

# A BIBLIOGRAPHY RELATING TO THE BROAD SEAL WAR IN NEW JERSEY, 1838-40

BY RONALD L. BECKER

The Broad Seal War was the result of a contested election between the Whig and Democratic Parties for the six New Jersey seats in the U.S. House of Representatives. The Congressional election took place on October 9-10, 1838, before New Jersey was organized into Congressional districts. Thus all the seats were chosen at large by voters from the entire state. The Governor (William Pennington) and Privy Council had the obligation of totaling the votes received from the county clerks and issuing certificates stamped with the "broad seal" of the state to the victors. After doing so, the Whig governor and his Whig-dominated council announced that all six incumbent Whig candidates were re-elected by an extremely narrow margin. Only Joseph Fitz Randolph collected significantly more votes than his Democratic opponents.

The controversy broke out when it was discovered that the votes from Millville Township and South Amboy Township were not included with the returns from Cumberland and Middlesex Counties, respectively. The Cumberland County clerk (a Whig) claimed that the Millville returns lacked the seal of the township clerk (a Whig); moreover, they appeared to have been opened and were incompletely made out. The Middlesex clerk also cited several irregularities which he claimed invalidated the South Amboy returns. If the Millville and South Amboy votes had been counted,

five of the six Whig candidates would have been defeated. Despite this, all six Whigs received commissions of election on November 1, 1838 (for terms beginning December 1839), to which were affixed the official "broad seal" of New Jersey and signed by Governor Pennington.

Thirteen months later, on December 2, 1839, the U.S. House of Representatives met to organize. When the clerk of the House reached New Jersey in the roll call, he called only the name of Joseph Fitz Randolph and passed over the names of the other claimants. The Whig commission holders had expected trouble, but certainly not this soon. A raging two-week debate followed, while the House remained unorganized and without a Speaker. When the debate ended, the House Democratic majority (not counting the five disputed New Jersey seats, the Democrats held a 119-118 edge) voted to leave the five contested seats vacant. Thus New Jersey was left without 5/6 of its legal representation in the House, marking the first time in the country's history that a state was not so represented. The entire matter was then presented to the House Committee on Elections, which consisted of a 5-4 Democratic majority. The committee began working on the case on January 14, 1840, and dealt with the dispute for several months. Meanwhile the New Jersey legislature and the legislatures of other states passed resolutions for and



Governor William Pennington (Special Collections, Alexander Library). Governor Pennington and his Privy Council totaled the votes and issued certificates of election to all six incumbent Whig candidates.

against the actions of the House, many claiming that the House had no legal authority to conduct business without full representation from the state of New Jersey.

In March 1840, the preliminary report and resolution to seat the five Democratic claimants was accepted by the House. After this was accomplished, the committee continued its work and, after interviewing hundreds of voters and investigating allegations of vote fraud (the Whigs claimed that illegal votes were being cast by aliens for the Democratic candidates), issued its final report on July 8, 1840, which resolved that the five Democrats should retain their seats. The House concurred and thus closed the door on one of the most bitterly contested elections in the young nation's history.

This bibliography attempts to bring together all published sources dealing with the Broad Seal War many of which have never been cited by researchers. It consists of government and private publications and is divided into nine sections (summaries and contemporary accounts, entry nos. 1-5; speeches delivered in the U.S. House of Representatives but published separately, nos. 6-16; major speeches published in *The Congressional Globe*, nos. 17-41; congressional reports, nos. 42-46; speeches delivered in New Jersey, nos. 47-52; a political broadside, no. 53; action in the New Jersey State Legislature, nos. 54-65; action in the legislatures of other states, nos. 66-69; and secondary accounts, nos. 70-76). Annotations are provided in many of the entries to help clarify their relation to the contested election.

