

which running and corrupt men have used for the purpose of concealing their treacherous and sinister designs. It has always been the language of despots, when the law has interposed a barrier to their ambitious projects. Tyrants have always contended that their object was the good of the People, when violating those very laws that the People themselves may have made for their own preservation. It was the language of Cromwell, when, under the garb of sanctity, he snatched at unlimited power. It was the language of Robespierre, when, from a pretended hatred to tyrants, he deluged France in the best blood of her sons. It is the language of fanaticism in our own day, when whetting the knife for our throats, and kindling the torch for the destruction of our homes. It is the language of the gentleman from New York, in framing a pitiful excuse for trampling on the laws and Constitution of his country. Why, sir, I again ask, what are the forms and technicalities of the Constitution and the laws which the gentleman from New York has so long decided? It is they whose unseemly power is always in operation, and which keeps the wheels of government in motion, not only whilst we are sitting here, but whilst we are reposing in our beds. It is they whose magic power brought us all here together on a given day—whose process is in the exercise of our duties here, and which invests with a sort of sanctity in the public eye, all our proceedings. It is they who arm your Sergeant-at-Arms with a power as terrible as an army with banners—which reconduct us to our labors and detention here, under the assurance that our homes and our fire-places are protected against the assaults of rapine and violence. It is they whose "still small voice," by the use of the language of my eloquent friend from Georgia, (Mr. NISBET,) "speaks in a language as terrible as the thunders of heaven." It is the technical operation of the Constitution and the laws which give us our representative body, and which will strip us of our power at the appointed time. It is to them that the gentleman from New York himself owes the privilege of a seat on this floor; for, without the forms of law, his constituents could not have sent him here—and the opportunity which he has had of sneering at, deriding, and contemning the very power which clothes him with his representative character.

But, sir, we are not only bound by the Constitution and the law of Parliament to admit the members having the legal returns, but reason and common sense must suggest that we cannot depart from that course without becoming involved in inextricable difficulties. Before organization we can do nothing except what is incidental to organization; it is only by the act of organization that we become invested with a representative power, able and capable of enforcing our decrees. It is not evident, then, that upon assembling together, reason and common sense would require that no obstacle should be presented to the admission of members in the act of organization? I think the position has been properly taken and forcibly illustrated here, that before we are organized, we can exercise no power except what is necessary to organization; the reason of which is perfectly plain, since the Constitution requires that we should exercise no power, either legislative or judicial, except under the sacred responsibility of an oath. And we disregard the Constitution altogether, if, before we are organized—or even afterwards—we prejudice the case without hearing the evidence on both sides. In either case we constitute ourselves into a revolutionary tribunal for the purpose of disfranchising men who come here armed with the same power and clothed with the same authority that we do. The confusion and inconvenience resulting from the adoption of any other course than that of allowing the members having the lawful certificates to take their seats, was urged upon us at the very commencement of this difficulty; it was predicted by the distinguished gentleman from Pennsylvania, (Mr. SERRAVALLO,) who, in the course of his remarks, has since taken place, and whose clear and logical mind, on yesterday, placed this matter in so clear a point of view that "he who ran might read." His argument has not been answered, and never will be answered. It will stand as an enduring monument, not only of his patriotism and his intellect, but of his devotion to the rights of the States. Yes, strange as it may seem, that honorable gentleman—who, as he said, has never been known to waver in his advocacy of State rights—has on this occasion stood forth as their champion; while others, from whom he had a right to expect it, have deserted the post of duty.

