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SPEECH OF MR. CLAYTON.

OF GEARGIA,

On the contested election of Messrs. Moore and Letcher, of Kentucky, in the House of Representatives, on Thursday, May 22, 1834. Mr. Speaker: Although I feel some inviety

to offer a few reflections to the House on-this great apathy which has prevailed during its prehave gone before me, and who were much betis a Government regulated by public opinion, in this place. I fail in that desirable object.

Mr Speaker, I had calculated that this subject would excite a deep interest. I had look ed to this investigation as one necessarily fraught with intense concern. What is it? er ours is in truth a representative government; House? Sir, can any question be more important? It outstrips all others invits conscquences, because all others are made to depend upon the true depository of this in mense power. The case, then, presents itself under a two-fold aspect , first, in reference to the rights | of the people; and, secondly, in readion to those of the contending parties. In this last suitably impressed with their high responsibility, we could not remain instrentive to the ardelicate rights. What would you think of a Judge, who should read newspapers all the time of a jury who were permitted to pass in and | ted because of an alleged formality in holding | out from their box during the investigation of a case, in which they were finally to pass upon [the important rights of the parties? Shall we, I no informality, and it there was, it is not of a | The law is express that "the time of opening | order to secure his privilege the voter will do then, exact, in another tribunal, if not from a | character to be regarded, and further, that even sincere consciousness of propriety, at least in respect for decorum, an impartial and attentive hearing; and yet, in a similar capacity ourselves, manifest a total indifference to all such obliga-

tions? I hope not. this provision of the Constitution. It is the first step in the authority upon which they take jurisdiction of the case. "Each House shall be the judge of the elections, returns, and qualithis to another provision, upon which the contimes, places, and manner of holding elections for Senators and Representatives, shall be prethe case in isssue, we shall be able to narrow of the "mainer," for about the "time" and dispute. It is now reduced to a mere point. [(independent of the strong circumstances stand Before I proceed to the argument, I must state the principles which should govern this body, | given him as to the time of advertizing and cloin judging of the elections brought before it for decision. I lay down this position, that as the right of suffrage is a common right, involving the highest attributes of liberty, all laws liberally, and the utmost latitude allowed, to give effect to the right, provided it produces no injury to the people to whom it belongs, or to the parties it designs to invest with a trust. We should the rather constitute ours lvcs into a court of equity, to do what the law would have done, if t could have foreseen the mischiefs, than into a court of law, to decide the case according to strict technicalities. Neither should we be governed by the subtleties of special pleading, much less the arts and refinements of quibbling minds. We should not consider ourselves as trying a case for a horse or a loom, in which the ingenuity of the learned profession was es itself in shifts and quirks, and

is better satisfied with its triumphs when they are obtained by tricks. This election is contested upon two grounds: 1st. A non-compliance with the law of Kentucky, regulating the "manner" of holding the highest number of votes, and the Governor accordingly gave him the certificate of election; but it also afterwards appeared, that upon the coming in of further returns, after the twenty days bad expired, Spalding was elected-and, upon contesting the seat, obtained it without any difficulty. I refer to this case to establish the position, that any legislation of a S ate, out of the time, place, and manner of holding the election, is of no manner of obligation upon this House. With regard, then, to the "manner" of holding the election, for this, as I stated before, is all that we have now to consider, we must carefully distinguish it from the qualification of voters. Qualification is one thing; manner is another. The first relates to the individual right of the voter—the other in giving effect to that right. If he votes without qualifiwithout prejudice to the other legal rotes. If he rotes with qualification, but contrary sub. stantially, not formally, to the "manner" of the

