PROCEEDINGS IN CONGRESS.

In last week's CAROLINIAN, we gave the proceedings of Congress at length up to the 14th, on which day the House of Representatives had six ballotings for Speaker, and adjourned without making a choice.

On Monday, the 16th, in Senate, the Standing Committees were announced by the Chair, (a list of which we will hereafter publish,) and then that body adjourned. In the House, the balloting for Speaker was resumed, when, on the 11th ballot, MR. R. M. T. HUNTER, of Virginia, was chosen by the following vote:

For Mr. Hunter—Messrs. Adams, Alford, J. W. Allen, L. W. Andrews, Bell, Biddle, Black, Bond, Botts, Brockway, A. Brown, S. H. Butler, Calhoun, J. Campbell, W. B. Campbell, Carter, Chinn, Clarke, Colquitt, J. Cooper, M. A. Cooper, Corwin, Cranston, Crockett, Curtis, Cushing, E. Davis, G. Davis, Dawson, Deberry, Dennis, Dillet, Edwards, Fillmore, Fisher, R. Garland, Gentry, Giddings, Goggin, Goode, Graham, Grainger, Graves, Green, Griffin, Grinnell, Habersham, Hall, W. S. Hastings, Henry, Hill of Va., Hoffman, Holmes, Hopkins, Hunt, James, Chas. Johnson, W. C. Johnson, King, Lawrence, Lincoln, Marvin, Mason, Mercer, Mitchell, Monroe, Morgan, C. Morris, Naylor, Nesbit, Ogle, Osborne, Peck Pickens, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Tr. Smith, Stanly, Storrs, Sumter, Stuart, Taliaferro, W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagener, Warren, E. D. White, J. White, T. W. Williams, L. Williams, J. L. Williams, C. H. Williams, S. Williams, Wise, Jenifer, Everett, Chittenden, Evans, Gates, Barnard, Briggs, Palen, Crabb and S. H. Anderson—119

For J. W. Jones—Messrs. J. Allen, Atherton, Bierne, Blackwell, A. V. Brown, W. O. Butler, Carroll, Clifford, Connor, Dean, Dromgoole, Earl, Ely, Fine, Hand, J. Hastings, Hawkins, Hill of N. C., Hillen, Holleman, Howard, J. Johnson, N. Jones, Keim, Kemball, Leonard, Lowell, Lucas, McClellan, McKay, Miller, Parish, Parmenter, Petrikin, Prentiss, Rives, J. Rodgers, Shaw, Shepard, J. Smith, Th Smith, Steinrod, Strong, Swearingen, Sweeny, Taylor, Fr. Thomas, P. F. Thomas, Tarney, Vanderpoel, Weller, J. W. Williams, Henry Williams, Worthington, and Banks—55.

Various other gentlemen were voted for, to the number of 58 votes, making the whole amount of ballots cast 232—necessary to a choice, 117; and Mr. Hunter having received 119, was declared duly elected. He was conducted to the Chair, and the oath of office was administered to him by Mr. Lewis Williams, the senior member of the House, and then the House adjourned.

On the 17th, in Senate, Mr. Wright gave notice that as soon as the Senate was *ready* to proceed to business, he would introduce a Bill for the collection, safe-keeping, &c., of the public revenue—familiarly known as the "Sub Treasury Bill." In the House, at 12 o'clock, Mr. Hunter, the Speaker elect, appeared, took his seat, and delivered a very handsome and manly address to the House; in which he said "I shall feel it as especially due from me to you to preside as the speaker, not of a party, but of the House. Whilst I shall deem it my duty, upon all proper occasions, to sustain the principles upon which I stand pledged to the country." After an ineffectual motion by Mr. Dromgoole, to have the rules and orders of the last H., of Representatives adopted as the rules and orders of the present House—Mr. L. Williams objecting on the ground that the members must be sworn to enable them to go into business—the speaker then administered the oath to all the members but those from New Jersey—Mr Randolph, whose *seat is* not contested *refusing* to be sworn when the State of N. Jersey was called, unless the five other gentlemen who hold the Governor's certificates, and whose right to seats had been denied by the House, be sworn at the same time. This the speaker refused to do. He said, that had the House had no proceedings on this case, "he should not have hesitated in administering the oath to these gentlemen; but, inasmuch as proceedings had been had heretofore in the House, and a decision made, or rather a negative proposition adopted, he felt it to be his duty to refuse to administer the oath to them, and to refer the matter to the House to say whether they should be sworn." Mr. Wise then, as he said, to test this question, moved "*that these gentlemen be not sworn*." Mr. Dromgoole argued that the question could not come up in this negative form—Mr. Wise argued contra; when Mr. Sergeant took the floor.