The bibliography does not include manuscript collections, which neverthe-

less are quite valuable for the study of this controversy. The Peter Vroom and Philomen Dickerson Papers in The New Jersey Historical Society contain several letters relating to the case. Other important collections include the Samuel L. Southard and Garret D. Wall Papers in the Princeton University Library. Because of the volume, newspapers have not been included in the bibliography. The Broad Seal War occupied the newspaper presses of New Jersey and other states for much of the 1838-40 period. The researcher is referred to Wright, William C. and Stellhorn, Paul A. *Directory of New Jersey Newspapers, 1765-1970*. Trenton, N.J.: New Jersey Historical Commission, 1977. The directory is organized geographically (no direct chronological access for the entire state) but contains all newspapers published in New Jersey. There has been no systematic attempt to read through and include legislative proceedings in states other than New Jersey for this bibliography. However, legislative reports and resolutions published separately and/or in Congressional sources have been included. Also lacking in the bibliography are the minutes and proceedings of the Governor and Privy Council of New Jersey for 1838. They were never published for this period and unfortunately cannot be located in the New Jersey State Library. It is quite probable that they were destroyed long ago.

Material for the federal sources in the bibliography was gathered through an extensive search in *The Congressional Globe*; *The Congressional Journal*; *The National Union Catalog*; B. P. Poore's *A Descriptive Catalogue of the Government Publications of the United States, September 5, 1774-March 4, 1881*. Washington, D.C.: Government Print-



Philomen Dickerson (Special Collections, Alexander Library). Successful Democratic challenger.

ing Office, 1885; Congressional Information Service's *U.S. Serial Set Index*. Washington, D.C.: 1975; and cataloged and uncataloged collections of The New Jersey Historical Society and Rutgers University Libraries. *The Congressional Globe* for 1840 (26th Congress, 1st Session) is filled with the debates and proceedings of this case and must be read thoroughly in order to understand the case's complexity. However, only the major speeches as published separately or in the appendix to *The Congressional Globe* are included in the bibliography.

New Jersey documents were gathered through a search of the minutes and proceedings of the New Jersey Legislative Council and General Assembly; New Jersey statutes; and the collections of Rutgers University Library and The New Jersey Historical Society including sev-

eral miscellaneous pamphlet and broadside collections at both institutions.

There is much duplication of material. For instance, Governor Pennington's address and accompanying documents are published separately, in the minutes of the proceedings of the New Jersey Legislative Council and General Assembly, in *The Congressional Globe*, in the U.S. House of Representatives Committee on Elections report and in the reports and resolutions of several other state legislatures.

Although the Broad Seal War is well known by name to researchers of nineteenth century American history, there has been very little detailed research based on many of the documents listed in this bibliography. It is hoped that the task will be somewhat facilitated with this tool in hand.



*P. D. Vroom*

Peter D. Vroom (Special Collections, Alexander Library. Successful Democratic challenger.

## BROAD SEAL WAR BIBLIOGRAPHY

### SUMMARIES AND CONTEMPORARY ACCOUNTS

- 1) [Bartlett, D. W.] *Abridgement of the Debates of Congress, from 1789 to 1856. By the Author of "The Thirty Years' View."* New York: D. Appleton & Company, 1860 v. 14, pp. 21-22, 54-55, 89-92.  
Includes a summary of the text of the reports of the U.S. House of Representatives Committee on Elections.
- 2) Hinds, Asher C. *Hinds' Precedents of the House of Representatives of the United States . . .* Washington, D.C.: Government Printing Office, 1907.  
The best summary of the Congressional action relating to the "Broad Seal Case." Also issued by U.S. Congress. House of Representatives (39th Congress, 2nd Session, House Document no. 355. U.S. Serial Set no. 5182). The summary is found in v. 1, pp. 1020-1041, Sections 791-803.
- 3) Hone, Philip, *The Diary of Philip Hone, 1828-1851. Edited with an Introduction by Allan Nevins.* New York: Dodd, Mead & Company, 1936.  
Hone's entry for July 3, 1840 (p. 488) suggests that the Independent Treasury Bill was at least partially responsible for the attack on and unseating of the Whig claimants from New Jersey.
- 4) U.S. Congress. House of Representatives. *Cases of Contested Elections in Congress from 1834 to 1865, Inclusive.* Compiled by D. W. Bartlett. (38th Congress, 2nd Session, Miscellaneous Document no. 57. U.S. Serial Set no. 1234).  
Taken from Bartlett's *Abridgement of Debates* with added narrative. The summary is located pp. 19-33.
- 5) [Webster, James] "The New Jersey Congressional Election," *The United States Magazine and Democratic Review* (v. 5, no. 8, June 1839, pp. 590-608).  
The only summary of events leading up to the Congressional debate that followed in the Winter and Spring of 1839/40. The author supports the cause of the Democrats, and his commentary is laced with criticism of New Jersey's election practices.

