

CONGRESSIONAL SPARRING.

Having alluded in our last to the personal conversation between Messrs. STANLEY and BYNUM, on the floor of the House, we take the following account of it from the Proceedings of Congress, as reported for the National Intelligencer:—

FRIDAY, JANUARY 3.

Immediately after the reading of the Journal Mr. JENIFER rose and said: I ask the indulgence of the House whilst I call their attention for a few moments in relation to a matter which personally concerns myself. I do not rise to ask a correction of the Journals, but for the purpose of pointing their attention to a report of the proceedings which took place on Tuesday last. In the Globe of Tuesday evening, which purports to give a sketch of the debate upon the resolution of the gentleman from Pennsylvania, (Mr. Sergeant,) as to after the 20th rule of the House to allow further time for the daily presentation of petitions, I find the following remarks:—

"Mr. BYNUM appealed to Mr. GARLAND, to withdraw the motion for the previous question, as he had been attacked by three gentlemen on the opposite side, and had been grossly misrepresented, and he only wished to say a few words in reply to those gentlemen, (Messrs. Johnson, of Maryland, Jenifer, and Stanley.) He should think it hard if he were not granted this privilege.

Mr. Garland said he would not withdraw his motion for the previous question, which cut off further remarks on the subject.

Mr. Bynum then said that it was the usual practice of that party, after having two or three bullies to attack a gentleman and do him injustice, to refuse to let him reply to such attacks."

The distance of my seat from the member from North Carolina, and the usual want of order in the Hall, prevented me from distinctly hearing what was said upon that occasion. Three days have elapsed since the remarks appeared in the Globe, and as far as I have seen, without correction. I am left to infer that they were either expressed on this floor or authorized to be reported.

Had I heard them, I do not know that I should have noticed them, well knowing that they would be properly appreciated by gentlemen here. But, as they have been published in the columns of the Globe, and sent through the country, it may be expected that some response should be given.

I wish it to be distinctly understood that I do not rise to complain; that I do not feel aggrieved; that I take no offence at whatever may have been said, or reported to have been said, coming from that quarter. Still, a regard for the kind opinion of friends, and a respect for myself, which I hope ever to retain, requires that I should "define my position" in relation to the member from North Carolina.

Since the 7th day of June, 1836, (a day which the member, no doubt, well remembers,) I have purposely avoided noticing any thing he might say, or in any manner coming in contact with him, well knowing that no laurels were to be gained, when even victory would be a disgrace. Under these circumstances, my friends need feel no apprehension on my account. But, to prevent misunderstanding, and to do justice to myself, I desire it to be also understood that, if upon any occasion I have, or hereafter may, wound the feelings of any gentleman, I shall always hold myself bound to make an honorable atonement, or meet him in an honorable way. But he must be a gentleman worthy the notice of an honorable man.

Mr. STANLEY rose, and was addressing the Chair, when—

Mr. BYNUM said he hoped the gentleman from Pennsylvania would give way for a moment. He said he had not distinctly heard the gentleman from Maryland (Mr. JENIFER) in the remarks he had made in reference to himself. As to the language reported in the Globe, it was his language, or substantially so; and he was responsible for it, both in the House and out of it. When using it, he had felt himself liberally dealt with by the gentleman from Louisiana (Mr. GARLAND,) by the gentleman from Maryland (Mr. COST JOHNSON,) by the honorable gentleman from New York, (Mr. HOFFMAN,) and by the gentleman from North Carolina, (Mr. STANLEY.) He had not looked upon the character of the debate as absolutely and personally insulting. He did not, indeed, know at the time whether it was the intention of either of the gentlemen to act toward him in that way, but they had certainly grossly misrepresented him.

Let him say to the gentlemen from Maryland (Mr. JENIFER) that, ever since the memorable 7th of June, 1836, his conduct toward that gentleman had been the same as that of the gentleman toward himself; he had never volunteered, either in the House or out of it, to disturb or interfere with that gentleman.