MR. SERGEANT heartily approved of the course adopted by the Chair, in referring the subject to the House for its consideration; but as to the mode in which it is to be presented, he did not understand the Chair to decide, but that he left it entirely to the House. The gentleman from Virginia [Mr. Wise] was right under these circumstances in offering a resolution which he considered to be in strict conformity to the spirit and provisions of the Constitution of the United States. The very first question which presents itself here is no less than this: If gentlemen present themselves here with regular credentials, offering to be sworn, are they to be excluded by less than a majority of the House? Did it not, in other words, require a majority to bring them in, or did it not require a majority to exclude them? Those who maintain that it requires a majority to bring them in, maintain what appeared to him to be unconstitutional doctrine, because it seemed that, to entitle a gentleman to be sworn, he must have something more than regular credentials of his State; that is, he must have the aid of a majority of this House. He considered the decision that was made by this House some days ago, to be of a very doubtful character, to say the least of it; nay, he could not say that decision was conformable to the Constitution, either in its terms or its spirit. Now, sir, (said Mr. S.) is this the law of the land? If there be a choice in the two modes of putting the question, is it not plainly within the spirit of the Constitution to give it that form and that direction which shall give to the voice of a sovereign State the greatest power? Or shall we (said he) regard that voice as nothing, and insist upon it that those gentlemen cannot be introduced unless a majority of this House declared them entitled to come in. Let us see, said Mr. S., what are we called upon to decide, and what we are to decide. This was not yet a House of Representatives of the United States, he meant in its perfect and organized form; and for that reason he held the House of Representatives, in all its stages of existence, to mean a representation from all the States of the Union, in proportion to that allowed by the laws. The first provision of the Constitution relating to this subject is, that in every stage of the existence of the House, every State shall be represented—that no State shall stand unrepresented. If a State has not a sufficient population to entitle her to one Representative, according to the apportionment laws, yet she must, according to the Constitution, have one.

Mr. S. here referred to the third clause of the second section of the first article of the Constitution in support of his argument, as follows: "The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three."

Now, (said Mr. S.) what do you propose to do? Why, to constitute a Congress without a representation from the State of New Jersey, by members from the other States of this Union voting against them. The Constitution says that every State shall have a Representative here, and yet you have deprived a sovereign State of five-sixths of her representation. Under the Constitution and laws, as they now are, the State is not otherwise known than as an organic body, and we have no right, in the present stage of our proceedings, to look at the State of New Jersey but as an organic body—as an independent power coming here, demanding to take her share in the legislation of Congress. Has New Jersey failed to do her duty under the Constitution? It is admitted that she has done it; that she is here by her Representatives, who have been here from the beginning, claiming to be admitted. She has five-sixths of her Representatives here, who have been excluded. Can you constitute a Congress without them? The State having elected her Representatives, when they have been sent here, and offered to participate in the business of the nation, your excluding them affects all the States of the Union, New Jersey as well as the rest. Where is your authority for this? Mr. S. here went on to comment on the commissions presented by the five New Jersey claimants, and contended that they were regular, and such as bore on their face nothing to raise a doubt. No such question, he said, was ever raised in regard to Mr. Moore's credentials, and the Mississippi members. From the commissions themselves, no gentleman could find in them a single particular in which they were not in precise conformity with the laws of New Jersey. You could not have more conclusive evidence presented from New Jersey, or from any State, to show that these gentlemen were elected.

