#  <br> NORTH-CAROLINA GAZETTE, 

Vol. IV.

Tuesday, January 23, 182\%.


Wentesdar, Jasuary 3d, $182 \%$. Continuation of the Debate which occurred on
the Report of the Committee of Privileges and
Tlections in the cose of the Report of the Committee of Privileges and
Elections, in the case of Josiah Tyoon, whose
seat as Senator from Moore County, was contested by Cornetius Dorod.
Mr. Y ancy, (Speaker) stated, that in th former remarks whiche first question only
he bad examined the fill
viz. that of illegality in the appointment viz. that of illegality in the appointment
Inspectors. because the gentlemen who ha participated in the debate, seemed to think,
there was no ground for impeaching the Inspectors of person, that there was not the
ed by every ed by every person,
least cause for suspicion. The gentleman
from Wake, (Mr. Seawell,) however, bas contended, that the simple circumstanc of the Deputy Sheriffs having looked at
the votes, was a sufficient reason for vitia-
ting the election, and vacating the seat of the votes, was a sumd and vacating the seat o
ting the election,
the sitting member. He thought the evidence sufficiently proved, that no fraud
was intended. either on the part of the was intended, either on the part of the
Deputy Sheriff or the Inspectors, and thai
no undue influence was practised. The no undue influence was practisen.
tickets were looked at, it is true, but apparent, that it had no effect on the elec
tion. Every persnn who voterl for Dowd the petitioner, did it with that mana y inde-
pendence which he was pleased to see
practised in exercising the rightof suffrageEvery ticket which was presented folded,
was for the sitting member, and it does no was for the sitting
follow because the attendant officer open ed them, hat the election was vor.
did not appear what object the Deputy She
riff had in view, in officiously opening th votes, but it was in oery clearit had no effec
on the election. thing to us. The mere circumstance tha an officer acted improperly, constituted no geason why we should vacate the seat of a
nember whe was the choice of a majority ers of the Cosinty. The Sheriff, it is said, regardless of the hrimself, without consulting any one. The
simple question, then, for us to decide, is this-Shall so slight an irregularity vacat
the seat of the sitting member? Very for the seat of he had it in his power to cite one
tunately,
or two cases. which, though not directly applying to the one under consideration
would serve to illustrate the principle fo which he contended.
He referred to a report of the contester
election between Mr. Hammond and Mr He referred to a report of the contested
election between Mr. Hammond and Mr.
Herrick, of Ohio, which recited the case of a contested election between Mr. Mear
and Mr. Spaulding. By the statute of and Mr. Spaulding. By the statute of
Georgia, it was required, that the return-
ing officers should certify, in a limited time, (I belicve, said he,) in twenty days,
the number of votes given to each candidate. and from the number so certified,
should be ascertained who hat the highest number of votes, and the candidate who
had received the highest number of vote so returned, should be declared duly elect
ed, and receive a certificate of his election The whole number of votes given was
returned in the time required by law, returned in the etme required by taw, an
of the number returned within time 1
mited by the act, Mr. Mead had the high est vote, and received a certificate of hi
election. It was afterwards ascertained That of the whole number of votes given,
Mr. Spaulding had a majority, and upon
these facts appenring, upon the examinathese facts appearing, upon the examina
tion of the case in the House of Represen tatives, it wase decided, that Mr. Spruldin
having received the greatest number having received the greatest number o
constitational votes, was entifled to th
seat.
In 1814, Mr. Smith ant Dr. Wiloughb
were candidates in a district in the Stat
uf of New-Yort. and in making a calculation Of ne number of votes received by tham
the retarning officer made a mistake in th
addition of the number of addition of the nunnber of votes receive
by Mr. Smith, and from which it appeared
That be mad a majority of the votes give That be had a majority of the votes give
in the district, and be accordingly received
a certificate to that effect; but in a certificate to that effict; butit afterward
appeating, upon cxamination before appearinc, upon examination before the
House of Representatives, that Dr. WVi houghy hatl the highest number or
he was deciared entiled to the seat.
The true quession for us, then, is- wh
received the highest number of votes ? I
we cau ascentain this, from the evidence and trere be no fatait in the case, accord
ing to the principe established in the case
cired, he sho ubtained the most votes, i
chitiled





 e the elections in the "State? Every elec
tion woull be declared invalid, where any
vote may have been looked at, either to
gratify impertinent cnriosity, or from gratify impertinent cariosity, or from a
innocent intention? should the election
be get aside on this ground, it would esta besish a precedent, on the authority of which,
an election might intentionally be set aside, at any time, by looking at some of
the votes.
There is, said, he, another plain princi-
pie which ought to have its weight There is, said, he, another plain princi-
ple which, ought to have its weight in this
case. If there has been an impropinety in
the conduct of the Deputy Sheriff, in lookthe conduct of the Deputy Sheriff, is look-
ing at the votes, or an irregularity in the
Sineriff, in the mode in which he las made Sherif, in the mode in which he has made
the appointment of the. Inspectors, it was
no fault of the sitting member. He has
neither participated in the one, nor has he
directed the other. If any one is to be directed the other. If any one is to be
punished for a violation of the law, let it
not be him, nor the people, by depriving not be him, nor the people, by depriving
them of their choice of a member, as evi.
denced by a majority of the constitutional
votes of the county. If the Sheriff or his votes of the county. If the Sheriff or his
Deputy have committed an offence, purish
theun for a misdemeanor in ofice, but do
not not pur a misdemeanor in others fort, but dom. There is no
not punce before us to show that the elec
evidence ber evidence before us to show that the elec-
tion was fraululent, or that Mr. Tyson
knew any thing of its irregularity; and knew any thing of its irregularity; and
though in the appointment of Inspectors,
the precise letter of the law may not have
been complied with, yet it was in the pow been complied with, yet it was in the pow-
er of the Senate to valiidnte the election,
and permit the member to hold his sea
who had received a and permit the member to hold his seat.
who had received a majority of constitu-
tional votes.


Louisturg Male Academy.

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\end{aligned}
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\begin{aligned}
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upplied with water from the Hay Mount aque.

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\begin{aligned}
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& \text { Large Stablesare convenienty placed in the reep } \\
& \text { The subseriber is determined to conduct the }
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| Oct. 25, 1826. |  |
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