There were others in the House with whom he found himself on the same terms. He considered it as the duty of a gentleman, when he had a difficulty with another, and that difficulty had been settled, not to be forward to re-open the door for another difficulty, unless he was disposed to act the part of a bully. He had always abstained from any interference with that gentleman, and had been chided for it by a member on that floor; but he had conceived it his duty as a gentleman to avoid further intercourse; and, therefore, when the gentleman from Maryland had indulged in remarks, however keen and cutting, he had not noticed them, on the ground of the subsisting relations between the gentleman and himself—not that he deemed such remarks unworthy of notice. And he appealed to every gentleman here present, whether such was not held to be the proper course for one in those circumstances. And, in confirmation that he was correct in this, the gentleman had here avowed it to have been his own course towards Mr. B. But, the other day, that gentleman had got up and grossly misrepresented him and his motives. The remarks, indeed, were not directly insulting, but rather so. It was (said Mr. B.) what I had not expected, but still I find no fault with it; and if, according to the usual courtesy of the House, I had been permitted to answer, I should have done it. I conceive

myself to have been replied to in a strain of illiberality; and when the debate was concluded—when bullies or champions in debate—it is pretty much the same thing—I used the two terms in the same sense—I concluded their attack, I would have vindicated my course, and shown the gentleman from Maryland that he had misunderstood or had misrepresented me. My opinion rather was, that they had misunderstood me. As to the gentleman (Mr. JENIFER) I did not know that he was in the House at the time—in my remarks I had not him in my eye. I cannot tell what he meant to insinuate in referring to a certain day in June; but if he means to insinuate that I lost a particle of honor on that occasion, he says now what he did not say then—he insinuates here what he did not do on the ground. We both shook hands, and he did not say that the affair had been settled to my discredit; if he says otherwise, I should like him to speak out. If we are to have another outbreak, and the gentleman is desirous of it—it is not a matter for me to speak of here. I am sorry it has been thought of sufficient importance to occupy the time and attention of the House—these are private matters. If the gentleman had called upon me, I would have explained to him my meaning; and if he had been aggrieved by the use of the word "bully," I would have told him that by that term I meant a political champion. But if that gentleman undertakes to be my lecturer in this House, we cannot both stay here—nor long in this world. I have no more to say.

After Mr. BYNUM finished his remarks—Mr. STANLEY said, as he had been personally referred to, he hoped he might have the privilege of saying a few words. And what I say, Mr. Speaker, will depend upon the answer I receive to a question I shall ask the member who has just taken his seat.—I would ask him, sir, civilly, and I hope he will have no objection to giving a civil answer, whether he intended to use the word "bully" in an offensive sense, or merely, as he said, as "a champion in debate." I did not distinctly understand him upon this point.

Mr. BYNUM said he had already explained what he meant, and had no objection to giving a civil answer to a civil question.—And he said he should not repeat what he had stated, and that he never considered his colleague a bully in any way.]

Mr. STANLEY proceeded. Mr. Speaker, in what I am about to say, I shall refrain from using any indecorous language. Self-respect, and respect for the House, will prevent my doing so. When I came here, sir, a little more than two years ago, I brought with me the determination to be civil and courteous to every member of the House. I resolved never to be guilty of using offensive language, unless provoked. I have acted up to this resolve. Although I came determined to cultivate social relations with all gentlemen, I soon perceived the necessity of avoiding all intercourse with the individual who has just taken his seat. Never before, Mr. Speaker, have I met a North Carolinian from home that I did not feel my heart yearn towards him as to a brother. No matter if we had been foes at home—abroad I could not look upon him as an enemy. But, sir, shortly after my arrival here, I warned my colleagues not to introduce me to this individual. I have never looked upon him and thought of my native State that I did not feel ashamed.

[The SPEAKER here interposed, and said he had permitted the gentleman from Maryland to make a statement by the indulgence of the House, but that the debate must not proceed in this way.]

