

The laws of New Jersey for regulating elections, which were in force when the members of the present Congress were chosen, distinctly point out the precise form, manner, and time, in which returns from county clerks shall be made to the Executive, and they as distinctly point out and define, and therefore limit, the authority of the Executive and his Privy Council in making up from these separate returns the aggregate majorities, and require that to the six persons having the highest number of all the votes legally returned to the Executive a commission to represent the State in the House of Representatives shall be given under the great seal of the State.

It is best, perhaps, for the case may become deep interest—to quote the very language of the law, passed in December, 1707. We commence with the section which explains the duties of the inspectors of elections.

"Sec. IV. After the poll is closed, the Judge and inspectors shall, together with the clerk of the election, proceed without delay to take an account of and cast up the votes given in for each candidate as representatives from this State, and shall make separate lists of the same, which lists they shall sign, certify, seal up, direct, and transmit to the clerk of the county, who shall attend at the court-house of the county on the Saturday next after the day of election, for the purpose of receiving the same, which lists shall be delivered to him before five o'clock in the afternoon of said day; which said clerk shall then proceed in a public manner to make one general list of all the candidates voted for as aforesaid, together with the number of votes received for each of them, and shall transmit the same at the expense of the State, to the Governor, or person administering the Government, within seven days thereafter, having first caused a duplicate thereof to be filed in his office, together with the lists from the said townships."

Now, it is not disputed that the clerks of the several counties did make up and transmit to the Governor, within the time specified, the general lists above required. So far then as official forms could sanction such returns, they were, to all appearance, regular and proper. The next section prescribes the duties of the Governor, as follows:

"Sec. V. The Governor, or person administering the Government, shall within five days after receiving the list, lay the same before a Privy Council, to be by him summoned for that purpose, and, after casting up the whole number of votes from the several counties for each candidate, the said Governor and Privy Council shall determine the six persons who have the greatest number of votes from the whole State for Representatives in Congress from this State, which six persons the Governor shall forthwith commission, under the great seal of the State, to represent this State in the House of Representatives of the United States."

It is not disputed that the Governor and Privy Council, according to the lists received, did cast up the whole number of votes, and their authority is in express terms limited to that merely ministerial office, and thereupon a commission, under the seal of the State, was issued to the six persons having the greatest number of votes.

Thus far then all is clear—and, *prima facie*, there would seem no shadow of pretext for objecting to the members thus commissioned. But it seems the clerks of two counties, Middlesex and Cumberland, did, for reasons either of irregularity as to time, form, or original right, omit to include, in the general list which they transmitted, certain votes in certain townships. How far they were justified or justifiable in such a course, is a question wholly for the House of Representatives of the United States, when duly organized, and concerning which it is immaterial to the matter we have in hand to inquire. The Governor and Privy Council, it is clear from the language of the law defining their duties in the premises, had no right to go behind the general lists sent to them, and which were made in the form and within the time required by the law. Their sole business was to cast up the whole number of votes on the general lists transmitted to them, and, according to the greater number of those, to commission six persons. This office was faithfully discharged, and, as a necessary consequence, the commission was given to the six Whig members. Concerning one of these there is no dispute, as, at all events, he is admitted to be elected. But, concerning the other five, it is contended that, if the votes of the townships omitted in the return of the clerks of Middlesex and Cumberland had been counted, there would have appeared a majority for five of the Administration candidates, and hence it is insisted the Governor was bound to commission them, and not the others.

But it must be obvious to every one that, of these excluded votes in Middlesex and Cumberland, the Governor and his Privy Council could have no official knowledge or cognizance. Their duty is fulfilled and exhausted when they cast up the votes on the general lists transmitted by the clerks of counties—and they can recognize no other source of information as to the votes given in any part of the State. The Governor has no shadow of right to go behind the county clerk's list, nor to inquire into, nor decide upon, disputed questions arising at the polls. This, as we have before said, is exclusively the province of the House of Representatives.