### SPEECHES IN THE U.S. HOUSE OF REPRESENTATIVES PUBLISHED SEPARATELY

- 6) Barnard, Daniel Dewey. *Speech of Mr. Barnard, of New York, On the Proposition to Refuse the Oath to Five Members Returned from New Jersey: Delivered Before the Representatives of the Twenty-Sixth Congress, December 18, 1839.* Washington, D.C.: Gales and Seaton, 1839.
- 7) Botts, John Minor. *Speech of Mr. Botts of Virginia, on the New*



Robert Field Stockton (Special Collections, Alexander Library). Captain Stockton, a Democrat, broke with his party and supported the Whig claimant in speeches throughout the State.



- Jersey Contested Election. Delivered in the House of Representatives, January 9, 1840.* Washington, D.C.: Gales and Seaton, 1839.
- The imprint date is questionable. It is possible that Botts presented the printer an advanced copy.
- 8) Brown, Aaron Venable. *Speech of Mr. Brown, of Tennessee, on the Resolution Reported from the Committee of Elections . . . Connected with the New Jersey Contested Election . . . House of Representatives, March 17, 1840.* [Washington, D.C.: n.p., 1840]
- Title page lacking on known copies.
- 9) Dromgoole, George Coke. *Speech of Mr. Dromgoole of Virginia on the New Jersey Disputed Election, in Reply to Mr. Sergeant of Pennsylvania. Delivered in the House of Representatives, December 14, 1839.* Washington, D.C.: Globe Office, 1840.
- 10) Duncan, Alexander. *Speech of Mr. Duncan, of Ohio, on the Subject of the New Jersey Election, for Members of the Twenty-Sixth Congress. Delivered in the House of Representatives, January 9, 1840.* Baltimore, Md.: Office of the Post, 1840.
- 11) Jenifer, Daniel. *Speech of Mr. Jenifer, of Maryland, on the Proposition to Print the Testimony in Relation to the New Jersey Contested Election. Delivered During the Morning Hour, March 11, 12, 13, 14 and 17, 1840.* Washington, D.C.: Gales and Seaton, 1840.
- 12) Randolph, Joseph Fitz. *Speech of Mr. Randolph of New Jersey on the New Jersey Contested Election. Delivered in the House of Representatives, January 9, 1840.* [Washington, D.C.: n.p., 1840]
- No title page on known copies. Randolph was the only New Jersey representative seated by the House of Representatives. Despite the possibility of fraud, he was clearly one of the top six vote getters in the state.
- 13) Rayner, Kenneth. *Speech of Mr. Rayner, of North Carolina, on the Proposition to Refuse the Oath to Five Members Returned from the State of New Jersey: Delivered Before the Representatives of the Twenty-Sixth Congress, December 18, 1839.* Washington, D.C.: Gales and Seaton, 1839.
- 14) Rives, Francis Everard. *Speech of Mr. Rives, of Virginia, In the House of Representatives, February 26, 1840.* [Washington, D.C.: n.p., 1840]
- Title page lacking on only known copies.
- 15) Saltonstall, Leverett. *Speech . . . on the New Jersey Case. Delivered, in the House of Representatives, December 13, 1839.* [Washington, D.C.: n.p., 1839]
- Title page lacking on only known copy.
- 16) Smith, Truman. *New Jersey Election. Speech of Mr. Smith, of Connecticut . . . Delivered in the House of Representatives, February 25 and 26, 1840.* Washington, D.C.: Gales and Seaton, 1840.