Mr. STANLEY said: As I have been referred to, I want to say but a few words in relation to myself; I will relieve the Speaker from any embarrassment, and will endeavor not to transgress the rules. I will make but one remark more, sir. At the last session of Congress, I came into collision with that individual, and applied to him, personally, the most grossly offensive epithets. He made a direct, unequivocal threat that he would have satisfaction. I waited, patiently, to hear from him—but, sir, I have never heard a word from him since that day. If, therefore, sir, I had heard the remarks which he says he made, I could not and should not have taken the least notice of him.

[The SPEAKER again interposed.]

Mr. STANLEY said, Mr. Speaker, I shall not condescend to the use of offensive language; I will only repeat, that, after my remarks of the last session being unanswered, I cannot notice any thing from that quarter. I have said this much that my conduct may be understood.

After Mr. STANLEY sat down, Mr. BYNUM said: "Bah!"

Mr. STANLEY said to Mr. BYNUM that he was a beggar for his life and for what of character he had left.

Mr. BYNUM made some reply, the terms of which were not heard distinctly by the reporter.

This unpleasant conversation here ended.

MESSRS. CLAY AND CALHOUN.

IN SENATE.

FRIDAY, JANUARY 3.

Agreeably to notice given on Tuesday last, Mr. CALHOUN asked leave, and introduced a bill to cede the public lands to the States in which they are respectively situated. The bill was read by its title, and on motion of Mr. C., referred to the Committee on Public Lands.

Soon after, Mr. CLAY (of Ky.) having given notice of his intention to move to introduce the copyright bill, stated that he regretted that he was detained by indisposition this morning, and prevented from being present when the bill was introduced by the Senator from South Carolina (Mr. Calhoun) for ceding the public lands to certain States within which other references of them to the Committee on Public Lands; but unless some Senator would move a reconsideration of the order of reference to that committee, he could not offer the suggestion which he wished to make.

[Mr. Southard moved the reconsideration, and Mr. Calhoun objected to it without some satisfactory reason.]

Mr. Clay went on to observe that, as the committee was constituted, four of its five members were from the new States. He meant to offer no disrespect to them; but he must say that this was a measure which, disguised as it may be, and colorable as its provisions were, was, in effect, a donation of property of 100 millions of acres of the common property of all the States of this Union to particular States. He did not think it right that such a measure should be committed to the hands of Senators exclusively represent-

ing the donors. He thought that a committee ought to be convened in which the old States should have a full and fair representation. We should have a fuller and fairer representation. We should have a fuller and fairer representation. We should have a fuller and fairer representation. We should have a fuller and fairer representation.

Whilst Mr. Clay would be glad if any Senator would inform him whether the Administration is in favor of or against this measure, or stands neutral and uncommitted. This inquiry he should not make, if the recent relations between the Senator who introduced this bill and the head of that Administration continued to exist; but rumors, of which the city circles, and the press are full, assert that those relations are entirely changed, and have, within a few days, been substituted by others of animating, friendly, and confidential nature. And shortly after the time when this new state of things is alleged to have taken place, the Senator gave notice of his intention to move to introduce this bill. Whether this motion has or has not any connexion with that adjustment of former differences, the Public would, he had no doubt, be glad to know. At all events, it is important to know in what relation of support, opposition, or neutrality, the Administration actually stands to this momentous measure; and he (Mr. C.) supposed that the Senator from South Carolina, could communicate the desired information.

