

ADDRESS

OF THE

HON. HUGH A. GARLAND,

BEFORE THE

DEMOCRATIC MASS CONVENTION,

HELD AT NEW-BRUNSWICK, N. J., OCTOBER 8TH, 1840.

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ADDRESS.

FELLOW CITIZENS :

Not many generations ago, while a Philosopher was giving the definition of a State in the presence of a French King, the Monarch turned on him and exclaimed—the State! the State! I am the State! And so it was in those days, that a whole nation lived for one man—for him they toiled, for him they bled, and suffered and died—whenever he chose in wantonness of power to drag them to the scaffold, the dungeon, or the battle field. Things have been a little changed since that time. Instead of one man, the State is now made to consist of the *chosen few*—the Aristocracy of the land. The will of the Monarch is now of no consideration, but the will of the Aristocracy is omnipotent. They constitute the Government—all the resources of the nation are wielded for their benefit—the masses are impoverished that they may live in luxury, ease, and idleness. It was once a practice with the Inquisition to have physicians in attendance to ascertain by feeling the pulse and the heart, how much torture the human frame could endure without the destruction of life. So is it now a matter of experiment with the nations of the old world, to determine how much of toil can be endured without prostration—how much penury of food without starvation. The results thus far have shown that *third rate potatoes* in small quantities once a day is the minimum allowance. Such is a State in its modern acceptation! In our country, however, the theory and practice have always been very different. Here the people constitute the State; from them all power, and government must emanate. How this state of things was produced we need not stop to inquire. Suffice it to know that there has always existed a spirit of hostility that would overthrow and destroy this happy condition. In this our fair garden of Eden, a dark spirit has ever lurked, whispering its seductive words into our ears, and striving by many wiles and arts to draw us into error and lead us to our ruin. Under various names and in various shapes has it appeared—now in hideous form brandishing its weapons of death—now an angel of light, shedding smiles and blandishment. But under whatever disguise, its most appropriate name or title is that of Federalism.

The various means, open and covert, by which Federalism has sought to overturn the institutions of our country, I will not now stop to investigate. I

shall confine myself to one only of recent date, in which you, the people of New Jersey, are particularly interested.

On no occasion has Federalism so completely manifested its spirit as in the New Jersey case. Professing a regard for the popular will, it has trampled under foot the dearest rights of the people. Proclaiming the doctrine of state-rights as their cardinal rule, the friends of Federalism have shown that in their estimation the sovereignty of a State consists not in the voice of the people, but the arbitrary will of an Executive Council, who may set at nought the acts of the people, and treat their elections as though they had never taken place. When the voice of the people has been stifled and hushed—when they are made to say what they never intended to say; not a word is heard from Federalism, denouncing such an outrage on the rights and sovereignty of the people; but when the chicanery, the machinery and juggling by which this outrage has been perpetrated, are treated as they deserve, then do you hear exclamations of horror and amazement rung through the land—then do you hear their lamentations over the mal-treatment, the disfranchisement and degradation of a sovereign State.

The people in the Township of Millville—a portion of the sovereign electors of the State of New Jersey—in the place and on the day appointed by law, gave in their votes for members of the 26th Congress. So far as their acts were concerned, there was a strict compliance with the letter of the statute. No default, no omission on their part—but the return of their votes, which was required by law to be made to the Clerk of Cumberland County, happened to be a little defective in form—*it was not sealed up*. But this defect, slight as it may seem, was afterwards corrected; and a proper return in every respect, deposited in the office a few hours after the time limited by law for its reception. But it was all in vain! The miserable Prothonotary could not be turned from his Draconian rigor! For this slight inaccuracy in the first instance, by no means affecting the validity of the votes—and for this short delay in the second instance, on the part of an election officer—the will of a portion of the sovereign people of New Jersey is set at nought—their voice in the councils of the nation, stifled and hushed; and no place found for them on the records of the country. From an inspection of the General List sent up to the Capital of the State, no one would suspect, that there was such a place in existence as the Township of Millville. Other townships and the votes given are there recorded, but no where is Millville to be seen—blotted out is it—utterly annihilated; and for what crime? For what heinous offence, is Millville stricken from the rolls of the country? The officer who was required to make a return of the votes given at that Township, to the Clerk of the County of Cumberland, happened to arrive at the office of said Clerk, *at nine o'clock*, instead of *five o'clock* in the afternoon. This was the head and front of their offending! And for this, the will of the sovereign people of New Jersey, was despised—treated as nothing, and reversed! Did you hear any de-