ther, because it is not the fault of one more than

another. This brings us to the consideration of the election law of Kentucky, which specifies the "man. | wit: at 9 o'clock, many of the voters being assem-10 o'clock the judge appointed by the court appearname; in fine, whether the right to choose the | poll and twenty-two from Mr. Letcher's. 2dly. | cholera, of which she died, and he appointed an | cal rights. individual to take his place till his deputy could arrive, which was in the course of one or two given in between the absence of the sheriff and | Georgia can hold his seat under this black letter the arrival of his deputy should be rejected. It seems forty-five had been taken, thirty-two for view, we are called on to exercise a judicial | Mr. Letcher and thirteen for Mr. Moore. These | eral assembly, and for representatives in Confunction, to pass a judicial judgment; and this | two operations make a difference in Mr. Letchis a character so pure, 💮 elevated above all the | cr's majority, originally forty-nine, of thirty-cight | appointed for holding the superior courts in the | elector to be safe, must, before he gives in his impulses of passion and feeling, that we should | votes, and will consequently reduce it to eleven. | respective counties, and the electors thereat | vote, take the election law and subject the manaapproach it with the utmost desire to ascertain | These eleven and more are afterwards reduced | shall vote (now) by ballot. It shall be the duty | gors to some such interrogations as these:the justice, and nothing but the justice, of the | by illegal votes, thirteen of which are rejected | of any three or more of the magistrates of each | 'Mr. Sheriff, did you wait till 10 o'clock, to the case. We should consider ourselves as sitting | because they were students of a college, situated | county, not being candidates, to preside at and | minute, before you opened the election? are the in the character of judges or jurors; and, if I in the district, whose parents lived out of it, and therefore it is contended their residence was not such as to entitle them to vote. This point not gument of a cause involving such grave and | being before the House at present, I shall reserve my remarks upon it for another occasion. I appears that seventy legal votes, against which of a legal discussion? What would you think I there is no manner of objection, have been rejec-

the election. if it ought to be regarded; it is not such as to have produced the conclusion to which the committee have arrived, viz. to make it operate | Now sir. I appeal to every member from Geor. | instead of three days it will take three months to to the prejudice of one and to the profit of the other of the candidates. If it vitiates the election I shall first call the attention of the House to | to any extent it must to the whole. Sir, there was I no informalty; the law was substantially complied with. Let us consider the first objection as to the opening of the election. The sheriff is to open the election by ten o'clock, and to keep it fications of its own members." I pass from | open until at least one hour before sunset. Need I enter into a criticism upon words to show that tested election before us, is to be judged. "The by does not mean at? Will any one contend that the words of the law both as to the time of opening and closing the election does not conscribed in each State by the Legislature there. fer upon the sheriff a discretion? May he of." In the application of this provision to | not begin before ten, and continue the election after the hour before sunset! If the expression down the question to the simple consideration | by ten means precisely at ten, then he has no discretion; but if, according to the plain com-"place" of "nolding the election," there is no | monsense, popular meaning of that language, ing in connexion with it, such as the discretion sing the election,) it imports, as is often used in the business transactions of men, on or before ten, then he has a discretion, of which he cannot be deprived. But it is said this construction regulating its exercise, should be construed deprives the judge appointed by the court of his right to preside, and baving until ten to signify his pleasure to do so or not, the sheriff is bound to wait till that hour before he exercises his right to appoint a judge, under the law, and proceed to the election. Now, sir, the fair construction of laws, or contracts, is to make all their seeming inconsistencies stand, if possi ble, to give effect to its contradictions if it ca be done without manifest injury to its true spi it, object and intention. Who does not perceive that this can be done, and done with the utmost propriety in relation to this law? The legislature were regulating the exercise of a great right of the people, and as their immediate representatives, in which they were as deeply concerned as their constituents, it could never have been their intention so to tramel and fetter this great interest as that the slightest misconstruction of their object should defeat the right. They had as much confidence in the sheriff, and the judge election; and, 2d. The reception of illegal | to be appointed by him, as they had in the county votes. The first is, for the present, the only | court, and the judges to be appointed by them. subject for consideration, as the amendment of | They were both designed to facilitate and give the gentleman from Pennsylvania, brings that | effect to the great right of suffrage; and when point alone into view. No State can legislite | they were guarding against certain contingenin relation to the holding of elections, under the | cies which might prevent an election, they neprovision of the Constitution last quoted, but as | ver dreamed, nay, they could not, that this very to time, place, and manner—any thing beyond | caution would be the means of defeating their there is void, and has been wholly disregarded, own privileges. Could they have any such inas appears by several decisions, but especially | ducement to place their rights, the most inestiin the case of Meade and Spalding. The State | mubble of all rights, without which all others are of Georgia, in its election law, had required that | nothing, in such a situation that their exercise the returns of the election should be made in | could only be attained by the most vigilant twenty days. It appeared, that within the circumspection, as well as the most careful and twenty days, the returns had given Meade the | accurate legal learning? It cannot be believed. Then what is the reasonable construction of this law? That specific limits should not be prescribed as to time, in conducting the election so as to impair the limitation of three days allowed by the Constitution of Kentucky, in which the election is to be held. The time contained in that instrument no law could shorten; and though from necessity the whole could not be enjoyed, yet doubtless the Legi-lature, intending to afford the voters as much of it as possible, were anxious not so much to abridge as to