How, then, it may be asked, can the Administration party make even a plausible case against the decision of the Governor and council? Mainly, it would seem, upon the misapplication of a provision in a subsequent part of the statute regulating elections, which requires the Go-

vernor, in certain contingencies, to send express to the clerks of counties for their lists. We again, for the sake of entire accuracy, quote the language of the law, which bears date November, 1820:

"Sec. IV. . . . If the certified lists of votes given for Representatives of this State in the Congress of the United States shall not be received from the clerks of any of the counties of this State by the Governor, or person administering the Government, within seven days of the time prescribed by law for the casting up the votes, making a list thereof, and certifying the same, by the clerks of the respective counties on this State, it shall be the duty of the Governor forthwith to send express to the clerks of the county or counties from which such certified lists of votes have not been received, and to procure the same at the expense of the State."

Under this provision, it is contended, 1st, that the Governor was bound to send express to the Clerks of Middlesex and Cumberland for supplementary lists of the voters by them excluded; of the existence of which voters, and of the fact of their exclusion from the general list transmitted from these counties, the Governor was apprized by out-door testimony; and 2dly, that he should have wanted for such supplementary lists before proceeding with his Privy Council to cast up the whole number of votes.

This proposition, it will be seen, proceeds upon grounds wholly untenable. In the first place, it assumes the existence of the contingency in which the Governor is required to send express to the Clerks. But the law distinctly limits that duty to the case of any Clerk not having transmitted the general list. Here the Clerks of all the counties had transmitted their lists. Of course, the contingency contemplated did not arise, and by consequence there was no power, nor authority, nor obligation, of any kind, on the part of the Governor, to send for any additional returns.

In the second place, it assumes that the Governor may look out of, or beyond, or behind, the duly certified lists of the County Clerks, for evidence as to the number of votes given in any county—an assumption that sets the law and all its terms at defiance, and which, carried into practice, would open the door to every sort of abuse; by converting a merely ministerial officer into the sole arbiter of elections. *Ex parte* testimony that votes were unlawfully excluded in one case, or admitted in another, may once be received to overthrow or qualify the returns of the officer named by law, and acting under oath, it needs no argument to show that the law is a dead letter, the forms for the preservation of the purity of elections cobwebs—and that the Governor and his Council would, in fact, possess substantially the whole power of returning members from the State to the House of Representatives of the United States.

In the third place, it assumes at once that the votes excluded for cause by the Clerks of Middlesex and Cumberland were unlawfully excluded—and that they were legal votes, which ought to have been counted—and that, if counted, they would have decided the majority in favor of five of the Administration candidates; thus begging, as it were, the whole question, and deciding, *ex parte* and summarily, all the points arising in the case.

Hence, the conclusion seems inevitable that the Governor and his Council could not, in the circumstances in which they were placed, have acted differently, nor have refused to commission those for whom, according to the general list transmitted them from all the counties, the greatest number of votes was given.

Another conclusion seems equally inevitable, that the gentleman thus commissioned must be considered the members from New Jersey until a formal investigation by the House of Representatives, after it is legally organized, shall determine otherwise. To that House alone, according to the Constitution, does it belong to "judge of the election returns and qualifications of its members"; and until that judgment be solely rendered adverse to the claims of the members commissioned under the great seal of the State of New Jersey, there exists no rightful power, any where, to deny to them all the rights, privileges, and immunities of the station.

We have carefully abstained, in these remarks, from most extraneous and simple questions of law and right involved in this discussion, and have sought to place the subject in the light in which an impartial looker-on might be supposed to view it. The commission to the New Jersey members is in all points legal. It is in strict conformity with the laws of the State, and under the great seal thereof, and cannot therefore be met *in limine* by objections to its form or regularity. Moreover, the commission is to the six members from the State, one of whom, by all consent, is elected without dispute; but, if the commission be disregarded at the outset, even this one member, about whom there is no question, cannot take his seat, which is a palpable absurdity.

N. Y. American.

A \$10,000 Treasury note was refused yesterday at the Custom House, because it was offered to pay revenue bonds of different persons. The Collector said he could only receive it in liquidation of the dues of one person. So you must owe the government the full amount, or get no change for government paper. The next move will be to take nothing but specie, and pay out nothing but paper.

