

Edgefield Advertiser.

"We will cling to the Pillars of the Temple of our Liberties, and if it must fall, we will Perish amidst the Ruins."

VOLUME V.

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EDGEFIELD ADVERTISER,
BY
W. F. DURISOE, PROPRIETOR.

TERMS.

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SPEECH OF MR. PICKENS.

Of South Carolina, in the House of Representatives, Dec. 10, 1839—On the subject of the New Jersey disputed election.

Mr. Pickens presented the following resolution, which was read, and which he said, he offered as an amendment to the resolution of his colleague, [Mr. Waddy Thompson].

Resolved, That the committee to be raised on the New Jersey election, be confined to the question who is entitled to the returns of election for the Twenty-sixth Congress.

Mr. Pickens said he desired to state very simply the position he occupied. If the House, in its wisdom, choose to raise a select committee on this New Jersey election, he desired that it should be confined to some definite mode of action, and to a distinct question submitted by this House. He desired it should be confined to the question, who are entitled to the returns of election as members from the State of New Jersey to the Twenty-sixth Congress?—He concurred in the remarks which had been made by his colleague [Mr. Thompson] in regard to the difficult position in which the House was now placed. He [Mr. Pickens] had understood that the House would be thus involved, and therefore he had voted against the resolution of the gentleman from Virginia, [Mr. Wise.] He had voted against the resolution of his colleague [Mr. Rhett], which was adopted as the order of this House. He [Mr. P.] foresaw, or thought he foresaw, the very difficulty with which they were now about to contend; and he would here take occasion to say, that he had voted against the resolution of the gentleman from Virginia, because he [Mr. P.] desired a different mode of action. If he had been called upon to vote on that resolution on the first, second, or third day of the session, he would have voted in the affirmative. He did not think, when he came here, that the certificate of the Governor ought to entitle the members holding it to be called, so as to be enrolled for organization. He thought so before this discussion had progressed. He desired that course of proceeding, simply that efficiency might be given to the organization of this House. The House however, choose to pursue a different course. This was his open sentiment, and he had never disguised it. He thought it was due to the country—that it was due to order, that the House should have pursued that course. He thought it was due to the country that that triumphant party, denominated the Republican party, flushed as it was with victory, should have taken that course. He repeated this was his sentiment, and he had never changed it. But the House thought proper to take a different course; and it had been involved day after day, in scenes which, to say the least, were of very little credit to the American Congress. It was to avoid these scenes that he desired the course he had spoken of should be taken. But the House thought proper to allow testimony to be brought forward. True, it was testimony not exactly formal, but such as entitle him, being a judge under the Constitution, to decide the simple question who were entitled to the returns. This was a question made under the Constitution itself, and he contended that this House had a right to decide that question, and could have decided it the very first day, if they had thought proper to do so.

Mr. P. here read the following clause from the Constitution of the U. States: "Each House shall be the judge of the elections, returns, and qualifications of its own members."

It will thus be seen (continued Mr. P.) that the Constitution itself makes three distinct subjects upon which this House can judge and decide, namely, the elections returns, and qualifications of its members. I contend that these are, in their nature, distinct questions. You may decide that a member, returned by the majority of votes is entitled to the returns; and yet you may decide, that he is totally unqualified under the Constitution. Suppose, for instance, that a majority of votes should return here a man under twenty-five years of age, or an alien. This goes to the qualification of

the member; and I contend that if he held a majority of votes at the polls, he would be entitled to be returned, but that he would not be qualified to take his seat.—And this illustrates the whole matter, that the questions are in their whole nature distinct and separate. So it was, he said, a man may have a majority at the polls, and yet may not be elected; and so the House might decide that a man was a member, and yet that he was not entitled to the returns. They are all separate questions.