It was more an enlarging than a restraining consumption of the three days, and every one cation, the vote is void, and will be expunded must see the real mischief to be apprehended, was the waste rather than the use of the allowed time. For if the people in their convention, had believed three days necessary to a given election, as directed by law, then the election is object, they cannot in their Legislature be sup-

prevent the sheriff from doing it, and hence it

will be perceived, in every instance, where he

had any thing to do with it, he was required to

lose as little as the nature of the case would ad-

law must affect all parties abke; it cannot enure it, even if they could; and therefore in the true in any matter of dispute. The judges may ad. provisions of election laws must be compled to the advantage of one and the injury of anc- | spirit of the Constitution, the legislation pro- | mit a vote even after he has given information | with - grant that this is right in notorious | ner" in which elections shall be held in that | not go, but before that time we give him a rea- | you make his presence necessary, and this char- | tion of two cases cited, the whole current of State. It enacts that the sheriff of each county | sonable discretion (as is all legal discretion) to | acter is merely inferred from two expressions | the authorities show that new elections were shall advertise, at least one month before the first | begin the first days' work. We have, to be | in the law, viz: "that the sheriff or other presid. | ordered. Why have the committee labored | Monday in August, in every year, the time and | sure, authorized the county court to appoint | ing officers shall open the polls," and that "the | by these cases to establish particular premises, place of holding the election, and what offices | two judges to superintend it; they, however, | voters shall ro'e in the presence of said judges | and then jumped to a wholly different concluare to be filled; and that the sheriff, or other | have a full knowledge that we have also grant- | and sheriff, and unless the sheriff or one of the | sion ? Following up those decisions, they relegraph, and, together with the Itegister of | presiding officer, shall, on the day of election, | ed to the sheriff the power to open the elec- | judges shall know the person offering to vote | ought to have recommended a new election. Debates, will give a very full detail of passing open the poll book ex ten o'clock in the morn- tion before ten, and in case of a failure to at- to be entitled to suffrage the clerk is directed But have they done this? If you cannot count events, and also of foreign and domestic news. ing, and continue the same open at LEAST one | tend on the part of the court's judges, we | to swear the voter, &c." Now from these two | these seventy legal votes, fifty-four of which | The Register is published weekly, at \$5 per | hour before sun set each day. It directs the | have authorized him to appoint judges in their | clauses it is inferred that the sheriff is made a | were for Mr. Letcher, for Heaven's sake, do annum. It is printed on a large sheet, and, | county court of each county, at their rejection to asshould a press of matter make it necessary, | next preceeding the election, | consequences of making the sheriff a judge? - | sist a man in obtaining a trust which the majoadditional numbers will be given. The Register | their own body as judges of the election, who are | where is the possible injury that can result to | Judges cannot make deputies. The moment | rity of the legal voters of his district believed of Debates, including the entire debates in both | to hold their offices for one year, and a proper | the exercise of their right, by telling the sheriff | he loses his ministerial character he is unable | he did not deserve, and which they had conperson to act as clerk; but in case the county | to appoint his judges, under the law and pro- | to make a deputy, and according to the strict | ferred upon another. Send the question back charge, to all subscribers who pay in advance; | court should not appoint, or any of the persons | ceed to business? When the judges appointed | construction contended for, a deputy cannot | to them, and let them decide it for themselves. appointed should fail to attend, the sheriff shall | by the court shall arrive, and claim by virtue | act, because the election law does not author- | Sir, I will put a case, which will show the absoimmediately preceding any election, appoint pro- of their appointment for a year, the right to ize him to do so; besides, if a deputy could act lute justness of this course. Suppose there per persons to act in their stead. It requires the | conduct the election, where is the harm to suf- | it must be done as a sheriff under this same | had been but one more vote, besides these ac-Judges of election, and the clerk, before pro- | fer them to take the place of those chosen by | law, and then he also becomes immediately a | venty, in the county of Garrard, and that one, | ceeding to act as such, to take the oath prescrib- | the sheriff, who, in the language of the law, in | judge, and consequently this court could have | according to the notions of the committee, the ed by the Constitution; and expressly declares, | consequence of their failing to attend, is re- | no sheriff in whose presence the voters shall | only legal vote, would you say that this vote | that "they shall attend to the receiving