Mr. S. here went into a long argument of the constitutional question involved, and in answer to the doctrine of Mr. Pickens, urging in contradiction to him, that the house of Representatives known to the Constitution, was a House in which all the States were fully represented; and contended that a representative holding the certificate was a member of Congress before he arrived here, and before he was qualified. Mr. S. continued his argument at great length in support of the gentlemen holding the certificates to take their seats, without examining the testimony or going to any extent behind the certificates.

MR. DROMGOOLE replied at length to the argument of Mr. Sergeant, presenting, in forcible and eloquent language, a conclusive and able refutation of the positions presented by that gentleman, a brief outline of which our limits will only permit us now to give. He had never, at any preliminary stage of the proceedings, he said, gone into the merits of this controversy, because he believed the discussion would be premature, and would have no other effect than to prejudge and forestall the opinions of the House and of the public, before the evidence was before them. His opinion had been, from the first, that they ought to go into an examination of this question by a committee, who should report the facts and evidence to the House, and that then both parties should be permitted to come in, and present their own case, "*ore tenus*," at the bar. But gentlemen on the other side wanted to jump over all inquiry, reject all evidence, and restricting themselves to the commissions of the Governor of New Jersey, decide that those who held them should take their seats. They were called upon to decide that these commissions were conclusive as to the right of the gentlemen to take their seats, and could not by any evidence be controverted. Gentlemen had also urged the imperfect state of the organization of the House, as a reason why it could not go into an examination of all the evidence bearing on the case; but gentlemen could not now avail themselves of that difficulty. We are, said Mr. D., organized; we have a Speaker, we have taken the oath of office, and there is nothing to prevent us from entering into an examination of all the evidence, and of deciding it upon its merits. Though fully convinced that this power existed, yet he believed that it would be premature to exercise it until after a full examination into all the facts and evidence by a committee and a report upon it. Some of the propositions of the gentleman from Pennsylvania [Mr. Sergeant] were so abhorrent to the principles of the Constitution, that he felt constrained to meet them at the threshold, though he would not now go into an examination of the merits of the main question. He understood the gentleman to say that he could only look at the State of New Jersey acting in its corporate, or organic capacity. Now he utterly denied that in this instance the doctrines of the gentleman were in accordance with the Constitution; and he would call upon him to look at that instrument itself, and see what authority it gave him for his assumptions. Before going into an examination of this part of the gentleman's argument, he would premise a few remarks, in order that they might arrive at a better understanding of the subject. It was known to the Speaker, who, from his infancy, had been taught in the political school of the State Rights party, that the term "State" is used in three different senses; and he would refer gentlemen to Mr. Madison's celebrated report on the resolutions of John Taylor of Caroline, in the Virginia Legislature, as authority for this understanding of the term. The term "State" sometimes meant the territory comprehended within its limits—as, said Mr. D., we may speak of going to Maryland or into Virginia. It sometimes meant the machinery by which the State Government was carried on; and again, it sometimes meant the whole people of the State, and then the term State was applied to it as a sovereign State alone. The term State, therefore, was sometimes applied to the territory; sometimes to the Government, and sometimes to the people, in their highest attribute of sovereignty. The State Governments, as such, Mr. D. said, are not parties to the Federal compact. The States of New Jersey, Virginia, and the rest, in their highest sovereign capacity, that is, the people of these States alone, are the parties. Do not tell me, then, said Mr. D., that we are opposed to State rights, when we contend that the machinery of a State shall not misrepresent the will of the sovereign people of the State. With this distinction he would call the attention of the gentleman from Pennsylvania to the language of the Constitution on this subject. "The House of Representatives shall be composed of members chosen every second year"—By whom, sir? By the States? No, sir: but "by the *people* of the several States." Then as to the Senate. The Constitution says that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof," &c. And here, said Mr. D., is the distinction shown between the two bodies, and this is, what I have always contended it is, the popular body—this is the part of the Federal Government which obtains a popular feature. He saw his venerable colleague [alluding to Mr. Mercer] smile, for he fully concurred in these great doctrines of the State Rights party.