Here, in the development and progress of this case, we have seen one notorious fact admitted by the papers, admitted by the gentleman from New Jersey, when questioned upon this point; that is to say, that the majority of the voters of N. Jersey gave their votes to other members than those to whom the certificate of the Governor has been given. The gentleman [Mr. Randolph] has admitted that there were a majority of votes on the other side, but says they were not legal? Now who has decided that they were not legal?—Was it the local authorities of New Jersey? The Governor, the Clerk, or the judges of election? I lay down this broad proposition, and I challenge gentlemen to the argument; that there is no authority in any State officer to judge and decide upon the legality of votes after they have been deposited in the ballot box, or received at the polls. You may challenge a voter at the polls, and if challenged for good cause, his vote cannot be received. But if you go beyond this power, it would inevitably lead to confusion and fraud, and transfer the judicial power of this House to the local officers of States.

Mr. P. proceeded. The proposition I maintained is, that under the clause of the Constitution of the United States, which I have read, we are created sole and exclusive judges of the returns. I use the language of the Constitution, and I say that no State authority can interpose to purge the polls after the ballot has been deposited, or after the votes have been received, (viva voce, if you choose,) unless it be to carry out the local policy of the States as to qualifications. There is another clause of the Constitution, which shows that the voters for this House are intended to be of the same class of voters as those who are entitled to vote for members of the Legislature. But upon the power to judge of returns and elections, there can be no concurrent jurisdiction connected with these questions, on the part of any State authority, without a palpable violation of the constitution. Admit that, and what is the result? And here I will observe that, in reflecting upon this issue, I have been forcibly struck with the wisdom and philosophy of this noble instrument, (holding up the Constitution of the United States.) But suppose the contrary doctrine to be true; this House would be at the mercy of conflicting judgments in the States, as one party or another might from time to time, be in the ascendancy. It is in accordance with the very genius of the Government that this branch of it should be independent; and, in order to maintain its independence, it must be the exclusive judge of the returns. You cannot get over that plain and palpable provision of the Constitution. It is not pretended here that any local authority is given to the officers of New Jersey to purge the polls after the votes have been deposited. I did not understand that question to have been raised; but, I repeat, it is admitted that a majority of votes were on the other side. That being so, I contend that it is for us to say who are entitled to the returns, and that that single question does not involve other questions in regard to the election.

I am not disposed to treat with disrespect the certificate of the Governor.—This House has no right to pass censure upon him. He acted as a State officer, and, if he did not probably act with wisdom, still I do not doubt that he acted under a conscientious belief that he was a mere ministerial officer of the law. That may be. He may have supposed that he was doing his duty. He gave the certificate upon the returns made by the clerks, and announced that he could not look behind them. He looked upon himself as the mere ministerial register, and supposed that his certificate was to be viewed in that light, and in that light only. But other gentlemen may be entitled to returns, notwithstanding his certificate. And my proposition is this: that there is no authority in the State of New Jersey to judge of the legality of votes; and that, after the votes have been deposited, those who received the majority are entitled to the returns. And that we are made the sole and exclusive judges of the legality. I contend that there was vast wisdom in this provision of the Constitution, and that the framers intended us to be a co-ordinate branch of this Government, entirely independent, and that this House alone should decide upon the elections, returns and qualifications of its members. Without that provision, what comes of all our independence? I contend that the question is now before us in a tangible shape.

Some gentlemen say that the House is not constitutionally organized. I think there is some confusion of ideas here. The Constitution says:

"Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day."

That (continued Mr. P.) is the day appointed by the Constitution for Congress to assemble.

What is Congress? Analyze the idea.

It is composed of members elected by the people of the States, who are chosen every other year under this constitutional provision, and who are entitled to assemble here as the Constitution directs. The Constitution then goes on to define what shall constitute the House of Representatives. "It declares the House of Representatives shall be composed of members chosen every second year by the people of the several States." It does not say of members and a Speaker, but of members chosen by the people. This constitutes a House of Representatives, in the definition of the Constitution. The same instrument declares that the House of Representatives shall choose their Speaker and other officers." This presupposes the existence of a House competent at least, to decide upon its own organization. Can the constitutional existence of the House be more clearly defined and demonstrated? It is chopping logic upon words to deny our legal existence. Now, gentlemen suppose we must take an oath before we can act, judge, or decide. Let us read provision. And it is to be observed that it is a mere general provision.