the votes | quired immediately preceding the election to | vote. His absence therefore on the second day | should determine the election in favor of the until the election is completed, and a fair state- | appoint proper persons to act in their stead?" | ment made of the whole amount thereof;" and This construction enables the rights of all parrequires that "the persons entitled to suffage | ties to stand, as well as those of the sheriff and | shall, in the presence of said judges and sheriff, his judges, as the court and their judges and ment yesterday confounded the personal quali- cannot be altered by mixing this single yote vote personally and publicly, rive roce. Unless | all being officers equally trust worthy, and conthe sheriff, or any one of the judges, shall know | stituted by law, as the machinery to effect a | law as to the time, place and manner of holding | tion of legal votes turns the election in favor of the person offering to vote to be entitled to suf- great public object, no elections, and said if you can reject the vote of a minority. Again, suppose the case I have question, yet I am much discouraged by the frage, the clerk is directed to administer to him | be distrusted, which has been held under its | a person under 21 years of age, because the | put should have occurred in all the counties of the oath, that he believes he is twenty-one years | agency. The construction insisted upon by | law has required him to be of that age to enti- | that district, five in number, (and what might vious discussion. Can it be possible the case of age; that he has resided two years in the State, the Committee, leads to this singular absuldity. I the him to vote, you can reject a vote where the happen in one, might occur in all,) is any one is prejudged? If so, I cannot flatter myself or in the county one year last past, and that he | They say the sheriff must wait till ten o'clock, | that I shall gain the attention of members, nor | has not previously voted at that election; or one | before he can appoint his judges, lest the other | indeed ought I to look for it, after witnessing or more parts of the oath may be administered, so judges might come and claim their right: then fore, there is a clear and manifest difference but void merely for the want of formal requithe indifference manifested towards those who | as to remove the doubts of the sheriff or judge. | who does not perceive they require of him to This is the manner. Now, it is said by the Com. | do two things in the same instant of time. Acter prepared to enlighten the House, than can | mittee on Elections to have been violated in two | cording to law, he must not let ten o'clock pass, be possibly expected from me. Nevertheless, | particulars. 1st. That on the first day of the | if he does, he violates the law. According to | moral or political point of view, when we are | the objections raised against the seventy, would I am urged, by a sense of duty, to this ungra- | election the sheriff appointed a person to act as responsible agents, the inten- | this House give the election to Mr. Letches's | cious task, relying upon the hope, that as ours | the place of one of the judges appointed by the | till ten; therefore, if at that precise moment of | tion, the quo animo, constitutes the very essence | opponent? And why not? If, in the case court, who had not arrived; and proceeded to I time, he does not proclaim to the people that I I may be listened to in another quarter, though, | open and hold the election before 10 o'clock, to | the election is opened, and also, call upon probled who, in consequence of the prevalence of the can act, to serve in the place of the absent destitute of reason he commits no crime—this the doctrine that because Mr. Letcher is not cholera, were anxious to vote and return home. At | judges, he evidently fails in his duty, so that an | is a principle that runs through all human ac- | elected, Mr. Moore must be, if you maintain ed, took his seat, and the sheriff's judge retired. | can appoint 5 minutes before ten, the point is | and advance the well being of society proceeds | him for want of qualifications in the voters, and consider it nothing short of the question, wheth- It is contended that all the votes given before ten | yielded, for every one must admit he can sixty. | upon the quality of the motive that has given | all his legal ones for want of a compliance with | should be rejected; twenty-five had been polled, If he waits till after ten, the election is contrary | rise to the act. Will it be said, that the man | the forms of law, you are bound to decide in | whether the great and often boasted privilege | twenty-two of which were for Mr. Letcher; con- to law. I only mention this to illustrate how | who goes to an election with a full knowledge | favor of Moore, whether he gets any votes or of suffrage in this country, is any thing but a | sequently they have taken three from Mr. Moore's | unsafe, if not rediculous, it is to suffer ourselves to be governed by a little, contracted, narrow, r-presentative, belongs to the people or to this | On the second day of the election, the sheriff was | lawyer-like principle of construction, in giving | called home by the extreme illness of his wife by | effect to laws designed to execute great politi-Sir, such a rigid construction will defeat ninetenths of the elections throughout the United hours. It is also contended that all the votes | States. I will show that not a member from

