That is a matter to be ascertained. Have the minority no rights? Should not they be heard as well as the majority, and more especially when the vote in committee stood 5 to 4? Why not, then, permit their report to go along with the majority's, and let this House and the country see both sides of the question?

But before touching that point, I will call the attention of the House to the solemn appeal made by the gentleman from Virginia (Mr. RIVES) on Saturday, to the stenographers, editors, and letter-writers, to record truly and faithfully what may be said or done in relation to these proceedings, in order that we may see how faithfully and how truly some of their friends have obeyed this appeal.

Mr. J. said he held in his hand the New York Evening Post, just shown him, in which was a letter purporting to give a true statement of the proceedings of this House, and signed, John Smith of Arkansas, a well known writer for the administration party here, although under a fictitious signature. After denouncing the Whigs in the grossest manner, he continues:

"Mr. Rice Garland replied to Mr. Rives with much warmth, and defended the opposition.

"Mr. Jenifer, of Maryland, a whig, who has always ranked as a courteous gentleman, followed, and soon became very much excited. He charged that there had been foul play in the committee-room of the Committee on Elections, and that the seal of a packet of testimony in the case of the New Jersey contested election, addressed to the Speaker, had been broken open. He intimated that Mr. Medill, of Ohio, was the offender.

"Mr. Medill demanded of Mr. Jenifer if he intended to accuse him of improper conduct; or if he meant to say that what he (Mr. Medill) had said on the subject, on Saturday last, was not true. He could explain; but his explanation would depend upon Mr. Jenifer's response.

"Mr. Jenifer said that there was a mystery about the affair, and he could not absolve the gentleman from Ohio till it was explained.

"Mr. Medill replied that he then had to say that what he had said a few days ago was true, and he would defend *it here and elsewhere.*"

Before I comment upon this, I desire to know of the gentleman from Ohio (Mr. MEDILL) whether the statement is true or not.

[Mr. MEDILL answered that it was not.]

Mr. JENIFER. I was sure the gentleman could give no other response; and my object in asking a reply was, that the House might know the character of the instruments employed here, and how faithfully they reported the proceedings. It will be noticed that, for the purpose of placing my name before the public in an odious aspect, this letter-writer was willing that his friend from Ohio should bear the imputation of quietly submitting to a charge of dishonorable conduct. Now, how does the matter stand? Every member of this House knows the statement to be untrue, and yet the individual is

permitted to retain his seat within the walls of this House, again to send forth his faithful reports. If the members of the majority are reconciled to this, I have nothing further to say. They have it in their power to purge the hall of such slanderous reptiles.

Mr. J. said, as he desired to conclude his remarks before the expiration of the morning hour, and as he was unwilling to do injustice to any gentleman, he would submit to the consideration of the members of the committee the propositions he had assumed, and stand corrected if he were in error. As the proceedings of the committee had not been printed, he had only an opportunity of glancing over them; but he had seen enough to satisfy his mind that there had been a violation of the rights of the commissioned claimants, of the State of New Jersey, and of the laws and constitution of the country. Mr. J. said he had reduced his propositions to writing, that there might be no misunderstanding as to their import, which he should now submit, and afford the chairman and his colleagues an opportunity of correcting errors of facts, should there be any.

1st. It was the duty of the Committee of Elections, under the standing rule of the House, "to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House."

2d. That the committee, after taking into consideration the contested election in New Jersey, upon the application of J. B. Ayer and his colleagues, did adopt a resolution "requiring their chairman to notify the several claimants that the committee *would not* proceed to a final decision of ultimate right, depending before them, until the second Monday in April next.

3d. That in violation of this pledge, whilst the claimants were absent obtaining the evidence to prove the illegality of votes taken at the polls, the committee, without notifying them of their intention, although urged thereto, or without examining depositions in their possession, going to prove the facts alleged, did, on the 5th of March, make a report to this House, declaring that P. Dickerson and his friends "had the greatest number of *lawful* votes at the election in 1838."

4th. That the committee, before making their report, did refuse "to deduct such unlawful votes as the evidence referred by the House to the committee may show to be unlawful votes, or have been polled inconsistently with the election laws of New Jersey."

5th. That the House, without examining any testimony whatever, and before the report was printed, did adopt a resolution, *under the previous question*, directing the Speaker to qualify Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, and Joseph Kille, as entitled to seats in this House, notwithstanding there were depositions in possession of the committee and House, *unexamined*, purporting to establish the following facts, which I extract from the majority report:

"Upon this branch of the case, the claimants holding the Governor's commissions claim—

"1st. That, apart from their not being received in time to be counted according to law, the votes of Millville should be set aside for the fraudulent and illegal conduct of the officers of election in proclaiming their intention to *receive the votes of aliens*, and in receiving a large number of such knowingly, and in violation of the laws of the State.

"2d. They allege that, apart from all defects and irregularities in the return, the votes of South Amboy should be set aside, because one of the officers of election, duly chosen, was unlawfully prevented from acting, and another substituted in his place who acted and signed the list, &c.; and because the board, thus unlawfully constituted, received a large number of alien votes contrary to law."