In looking at the returns of the New Jersey elections, even if we should go behind the great seal, we shall be guilty neither of a violation of the Constitution, nor of the rights of the State of New Jersey; but, on the contrary, in contending for the rights of the people to elect their Representatives, we are carrying out the Federal compact in the fullest extent. We inquire who the people of New Jersey have elected as their Representatives, and, in so doing, we regard that State in her highest sovereign capacity. He should like to know from his learned friend from Pennsylvania, or from any member of that body, learned or unlearned, where it is he finds any authority for the assumption that the House of Representatives could not go behind the commissions of the Governor of New Jersey, with the great seal of the State, in deciding upon the elections, returns and qualifications of its members. He denied that there was any authority for it, either in the Constitution or laws, or in precedents found in parliamentary practice. He contended that the word "returns," carried with it every question connected with the returns; and that they had as much right to inquire into the returns of the votes of Millville and South Amboy, which were suppressed by the clerks, as into the commissions of the Governor of New Jersey. If gentlemen doubted this, he would cite for them abundant authority. Mr. D. here referred to the case of Spalding and Mead, a contested case of election returns decided some years ago in the House of Representatives. In this case, under the laws of the State of Georgia, the votes were required to be returned within a limited time; but the votes of three counties not having been returned within that time, the Governor felt himself constrained not to count them, and to give the commission to Mead. The seat was contested, and it was decided here that the House was not restricted by the proclamation of the Governor, as is now contended, but that the "*returns*" comprehended all the votes given in that Congressional district, whether counted by the Governor or not. There were two points decided in that case, the primary returns and the ultimate returns; and therefore, the laws of New Jersey requiring the returns to be made by the county clerks to the Governor, who is to sum them all up, and to give the commissions in conformity with them, the House must inquire into all the facts of these elections, going back to the primary returns, to act in conformity with this precedent. The House decided against Mr. Spalding, and that the votes which were kept back, whether they were the result of fraud or otherwise, were still to be counted. Mr. D. would not here enter into any examination of the conduct of Governor Pennington. He would not pretend to say that Governor Pennington had done wrong. He would be willing to admit, and he would ground his argument on the position, that the Governor could not have acted otherwise than he did—that he was obliged to give his commissions, without counting the Millville and South Amboy votes; but he would ask, could this House refuse to count them? There were at least forty cases in which it was decided that all the *returns* should be looked into, and upon the ground that this House was not violating the laws of the States, but carrying them out. It was perfectly competent for the House, looking into the returns, to examine them all—to compare them together, and decide whether these certificates of the Governor, with the broad seal, might not be impeached either for want of form or want of verity; and, if they were not in accordance with the laws of New Jersey, and not in accordance with the facts as regards resumming up all the votes taken at the election, they were void, and might be set aside. He would be glad to know where gentlemen found the authority for the assumption, that these commissions of the Governor of New Jersey were conclusive as to the right of these persons bringing them to take their seats without further question. Where was the precedent for it? All the decisions were directly at variance with it; and in the case of Spalding and Mead, it was decided that the returns were only *prima facie* evidence. But gentlemen contended that a *prima facie* evidence of a right gave a man a conclusive right. It was not worth while to go into a refutation of this absurdity. It must be admitted that the right to take a seat in that House rested on the elections and qualifications of the members, and that the *prima facie* evidence of these two circumstances was only good evidence in the absence of any thing to contradict it. The very learned gentleman from Pennsylvania attempted to prove that the five New Jersey gentlemen were now members of the House, and had been so for a long time. Now, he did not understand that there was any thing in the Constitution or the laws to justify him in this position. Did he understand the argument of the gentleman to be, that because these five New Jersey gentlemen, on their way here, might be discharged from arrest under color of their right as members of the House, this gave them a right? Where did the gentleman find that the decision of a judge, or even of the chief justice himself and all his associates, was authority to bind the House of Representatives, acting under the power given them by the Constitution? To a certain extent, these gentlemen, with the commissions of the Governor of New Jersey in their pockets, had the rights and privileges of members, while on their way to the seat of Government; but that gave them no right which they did not possess. Here Mr. D. quoted the case of Hammond, a member from Ohio, decided by the House of Representatives, in which the question was raised with regard to the time when membership commenced; and referred to the very able report made by Mr. John W. Taylor, of New York, in that case. There it was decided that membership, so far as this House was concerned, did not commence until the gentleman had actually taken his seat in it.