"The Senators and Representatives before mentioned, and the members of several State Legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation, to support the Constitution." Now, (continued Mr. P.) I will ask, does the Constitution prescribe the time when this oath shall be taken? Does it say that it shall be on the first second, or last day of the session? The law of seventeen hundred and eighty-nine prescribes and authorizes the oldest member on this floor to administer an oath to the Speaker, and then prescribes the mode in which the Speaker shall administer it to the members. But Mr. P. contended that the Constitution itself having fixed the day of meeting, the House of Representatives are a body on the first Monday of December, competent to decide on questions of returns; and, if we think proper, to go into the whole question of election. That however, would be vastly inexpedient. But on a question of mere qualifications and returns—if an issue be raised, and it is objected that one class of members be falsely returned, we are then competent to decide that question, and we must, from necessity, do so. It is inherent in the power and the right to organize.

Now, let us disengage ourselves from this confusion of ideas. The legal appointment of Representatives given this House two hundred and forty-two members, and the Constitution has, in expressed terms, made them exclusive judges on questions of elections, returns, and qualifications. Suppose, instead of that constitutional provision, that it had been declared that A or B were to be exclusive judges on those questions, would there be any difficulty in deciding upon the point? The whole confusion arises from the idea of having two hundred and forty-two judges instead of only one. If only one judge had been created by the Constitution, there would be difficulty in deciding the whole question on the first day. Yet, as far as right and legal principle are involved, it is the same thing.

Viewing the subject in this light, and foreseeing the difficulties that must inevitably arise, I was disposed to confine the whole question to a question of returns, and I contend that we are the competent judges of that question whenever we think proper to take it. It is not only sound sense, but sound policy, to keep the question separate. If you decide that the mere returns of officers must, in all cases, conclude the judgment of this House as to who are entitled to their seats and to the returns, then you hold out the greatest temptations to bitter and contending parties to perpetrate fraud and injustice by false returns. The consequences will be, that when this House may be considered as equally balanced, and power and empire are at stake, the elective franchise will be at the mercy of obscure and irresponsible officers, and this House will be made anything and every thing that their profligacy and party bitterness may choose. It is of the very essence of our system that we should be the exclusive guardians & judges of our own creation and formation. Whether right or wrong, our judgment over returns, qualifications, and elections, must be exclusive and untrammelled. Any other doctrine must introduce imbecility and impotency into this, the very centre of vitality in our system.

In presenting these views to the House, I have acted entirely on my own judgment, and I have introduced a resolution to meet the precise issue, according to my conscientious conviction of the truth of the case. I believe that we are the judges—I believe, according to the developments which have been made on this floor, the gentlemen who have the certificate of the Governor are not entitled to the returns; and, so believing, I am prepared to meet the question. I was prepared to do so several days ago. I desire to decide it now, frankly, fairly, and boldly, before the world, without the trammels and the collateral issues that have been thrown around it by the technicalities of country court special pleading. I act here on my own responsibility.

I do not propose any thing which is the result of concert, of causes, or of understanding entered into of this House. I act alone upon my conviction of what I believe to be true, and right and just.

Sir, we have seen too much party organization and party drill. If there is one evil of the present day, greater than

another, it is that miserable party spirit, on both sides, which seems disposed to draw every member into humble subserviency to the dictates of a few leaders.

There is another sentiment which I entertain, and which I will here avow. It is this: that during the last Administration there has been too strong executive action in this Government; and it is time that the Representatives of the people should assert their independence, and trample on the ties of party—looking only to the good of the country, to the sanctity of the Constitution, and to the preservation of their own honor and independence. If there be one object more dear to me than another, it is, that I may see this House redeemed and regenerated—that I may see it break loose from its subserviency to that monster god of party, which is reared up on every side, and which claims from its victims a base devoted, and blind idolatry.