Mr. Calhoun said he had supposed that no man had as much occasion for delicacy in referring to political compromises as the Senator from Kentucky. That Senator had referred to some transaction in the political course of Mr. C. which occurred some twelve or thirteen years ago, and had alluded to certain passages in which Mr. C. was accused of changing his political relations. But that Senator knew that it was others who had changed their relations to political subjects and political measures rather than Mr. C., who had followed less in regard to those subjects and measures than he was followed. The Senator was accustomed to have his example followed by others; and Mr. C. had not usually followed it, and especially where he had always stood, and that was on the unchangeable position of bringing back the Government to its original simplicity and economy. He, with others, had succeeded in expunging the whole of the Senator's American System, and other extravagances, so as to give the Government a chance of taking a fresh start. And it gave Mr. C. pleasure to say, that the best part of the measures of the present Chief Magistrate were approved by Mr. C., and Mr. C. was happy of the opportunity to make these declarations, and would stand by them. He should not, however, permit Mr. C. to support a man who he would not politically right. The Senator from Kentucky had given the Government a wrong direction. Mr. C. had resisted the proceeding, and he should continue to do so, standing on the ground occupied by Mr. Jefferson and others of his class.

Mr. CLAY said he had understood the Senator as felicitating himself on the opportunity which had been now afforded him by Mr. C. of defining once more his political position; and Mr. C. must say that he had now defined it very clearly, and had apparently given a new definition. The Senator now declared that all the leading measures of the present Administration had met his approbation and should receive his personal support. It turned out, then, that the rumor to which Mr. C. had alluded was true, and that the Senator from South Carolina might be hereafter regarded as a supporter of this Administration, since he had declared that all its leading measures were approved by him, and should have his support.

As to the allusion which the Senator from South Carolina had made in regard to Mr. C.'s support of the head of another Administration, (Mr. Adams) it occurred to Mr. C. no pain whatever. It was an old story, and one which had long been sunk in oblivion, except when the Senator and a few others thought proper to bring it up. But what were the facts of that case? Mr. C. was then a member of the House of Representatives, to whom three persons had been returned, from whom it was the duty of the House to make a selection for the Presidency. As to one of those three candidates, he was known to be in an unfortunate condition, in which no one sympathized with him. Mr. C. certainly the Senator from South Carolina did not. That gentleman was therefore out of the question as a candidate for the Chief Magistracy; and Mr. C. had consequently the only alternative of the illustrious individual at the Hermitage, or of the man who was now distinguished in the House of Representatives, and who had held so many public places with honor to himself, and benefit to the country. And if there was any truth in history, the choice which Mr. C. then made was precisely the choice which the Senator from South Carolina had urged upon his friends. The Senator himself had declared his preference for Adams in 1824, and Mr. C. made the same choice; and experience had approved it from that day to this, and would to eternity. History would ratify and approve it. Let the Senator from South Carolina make any thing out of that part of Mr. C.'s public career if he could. Mr. C. decided him.

The Senator had alluded to Mr. C. as the advocate of compromise. Certainly he was "this Government itself, to a great extent, was founded and rested on compromise. And to the particular compromise of 1820, Mr. C. no man ought to be more grateful for it than the Senator from South Carolina. But for that compromise, Mr. C. was not at all confident that he would have now had the honor to meet that Senator face to face in this National Capitol.

The Senator had said that his own position was that of State rights. But what was the character of this bill? It was a bill to strip seventeen of the States of their rightful inheritance; to sell it all for a mere nominal sum. The bill was, in effect, an attempt to strip the seventeen States of this Union of their property, and assign it over to some eight or nine of the States. If this was what the Senator called vindicating the rights of the States, Mr. C. prayed vindication to deliver us from all such rights and all such advocates.

Mr. CALHOUN said the Senator from Kentucky entirely mistook the character of the bill. It was not only a State rights measure, but was indispensable to the peace and prosperity of the States, as the only measure that would well effect the object in view.

Having used the word compromise, Mr. C. felt bound to refer the Senator to that particular compromise, and the Senator had said in reply, that any one should be thankful to him for that compromise—

[Mr. CLAY. Not to me.]