## MAJOR SPEECHES PUBLISHED IN "The Congressional Globe" APPENDIX (CGA)

- 17) Adams, John Quincy. "Remarks on a Question of Order, Pending the Organization of the House, in Reference to the New Jersey Contested Election, December 20, 1839," *The Congressional Globe, Containing Sketches of the Debates and Proceedings of the Twenty-Sixth Congress. Blair and Rives, Editors. First Session. Volume 8, Appendix* [hereafter referred to as *CGA*] pp. 151-155.
- 18) Barnard, Daniel Dewey. "Remarks on the New Jersey Contested Election, December 18, 1839," *CGA*, pp. 41-46.
- 19) Brown, Aaron Venable. "Remarks on the New Jersey Contested Election, March 17-19, 1840," *CGA*, pp. 377-382.
- 20) Campbell, John. "Remarks on the New Jersey Contested Election, February 14, 1840," *CGA*, pp. 155-157.
- 21) Clifford, Nathan. "Remarks on the New Jersey Contested Election, January 10-11, 1840," *CGA*, pp. 204-210.
- 22) Colquitt, Walter S. "Remarks on the New Jersey Contested Election, December 9, 1939," *CGA*, pp. 7-8.
- 23) Dromgoole, George Coke. "Remarks on the New Jersey Contested Election, December 14, 1839," *CGA*, pp. 60-65.
- 24) Duncan, Alexander. "Remarks on the New Jersey Contested Election, January 9, 1840," *CGA*, pp. 49-60.
- 25) Fisher, Charles. "Remarks on the New Jersey Contested Election, February 25, 1840," *CGA*, pp. 193-195.
- 26) Garland, Hugh Alfred. "Statement in Justification of his Course of the New Jersey Contested Election, December 3, 1839," *CGA*, pp. 204-206.  
Garland as Acting Clerk of the U.S. House of Representatives refused to seat the five Whig claimants.
- 27) Holmes, Isaac E. "Remarks on the New Jersey Contested Election, December 12, 1839," *CGA*, pp. 15-17.
- 28) Jenifer, Daniel. "Remarks Relative to the Election of Speaker, and the New Jersey Contested Election, December 19, 1839," *CGA*, pp. 148-151.
- 29) Johnson, William Cost. "Remarks on the New Jersey Contested Election, December 19, 1839," *CGA*, pp. 149-151.
- 30) Petrikin, David. "Remarks on the New Jersey Contested Election, March 6, 1840," *CGA*, pp. 243-244.
- 31) Pickens, Francis W. "Remarks on the New Jersey Contested Election, December 10, 1839," *CGA*, pp. 216-218.
- 32) Randolph, Joseph Fitz. "Remarks on the New Jersey Contested Election, January 9, 1840," *CGA*, pp. 721-724.

- 33) Rayner, Kenneth. "Remarks on the New Jersey Contested Election, December 18, 1839," *CGA*, pp. 66-70.
- 34) Rhett, R. Barnwell. "Remarks on the New Jersey Contested Election, December 12, 1839," *CGA*, pp. 11-13.
- 35) ———. "Further remarks on the New Jersey Contested Election, December 17, 1839," *CGA*, pp. 93-94.
- 36) Rives, Francis Everard. "Remarks on the New Jersey Contested Election, February 26, 1840," *CGA*, pp. 281-285.
- 37) Saltonstall, Leverett. "Remarks Touching on the Election of the Speaker, and on the New Jersey Contested Election, December 13, 1839," *CGA*, pp. 36-39.
- 38) Shepard, Charles. "Remarks on the New Jersey Contested Election, December 18, 1839," *CGA*, pp. 13-14.
- 39) Slade, William. "Remarks on the New Jersey Contested Election, December 10, 1839," *CGA*, pp. 32-36.
- 40) Starkweather, David. "Remarks Relating to the New Jersey Contested Election, January 10, 1840," *CGA*, pp. 70-71.
- 41) Weller, John B. "Remarks on the New Jersey Contested Election, February 26, 1840," *CGA*, pp. 195-196.