Mr. D. next entered into a refutation of Mr. Sergeant's position, that there never was any interregnum of the House of Representatives, but that it was a perpetual body. This he denied. One of the first distinctions he had ever learned between the two Houses, was that the Senate was a perpetual body, but that the House ceased to exist with the expiration of the term for which its members were elected; and that at every Congress there was a new House of Representatives. He no more believed in the unbroken succession of the House of Representatives, than he did in the unbroken succession of the line of the Popes from St. Peter down to this time.

Mr. D. said he had shown before, that they were not to look to the body of the representatives of a State as the representation of the State itself, but to look at it, under the Constitution, as the representation of the people of that State. Gentlemen seemed to have great fears about going into conflict with the laws of a State; but, said Mr. D., there are decisions of this House, which, finding State laws standing in the way of the Constitution, have set them aside; and this is not going into conflict with the laws of that State, but merely passing them by, because they did not conform to the Constitution. Mr. D. quoted the case of Mr. Barney of Maryland, whose seat was contested, to show that the House set aside a law of the State of Maryland, requiring a qualification as to residence, which was not required by the Constitution, that instrument requiring only the member to be, when elected, an inhabitant of the State from which he is chosen. But gentlemen would perceive the absurdity to which they would be driven, by contending that the enactments of a State are binding on the House of Representatives, as to the elections and returns of its members. If, as the gentlemen say, these certificates and seals are conclusive as to the right of those presenting them, how could the House judge of such elections and returns, as it is solely empowered to do by the Constitution? If this doctrine of the gentleman from Pennsylvania is in accordance with what he conceives to be the States' Rights doctrines, it was a species of nullification, he apprehended, that his States' Rights friends would not go for. The Nullification party, as he understood, (at the same time appealing to Mr. Pickens,) interposed the State's sovereignty to arrest an unconstitutional law; but this nullifying the Constitution of the United States by a State enactment, as the gentleman from Pennsylvania would now have it, was going further than any Nullifier he ever heard of was disposed to go. Thus much as to the rights of the States. He flattered himself that all the State' Rights gentlemen were now with him.

But gentlemen asserted that some persons must take their seats as members from the State of New Jersey before the House can decide the matter.—"I should like (said Mr. D.) for gentlemen to show me their authority for this. I should like to know when it was decided that a member must take his seat before it can be decided whether he is entitled to it." Mr D. here referred to the decision in the case of Mr. Edwards from Maryland, to show the error of this position; and also, for the same purpose, referred to the case of Mr John Richards, a member from the State of Pennsyl'a., in which case the Governor of that State acted with much more delicacy and moderation than the Governor of New Jersey; for he gave the commission to neither of the contending parties, but left the controversy to be decided by the House. Now in this New-Jersey case, the refusal of the Governor to give his certificates would not, in the least, have prejudiced the claims of those gentlemen to whom he did give them; for they would still have had the same rights which they now possessed, and on which only the House was competent to decide.—This book, (holding up the volume of contested election cases) said Mr. D., is full of cases in which the House has counted the votes, either where the authorities of the States refused to count them, or where they were returned too late to be counted under the State Laws. He would not undertake here to define what was meant by the phrase "*prima facie* evidence;" but he was grossly deceived if it meant any thing more than first blush evidence, and became good only in the absence of testimony to controvert it. You cannot, then, said he, where there is clear, strong, and impartial testimony staring you in the face, impeaching this *prima facie* evidence, conclude that you will not give it a hearing, without violating every principle of justice, as well as of the Constitution of the United States.