The course insisted on by the other party will, at any time, place it in the power of factious and turbulent minority to control the action of a majority; in fact, it will place the destinies of this Government at the mercy of unprincipled and partisan agitators. Suppose, for instance, that parties are pretty nearly equal in this House, and that a few active partisans of the minority party to get up a pretended contest against just enough members of the majority, who, being set aside, will throw the majority the other way. And think you it will not be frequently done if the precedent is now set? And, in times of high party excitement, to what length will this disorganizing spirit be indulged? Suppose, for instance, at some time hereafter in the history of this country, a corrupt and profligate Administration, who, from the very infancy have fortified themselves in the strongholds of power; suppose that the People of this country, after having long suffered all the evils of tyranny and misrule, shall have aroused themselves, and, by a mighty effort at the ballot-box, shall have returned to this House a majority opposed to the reigning dynasty; suppose, too, this shall happen at a session previous to the Presidential election; suppose the party in power shall have become alarmed at the prospect of a system of investigation which is to drag to light their miserable corruption and hypocrisy, and who are determined to try every expedient to prevent it; suppose that the very life-blood of their prosperity has been exhausted; ay, sir, suppose that a Speaker is to be elected, and that in the election that Speaker are involved consequences of awful import to the party in power; we will go a little further, and suppose that a partisan Clerk is to be rewarded for his compliant disposition—then it requires the spirit of prophecy to foretell what is to take place, if the precedent is now set, that of contesting a member's seat, as a sufficient cause for excluding him from all share in the organization of the House? Who does not see that in such a case no member of the party opposed to that in power, could be sure of his seat without a contest? The only question would be, who should be sacrificed to appease the demon of party? Establish this precedent, and where is it to end? It places the majority in the power of a factious and corrupt minority. It is a bribe and a lure held out to hypocrisy and corruption; for whilst one party might refrain from the pretended contests from a sense of propriety, all the advantage would accrue to those who would not be restrained by any such correct motive. Establish the precedent that the mere contesting his seat, is sufficient ground for setting aside any member, and depriving him of all share in the election of Speaker and in the organization of this House, and I fear the time is not far distant when no one who is opposed to the tenet of the White House at the other end of this city, will ever be allowed to take his seat quietly in this Hall. Establish the principle that he is to be unconsciously deprived of his right upon the mere complaint of some pretender, and you will soon have to provide some extraordinary power to enforce your decrees. For, I assure you, that whenever this system is attempted to be carried fully out, you will find that there are some stubborn and unbending spirits in this country, who will defend their rights at the hazard of their lives; and who will surround their seats with their hearts' best blood. Establish the precedent, that parties are to be gratified, and party vengeance satiated by this vexatious and tyrannical process, and you may as well at once organize a corps of bandits to enforce your savage and despotic orders. Yes, sir, I fear the time is fast approaching when every friend of the Constitution and the laws, who presents himself for admittance here, will be compelled to march up to that table with his commission in one hand, and his dagger in the other. I say not this in idle bravado; it is forced upon me by the scene I witnessed on Friday last. When the Constitution and the laws are detested, violence and faction must pump their places; and in that case there is no other alternative left the oppressed but tame and quiet submission, or a resort to physical force.

The precedent proposed to be set will not only empower a minority to overrule and control a majority, but it will enable them to prevent the organization of this House altogether. Suppose, for factious purposes, a majority of the seats on this floor should be contested on the assembling of the members. What sort of a spectacle do you then exhibit. According to the rule insisted on here, all those whose seats are contested must stand aside. And there you are; the minority cannot organize, according to the Constitution, for they would not constitute a quorum; and thus the Government is suspended, and the future existence of this body dependent on the whims and caprices of a meager minority here. What could be done in such a case? A minority could not constitutionally elect a Speaker; they would be equally impotent to pass judgment upon any of the contested seats. And you have already decided that those whose seats are contested should not vote in what you are pleased to call their own seats, although the rights and interests of their constituents, and the sovereignty of the States they represent, might be involved in the issue. So you see, that as soon as you depart from the Constitution and the laws—as soon as you depart from the established usage of parliamentary proceeding—you become lost in a labyrinth of difficulties, from which the ingenuity of an Ariadne can afford you no clew of escape.—And, as has already been proved in the course of our proceedings, the further you proceed the more you become involved; till finally, for the purpose of extricating yourselves, you are compelled to overleap "all law, all precedent, all right."