A terrible gloom is upon the city this day, nor is there any light breeze to brush away the clouds. N. O. Bee.

A letter from New York states that Senator Young is among the passengers in the British Queen, and that he succeeded in selling a million of Illinois bonds at 90.—Globe.

Correspondence of the Baltimore Patriot.

WASHINGTON, Nov. 29th.

The Van Burenites, as if they were sure of electing PICKENS; and after the best of advice I have been able to institute, must admit it has much probability that there will be present, on Monday, at least one hundred and twenty members ready to vote for the Administration's candidate. It is not at all likely that there will be in attendance more than one hundred and eighteen who would vote for either Mr. BELL or Mr. DAWSON. The Administration members, who, some imagined, would be absent, will be on the ground to a man. The successor of Mr. HARRISON, of Missouri, and the Van Buren members from Mississippi, are here Mr. CRARY, of Michigan, will be at his post. There is no longer any reason to doubt the course of Mr. FISHERS of North Carolina. He will go with Mr. CALHOUN's corps. The rumors about the uncertainty of Mr. WICE, of Indiana, turn out to be quite unfounded. He will go for the Administration's Speaker, as strongly as any man. The vote of Mr. CAMPBELL, of South Carolina, will be given for Mr. PICKENS. The four Southern Whigs from Georgia, on the other hand, it is now said, will vote against the South Carolinian. If they do, the contest will be close, and the majority either way very small. Tomorrow, the Georgian band will probably "define their position."

From another Correspondent.

WASHINGTON, Nov. 29.

Both parties are actively engaged in discussing, and in making every necessary preparation for the coming contest. The issue remains to be told. Whoever succeeds, will obtain success after a hard struggle, and by a close vote.

Mr. GRENDEY, I hear, will resign the office of Attorney General, and take the seat in the Senate, to which he has been elected. FELIX is a shrewd politician and a lucky fellow. He always manages to have his porridge right side up. When he found that Tennessee had been captured by Judge WHITE and JOHN BELL, and saw, or thought he saw, that he would soon be left in the "vacative," he resigned his seat in the Senate, and was appointed Attorney General. He is now of opinion that he goes again to the Senate for six years—a period that will retain him in office until Mr. Van Buren's second term expires, if he is elected.

In the year 1812, if I recollect right, he happened to get on the shelf. He then opened in Tennessee, and after court-judging JACKSON for a series of years, got into the office again. From that day he has been on the alert to keep in, and has succeeded most admirably. He intends to live in office, die in office, and be embalmed in office.

Nothing has occurred since yesterday to change the aspect of the political signs, or to lead to any other conclusions in relation to the election of Speaker, than those heretofore expressed.

Correspondence of the National Intelligencer.

NEW YORK, Nov. 26.

The Governor General of Canada is on a visit to the Upper Province. Address has been given him at Kingston and at Prescott.

The New York Harrisburg delegation meet in this city on Saturday to select two delegates at large (Senatorial) to make out the forty two to which the State is entitled.

The Vice President was, last May, invited to visit this city. He has returned for answer, that he could not appoint any specific time.

Of business in this city there is now but much. Many workshops are idle.—Wages are not high, and the demand is limited. The poor suffer amazingly such weather as this. It is fortunate just now that emigration is not throwing many on our shores. The money market slowly, but very slowly, is becoming easier. Merchants are getting out of debt as fast as they can. Southern funds, however, continue unavailable. The banks will have but little to do with them, and the cost of raising money here upon them is yet ruinous.

Fraud. It really seems as if the payment of an Indian annuity could not be made without being marked by some act of fraud. The last Green Bay Democrat says:

Upwards of six thousand five franc pieces were paid out here during the late payment to the Menomonees for dollars. The principal sufferers by this beautiful operation are our merchants, they being compelled to take these pieces for more than their worth from the Indians. Who are the principal gainers remain to be seen. We trust the proper Department of our Government will look into this matter, for the purpose of ascertaining who of its agents deserve credit for the invention of this improved mode of speculating, not to say swindling.