"3d. It is further claimed that the poll held at Saddle River, in Bergen county, should be set aside: because at least eight votes given for them were fraudulently abstracted from the ballot box, and as many for their opponents fraudulently substituted; because, in making out the list of votes in said township, at least eight votes less than were given for them were counted in their favor, and at least as many were counted for their opponents more than they received; and because the list of votes in said township bears upon its face evidence of mistake or fraud."

Mr. J. called on the chairman to say whether such a resolution was not adopted as referred to in the 2d proposition?

Mr. CAMPBELL was understood to say, that the journal of the committee had been reported to the House, and would speak for itself. A resolution was adopted not to decide the question of ultimate right until the 2d Monday in April, unless the parties should be sooner ready. The committee reserving, in express terms, the right to report the facts of the case, with its opinion thereon, at any stage of its proceedings, that it might think proper to do so.

Mr. JENIFER. If the committee reserved the right to report the facts, they should have reported all the facts, which they have not done; and as to the journal being in possession of the House, its not being printed, precludes the possibility of examining it in time. But I affirm that such a resolution did pass, and stands unrepealed on the journals.

Mr. J. I ask if the facts assumed in the 3d proposition are not correct?

Mr. CAMPBELL (who, during all these explanations was very imperfectly heard by the Reporter) was understood to refer to the proviso of the resolution adopted by the House, and in conformity with which the committee had reported, to show that the decision of the election, on its merits, was reserved for a future trial.

Mr. JENIFER referred to the 4th and 5th propositions, and called upon the chairman to affirm or deny, whether the committee had not refused to examine the testimony contained in a sealed package?

Mr. CAMPBELL. The gentleman certainly does not mean to misstate. I know he would not intentionally do so.

Mr. JENIFER. No, but I have a right to infer. Was there not a sealed package purporting to contain testimony?

Mr. CAMPBELL. There was no sealed package, the contents of which the committee were at liberty to examine, previous to the report.

Mr. JENIFER. Was it not in the committee-room?

Mr. CAMPBELL. Yes.

Mr. JENIFER. Was it not officially in the committee-room?

Mr. CAMPBELL. On the morning that the report of the committee was adopted, a sealed package, purporting to contain depositions, and addressed to the Speaker of the House of Representatives, made its appearance for the first time in the committee-room. But perhaps it is not known to the gentleman, and the intelligence must be received with some surprise by the House, that upon the proposition to send that package to the Speaker to be opened, in order that its contents might be examined, there were only two votes in the affirmative, five in the negative; the chairman not voting. Of the five who voted against this proposition, there is to be found the name of one gentleman, whose name is also signed to a certain document entitled the "Suppressed Report," which states as "a most imposing fact," that the majority of the committee refused to send this very package to the Speaker, that it might be opened and its contents taken into consideration.

Mr. BOTTS. What gentleman of the minority voted against sending this package to the Speaker, to the end that it might be opened?

Mr. CAMPBELL. Let the journal, the record of the proceedings of the committee, speak.

Mr. SMITH, of Connecticut. The gentleman from Alabama (Mr. CRABB, who is not in his seat) voted in the negative. He was not opposed to having the contents of the package examined, but the phraseology of the resolution was not acceptable to him.

Mr. CAMPBELL. Do you persist in saying that the package was in possession of the committee, in such a way that its contents could be examined? that they should have broken the seal?

Mr. JENIFER. Certainly not; I assert what facts will substantiate, and want no equivocation.

Mr. CAMPBELL. You are asserting what is partially contradicted.

Mr. JENIFER. Was there not a sealed package in possession of the committee before the report was made? and did not that package purport to contain depositions from Millville and South Amboy, proving the illegality of votes? And was not that package in the gentleman's hands? What the gentleman means by *possession*, I do not know. Having the package in his hands, on his desk, in the committee-room, and the right to send it to the Speaker to be opened, and a proposition made to that effect, and he and his friends refused to do it, looks very much like suppression, if not possession?

Mr. CAMPBELL. If I am not mistaken, the gentleman by his vote upon the proposition to refer the depositions contained in this sealed package, has in effect acknowledged that the committee had no authority to examine them until they were referred to it by the House.

Mr. JENIFER. Here are the facts. The gentleman from New York (Mr. FILLMORE) proposed to recommit the report, for the purpose of examining the testimony, and the chairman of the committee, I believe, voted against it. The gentleman, therefore, had it in his power to do justice and he did not.

Mr. CAMPBELL. I say that the vote was five to two against sending the sealed package to the Speaker to be opened.

Mr. JENIFER said the chairman seemed to doubt the propriety of his own course; for, after he made the report, he did not vote for the resolution giving seats to Mr. Dickerson and his friends. That looked like there was something wrong.