After having shown the power of the House to examine into all the returns of its members, both primary and ultimate, Mr. D. would merely say, that if the certificates of the Secretary of State are not evidence in this case, it was twice decided in the House, in the case of Spalding and Mead, that they were; and further, that this was the first time that the certificate and seal of an office of record was not considered good evidence with regard to the records in that office. He had briefly touched on the points involved in this case, for the purpose of showing that the House ought not to resolve with this inconsiderate, he would not say indecent, haste, that they would not look into the important testimony impeaching these certificates, but ought to make up its decision after a full knowledge of all the evidence belonging to the case. He, Mr. D., was for going regularly into an examination of this case, and for going into it in a tangible form. He was for permitting both parties to be heard on their trial. Believing this to be the course required as well by expediency as by justice, he would not, even if he thought these five New Jersey gentlemen had the right to the returns, vote for the proposition of his colleague; for it would not be right nor just to prejudge the case before ascertaining all the facts connected with it. He hoped therefore, that it would be the pleasure of the House to have the whole case fairly brought before them, and then, after hearing both parties, discuss it calmly and deliberately, and decide upon it with a full understanding of its merits. Mr. D. said that he was for going into an examination of this question through the medium of a committee, both for the sake of convenience, and for the sake of bringing all the evidence more clearly within the view of the members of that body. This would be in conformity with the precedent established in the case of Moore and Letcher, where it was solemnly decided that, pending the controversy, neither party should be permitted to qualify. He believed there was not a single exception in cases decided in either branch of Congress, where gentlemen presenting themselves, and whose credentials were objected to, in which the matter was not referred to a committee, who reported before there was any further action upon it. The book was full of such cases, and gentlemen, with all their ingenuity, could not find a single case in which a contrary course was taken. He found cases where the Governors of States had commissioned members, and where they were not permitted to qualify, but were sent with their credentials to a committee. Where no question with regard to the credentials was raised, the member presenting them was always permitted to qualify of course; but whenever the question was raised to the validity of their commission, they were not suffered to qualify until it was decided that they were entitled to their seat. Mr. D., in this part of his argument, read the case of Mr. Landon, in the Senate of the United States, in March, 1825, by which it appeared that Mr. L's. credentials having been objected to, he was not permitted to qualify, but the matter was referred to a committee.

MR. WISE. What were the objections to Mr. Landon's credentials?

MR. DROMGOOLE Not that they were informal—not that they were not signed by the Governor, accompanied by the broad seal of a sovereign State, but that the Governor had no right to give them. In the case of Mr. Landon, there was a proposition that he should be permitted to take the oath, and it was rejected, and his credentials were referred to a committee. There was, also, a long list of precedents to the same purport, which he would not take up the time of the House by reading, though he would cite one of the cases to show that, where the objection was raised as to the credentials, the House went into an examination of them through the agency of a committee. [Mr. D. here read a case of a member from the State of Ohio, in which this course was taken by the House.] In all cases where no objections were raised to the credentials, the member was permitted to qualify; but in every case in which objections had been made to them, they were not permitted to take their seats till the validity of their credentials was decided on.

If the doctrines for which gentlemen contend, that these certificates, no matter how obtained, will give a seat in this House, should prevail, you will strike a fatal blow at the freedom of elections and the purity of a representative Government! It is this elective franchise, Mr. D. said, and the belief of the people that they may, through it, of right, carry out the Democratic principle, and do what they cannot do but in their primary assemblies, that is the surest safeguard of our liberties. But, said Mr. D., if you establish the principle that the credentials given by the State authorities, no matter how fraudulent—no matter how much at variance with the will of the people of the State, as expressed in the elections, shall outweigh the popular voice, you strike a stab at the existence of the elective franchise, and destroy every principle that makes Democracy both lovely and practicable.

Mr. D. in conclusion, denied that excluding the New Jersey members till their credentials were inquired into, would be disfranchising that State. If her members presented themselves with credentials, which there was good reason to doubt the validity of, it was her misfortune, and the fault of her authorities; but the House was nevertheless bound to exercise the power vested in it by the Constitution, and to examine into all the evidence connected with them. If you decide, said Mr. D., that we must, *ex necessitate rei*, permit these gentlemen to take their seats here, and, through their agency, laws may be passed detrimental to the rest of the Union, and then afterwards, upon an investigation, decide that they are not entitled to their seats, I ask, said he, how you are to repair the injury thus inflicted. He asked if it would not be the part of wisdom, as well as of safety, to let these gentlemen wait until, after a fair, calm, and impartial examination, the House could decide upon their claims. He indulged the hope that, if the House was disposed to do justice to New Jersey, as well as to the rest of the Union, they would not decide upon this matter with such inconsiderate haste as to overlook the important testimony before them.