words-"All elections for members of the genmagistrates are empowered and required to apcome to relieve them in the labors of the occamode of appointing the superintending magntrates. The Georgia law makes the appointment itself, the other authorizes the county court

to do it. Their duties are the same, and though expressed in different language, precisely the same services are required. The Kentucky law requires the county ourt to appoint two of their own body, as judges of the election, and a proper person to act as clerk. The Georgia law appoints any three or more of the magistrates of each county, to preside at, and make returns of all elections; and empowers them to choose their own clerks to "attend said elections" and keep the rolls. The words "any three" has reference to the body of magistrates in the county, being generally from twenty to thirty, and not | given the month's notice of the election requirto the idea of alternation at the election. The | ed by the law, would that have invalidated it? Kentucky law means no more, when it says two | No one believes it. of the body of the county court shall be the "judges" of the election, than the Georgia law when it declares that three of the body of the magistrates of each county shall "preside at" and "make returns of all elections." "Preside"

means all that is conveyed by the word, "judg-3." The Kentucky law requires that they shall tend to the receiving of the votes, until the lection is completed, and a fair statement made of the whole amount thereof." The Georgia law means precisely the same thing when it directs its magistr tes to "preside at and make returns" for they cannot do this unless they remain there during the whole election which is to be from 7 to 6 o'clock. To preside at and make returns "they" must receive the votes "and continue until the election is completed " And when it is urged that a Kentucky magistrate cannot make a fair statement of the whole amount of the election unless he remains there all the while; I answer a Georgia magistrate cannot "make a return" of the election unless he does the same thing, for he can no more certify for the different magistrates who have pre- results. Great and important laws may be sided before him throughout the day than can the Kentucky magistrate. And so with regard to the clerks who are required to keep the rolls. Our law requires the she iff to attend the election. For what? To enforce the orders of the presiding magistrates, and preserve good order. He is a ministerial officer; he has no bers cannot surmount, by all that is hely in right to exercise any judgment in the election, he may be called on to give testimony as to the quatifications of voters. Unless the sheriff is the other contending party, much less can they exp essly clothed with judicial power by some law his is always a ministerial office, and theref re his presence is not always n cessary in any tribunal where he may be collect to act.— Where he is to exercise his judgment it may be necessary, but where he is to act ministerially needful, and hence the sheriff at our elections and indeed at all courts is frequently absent till an occasion demands his ministerial services. By the elect ou law of Kentucky his ministeral character is not changed. His duties then are precisely the same as the Georgia added character of being a ready witness to detect illegal voters if it should become necessary, and this does not imply an absolute necessity to be always present. I repeat, he is no judge-

are sworn, the sheriff is not. He passes no

While the judges and clerk appointed to preside | and private rights cannot resist.

void, not in part but wholly, for a breach of the posed to be so idle as to deprive them elves of opinion with the rest of the presiding officers | r hed on by the committee to prove that the moted rather than restricted the grant. Under I that in his opinion it is illegal. If he acts any I cases of injury, yet does it follow that the nonthis view the fair construction would be this: | where in Kentucky as a judge it is by permis. | observance is to deprive legal voters of their | that he is not 21 years old, and who, consequently without right votes contrary to law is to be placed upon the same footing with the legal voter, who votes ignorantly as to the authority of the magistrate or sheriff, to receive his vote? If the law had considered them in the same situation, it would when it required the judges to swear the voters as to their right of suffrage, have provided a similar onth to be administered rule. The law of my State is in the following | by the voters to the presiding officers as to their

official qualifications. This is obviously the effect of the rigid congres, shall be held at the court house or place struction contended for by the committee. The