But, say gentlemen on the other side, the fraud in this case is so palpable and evident that we must go behind the return. Well, if there be a fraud in this case—and, by the bye, I deny the fact, until it be proven—we cannot now remedy the evil; we cannot now do justice to the injured, or punish the offender; because we are not competent to try the case until the House is fully organized, and the subject has undergone investigation before a committee and all the flags reported, and until we are a jury regularly empaneled to sit upon the trial of the case. If wrong has been done, let New Jersey herself inflict the punishment where it belongs, and let it come from the source whence it ought. These gentlemen who present credentials here, come here as the representatives of the people of New Jersey. The people of that State have entrusted to their Governor the power to declare in his official character, whether a majority of the people of that State is in favor of the subject he has acted fraudulently and in bad faith, let them visit their vengeance upon him. Let it be recollected that it is the people of New Jersey, and not a mere faction in that State, whose rights are involved in the decision of this case; they have prescribed the manner in which their choice is to be expressed; they have prescribed the evidence which is to inform you of that choice; and if gentlemen here set themselves up as the guardians and protectors of the rights of the people of New Jersey, they are bound to respect the evidence which their laws declare to be conclusive as to their choice. If you are the friends of New Jersey, do not disfranchise her on this floor, but prove the sincerity of your professions by your conduct; respect her institutions and her laws, which declare to you the credentials by which her representatives are to be known. But it is said there was fraud practiced upon the people by the Governor and Council. If there was, and you are private individuals, had satisfactory proof of the fact, you certainly can, now, when sitting in your representative character, recognize as proper evidence that information which you may have received, and by which you may have suffered your opinions to be influenced, as private men. But what evidence have you that there was fraud? Do you arrive at that conclusion from the *ex parte* statements of scurrilous and pensioned newspaperists? Will you sit in judgment upon the case, before you have heard the evidence and the counter-statements on the other side? If you suffer yourselves to be prejudiced by one-sided reports, how can you approach this subject hereafter with the calmness and discretion which its importance requires? I warn gentlemen now, that, by prejudging this case, they will be incapacitated from sitting in trial upon it hereafter. After pursuing this course, will they be able to say that they are ready to try the case upon its merits, free from all prejudice and bias of opinion? Certainly they cannot; and I call upon the House, and upon the country, to bear witness that had satisfactory proof of the fact, you certainly can, now, without hearing and comparing the evidence on both sides, that they will be stopped, as well by a sense of delicacy as of justice, from sitting upon the case when it comes up for final action. For, in that case, they will be a packed jury; they will have prejudged the case; they will have formed and expressed an opinion; that opinion will be a matter of record; for the sake of consistency they will not recede; and when pride and prejudice are both aroused, what chance will feeble justice stand? None, none whatever.

But there is another objection to excluding these members from New Jersey, who come here with the legal certificates—an objection which, with me, is paramount to all others. It is trampling upon the rights of a sovereign State. In regard to this matter, I am well aware of the delicacy of my position; and it is in a measure owing to that, that I have been induced to trouble the House on the present occasion. I belong to that small number in the South who claim, *par excellence*, the rights of a sovereign State, and who were a long time placed under the ban of proscription by both the great leading parties in this country. And I am, moreover, one of those who stood firm and steadfast by their principles and the Constitution, when our great leader and captain went over to the enemy. And, according to my view of State rights, I should prove recreant to all the principles of that school, if I could stand quietly by, and see the laws of a sovereign State, passed in pursuance of a right reserved in the Constitution, disregarded and set at naught, and what is more, that the State rights men, who were the first to place under the ban of proscription by both the great leading parties in this country. And I am, moreover, one of those who stood firm and steadfast by their principles and the Constitution, when our great leader and captain went over to the enemy. And, according to my view of State rights, I should prove recreant to all the principles of that school, if I could stand quietly by, and see the laws of a sovereign State, passed in pursuance of a right reserved in the Constitution, disregarded and set at naught, and what is more, that the State rights men, who were the first to place under the ban of proscription by both the great leading parties in this country. 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