The debate was continued on this and several collateral questions until the House adjourned, without any definite action; in the course of which Mr. Briggs, of Mass., "asserted that there was not to be found, within the last fifty years, a single case, either in the Congress of the United States or in the State Legislatures, where a member, regularly returned according to law, had been refused his seat in the first instance."

MR. DAVIS of Pennsylvania rose and stated, that at the last session of the Pennsylvania Legislature, two gentlemen from the eighth Senatorial district of Pennsylvania, had presented their credentials to the Senate of that State, made out in pursuance of the laws of the State, yet they were not permitted to take their seats, and their opponents, who had no credentials at all, had the seats given to them.

MR. RIVES of Va. also referred to cases in the Virginia Legislature, where the persons holding the certificates were not permitted to take their seats.

Mr. Barnard got the floor and the Ho. adjourned.

In the Senate, on the 18th, Mr. Linn of Missouri, introduced a set of Resolutions in regard to the occupation by this Government of the Territory of Oregon, which we may notice hereafter. In the House the debate was continued on Mr. Wise's motion that the New Jersey members be not sworn. Mr. Wise having the floor, yielded it to Mr. Shepard, of North Carolina, who went into a discussion of the merits of the New Jersey contest, in which he said, he was at first in favor of the five members from New Jersey taking their seats, as they held the Governor's certificate, but as the House had once rejected their claims, they had no right to demand to be sworn, unless by a vote of the House; and he was against making a decision on the case until it was examined into and reported upon by a committee, &c. &c.

Mr. Thompson of S. C., then rose and addressed the House in a long speech, in the course of which he made some severe and unkind reflections on the course of Mr. Shepard in Congress, when

MR. SHEPARD again rose and said, that he had been an humble member of the House of Representatives for the last two years, and in his course on that floor he had endeavored to be actuated by what he believed to be his duty to himself and the people he represented. He knew that, on various occasions, he had taken a course unpalatable to some gentlemen, and they had shown their disapprobation of that course by various circumstances and means. He would, however, now say to them, that he was not responsible to them, or to any body else, except the people who sent him there, and the country at large; and he hoped that, in the discharge of his duty in that House, he was as far from fear as any other member on the floor. He would neither yield to flattery on the one side, nor to bullying on the other. When he rose a few moments ago, he did not rise to make an apology to any body; but he rose to put himself right before his constituents and the country at large, because he knew that the party organs, which were spread throughout the country, were always disposed to hold up a public man to odium. The people do not understand the rules of order in this House; and when gentlemen act differently from the views of partisans, it is easy for them to be misrepresented. And notwithstanding the remarks of the gentleman from South Carolina, he felt satisfied with the propriety of his course, and he believed that every person, untrammelled by party prejudice, would justify his conduct. He would now briefly state what he had said. He had said, that when we first met in this House, he believed that these members from New Jersey who had the Governor's certificates were entitled to take their seats and participate in the election of a Speaker; but he stated further, that he had strong suspicion that these men had come here through a fraud. The gentleman from South Carolina himself had strong suspicion that they had come here through a fraud, if he had not misunderstood him on another occasion. He thought in the first place that they had the right to participate in the election of a Speaker. They however were deprived of that right by the House, and they did not vote for a Speaker. Then, so far as the principle was concerned, it was violated by prohibiting them from voting in the election of a Speaker; and if they had at any time a right to participate in the organization of the House, that right had been trampled upon, and it was gone forever. Then, after all this was done, was it not the proper course, as a speaker had been elected who would immediately appoint committees, to let the whole matter be brought up before a committee, and be examined, and properly decided? Last week, the argument was, that we must give faith and effect to the certificate, because the House was not organized, because there was no Speaker, no committee to examine, and collate facts. Now, sir, the case is different. You have been elected by the gentleman and his friends, because of your justice and impartiality. You can immediately appoint a committee to investigate the whole matter