nunciations then from the lips of Federalism, for this flagrant outrage—this unprecedented act of violence and usurpation? I venture to say—none! none whatever! All was marvellously right and proper! for in this way it is, they ever manifest their sacred regard for the rights of the people.

In like manner, the people of the township of South Amboy, in the County of Middlesex, gave their votes on the same occasion, according to the forms and requisitions of the statute. A certificate and return of the election was duly made out and delivered by the proper officer to the Clerk of the county in his office, who inspected the papers, pronounced them to be correct, and proceeded to register the votes on his general list. But when this general list is forwarded to the seat of Government, instead of finding the votes of South Amboy recorded thereon, a note is found in their place, stating that “from this township no return, pursuant to law, has been received.” And thus without notice; without the least ground of suspicion, the voice of another portion of the sovereign people of New Jersey, is stifled and hushed. But the enormity of these transactions, does not stop here. By the laws of New Jersey, it is made the duty of the Governor and his Privy Council, “to cast up the whole number of votes from the several counties and determine the six persons who had the greatest number of votes from the whole state for representatives.” When assembled for this purpose, they were officially informed, that the Clerks of Cumberland and Middlesex had made false and fraudulent returns, had sent up only partial lists, and not the general lists required by law—that the returns from two entire Townships were wholly omitted—and that consequently it was the duty of the Governor to *send express* as required by law, to procure the omitted returns, and cause the general lists to be corrected according to the facts of the case. The Judges and Inspectors of election of South Amboy and Millville, furnished the returns of their respective townships, sealed, certified, sworn to, and accompanied with evidence, not only of the correctness of the returns, but of their fraudulent rejection by the county Clerks. But these returns, and the affidavits relating to them, were not received on the ground, that *they do not appear to have been transmitted or in any manner certified by the Clerks of the said counties of Middlesex and Cumberland!* Was ever such pretext urged before, as a reason for setting at nought the will of a sovereign State! It is a fundamental principle of representative government that no defects of form, or slight technicalities shall thwart the will of the people. It is a universal maxim in parliamentary law, that their votes shall not be suppressed on the ground of informality. If this principle be surrendered, then at the same time may we surrender the liberties of the country. But this cardinal doctrine in the rights of the people—what influence did it have on the minds of the Governor and his Privy Council? With all the evidence the human mind could require to bring conviction of a design to rob the people of their rights under the pretext of slight and trivial informalities—and yet this testimony was not received, not heard—because it had not been *transmitted*

and certified by the individuals who had perpetrated the acts of fraud and malfeasance in office! High Treason committed against the State, and yet conviction and punishment cannot follow the clearest evidence, because the perpetrator has not thought proper to become his own accuser!

But the Executive Council was not altogether insensible to the rule that informalities alone, shall not vitiate the elections held by the people. It was well known to them that the returns from other Townships were obnoxious to the same and even greater objections than those of Millville and South Amboy. It was in evidence before them that some were received open and unsealed—some after the time required by law—some without the signature of the clerks and inspectors of election—and some without any lawful certificates of the election of either judges or inspectors, to superintend the ballot boxes. But all these defects, both great and small, were disregarded, and the votes in every instance admitted by the Governor and his Privy Council. But the unfortunate townships of Millville and South Amboy, with defects much more trivial than many others, could not be admitted, because the evidence in regard to them was not transmitted by those who had themselves designedly produced the delinquency!

Thus by the most palpable chicanery, were the people of New Jersey defrauded of their rights—were five men, on whom they had bestowed their suffrages, rejected; and five others for whom they had not voted, substituted in their stead. By a resort to the most contemptible, shallow, quibbling, attorney logic, was the will of a sovereign State reversed—its voice made to utter what it never intended to speak—its faith to repose, where it never had confidence.