Sir, I have proposed a resolution which I believe will meet the truth of the case. I believe that we are the exclusive judges of the whole subject-matter, made so by the Constitution itself, in language too plain to be misunderstood. The time and manner of deciding is a mere matter of expediency. I maintain, also, that there can be no concurrent jurisdiction upon this question by any State authority; and in maintaining this, I maintain the independence of this House, which I believe to be essential to the preservation of American liberty.

The propositions, then, which I desire to be decided, are first; that this House is the supreme and sole judge of the elections, returns, and qualifications of its members. And secondly, that no State officer has a right to judge of the legality of votes, after they have been received; and that those who have received a majority of the votes polled are, by right, entitled to the returns. Upon that principle, I voted yesterday in the case of the gentleman from Pennsylvania, [Mr. Naylor.] It is precisely the case at issue. There you have different returns, one member is admitted to have a majority, but another gentleman assumes that they are illegal votes, and the judges assume to themselves the right to throw out the whole Northern Liberties. I maintain that we had no such right under the Constitution. Their acts were void, and the matter must be left to this tribunal only. It is this which shall govern my vote. When I come as a judge to decide on the merits of the election, then it may be different as to final judgment. It will depend upon the fact, whether enough from those who received the majority of votes, shall be proved to be illegal, to violate the election. All votes deposited and received by the proper officers into the ballot box, must be presumed to be legal, until otherwise shown. This is sound sense as well as law. Upon these questions, I assert the power of the House to judge fully, but I deny the authority of the officers of the State of Pennsylvania, under the laws, to reject votes, after those votes have been deposited in the ballot box.

Standing upon this principle, I am ready to give my vote in the New Jersey case, and I am disposed at once to meet the question, (which may be as well decided now, as a month hence,) who are entitled to the returns. As far as ulterior objects are concerned, I know the supposed delicacy of my position at present; but I scorn to suppress my sentiments.

I would not wear the proudest diadem that ever glittered upon a monarch's brow, if I could not wear it unshackled and free. I would not turn to the right or left, for political favor. I hold no sentiments in my closet which I will not avow to the world. My opinion, it is due to the dignity of the House to meet this question calmly and decidedly. I am ready to vote. If you let the whole subject matter go to a committee, you will involve us in questions which will not be decided this session. If you choose to confine them to the question of returns, you can do so, and we can have prompt action; but any other course will lead to confusion and delay.

From the Baltimore Post.

SUFFERING AMONG THE FREE BLACKS.—Few persons have any conception of the wretchedness and suffering among the free black population of the city at the present time. We wish some of the fanatic leaders of the northern abolitionists could witness some of the scenes of misery that daily come under the notice of the distributing committees for the poor. If it did not forever seal their lips on the subject of slavery, it would at least soften the asperities of their warfare against it. A gentleman engaged as one of the distributing committee in seeking out objects requiring relief, mentioned to us the following, as a fair representation of almost innumerable cases in the lanes and alleys of the city.

On the first floor of a small tenement about ten feet square he found a family of eight blacks, comprising a man, two women and five children. The adults were partially covered with a few miserable rags, but the children were entirely naked. They were without fire, without food, without a bed, or any thing to keep them from freezing but a quantity of straw and a few rags, in one corner of the room. On the second floor of the same hotel was another family of three persons; a man, his wife and child. The wife was laying sick upon a few shavings on the floor, covered only with a piece of an old carpet. In other respects the condition of the inmates was the same as those in the room below, with the exception that they

had the luxury of a few dying embers, the remains of a handful of tan begged from a tan yard. But these were not sufficient to protect their feet from being frost bitten.

In the cellar was another family of seven persons, in a condition equally destitute and with the additional inconvenience that more than half the cellar bottom was covered with water. In a partially dry corner these seven persons live and sleep emerging from their hole to beg or steal such scanty provisions as will sustain life.