make returns of all elections for Senators and | judges of your appointment or of the county Representatives in the General Assembly, and | courts; if of the first, under what circumstan-Representatives in Congress; and the sheriff of | ces did you make it, if of the last, have they each county, or his deputy is required to attend | been sworn? Have you been present all the at such elections, for the purpose of enforcing | time of the election, never turned your back the orders of the presiding magistrates, and pre- once, walked aside, talked with any one while serving good order." And again, "the presiding | the people were voting, because if you did you were just as absent for all the objects of the point three clerks to attend said elections, law, as if you had been called home to a sick Mr. Speaker, I shall contend that there was | whose duty it shall be to keep three rolls." — | wife?" Indeed, Mr. Speaker, you perceive, in the elections shall be at the hour of seven of manifest injustice to himself if he does not ask clock in the morning, and be kept open until every question necessary to give effect to his the hour of six in the afternoon, and then close," suffrage. If every voter takes this precant on, gis, to say, whether it is not the constant prac- | hold an election. And, after all, one false antice of our migistrates and clerks, to change swer from the court or the sheriff would deplaces throughout the day, with others who | feat him at last, for, under this notion of literal construction, a violated law could no be satission, and whether we ever open our elections | fied any more than if no inquiry had been made till eight or nine o'clock. In what does this | at all. But if these are informalities, I insist updiffer from the Kentucky law? Only in the on it, Mr. Speaker, they are not such as to amount either to a good cause to reject the votes, or vitiate the election; because they produce no injury to the rest of the voters or to the complainant at your bar, who has been secking their confidence. On the contrary, it materially injures the discarded electors and

> his competitor. That some such reasonable rule as this must be allopted I apprehend no one will deny, for it is idle to say that every informality will, or should produce the result contended for. There is not a law under Heaven that can be literally carried into effect. Suppose the Sheriff had not opened the election until after ten o'clock, does any one believe it would have vitiated the election, or even a vote? Suppose he had not

In all the great purposes of government, its | by Mr. Donelson, his Secretary. ends and objects must be attained by a rational exposition of its rules and regulations. That great law, superior to all law, the law of necessity, pervades every thing human, and cannot be legislated away. Let me give you an illustration of its ascendancy. If the Sheriff, I think they call him Hocker, had done his duty, | marks, to be given hereafter, on the subjects Mr. Letcher would now be the sitting member. Suppose, at the beginning of the session, he had voted for the present clerk of the House, and that clerk had been elected by one vote, and suppose it shall now be determined, as fear it will, that Mr. Letcher is not entitled to the sent, will any one say that the clerk's place should be vacated, because he was elected by a person who was not a lawful roter? And why not? Because if respect is not p il to the color of office in the diversified relations of public of petition of Robert Henry Day. function ries, there is nothing which can be made to stand the incompetency of language to convey our ideas, or the frailty of forecast to provide for unseen difficulties, or misconceived passed by one single illegal vote, and yet who believes that you must travel all along the process of this legislation to detect its errors, and then down through its consequences to correct. its mischiefs! But, sir, if these informalities are such as the consciences of honorable mem - | short, and he would read them. principle, and honest in reason, they cannot work a benefit to one, and a pulpable injury to deprive legal voters of their right to a particupation in the choice of a representative who is to legislate on his dearest rights, perhaps of life, liberty and property.

Mr. Speaker, there is something wrong in this case from the beginning. An attempt was or to testify, he is not necessarily obliged to be | made to deprive Mr. Letcher of his election by pres nt till the occasion arises which makes it the hocus-pokus of this Mr. Sher ff Hocker, who has disgraced himself and nearly his State, and against whose conduct every honest man, from Maine to Georgia, and even beyond those places, if beyond them the case has gone, and honest men can be found, has manifested the most indignant detestation. The scheme which met sheriffs; they are ministerial with the super- | the cry of shame, shame, from every quarter, having failed, the same object, pursued with an untiring zeal, must be accomplished, first by illegal votes; and that failing also, the law must be made to give way, even at the expense to open, close and proclaim the election, to keep of legal votes, and all the sacred principles of order and te tify as to the qualifications of the | the rights of majorities must be made to yield to a purpose which the most formidable public votes is all that is required of him by the law.