For this assault made on the liberties of the country, were there any denunciations heard on the part of Federalism? For this mortal stab on the elective franchise, the vital principle of a free government, did any exclamations of horror and amazement escape the lips of those who claim to be the peculiar guardians of the people? None! none, whatever! But when these acts of violence and tyranny were covered up, and protected by the high Commission and the Broad Seal of the State, then they exclaimed there is a sanctity now attached to these things, which no man can violate—a divine unction has been poured over them—and cursed be he, who with sacrilegious hands, shall dare disturb them; or with unhallowed lips, deny their virtue and sacredness. The will of a sovereign people may be set at nought—the living spirit and voice of a state may be stifled and hushed—but the symbol by which that will is expressed—the senseless instrument through which her voice be uttered, is sacred and inviolate! The sacredness, the holiness, is not in the living Aaron, the anointed Priest of the Almighty, but in the trumpet, the ram's horn, with which he blows the blast and calls together the people to their evening sacrifice. Oh, ye benighted children of Africa, who hug the Fetish to your bosom—ye sons of the Nile who pour out oblations to the ox and the crocodile—and ye of the Ganges, who offer up costly sacrifices to the senseless river—come hith-

er to this Christian land, and learn the refinements which have been made on your intellectual and soul-inspiring worship!

But let us examine into this matter of the commission and the broad seal. If there be any thing affecting the rights and the sovereignty of the state of New Jersey, I shall be the first to abandon my position in regard to them. I claim to be a State Rights man. I was born and bred up in that school, and profess to know something of its doctrines.

Now I shall undertake to prove that what is here called a Commission is no commission in the proper acceptation of the term—that the state of New Jersey in her sovereign corporate capacity, had nothing to do with it—and that the paper or parchment with the seal of the State, placed in the hands of Messrs Aycrigg & Co., by the Governor, was nothing more than the certificate of a fact entitled to no more authority than a similar instrument prepared by a ministerial officer; and liable to be rebutted by testimony of equal validity.

To this branch of the argument I call your most particular attention—on it depends the whole matter in controversy—and on a clear understanding of the principles involved, depends the existence of the Constitution and the continuance of this federated Republic.

By the Constitution of the United States it is declared, *The House of Representatives shall be composed of members chosen every second year by the people of the several States.* By the same instrument it is declared that, *the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years.* There is an obvious distinction between the character of representation in the two branches of Congress. That distinction is not only obvious on the face of the Constitution, but it was particularly alluded to by the framers thereof, in their recommendation to the people. “The Senators represent the sovereignty of the States—in the other house individuals are represented”—“they are in the quality of ambassadors of the States”—“they constitute the chief federal feature of the constitution, and on them devolve the duty of defending the state governments from the encroachments of the federal government.” The Representative on the other hand, comes directly from the people, and knows no authority intervening between him and his immediate constituents. He is not known to the State in her sovereign capacity, though he represents the people of a particular State; he is not amenable to that State as a body politic. The Senator, representing the sovereignty of the State, is controlled by the only organ through which that sovereignty can be exercised under the Constitution, viz. the Legislature. The Senator may be instructed by that body—the organ of the sovereignty of his State, and he is bound to obey or resign. But the Representative, coming directly from the people, can be alone instructed and controlled by them in their individual and personal capacity. No legislative or executive intervention is recognised. Any intermediate agency would destroy that dependence of the representative on his constituents, so essential to the existence of popular gov-

ernment; and would ultimately destroy the elective franchise. To guard against the possibility of such dangerous interference, the Constitution provides that the House of Representatives shall be the sole *judge of the elections, returns, and qualifications of its own members.*

The people are to choose, and the House to judge who are chosen. Any intervening authority whatsoever which takes from the people their right of choosing, and the House its right of judging, is an usurpation—an assumption of power which strikes at the foundation of a representative government. There are but two parties known to the Constitution—the people and the House of Representatives. They stand in immediate relation to each other—the only inquiry that can be made by the one is whether the other have chosen their representative, and who that representative may be. All intervening laws are merely to facilitate these purposes. In absence of any national legislation on the subject, the particular mode of holding elections among the people, and of making a return of those elections to the House of Representatives, are governed by the statutes and customs of the respective states.

