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CONGRESS. WASHINGTON, Dec. 18. Immediately after the Speech of Mr. Rayner, (which is in the course of transcription by the Reporters, and will be published as soon as ready for Press)—

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Mr. SHEPARD, of North Carolina, rose and said: This debate had already occupied so long a time, that he did not know that he could throw any light on the subject. But as his course had differed in some degree with that of some gentlemen on that floor, he felt it but an act of justice to himself that he should claim the attention of the House for a few moments, while he made a very brief explanation.

Now, supposing that the Congress of the United States should pass a law and take from New Jersey its power, or supposing that they should appoint a returning officer for each State, whose duty it should be to make the returns to this House, it seemed to him (Mr. S.) that the argument in that case would be that the returns made by an officer of the Federal Government, would be regarded as valid until proved to be false and unfair. So it was now with regard to a returning officer in the State of New Jersey.

leman from Virginia, (Mr. Wise,) which was, that those gentlemen who had the certificate of the Governor were entitled to be put on the roll. He (Mr. S.) voted on that proposition, which, however, was lost by a majority of three. In the subsequent proceedings, the gentleman from Virginia offered another resolution, which was, that those having the certificate of the Governor were entitled to seats on this floor until further proceedings should be had. He voted with the gentleman on that question. He (Mr. S.) thought they were entitled to their seats; that they ought to be allowed to vote for a Speaker of this House, and participate, in fact, in the organization of this body. But there he found he was in a minority again, or rather there was a tie vote on the question, and the resolution was lost.

Why not let the whole case be impartially decided upon? The great argument last week was that we could not inquire into the merits of the question, because the House was not organized, and therefore we must admit prima facie evidence of title, to-wit, the Governor's certificate. The strength of this reason was now gone—the Speaker was elected, the House was organized, the committee could be appointed, and he thought it an auspicious moment to go into the whole proceeding. For himself, he would not have any important vote taken until this question was decided. Even the great financial question, on which he should go with the Executive, and the fate of which probably would depend on the decision of these contested election cases, might be laid over until the House decided who should take seats as Representatives from New Jersey; and he would say, that no man in this country was more anxious that the great political question now pending should be decided as quickly as possible. But, anxious as he was that a termination should be put to these daily scenes, he did not desire to accomplish that object at the expense of justice, and by the sacrifice of honor.

What has been the practice of that great and glorious people from which we derive all our institutions, and especially the great, the greatest of them all, the principle of public liberty—the principle of representation. The gentleman said he had been informed that the practice of the British Parliament had been that for which he contends. Now, sir, I will inform the gentleman that directly the opposite has ever been, without one single exception, the practice of that body. I might here safely rest upon the authority quoted from the Lex Parliamentaria by my friend from North Carolina, (Mr. RAYNER,) in a speech which I am sure I express the unanimous sentiment of the House when I call it able and eloquent. It is an authority express, unequivocal, and admitting neither of perversion nor reply.

gentleman forbid that I should impute to him an intentional error. I will not insinuate it, as I do not believe it. The gentleman's first reason why he should vote against the members from New Jersey taking their seats, is that he will thereby save time. If these members are entitled to their seats, their right is derived from the Constitution; will the gentleman violate that to save time? Is the sacred—to a freeman the most sacred of all rights—the right to be presented—that right, in defence of which our fathers declared and achieved our national independence—are the rights of two hundred and fifty thousand freemen, and those rights guaranteed by that Constitution which we have sworn to support—are these, sir, such small matters that, to save a little time, the member would violate them? But, is it so? Will the gentleman really save time? The Chair has asked the decision of the House; the House cannot avoid the question; the gentleman must vote ay or no; if it will take him longer to say ay than no, by the difference between the two monosyllables, and by that only, will he be able to measure the time which he will save? I hope that the gentleman will rejoice to find that his vote to save from violation the rights of the People of New Jersey, his own convictions of right, and the Constitution itself, will take no more time than a violation of all these. What is his second reason? It is this: that you have already deprived New Jersey of her vote in the election of Speaker—that step you cannot retrace, and you may as well, therefore, let the matter rest. In other words, you have, as the gentleman himself believes, most incontinently, unjustly, and unconstitutionally deprived New Jersey of one right—argu, you are not required to respect any of her rights—you have improperly excluded the State from participating in the election of Speaker, and it is, therefore, proper that you should not allow its members to vote in the election of Clerk and Printer.

that such certificate is necessary. Of what earthly use is such certificate but to assure us of the result of the election? and of what use as to us, if, without one particle of evidence, we may disregard it? I say here, sir, in my place, and defy contradiction, that as yet we have no particle of testimony to contradict the prima facie evidence of the Governor's commission; nothing which any man, whether a lawyer or not, will call evidence. What have we? Nothing but the certificate of the Secretary of State. Is the Secretary of State directed or authorized to give such a certificate? The Governor of the State is alone thus empowered; and, being so, no other officer can be—or else the conflict would, or might constantly occur, of different certificates being issued by different officers to different persons. All the officers of the respective States are commissioned by the Governors. Can a Secretary of State commission a sheriff of a county on the ground that he has counted the votes, and found another person than the one commissioned by the Governor to have been duly elected? No one will say so. Why not in that case as well as in this? He cannot, because he has no power concurrent even with the Governor—much less to ride over the act of the Governor. The Governor has given a commission to certain gentlemen; it is either nothing, or a good commission until invalidated by the House in the regular way. All the power of the Secretary is to vouch that it is the act of the Governor, not a power to act himself. This certificate of the Secretary, then, is an unauthorized, unofficial, and therefore unauthoritative act of the Secretary—the act of Mr. Westcott, a private citizen; for, although he is Secretary of State, this is no official duty; and, quoad this particular act, he is a private citizen, of no more authority than if one of the numerous family of Smith had intruded into the office, counted the ballots, and given the certificate. Is this evidence, sir? Why, even the gentleman does not pretend that it is, but says that it is sufficient to excite his "suspicions;" and would the gentleman set aside a clear, indisputable title, on mere suspicion? He says so. He likens this to a case where there is on one side presented to a Judge a clear title, free from all blemish or defect, to a piece of land; on the other side, statements not evidence are made which excite suspicion of fraud, and upon this he would decide against the legal title. We are told of a Judge of another tribunal, (not of this world,) whose maxim was, "castigat auidque." But this is worse. That was to punish, and then inquire if the punishment was deserved; but this is first to ascertain the truth by evidence, and decide against it on suspicion. Because a suspicion is raised in the mind of the gentleman, he will take from 250,000 freemen their right of representation, and violate the Constitution, without waiting the tedious and unnecessary process of hearing the evidence. These are the gentleman's three reasons. It too often happens in this world of ours that the reason does not dictate the course; but that, the course taken, the reason is afterwards looked for.

\* See Parliamentary Debates, vol. i, page 57.