Mr. CALHOUN. The Senator always claimed to be the author of that measure, and I am not in the smallest degree thankful to him for it. I knew he could not avoid it. It was his masterstroke that occasion, and I forced it upon him. I wrote home that time half a dozen letters, saying that the Senator would be obliged to accede to a compromise. I will now explain all that. The effect of nullification is this: that when a State interposes, the majority must sometimes yield to the minority. Those who are to have the smallest share of the plunder, in the majority, are sure to get away. In the American system, the constituents of the Senator obtained a very small portion of the time when Gen. Jackson occupied the force bill, the Senator from Kentucky had lost the manufactory; Gen. Jackson had supplanted him, and a Senator, not now present, was also in the way of superseding him in that interest. The Senator from Kentucky was therefore flat on his back, and nothing would answer his own purpose but the compromise. It was with him either compromise or annihilation. It was necessary that either he or the American system should fall. It was not my desire to mention these things, but the Senator went out of his way to touch on kindred subjects, and I therefore felt myself compelled to mention them. I have alluded to my letters on that occasion; and I predicted in

them, on the third day of the session, that this question would terminate as it did.

Sir, I would go further. I yielded a good deal in that compromise. It was my first proposition, that I should go out in 1840, preceding in an equal part for every year of fifteen per cent. And I will say further, that at the session before we alluded in South Carolina, I and others raised the question then settled. It was seven years which I then stood for in its termination, and it would have been carried in that time, but for certain circumstances.—In regard to nullification, my colleague (Mr. Preston) knows why I did it, but I do not choose to state it here. And I should now have said nothing on the subject, if the Senator had been silent himself. But he was no grautude on my part; and South Carolina owes him no grautitude. He acted under the necessity of the case. I backed by the gallant State which I represent, compelled the Senator to break down the system at one decisive blow; and it is my opinion that it will bring back the Government to its original principle.

Mr. CLAY. I am sorry to be obliged to prolong this discussion; but I made no allusion to compromises till it was done by the Senator himself. I made no reference to the event of 1825, till he had made it; and I did not, in the most distant manner, allude to nullification; and it is extraordinary that the Senator himself should have introduced it, especially at a moment when he is uniting with the authors of the force bill, and of those measures which put down nullification.

The Senator says I was flat on my back, and that he was my master. Sir, I would not own him as my slave. He my master? and I compelled by him? I am, as if it were impossible to go far enough in one paragraph, to refer to certain letters of his own to prove that I was flat on my back! and that I was not only flat on my back, but another Senator and the President had robbed me! I was flat on my back, and unable to do any thing but what the Senator from South Carolina permitted me to do!

Sir, what was the case? I introduced the compromise in spite of the opposition of the gentleman who is said to have robbed me of the manufacturers. It met his uncomprohending opposition. That measure had on my part, nothing personal in it. But I saw the condition of the Senator from South Carolina in the South. They had reduced South Carolina to an unwise measure (of nullification) to a state of war; and I therefore wished to save the effusion of human blood, and especially the blood of our fellow-citizens. That was one motive with me—and another was a regard for that very interest which the Senator says I helped to destroy. I saw that this great interest had so got in the power of the Chief Magistrate, that it was evident that, at the next session of Congress, the whole protective system would be swept by the force of the Senator's measures, which would be the ruin of the South. I therefore desired to give it at least a lease of years, and for that purpose, I consented to what I now regard forward that measure which was necessary to save that interest from total annihilation.

But to display still further the circumstances in which the Senator is placed, he says, from that very day of the compromise, all obligations were cancelled that could, on account of it, rest on him, on South Carolina, and on the South. Sir, what right has he to speak in the name of the whole South? or even of South Carolina itself? For if history is to be relied upon, we may judge of the future from the past, the time will come when the Senator cannot propose to be the head of the State, and to secure the rights of the people of South Carolina.

Sir, I am not one of those who are looking out for what may "enure" to themselves. My course is nearly run; it is by no nature, and so in the progress of political events. I have nothing to ask of the Senator, of the South, nor of South Carolina, nor yet of the country at large. But I will go, when I do go, or when I choose to go, into retirement, with the undying conviction that, for a quarter of a century, I have endeavored to serve and to save the country, faithfully and honorably, with the aid of nothing but my own conviction, and of that delightful conviction and consciousness no human being, nor all mankind can ever deprive me.