But those statutes, however complicated or simple, high sounding or modest in their phraseology, have no more authority than the laws of Congress would have were those substituted in their stead. For the convenience of the people Congress has passed no general law on the subject, and the state authorities have been permitted to hold the elections and make return of the facts to the House of Representatives; but their acts can have no more force or virtue in them than similar acts performed by federal officers. Whatever may be the pretensions of a State law, it amounts to nothing more than the mode adopted to convey the wishes of the people of that state to the House of Representatives. To give it any more authority than this, would be to confer on the State in its corporate, sovereign capacity, the power of interposing between the people and their immediate representative—the power of controlling and organising the House of Representatives in palpable violation of the Constitution.

Let us apply these principles to the New Jersey case. That State is entitled to six representatives. They are chosen by the people at large without a division into districts—each individual elector voting for six men instead of one. The elections are held in the various townships into which the counties are divided. The Judges of Election are required to make their returns to the Clerk of their respective counties, by *five o'clock* in the afternoon of the third day after the elections have been held. On that day the Clerk is required to make one general list of all the candidates voted for, together with the number of votes received for each of them, and to transmit the same to the Governor within *seven days* thereafter.

The Governor, within *five days* after receiving the said list, is required to lay the same before a Privy Council, and after casting up the whole number of votes from the several counties, for each candidate, to determine the six persons who have the greatest number of votes from the whole State, for Repre-

representatives in Congress; which six persons he is required forthwith to commission under the great seal of the State. It is obvious, from the principles already laid down, that these laws of New Jersey with all their details and specifications, are of no more force than similar laws of the United States extended over the whole Union. They are but substitutes for them, and amount to nothing more than the mode adopted by New Jersey of holding her elections and certifying the fact to the House of Representatives. If the legislature were to assume higher powers than that, it would be in violation of the Constitution—for they would be interposing State authority where State forms alone were permitted for the convenience of the people.

It is a *misnomer*, therefore, to give the title of commission to a paper whose only purport is to certify that the holder thereof, has received a majority of votes from the whole State for Representative in Congress. He who holds a commission has certain powers and privileges thereby conferred on him from the person who gives the commission. It is one man, or body of men, delegating to another that authority which alone is vested in them. The President of the United States as the Executive organ of Government, and as Commander in Chief of the Army, *commissions* diplomatic agents, and military officers to do that which he cannot do in person. No one imagines that those commissions receive any additional weight from the Secretaries who prepare them—who are the mere organs of communicating the will of the President to the individuals chosen as his agents. Now, who is it that confers power and privileges on the Representative in Congress? Who is it that delegates and commissions him to act in their stead? The Legislature of the State? the Executive of the State? or the State itself in its corporate capacity? Neither—but the people as individuals who have chosen him. Any paper whether certificate or commission, by whomsoever prepared, confers no authority upon him only so far as it conveys the will of those individuals. If it professes to be anything more than a mere expression of their will, it is totally void. The phrase, therefore, in the New Jersey case—to *commission under the great seal of the state*—cannot be construed into an authority on the part of the Governor to issue his commission in the ordinary sense of that term; because he has no power to delegate, and only acts as a ministerial organ between those who have the power to delegate and the one to whom they have delegated it. This commission is only the certificate of a fact, that the people have chosen a certain individual to represent them in Congress; if it fails to do that, it amounts to nothing. The Commission with the seal of State is the usual mode of expressing the will of the State in its corporate capacity. But the State as a body politic has nothing to do with the election of members of Congress—hence the use of the commission and seal in certifying to those elections, is a misapplication. As the form of a certificate it will do as well as any other; but it can by no possible construction be made to mean any thing more than a certificate. The whole error in this respect, grows out of the mode of holding elec-

tions in New Jersey by the people at large. If the State had been divided into six districts and each district elected its own Representative, they would never have fallen into the error of denominating the *evidence of his election*, a commission.