The Convention of the Protestant Episcopal Church, for the Diocese of Maryland, is now in session in this city. The most important business which will come before this body will be the election of a Bishop. Balt. Chron. Nov. 30.

Legislature of New York—1840. The Senate consists of 32 members; of whom 20—including General Root—are Whigs, and 12 Van-Buren men. Whig majority, 12.

Whig majority on joint ballot, 20.

General Jackson has been invited by his friends in New Orleans to attend the celebration of the 8th of January next.

Liberal.—At the Methodist centenary meetings at Richmond, Va., about \$11,000 were subscribed which it is expected will be increased to \$14,000.

One of the most extraordinary documents we have ever seen is a Proclamation, issued on Monday last, by the Governor of the State of PENNSYLVANIA, declaring C. J. INGERSOLL to have been elected (at the election held more than a year ago) one of the Representatives from that State in Congress. The nature of it which is in our eyes so extraordinary is not the decision of the Governor in favor of Mr. INGERSOLL's right, but the fact of this proclamation being issued in the teeth of the proclamation issued by the former Governor of that State, announcing the election of Mr. NAYLOR from the same district; a proclamation certainly excluding the effect of any posterior proclamation, and especially of a proclamation issued by a Governor who had no official existence at the time of the occurrence which he assumes to proclaim!

National Intelligencer, Nov. 30.

Northern Boundary.—The Woodstock (N. B.) Times, of the 16th instant, says: "Late last evening three of the Boundary Commissioners, Messrs Featherstonhaugh, Hansard, and Wightman, and their assistants, arrived here in their canoes from Tubique, and proceeded en route to Head Quarters. We understand that they are from the Eastern section of the country, but we have not been able to learn any thing definite with regard to their explorations in that region."

Hon. John Holmes is about to publish a work, entitled "The Statesman; or, Principles of Legislation and Law of the State of Maine and of the United States."

The season.—Letters from France, as our readers have seen, prognosticate, on the strength of early signs of it, a very severe winter. If we are to augur any thing from signs here, we shall have an awful season of it. Already the cold here is that of mid-winter. On Tuesday morning, in this neighborhood, the thermometer at sunrise, was as low as 18° Fahrenheit, and yesterday morning at 16°.

The late rains in Alabama have had the effect of raising the streams in the interior of that State, so as to permit their navigation by cotton boats, which had for a long time past been suspended.

Small Pox. The Boston Times states that the small pox is making fearful ravages in that city—about thirty cases were reported in Cross street.

Pensacola, Nov. 16.

It is a fact worthy of remark, that the frigate *Macedonian*, in returning into port on the 6th inst., beat over the bar, making at least six tacks, and thus proving the practicability of a big ship's effecting an entrance.

A Diplomatist Detained.—Gen. Henderson, the Texan Ambassador to France, on his arrival at New York in the British Queen, was arrested for debt, and for want of bail was given into the hands of the Sheriff. A motion for his release was made in the Superior Court on the ground that his diplomatic character, which was fully proved, exempted him from liability to arrest for debt. His liability was contended for, on the other hand, on the ground that the law of nations touching this matter, applied to such characters only in the country to which they are sent, and their journey to and from it, and as the mission of the *detenue* in this case was not to this country, and this was not of necessity his way home, he was as liable as any other person. The decision of the Court was to have been given yesterday.

Baltimore Weekly Sun.

Virginia.—The Madisonian of this morning gives an intimation that is highly gratifying to the Whigs and Conservatives in this quarter, as we believe it will be in all parts of the the Union. It is, that Mr. RICE is likely to be elected U. S. Senator, on the first ballot. A result like this in the old dominion, would be acceptable in itself, and an omen of success in the coming contest, between the *Conservatives* and the *Destructives*, for the Presidency.

Our minister to New Grenada, Gen. Temple, has engaged a passage for himself and family, on board the brig *Morea*, to sail for Carthagena.