MR. RAYNER'S SPEECH.

HOUSE OF REPRESENTATIVES.

WASHINGTON, DEC. 18.

The pending question being on a resolution that the commissioned members from the State of New Jersey be not entitled to be sworn as members of the House: Mr. RAYNER said he had not intended to have taken any part in this debate. Having been lately taken sick upon that floor, he had hoped that nothing would have transpired to change the resolution which he designed—that of being a listener instead of a talker in this controversy. I am well aware (said Mr. R.) that this is no place, neither is this any time for apologies. We all meet here with equal privileges and under equal responsibilities, and one has as much right to express his views here as another. But being a new member here, and in the presence of what ought to be the congregated wisdom of the nation; and feeling that diffidence which must necessarily result from such a position, I will claim it as one of my rights on this floor, to offer an apology for remarks which I design to make; and that apology is, that if I say nothing which may be worth the attention of this House, I shall only be following the example which has been set by several others. For, in the scope of this debate, the discussion has not been confined to those only, who have approached it with calmness and discretion; but in the political battle which has been fighting here for the last two weeks, soldiers of every grade have entered the lists, from the hardened veteran to the raw recruit—from those who have wielded the sword with the composure of those who have contended with bulrushes and straws. And besides, the great principle at stake in this matter, and the important consequences likely to grow out of its decision, admonish every one who feels an interest in it, to speak out fully, freely, and frankly in regard to it. And when it is borne in mind, that the rights and privileges of a sovereign State are involved in the decision of this question, I insist that it behooves every State to speak out through a portion of her representation on this floor, and to enter her protest against the attempt which is being made to disfranchise New Jersey.

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But it is not only in conformity with the Constitution and the law that those members having the regular certificates should take their seats here, as a matter of right, and assist in the organization of the House, but it is also in conformity with the law, and with the public sense, that those credentials which each may have declared to be the evidence of his choice, shall be faithfully and implicitly respected by all the others. Well, have the members from New Jersey exhibited such credentials? We have heard their commissions read from the Clerk's table; and it is unnecessary to insist that they are in due form as required by law, for that is admitted on all hands.

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It will be recollected that the contesting gentlemen from New Jersey marked their names at, and occupied seats in the Hall without obtaining permission, during the discussion on this question.

have taken the oath required by the Constitution, preparatory to their taking their seats as members of the House? Suppose that the Clerk was advised, nay, required, to take the course which he did, he had required, "Gentlemen, I am the officer of the House of Representatives, and not the mere tool of a party; I have taken an oath faithfully to perform my duty; one portion of that duty is to make out and call over the names of the members elect on the first day of the assembling of Congress; the duty which I owe my country, and the oath I have taken, prevent my compliance with your demand." I say, suppose this had been manly and noble response of the Clerk, when required to do as he did, think you this scene would have taken place? No one who has been an observer of the party organization which exists here, the dictation of party leaders, and the inflexible determination which exists toward their point at all hazards, can for a moment doubt upon the subject. The course of the Clerk only presented an issue a moment sooner, which would have been presented, even if he had performed his duty as a faithful officer. And as soon as objection had been made, discussion would have ensued, and after discussion, as it had been necessary to test the sense of the members upon any distinct proposition, the same question would have arisen which has given us all this difficulty, viz. who should be entitled to vote? So, no matter what course had been pursued by the Clerk, to this complexion it would come at last.

Why, really, sir, I would suppose that all this storm had been raised by the Clerk, and that he had the power to allay it whenever it suited his good pleasure. If one unacquainted with our Government, and uninterested in our institutions, had heard the pathetic and eloquent appeals which have been made to the Clerk to proceed in his duty, he would have supposed that the Clerk, from his elevation there, was as omnipotent in this Hall as Jupiter on Olympus, and that upon his nod hung not only the future existence of this body, but the destinies of this nation. No such thing, sir; it is not the mere call of the Clerk that constitutes the person called upon to vote in each State by the Legislature thereof, since a fellow-member, him who presents himself clothed with an authority as potent as theirs, which recognition they are bound in duty as well as courtesy to give.