Take an illustration from my own State. Virginia elects by districts. The state is divided into twenty one—each electing its own member. I live in the fourth Congressional District now, represented by George C. Dromgoole—That District is composed of four counties—Mecklenburg, Lunenburg, Brunswick, and Dinwiddie. Each county is divided into several election precincts (or townships as you would call them.) Immediately after the elections, which are holden on the same day, the officers who conducted the elections deliver the poll books, containing the votes, into the hands of the Sheriff of the county. These sheriffs meet at some point in the district designated by law, to compare the polls respectively taken at the elections in their several counties; and after having ascertained the greatest number of votes upon the whole, proceed to certify the same, under their hands' and seals. The following are the leading words in their certificate. *We do hereby certify and make known, that at an election held, the electors qualified to vote, caused to be chosen one person, to wit. Geo. C. Dromgoole, to represent the said District, as a member of the House of Representatives.*

Such is the main recital of the paper placed in the hands of the individual who has been ascertained to have the greatest number of votes on all the poll books of the district. Now what is the meaning and purport of this paper? It is obviously nothing more than the simple narrative of a fact—a certificate making known that a certain event has taken place, and a certain result has followed. The paper speaks for itself, and cannot possibly be construed into any thing more.

Now I would ask wherein does the Commission with the broad seal of the State of New Jersey, placed in the hands of Wm. Halsted, differ from the simple certificate under the seal of a Sheriff, placed in the hands of Geo. C. Dromgoole? Is the one of higher authority, and more binding force than the other? Are they not both elected by the people of their respective States, who have equal rights under the Constitution? Are they not both members of the same body, where by the laws of the county they may claim the same privileges and immunities? To say, therefore, that the commission (so called) of Halsted possesses more force and virtue than the certificate of Dromgoole—that the one is of a more sacred and indisputable character than the other—is to assert that one member of Congress has a higher title to his seat than another member, which is absurd.

The prevailing error in regard to the commission and broad seal, may be made still plainer by another illustration. Suppose the people of New Jersey, instead of using the Governor as the ministerial organ to communicate the result of their elections to the House of Representatives, had chosen another

mode. Suppose by your laws, it were made the duty of the senior Sheriff in each district, to bring up all the returns from the townships of his district, to the Capital, and there, in conjunction with the senior Sheriffs of the other districts, six in all, cast up all the votes given, determine the six persons who have received the greatest number of votes, and certify the same under hand and seal. Would not this certificate in the hands of your representatives, possess as much authority as the commission now does, with the broad seal of the state? The only possible difference is this—you have chosen for your own convenience, to do by Executive officers what might have been done as well by ministerial officers—but *the thing done is the same.*

The result of this investigation, therefore, may be set forth in few words. Congress having adopted no general law of elections, the people are left to choose their Representatives in the mode prescribed by the statutes of their respective states. The States themselves in their sovereign corporate capacity, as bodies politic, can confer no power or authority on the persons thus chosen. They stand amenable alone to the individual electors by whom they were elected, and to the House of Representatives, which is the sole judge of the elections, returns, and qualifications of its own members. The modes adopted by the several states for conducting the elections of the people, and making returns thereof to the House of Representatives, however simple or complicated, are all of equal force and validity—and the papers or parchments by which the results are made known, whatever may be their title or the solemnity of their form, amount to nothing more than the simple certificate of a fact, that certain elections have been held, and certain individuals elected—liable to be rebutted by other testimony of equal authenticity.

What then is that other testimony? Evidently the original poll books themselves—or what is the same thing, copies thereof certified by the officer who by law holds them in custody. He who holds these in possession, and has them in his favor, is armed with the highest authority in regard to elections. All subsequent forms are but modes of making known the facts contained in those books—and if the poll books and the certificates of facts contained in them do not agree, the books themselves are ultimate authority and paramount. These are principles, I presume, no one acquainted with the subject, will undertake to dispute.

Well now let us proceed with the application of these principles to the New Jersey case. A short time previous to the meeting of Congress, Messrs. Ay-crigg, Halsted, Maxwell, and three others, presented themselves in the Clerk's Office of the House of Representatives, with papers in their possession, purporting to be commissions of the Governor under the seal of the Commonwealth of New Jersey—by which it appeared they were commissioned as members of the 26th Congress of the United States. With this authority they demanded, that their names should be enrolled as members of the House of Representatives.