It is said that the Philadelphia Almshouse has, at this time, two hundred inmates more than at this period last year.

A letter from Havana says, "Our Consul has gone home." Mr. TRIST then will soon be among us.

The Chicago American states that the trade of that place, during the past season, has been very good, and that many new buildings have been erected.

St. Louis.—The currency troubles existing at St. Louis, between the Bank of Missouri, and the business men of that city, had not been composed, at the last dates. The terms of compromise proposed by the merchants, had been after deliberation, rejected by the bank; and it was supposed that no further effort would be made by the former to bring about an adjustment of the difficulty; but that things would be left to take their own course.

The British Consul at Tripoli has been instructed by his government to demand satisfaction from the Dey, for having inflicted the *bastinado* on a Maltese, and on an Ionian captain.

The Pittsburg Advocate makes mention of the appearance of counterfeit half eagles, which are said to be well calculated to deceive the unwary.

DIFFERENCE BETWEEN VAN BUREN AND PICKENS.

The pilgrimage of the President during the past and the preceding summer, was in our humble opinion, an exceeding bad taste, to say the least. Should we not be justified in saying that it was unworthy of a gentleman of sense and modesty, and much more so of such a gentleman invested with the dignity of so high an office as the Presidency? Certain, we feel, that however much or little he may have gained either in votes or admiration for the present, by parading himself through the States as an object of public gaze, and in quest of applause, posterity will look upon that paragraph in the history of his public conduct with surprise and condemnation.

Mr. Jefferson speaks precisely to the purpose on this subject in a letter to Mr. Sullivan, from which we cannot forbear quoting the following lines:

"I confess I am not reconciled to the idea of a Chief Magistrate parading himself through the several States as an object of public gaze, and in quest of applause which to be valuable should be purely voluntary. I had rather acquire silent good will by a faithful discharge of my duties, than owe expressions of it to putting myself in the way of receiving them."
Madisonian.

A Tory Abolitionist in Virginia.—The Norfolk Beacon, a moderate but firm Van Buren paper, denounces the Rev. Mr. Fisk, the Editor of the "Old Dominion," as "an emissary of the Northern fanatics," as opposed to the prosperity of Southern Commerce, and Southern Literary institutions; as desirous to excite the poor and improvident against the thrifty and the industrious; as "a wolf in sheep's clothing;" as a spy, &c. &c.

This same "Old Dominion" has been frequently quoted by the Standard; and we find in the last North Carolinian, that the "Old Dominion" quotes some of the Carolinian's views on Banking with high approbation; but in one particular, the Old Dominion does not agree with the Carolinian, for the latter changes its ground to suit the views of the former! Rare bed-fellows these! The Norfolk papers, where Fisk is known, hold his paper and himself in utter contempt.

Fayetteville Observer.

The recommendation of Mr. Tallmadge for the Vice Presidency, by the Whig Convention, has been warmly objected to by two Whig papers, the Northern Spectator and the Wilmington Advertiser. So it is always with the Whig party. If a candidate is not in every particular suited to our taste, some either oppose him or stand neutral. It is true that Mr. Tallmadge voted for the Expunging resolution, under instructions from his State; and we are as little disposed to justify that vote as any man. But when he thought the Administration wrong, he abandoned it, and boldly stood up in the Senate and rebuked the wrong doers. He ranged himself on the *weak* side, not the *right* side; and the consequence is, that we are now rejoicing in the regeneration of New York, which could not have been effected without his aid.

We are not specially anxious that he should be the Whig candidate, though quite willing to support him. We consider it a minor point, not of sufficient importance to justify a difference of opinion.

BLOOD HOUNDS AND THE INDIANS.

"And so it seems the Indians are to be hunted with blood hounds. If these be the evidences of civilization, God save the mark! This most abominable avowal, in the language of Lord Chatam, demands the most decisive indignation."—"Such horrible notions shock every precept of religion, divine and natural, and every generous feeling of humanity; they shock every sentiment of honour; they shock every lover of honorable war and every detester of murderous barbarity."—"The spirit and humanity of the country should vindicate the national honour."—"The immortal heroes of the revolution will frown with indignation at this disgrace of their country."