Such is one picture among hundreds that might be drawn, of the starvation, wretchedness, and misery amongst the free blacks, whilst there is not a slave in the city that is not well fed, well clothed, well lodged, and every way comfortably provided for. The abolitionists are no friend to the slaves when they urge their immediate emancipation.

The people in New Orleans propose a repeal of the anti gambling law. While they allow the bankers and lotteries to swindle them in open day light, it is contemptible and ridiculous to keep any anti gambling law on the statute book. We think that where lottery vendors, lottery wheels, banks and every species of machinery to delude and rob both the young and the old, and plunge thousands daily into irretrievable ruin, are not only tolerated but encouraged by legislators, the farro dealers ought also to be allowed to lay down their implements of hell, right at the corner of every street. But let them be fined and put in the penitentiary if they gamble in secret. Exposing the farro machinery to the odium of the public would produce a salutary effect on society analogous to what would result from the exposure daily of all paper money bank transactions.—Vicksburg Sentinel.

Hard Times.—We have heard of a circumstance, which at once evinces the troubles of the times, and the prudence of the people of North Carolina. The merchants of the most flourishing town in the Western part of North Carolina, have entered into bond with each other, not to go or send to the North this Spring for the purchase of goods. This is a prudent step, whether as regards the people or merchants, and we hope the good sense of the people in that region, will imitate it. The present season may be well devoted to disposing of stocks on hand, settling accounts, &c., and the fashionables may well deny themselves in these times.—Fry Obs.

A rumor has reached New Orleans from Mexico, that a negotiation is pending between England and Mexico for a cession to England of the Californias. The cession of the two provinces would give to Great Britain an extensive and valuable territory, in a part of the world where she has long been anxious to gain a foothold, besides securing an object still more desirable—a spacious range of sea coast on the Pacific, stretching more than a thousand miles from the 42d degree of latitude, south—sweeping the circuit of the peninsula of California and embracing the harbors of that Gulf the finest in N. America.

Important Discovery.—Capt. Chauncey Treat, of East Hartford, has discovered a complete remedy against the ravages of the Canker Worm, simply by encircling the apple tree at the surface of the ground with Scotch Snuff. The writer of the article has examined the trees on Capt. Treat's premises, and found the circle of snuff completely fringed with thousands of dead worms. These trees were all tarred, and where the snuff was used no worms appeared on the tar, and where the snuff was omitted the insects nearly covered the tar.—Hartford Courant.

Gen. Washington and Lord Erskine.—A volume was presented to General Washington, in 1797, by Thomas, Lord Erskine, on a blank page of which he wrote the following note, containing perhaps, the happiest eulogium of the many bestowd upon that wonderful man:

"Sir, I have taken the liberty to introduce your august and immortal name in a short sentence which is to be found in the book I send you. I have a large acquaintance among the most valuable and exalted classes of men, but you are the only human being for whom I ever felt an awful reverence. I sincerely pray God to grant a long and serene evening to a life so gloriously devoted to the happiness of the world.

No time for Reading.—Go into the houses of some of our farmers, and you find no newspaper, no periodical of any kind, and hardly a book. Ask such men to subscribe for a paper, and they will tell you that they have no time to read one. But who is so constantly employed as to find no leisure for the employment of this kind? Not the farmer; for the long winter evenings afford him a few hours every day, which he might devote to reading. Not the mechanic; for instances are frequent where the industrious artizans have attained an eminence in the sciences, merely by giving their leisure to study.

One of the most eminent oriental scholars of the age, is professor Leo, of one of the English Universities, and yet all his education was acquired during the moments of leisure which he found whilst employed as a journeyman carpenter.

No prudent man will oppugn the merits of a contemporary in his own supposed apartment.

Yale's Water-Proof Glue or Cement.

Take of the best Irish glue, four ounces, and of isinglass, two ounces; these must be dissolved in mild ale (not stale) over a slow fire, in a common glue kettle, to the consistency of strong glue; when one ounce of well boiled linseed oil must be gradually added, and the whole well incorporated together by stirring. To increase the strength of the glue, more isinglass may be added.