About the same time, Messrs Dickerson, Vroom, and three others, appeared in the same office, and presented a copy of the original votes given in the state of New Jersey, prepared by the officer who under the law, holds custody of all the original papers touching the elections—and certified by him under the seal of his office. From this it appeared that Mr. Dickerson and those who claim with him, had a majority of all the votes given by the people of New Jersey, in their various townships. With this authority, they demanded that their names should be enrolled as members of the House of Representatives in the 26th Congress.

Now the question was, what shall be done? Shall this set of claimants, or that set, be enrolled?

Had one party alone presented themselves, there could have been no difficulty. But here both sets of claimants came forward, as they had a right to do, armed with what each considered the highest authority, and demanded to be enrolled.

This paper, purporting to be a commission, is evidently no commission, but simply the certificate of a fact—that certain elections have been held by the people of New Jersey, and that certain individuals have been elected members of the 26th Congress. But this certificate is falsified by the original poll books on which it ought to be based, for a copy of the original votes certified by the proper officer, shows that certain other men were elected. Now who shall decide this question between the certificate and the poll book; and determine between those who claim under the other? Shall the Clerk of the House of Representatives take upon himself the decision of that question? By what authority? By custom alone, he is permitted to make up a roll of members to be called as a preliminary step towards organising the House when it first assembles. But that roll could only consist of those to whose titles there was no objection. In all cases of dispute where both parties came forward and demanded an enrollment of their names, he had no authority whatever to decide. The Constitution makes the House of Representatives the sole judge. In this New Jersey case, therefore, so obviously one of doubt and difficulty, and altogether new in all its bearings, the Clerk of the House had no alternative. It was his bounden duty to place neither party on his roll and refer the whole matter to the House of Representatives. The only question with him was—when is there a House of Representatives so organised as to take cognisance of the question?

In anticipation of the difficulty which actually occurred, that officer searched into all the records and precedents of Parliament and our own legislative history, from the earliest period, and after the most anxious and laborious investigation, came to the satisfactory conclusion in his own mind, “that when the day appointed by the Constitution and the laws for the meeting of Congress has arrived, and those who are members or claim to be members, present themselves in their usual place of meeting—and when a roll made up of the

names of those who by common notoriety and the general consent of all parties are recognized as members of Congress, has been called through, and a sufficient number answered to their names to constitute a quorum, that then there is a House of Representatives, as understood by the Constitution, competent to decide all questions touching the privilege of members, the claims to contested seats, and all matters appertaining to their more complete organization." With the facts and arguments, from which these conclusions were drawn, I will not trouble you here. They are set forth at large in a document which the Clerk was not permitted to read when his conduct was called in question, nor has it to this day been permitted to be spread on the records of the country in his justification.

The Clerk of the House, therefore, was prepared, the very first hour of meeting, to organize the House in the usual mode, and lay before them the conflicting testimony in the New Jersey case, which they might have decided at once at the bar of the House, or by committee appointed by ballot and required to report forthwith. Either mode would have been consistent with Parliamentary usage. Can any reasonable man now see any objection to this course—so just and equitable? No individual could have been aggrieved—no party advantage could have been gained,—and why it was not pursued—by what means it was arrested and prevented in the beginning, and for what purpose, I leave to the country to determine. The minutest facts connected with that transaction, are matters of history, known to all men. One circumstance alone I will call to your remembrance. On the third day of the confusion and chaos in which we were involved, a distinguished member from Virginia—an acknowledged leader of the Opposition Party—came forward with a proposition to settle the difficulty precisely in the mode at first indicated—to organize the House by a call of the roll which had been prepared, and then to decide the New Jersey case before any other business was taken up and considered. This reasonable and just proposition was acceded to at once, by the Democratic Party, but objections were raised by the mover's own friends; by their solicitations he was induced to withdraw it. The House was then thrown into confusion again, and after weeks of discussion, agitation, and marching and counter-marching between the tellers, under the command of John Q. Adams, they were compelled to come back to the point from which they set out, and permit the House to be organized by a call of the roll which the Clerk had prepared on his own responsibility. Now, I ask, what caused this delay? By what means, and what agency was New Jersey kept from her place for nearly one month—disfranchised and denied a voice in the councils of the nation?