says the law, the election must be opened by sion, for he has evidently no such power by law. privileges, and throw the result of the election 10 o'clock, beyond that time the sheriff must It is only by contending that he is a judge that | into the hands of a minority? With the excepought not to operate such an injury to the le- | candidate for whom it was cast against the gal voters as to deprive them of their elective other seventy given to his opponent? If you franchise. My worthy colleague, in his argu- answer in the negative, remember the principle fications of voters with the requirements of the with ten thousand others provided the rejeclaw has not been complied with in regard to | prepared to say, that the five legal votes should time, place and manner. Now as I stated be prevail against five times seventy, equally legal, between the qualification of the voter and the sites? But, sir, suppose, which places the means provided by law to give effect to his vote. I case out of all doubt, there had been no legal In all the transactions of life, whether in a civil, I votes in any of the counties, but all liable to of accountability. A man may commit the ut- | put, one vote is allowed to outweigh seventy, | most attrocities, such as homicide, house burn- | and five, five times seventy, then that principle per persons, who are to be sworn before they | ing, nay, he may flay another alive yet if he be | would permit none to do it. If you go upon | impossibility is required of him. If, therefore, he | tions, and all our decisions intended to promote | that all fraudulent votes shall be taken from Such principles cannot long prevail in this

country, however they may serve to answer a temporary purpose. Sir, I would fain hope they are not intended to answer even a temporary purpose. Though I sincerely believe the decision will be wrong, if made in favor of the petitioner, yet it may not be right in me to imagine that such result has been influenced by party considerations. I am bound to believe that every member on this floor is actuated by as high and honorable motives as myself, yet, sir, it is not amiss to caution the best among us, from which I do not intend to exclude myself, to beware of the insidious character of par y feeling. Parties are necessary in every governmen'; and in a contest for political principle, I do not condemn a single honest exertion for the ascendency, but when private rights are to be settled, when the case is between man and man, as to property or privilege, the judge or juror, that could not forget his party affiliations, must be lost to every principle of honesty and justice. I may be deceived, but I think I can with great truth say, that I am able to approach this decision exempt from such a control, for I belong to party, which I am proud to say, differs altogether from those to which the competitors are attached. This case will soon become one of history, and the strong feelings of party with which, at present, it is unhappily surrounded, will as soon pass into oblivion.— We should ther, fore take care that we do not lay up for ourselves matter for severe reproach to the end of our lives. The idea of having wronged a fellow being from considerations which we know to be antag nist to the enduring claims of truth and right, must be a reflection calculated to make a most unwelcome pillow companion in the closing scenes of time. Sir, this election should be decided as if all the people of the district were surrounding us in that circular gallery, and looking them in the face, we should listen to the voice of the seventy rejected legal voters, imagining we hear them demand to have their rights respected as much as those who have been less unfortuncte in the presentation of their suffrage, but not

more entitled to its exercise. It was my intention to have said more, but I am obliged to desist from a severe pain in my

WEDNESDAY, MAY 28, 1834.

SENATE.

A message on Executive business, was received from the President of the United States, |

Mr. CHAMBERS, presented a memorial from a meeting of the voters in Frederick county, Md. condemning the doctrines and acts of the President, and approving the course of the Se-

nate, on that subject. After Mr. CHAMBERS had made some re-

referred to in the memorial, it was disposed of Mr. WEBSTER, from the Committee of Finance, reported a bill to alter and amend an act

relative to duties on imports, and particularly

on hardware. Referred to the Committee on Finance. Mr. TOMLINSON, from the Committee on Pensions, moved that said Committee be dis-

charged from the further consideration of the Mr. TOMLINSON, also moved, hat the Committee on Pensions be discharged from the further consideration of the petition of James

Mr. CLAY, asked leave to introduce joint resolutions, that the reasons assigned by the Se-

oretary of the Treasury for the removal of the deposites from the Bank of the United States, were insufficient, and unsatisfactory, and direct ing their restoration. The resolutions were

Mr. C. here read the resolutions:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the reasons communicated by the Secretary of the Treasury in his report to Congress, of the 4th day of December, 1833, for the removal of the deposites of the money of the United States from the Bank of the U.S. and its branches, are insufficient and unsaticfactory.

Resolved, therefore, that all deposites of the money of the United States, which may accrue, I or be received, on and after the 1st day of July, 1834, shall be made with the U.S. Bank, and its branches in conformity with the provisions of the act entitled "an act to incorporate the sub- t scribers to the Bank of the U.S. Approved the 10th of April, 1816. The first resolution was a mere reaffirmation

of one which had already passed in the Senate, that the reasons which had been assigned by \ the Secretary, for the removal of the deposites from the Bank of the United States, were insufficient and unsatisfactory. That resolution was a separate resolution, not intended for the other House; and the other was intended to produce that result which ought to have been | Many cases of contested elections have been | produced long ago-the resteration of the pub. | 1