I have made these remarks for the purpose of presenting the point which I wish to make—that the blame should attach to those who have only used the Clerk as a mere instrument, for the purpose of screening themselves from responsibility. One thing is certain, we shall be arraigned before the great tribunal of public opinion; and I wish it now to be distinctly understood that it is not the Clerk, but a band of partisans on this floor, who have prevented the organization of this House, and kept it in an unproductive and unapplicable state. I call upon this House, and I call upon the people of this country, to bear witness, that while we—and when I say we, I mean the friends of the Constitution—and the laws—have been struggling and striving to organize this House, according to the requirements of that Constitution and those laws, we have been thwarted in our every attempt and frustrated in every movement, because we will not agree to depart from that course which is sanctioned by the Constitution, and hallowed by immemorial usage.

The fourth section of the first article of the Constitution declares that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators." Here the Constitution has entrusted the entire regulation of the elections in each State to the Legislatures thereof, until otherwise ordered by Congress; and Congress never having passed any law on the subject, the matter rests under the control of the States. Well, who made that Constitution? The people of the United States, in their character as States, each State acting and deciding for itself. The people of New Jersey in the adoption of that Constitution, which is a part of the fundamental laws of the United States, and their Legislature the enactment of all laws and regulations touching the elections in that State. In pursuance of that authority, the Legislature of New Jersey, a body which also emanated from the people, passed a law in 1807, (here Mr. R. read from the law of New Jersey,) which after requiring the clerk of the several counties "to make one list of all the candidates voted for" in their respective counties as Representatives from that State in the Congress of the United States, "together with the number of votes received for each of them," which they shall transmit "to the Governor" within seven days thereafter, "to go on to declare, in the fifth section, that "the Governor, or person administering the Government of this State, shall within five days after receiving the said list, lay the same before a Privy Council, to be by him summoned for that purpose, and after counting up the whole number of votes from the several counties for each candidate, the said Governor, or person administering the Government, and Privy Council, shall determine" "the six persons who have the greatest number of votes from the whole State for Representatives in the Congress of the United States; which six persons, the Governor, or person administering the Government, shall forthwith commission, under the great seal of the State, to represent this State in the Congress of the United States." Here, then, the People of New Jersey, thro' their Legislature, in pursuance of a right guaranteed by the Constitution, have pointed out the mode through which their will is to be known in regard to those who are to represent them on this floor. They cannot all come here, and say to you in person, whom they wish to represent them here, but they declare to you, through their organic law, that those who present themselves to each State to the Governor, certified under the great seal of the State, are the persons they wish to represent their rights, interests, and their wishes here. This is a high and important trust, which they have confided to their Governor, on his own responsibility; and, whether he abuses that trust or not, is a question into which we cannot inquire until we are a tribunal competent to decide—which we are not, until we are constitutionally organized, and have had the evidence on both sides of the question. And, let it be borne in mind, that the States of this Union, in the adoption of the Federal Constitution—which guarantees to each State the regulations of its own elections—have pledged themselves to each other, and to all to each, that those credentials which each may have declared to be the evidence of his choice, shall be faithfully and implicitly respected by all the others. Well, have the members from New Jersey exhibited such credentials? We have heard their commissions read from the Clerk's table; and it is unnecessary to insist that they are in due form as required by law, for that is admitted on all hands.

But it is not only in conformity with the Constitution and the law that those members having the regular certificates should take their seats here, as a matter of right, and assist in the organization of the House, but it is also in conformity with the law, and with the public sense, that those credentials which each may have declared to be the evidence of his choice, shall be faithfully and implicitly respected by all the others. Well, have the members from New Jersey exhibited such credentials? We have heard their commissions read from the Clerk's table; and it is unnecessary to insist that they are in due form as required by law, for that is admitted on all hands.