Now there are some who would impute these remarks of yours to fanaticism; but I am not one of those. Were I even unacquainted with you personally, I think that I know enough of human nature, and remember with sufficient vividness my own sympathetic feelings towards objects proved by time and reason utterly unworthy of them to enable me to do justice both to your motives and your feelings.—Indeed I will not conceal the fact that when I first heard the idea suggested of hunting the Indians with blood-hounds, my feelings revolted at the proposition.—I was then, however, as far as you are now, from the scene of Indian barbarity; and did not realize the enormity of their cruelty, and their perfidy. But this is literally brought home to us when, in the morning, we see those whom we have met daily on the "accustomed green," leave town, full of life, and ere sunset see their mangled bodies bereft of animation, brought back to the widow and the orphan.—And witnessing such a scene as I have this day, and reflecting on all the circumstances connected with this horrid war, I cannot help thinking that humanity would justify us in using "all the means that God and nature puts in our hands," to subdue, if not extirpate these horrible hell-hounds of savage war," as they were most appropriately called by Lord Chatam in his noble speech from which you quote.

By the bye, my dear Sir, it appears from a late work of Lord Brougham's, and I truly regret that it is too well attested, that the great man who uttered the eloquent depreciation against the proposition to employ Indians in the American Revolutionary war, himself had employed them against the French in Canada! Thus it is ever that, to quote a trite proverb—"circumstances alter cases." And I think it can hardly be supposed that among the millions who now occupy with a quiet conscience the lands where the red man once stalked in native freedom, from the Gulf of St. Lawrence to the Gulf of Mexico, a single individual, not a maniac, could be found, who, if his lands

The Wheeling Times says that the discharge of hands from the large manufactories of that place still continues—a course to which the proprietors have been compelled by the pressure for money, and the difficulty of procuring materials.

ADVERTISER.

WILMINGTON, N. C.
FRIDAY MORNING, DEC. 6th, 1839.
FOR PRESIDENT,
HENRY CLAY,
OF KENTUCKY.
Subject to the decision of a National Whig Convention.
St. Augustine, Monday evening,
Nov. 25th, 1839.

My Dear Sir:

I sit down to write in a state of the most intense and painful excitement. A few hours ago, one of the volunteers stationed about 11 miles west of this, on the Pocolata Road, came in with information that the Indians had just committed several murders on the road, between here and that post.

This morning Captain Searle, Acting Quartermaster, left this place in the government back for Pocolata, in company, though on horseback, was a young Poland, a citizen of this place. About six miles from Town, just at the border of a swamp, they were fired at by Indians: the young Pole was killed on the spot, the Captain (badly wounded) was carried in haste to the Post. Thence a small detachment was sent to this place for a surgeon. About two miles from where the back was attacked, and within 3 1/2 miles of town, where the road issues from another swamp, the detachment found the dead body of Mr. Weedman of this place, and by his side, badly wounded, a son of his about 12 or 13 years of age. These two were going out in a cart to visit a farm belonging to the old man, situated 11 miles from Town. Mr. Weedman was driven from this farm by the Indians soon after hostilities commenced, and it is very remarkable that he lost his life in the first attempt he ever made to revisit it after a lapse of nearly four years!

I write this hasty letter to you, my dear Sir, in consequence of a paragraph which I read in your paper of the 25th October. The following is the paragraph to which I allude.

"And so it seems the Indians are to be hunted with blood hounds. If these be the evidences of civilization, God save the mark! This most abominable avowal, in the language of Lord Chatam, demands the most decisive indignation."—"Such horrible notions shock every precept of religion, divine and natural, and every generous feeling of humanity; they shock every sentiment of honour; they shock every lover of honorable war and every detester of murderous barbarity."—"The spirit and humanity of the country should vindicate the national honour."—"The immortal heroes of the revolution will frown with indignation at this disgrace of their country."

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