The House was at length organized, and the matter in controversy, referred to the Committee on Elections. That Committee, after several weeks delay, at length reported that those men who had received a majority of votes were entitled to their seats. Why they did not come to this conclusion at

once—what difficulties were in the way of reaching so obvious a result, I have never examined into their journals to ascertain. One thing I know, that four members of that Committee were at all times prepared to report, that the voice of the people ought to be heard—that four others were at all times ready to report that the commission and broad seal should have precedence; and that the decision, therefore, devolved on the Chairman. Now I venture to say, that if any man is more anxious than another to do what is right—more scrupulous and conscientious in the discharge of his duty without regard to party influences, or personal consequences, that man is John Campbell of South Carolina, Chairman of the Committee on Elections, who held in his breast the decision of this question—and if he could not at once shake from his mind the delusions in regard to the commission and broad seal, and perceive that it was nothing more than the certificate of an election, liable to be rebutted by other testimony of equal authenticity, it was because he was most earnestly desirous to search into the right and truth of the matter. He at length came to that conclusion, and so reported. But all this while, New Jersey was debarred her privileges on the floor of the House—was disfranchized—and turned out of the union! If any man chooses to blame John Campbell for it, let him do so. But surely the House of Representatives was not to blame. They had referred the subject to the appropriate committee, and until that committee reported, could do nothing. The truth is, there was no blame to be attached anywhere. The delay grew out of the novelty, difficulty, and importance of the questions involved in the case—and New Jersey happened to be the unfortunate state furnishing the case.

This preliminary question as to the *prima facie* title once settled, and New Jersey admitted to her seat on the floor, the next thing was an investigation into the ballot-boxes. It was alleged that many frauds were committed in them—many votes deposited that ought not to have been allowed—and that if inquiry were made, these facts would be established. Authority was granted for that purpose. New Jersey, as you well know, for many weeks was searched far and near for evidence against the validity of votes. After a most careful and laborious investigation into the testimony furnished the Committee on Elections, they came to the satisfactory conclusion that those who held their seats were still entitled to them by a majority of the votes of the lawful electors of New Jersey. Thus ended this important controversy before the House of Representatives.

It now devolves on you, the people of New Jersey, to ratify and confirm what has been done. The rights of the people have been vindicated—the elective franchise, the vital principle of a representative government, restored to its supremacy—the usurpers who sought under shallow pretences to set at naught the will of the people and treat their elections as though they had never taken place, have been rebuked and put to confusion. It now remains to be seen whether the people will be true to themselves and sustain those who stood in the *imminent, deadly breach*, in their defence.

You, Fellow Citizens of New Jersey, have a duty of permanent importance to discharge—a duty before which all others sink into nothing. You have to fight over again the battles of the revolution. For what our fathers contended, you have again to contend. Why did they toil and bleed through an eight years conflict with the most powerful adversary on earth? Was it not because they were denied the rights of British subjects—the right of representation in that body which imposed duties, and burthens, and taxes upon them? For the same rights are you now contending. By the course which you shall pursue on the present occasion, will it be determined, whether the voice of the people shall be heard in that body which now has the right of imposing duties, and taxes upon them—or the voice of the irresponsible Executive of a state, whose agency or interference in the remotest degree in the formation of the House of Representatives is unknown to the Constitution.

Once establish the doctrine that this commission with the seal of state in the hands of a representative is really what it purports to be—the will of a state expressed in her sovereign capacity—admit that the state as a body politic through her forms of legislation, can interpose between the people and their representative, and confer privileges and immunities not conferred by the people—once concede, that this commission is a paramount authority that cannot be questioned without assailing state-sovereignty—that it is an evidence of title to the Representative, which under no circumstances, can be examined, or set aside, until he has taken his seat, moulded the House to his own will, and passed by a vote on his own case—then, I ask, what becomes of the rights of the people—what value is there in the elective franchise—and of what avail is the voice of the people, expressed through the ballot boxes? Can you not perceive why it is, such efforts are made to establish the authority of the commission and make it paramount to the votes of the people?—why the broad seal, and nothing but the broad seal, would be admitted as a means of settling the controversy through which we have just passed? Do you not now understand that the principle contended for, once established, becomes the most potent weapon in the hands of Federalism to *palsy the will of their constituents*, and to overturn the institutions of the country? It was in this way, the British Parliament, professing to represent the Commons of the realm, became an instrument of oppression only in the hands of the aristocracy.