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ed for from the rabid influence of party, some of the very men who are now most prominent in this contest against the rights of New Jersey, (as has been proven by a reference to their speeches,) then asserted that you could not go behind the return before mentioned, but that the certificate of election gave the holder, or a prima facie title to his seat. The principle, as sound now as it was then. It is a principle which is common with all our ideas of free legislation, we have borrowed from England, where it has been the law of Parliament ever since the rights and privileges of the House of Commons have been placed beyond the control of the Crown—ever since that House has been the depository of the rights and freedom of the citizen.—The authority read to us the other day by the honorable gentleman from Pennsylvania (Mr. Blille) places this matter beyond controversy. I have that authority now before me, and, with the permission of the House, I will read it again, as it ought to be conclusive upon all who acknowledge the force of precedent and law. I read from Jacobs's Law Dictionary, under the head of "Parliament," vol. 5, page 79:—

"If two or more sets of electors make each a return of a different member, (which is called a double election,) that return which the returning officer, in whom the sheriff's power is vested, has signified and sealed, is good, and the member by him returned shall sit until displaced by petition."

In reading further, I find, on the same page, the following:—

"In the year 1640 it was ordered, that when some are returned by the sheriff, or such other officer as by law hath power to return, and others returned by private hands, in such case those returned by the sheriff shall sit until the election is quashed by the House."

In the case before us the certificate of the Secretary of the State of New Jersey, exhibited on behalf of Messrs. Dickerson and others, is, as far as regards the issuing of certificates of election; and his certificate, in the absence of any provision by law, is entitled to no more authority than the letter of a private gentleman. But I have another authority, which was pointed out to me by a friend this morning, and which is more conclusive, if possible, than either of those I have read. I read from *Lex Parliamentaria*, page 229:—

"If a sheriff shall return one for Knight of the Shire who was unduly or not at all elected, yet that he returned remains a member of the House till his election be declared void."

Now will any one attempt to evade these authorities, by saying that they are English precedents, and therefore not applicable to our country. Sir, I have heard of some pettifoggers who, after hearing cited the opposite counsel an authority which they could not controvert, attempt to delude an ignorant jury by telling them that it was an authority from England, a free country where they had a King, and not applicable to our country, and that in rendering their verdict they ought not to recognize its validity. Will any one attempt to argue here? I challenge any member on this floor to rise in his place, and stake his reputation, either for intelligence or candour, by saying that these authorities are not binding upon us because they are English precedents. Will any one do it? No one will—for every one here ought to know, if he does not, that the parliamentary law of England, whenever applicable to the nature of our Government, has always been recognized by the jurists of our country as entitled to the same respect and possessing the same authority as the common law, which was the natural inheritance we received from our fatherland, and which, in fact, is the common source of all our free institutions.

If, then, the members from New Jersey produce the credentials which the Legislature of their State has provided by law, and if that provision of their Legislature is in pursuance of a right guaranteed by the Constitution of the United States, why will this House refuse them a participation in all the rights and privileges, as well as those which are incident to organization as to legislation afterwards? If it has been the established usage, from the origin of the Government, to admit to their seats those having the certificates of election required by law, why will you now, for the first time, violate this settled principle, and innovate upon a practice which has become the parliamentary law of all free legislation? But, sir, how have the authorities which have been adduced, and the arguments which have been made, in defence of the Constitution and the laws, been met on this occasion? Have they been received and been replied to with courtesy and candour? No, sir, Gentlemen, after having received authorities which they could not controvert, and arguments which they could not answer, have attempted to evade them by sneering and ridicule. They tell us they will not be fettered by precedent, or trammeled by the forms and technicalities of the law. And I, who am here to hear that doctrine avowed on this floor, I think it must be the first time that that destructive, Jacobinical principle has been promulgated in this Hall. I was aware that that doctrine had its advocates among the wretched rabble that infest our Northern cities; but never did I expect to see the day when an American Representative would