Mr. J. continued. "The committee having refused" to take up the evidence before them, to ascertain "which five of the ten individuals claiming seats from the State of New Jersey received the greatest number of *lawful votes*, &c.; having refused to deduct the "unlawful votes," or those polled inconsistently with the election laws of the State, although instructed by the resolution of this House to report upon the "lawful votes;" having resolved that all the votes given at Millville and South Amboy are "lawful votes," when the depositions in their possession prove the contrary; it must be apparent to the House and the country that the committee have either grossly misapprehended their duty, or have not discharged it with that spirit of impartiality which should characterize a Committee of Elections, in declaring that Philemon Dickerson and his friends had the greatest number of lawful votes. The chairman did not vote for the resolution giving them seats: so far, his conscience was clear; but the other members of the committee had no compunctions whatever. They determine that all the votes are lawful; that their five friends had the greatest number; and the House, placing im-

PLICIT confidence in them, without looking at the facts, or troubling themselves about the manner in which the committee came to the conclusion, directed the Speaker to swear them in—and they have been sworn in.

I will, before I conclude, direct the attention of the House to an extract of a letter I have lately seen published, which struck me with some astonishment when I read it. A few days since, a minority member of the committee had been charged with "something very suspicious" in receiving a letter, because it was said to come from one of the claimants for a seat on this floor. For myself, I did not see what great impropriety there could be in any gentleman, whether of the committee or not, corresponding with others upon the subject of the contested election in New Jersey. Still, a member of the committee deemed it of so much importance that he made it the subject of a grave charge against one of his fellow-members, and attempted to bring down upon him the odium of the country. What will be the astonishment of the House if it turns out that a member of the *majority* of the committee should be found guilty of what his friends denounce as dishonorable? [Mr. J. here read an extract of a letter published in the *Globe*, without date or signature, but which, from the purport of it, was from one of the claimants to a member of the *majority* of the Committee of Elections.] Now, I am not very curious, but I desire to know whether any member received that letter, and, if so, which of them? Did the chairman? [Mr. CAMPBELL answered in the negative. Mr. J. was about to call on another member of the committee, when Mr. FISHER, of North Carolina, said he had received it.] Then, said Mr. J., I wish the gentleman to understand that I do not consider that there was any dishonor in the act. But the gentleman from Ohio (Mr. MEDILL) having denounced it disgraceful for a *minority* member of the committee to hold a secret correspondence with any of the parties interested, I presume it cannot, according to his notions, be honorable for a *majority* member to do so.

It necessarily follows that the gentleman from North Carolina (Mr. FISHER) and his friend from Ohio (Mr. MEDILL) are at issue, and I leave them to settle the point of honor between them. I will, however, ask the gentleman from North Carolina (Mr. FISHER) another question. When was that letter received; before or after the report was made?

Mr. FISHER said he was not certain, but inclined to the belief that it was after.

Mr. JENIFER said, as the gentleman was not certain, he would venture to express the opinion, that the letter had been received prior to the making of the report, and he had no doubt had much to do with the precipitancy of the report. The writer warns his correspondent, "That if any of the depositions should be sent on, and it should be attempted to make any use of them, either in the committee or in the House, it might be known that the examination into the South Amboy election is not yet finished on either side."

This letter was written to operate upon the actions of the committee, and we have a right to infer from the circumstances that it had the effect. If I am wrong in this, and the letter was an innocent communication, as the one charged to be suspicious was, let the member from North Carolina produce it, and compare it with the one received by the gentleman from Connecticut, who has offered to submit his to the inspection of the House. The astute editor of the *Globe*, and he who furnished that extract, intended it to have an effect upon the House, or why publish it in connexion with this question

whilst pending. It subserved its purposes elsewhere, and no doubt was a part of the argument against the examination of the testimony proving the illegality of the election at South Amboy.

In the same Globe, immediately following this letter, is a charge against me, which every member on this floor knows to be unfounded, to wit:

"On the motion to print the one-sided depositions, Mr. JENIFER obtained the floor, and has kept it through the morning hour ever since, without giving the Republican members of the committee an opportunity to reply to his distortions," &c.

Having upon its first appearance pronounced it to be untrue, notwithstanding its repetition in the printed remarks of the gentleman from Ohio, (Mr. MEDILL,) I cannot qualify the expression.

Mr. MEDILL asked what the gentleman from Maryland meant?

Mr. JENIFER. Had you not opportunity to explain, and was it not always afforded you?

Mr. MEDILL. I did occupy the floor by the permission of the gentleman, and if he will yield the floor I will answer.

Mr. JENIFER said it was known to all that he had never refused to allow an explanation to be made by any gentleman who desired it, and he had upon all occasions done so to the members of the committee. And although he had other remarks to make, yet as he intended to leave Washington, on business which could not be dispensed with, in the course of the next two days, he would now yield the floor before the morning hour had expired, to afford any gentleman of the committee who might consider himself aggrieved by any remarks he may have made during this discussion, an opportunity to reply or call for explanation. He hoped it might be done whilst he was present, and no advantage taken of his absence.

Mr. J. yielded the floor, and Mr. BROWN, of Tennessee, followed in reply.

Mr. J. Jenifer
Secretary of the Committee on the
State of the Union