This cement is applicable to the joints of wood, in every branch of manufacture; as also to joining earthenware, china, and glass—care being taken to press the parts well together, and to allow them sufficient time to set.

The cement, when cold, and made into cakes, assumes the appearance of Indian rubber; and, like it, is elastic. It may, at any time, when wanted for use, be dissolved, by a gentle heat, in any proper iron or glazed vessel; first putting into it a little mild ale, to prevent it from burning at the bottom of the vessel; adding more ale, to bring it to a proper consistency for use.—To cement leather together for harness, bands for machinery, &c., having prepared the joints in the usual way, as if for sewing, apply the cement while hot, laying it weight upon each joint, as it is made; let them remain six hours before using, and the joints will then become nearly as firm as if made of one entire piece of leather.—An excellent cement for stopping leaks in casks, &c., may be made by putting a little tow to the other ingredients.

Immensity of Creation.—Some astronomers have computed that there are not less than 75 millions of suns, in the universe. The fixed stars are all suns, having like our sun numerous planets revolving around them. The solar system, or that to which we belong, has about thirty planets, primary and secondary belonging to it. The circular field of space which it occupies is in diameter 3600 millions of miles, and that which it controls much greater. The sun which its next neighbor to ours is called Sirius, distant from our sun about 852 millions of miles. Now, if all the fixed stars are as distant from each other as Sirius is from our sun, or if our solar system by the average magnitude of all the 75 millions of suns, what imagination can survey a plantation containing 75 millions of circular fields, each 10 millions of miles in diameter? Such however, is one of the plantations of Him who has measured the waters in the hollow of his hand—meted out heaven with a span—conprehend the dust in a measure—and weighed the mountains in scales, and hills in a balance. He who, "sitting upon the orbit of the earth, stretches out the heavens as a curtain, and spreadeth them out as a tent to dwell in. Nations to Him are as a drop of a bucket, and are counted as the small dust of the balance;" and yet overwhelming thought! He says, "I ho I dwell in the high and holy place, with him also will I dwell who is of an humble and contrite spirit, and trembles at my word."—Christian Almanack.

Politics and Morals.—A great many excellent, but in our opinion, short sighted people, hold practical politics in a sort of holy dread, and for fear of contamination avoid discussion and rarely ever vote.—These are moral and religious men. There is another class who receive politics to be debating,—energizing to the mind—and too exerting for calm reflection and deep study. These are the scholars.—Miss Martineau said that in the United States "politics is morals." This is true, and if the idea could be fully appreciated and believed by the classes we have named our country would be better governed, and more virtuous men would become our governors. On the broad foundation of politics our whole social system rests, and religion, morality, science and literature would be crushed and annihilated, if good men, and good scholars should avoid the political arena. In a free government like ours, politics is indeed morals, for where the right of suffrage is so unrestrained, great caution by the better informed must be used to check the excesses of the uneducated and vicious. Every man should be a politician, active and passive, for in the language of the editor of the Boston Quarterly Review, we cannot consent to the notion that politics is a low and debasing subject, or that a scholar necessarily derogates from his dignity, by engaging in the political movements of his countrymen and doing what he can to sustain what he believes to be true principles, and to secure to his country the practical blessings of them by supporting measures which will embody them in laws and institutions.

Silk Culture.—The National Silk Society have offered numerous bounties, varying from \$100 to \$1000 each, for the best specimens of raw silk, to be produced during the coming summer. The whole amount of the bounties is \$16,000. The prospect is fair that the silk culture will become a prominent and settled part of our domestic industry, and that silk, either raw or manufactured, will constitute within a few years, a valuable staple of home production.

If men of wit and genius would resolve never to complain in their works of critics and detractors, the next age would not know that they ever had any.

Laws penned with the utmost care and exactness, and in our own language, are often perverted to wrong meanings; why should we wonder that the Bible is so?