The returns of the legal officers were at first regarded as paramount authority—they could not be examined or questioned until the House had been organized and the matter investigated by a committee. The consequence was, that the Sheriffs, and other election officers, were suborned, bribed, and in many instances forced by violence, to make false returns, and Parliament was soon filled with partizans and tools of the aristocracy, who retained by their own votes the seats they unlawfully held. Parliament at length became so corrupt and debased, that they were compelled to resort to a different mode of procedure, and refuse admittance to any man, whose title was in any man-

ner disputed. So early as 1707 an order was adopted by the Commons, "that all petitions at any new Parliament, relating to elections and returns, be delivered to the Clerk of the House, and be laid by him on the table before the speaker was chosen." And it was subsequently ordered that those cases should be considered before proceeding to any other business. In the mean time, those claiming the disputed seats were not allowed to participate in the proceedings; indeed, were prohibited by severe penalties." Then, I say, once establish the doctrine of the commission and broad seal as the principle of the country, and it will be in the power of the Executives of the States by taking advantage of technicalities and informalities, and by a resort to evasion, chicanery, and paltry attorney logic, to paralyze the will of the people—evade their elections—and return to the House of Representatives just such men as may suit their purposes. And the opportunities for resorting to these evasions and fraudulent devices will be in proportion to the number of Representatives. In Virginia there will be *twenty one* chances. In Pennsylvania, *twenty eight*, and in New York, the Governor will have *forty* opportunities by shuffling and chicanery to make the majority as he pleases! What a glorious field of operation for Federalism! What certain means of cutting up by the root the elective franchise—overturning the balance of the Constitution—driving back the people into their ancient vassalage—and making a few swindlers and jugglers about the Capital of the States, the rulers of the land, who, with the monarchs of feudal times, may exclaim—the State! the State! I am the State! my voice is supreme and omnipotent!

Are you, people of New Jersey, prepared to lend your aid to bring about this state of things! This is in truth, the question you have now to decide. Shall the people exercise the fundamental rights of freemen—shall they exercise the blood bought privilege of choosing their own representatives—shall their voice be heard in those Councils of the Nation where they are to be taxed and burthened—are questions for you to determine. Other subjects of great importance are now before the nation—the public mind is deeply agitated—much depends on the right decision in regard to them. But the vital principle of liberty itself is staked on the issue which it has become your fortune to try. You therefore, by the orderings of Providence, have been selected as the champions of freedom!—The soil of New Jersey is once more the chosen battle field of independence. And may I not say that a more auspicious selection could not have been made? The plains of New Jersey are already covered with the monuments of her ancient glory—the spirits of the mighty dead, thick as the shadows of her dark pines at coming even, start from every vale and hill, calling on their sons to follow their noble example—those who at mid-night, crossed the dark waters, stemming the icy flood, and breasting the cold northern blast, that they might strike a deadly blow on the enemy at Trenton—who marked yon frozen paths with their naked feet—shed their blood on the plains of Princeton—faced the burning fires of heaven and the still fiercer blasts of the

enemy on the hills of Monmouth—still live in your remembrance—their blood still flows in the veins of Jerseymen—and I feel assured from the glowing countenances around me, that their spirits still animate your bosoms, and that like them, you are ready to do or die in the glorious cause trusted to your keeping?

Then go forth! let each man on the morrow, with his staff in his hand, go from house to house, from neighbor to neighbor, and call on his friends and his brethren to harness them for the fight. Tell them that New Jersey has been selected as the Champion of Freedom—that on her valiant right arm depends the vindication of the rights of the people, and she now expects each son of hers to do his duty.

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