## CONGRESSIONAL REPORTS

- 42) U.S. Congress, House of Representatives. Committee on Elections. *New Jersey Election* (26th Congress, 1st Session, House Report no. 506, March 11, 1840. U.S. Serial Set no. 371).  
A detailed 284-page account of the minutes of the deliberations of the committee. Election return evidence and statements from all the parties involved are presented. By a 5-4 vote (strictly along party lines) the committee decided to seat the Democrats with the highest vote totals *including* those for Millville and South Amboy. The report was issued March 5, 1840 and agreed to by the House March 10, 1840 (again, strictly along party lines). However, the investigation was continued by the committee after the seating of the Democrats and resulted in House Report no. 541 (see entry no. 44).
- 43) U.S. Congress. House of Representatives. Committee on Elections. *Address and Suppressed Report of the Minority of the Committee on Elections on the New Jersey Case. Presented to the House of Representatives, March 10, 1840, together with the Remarks of Mr. Fillmore.* Washington, D.C.: Madisonian Office, 1840.  
This report was apparently never presented on the House floor. The Whig minority on the committee denounced the actions of the Democrats on the floor for cutting off the reading of the minority report as

“the first instance of this kind as we believe, that has occurred in the government.” The report and statements were signed by the Whigs on the committee (Millard Fillmore, John M. Botts, George W. Crabb, and Truman Smith).

- 44) U.S. Congress. House of Representatives. Committee on Elections. *Testimony of the New Jersey Contested Election* (26th Congress, 1st Session, House Report no. 541, May 26, 1840. U.S. Serial Set no. 372).

This voluminous 761-page volume contains the testimony of over 600 New Jersey voters and the majority and minority reports of the committee. The majority concluded that some unregistered people (mostly aliens) voted and adjusted the tallies accordingly. However, this still left the five Democratic representatives (by now officially seated in the House) with a clear victory. On July 26, 1840, the resolution was agreed to by the full House by a vote of 102-22. Many Whig members declined to vote, intending unsuccessfully to break a quorum.

- 45) U.S. Congress. House of Representatives. Committee on Elections. *The New Jersey Case. Report of the Minority of the Com-*

*mittee of Elections.* Elizabeth, N.J.: H. H. Hassey, 1840.

The Whig minority again blasted the Democrats in the House and on the committee, but this time presented some evidence of vote fraud which they claimed gave the election to the Whig claimants despite the counting of the Millville and South Amboy votes.

- 46) U.S. Congress. House of Representatives. Committee on Elections. *New Jersey Case. Answer to the Minority Report, July 20, 1840.* [Washington, D.C.? 1840]

No title page on known copies. Not content to rest with their victory and let the minority report go unanswered, the Democrats on the Committee on Elections (John Campbell, Aaron V. Brown, William Medill, P. F. Thomas and Francis E. Rives) issued this rebuttal. They defend their decision based on the testimony of several hundred voters (some are named individually) and continue the attack on the election officials of Millville and South Amboy, the Governor and Privy Council of New Jersey and the Whig Party in general for willfully and knowingly suppressing the votes from whole townships.

#### SPEECHES DELIVERED IN NEW JERSEY

- 47) Armstrong, Amzi. *Speech of Mr. Armstrong, of Essex, on the Resolutions Against the Exclusion of Five Representatives of New Jersey, from the Twenty-Sixth Congress. Delivered in the New Jersey Legislative Council,*

*January 23rd, 1840.* Newark, N.J.: M. S. Harrison & Co., 1840.

- 48) Garland, Hugh Alfred. *Address of the Hon. Hugh A. Garland before the Democratic Mass Con-*

vention held at New-Brunswick, N.J., October 8th, 1840. New Brunswick, N.J.: Lewis R. Stelle, 1840.

Garland urges the Democrats to continue the battle against vote fraud warning of the possibility of Whig governors in New Jersey and other states giving credentials to fraudulently elected claimants. He closes by declaring that "New Jersey has been selected as the Champion of Freedom."

- 49) Haines, Daniel. *Speech of Mr. Haines, of Sussex, on the Joint Resolutions Relative to the Exclusion of the Representatives of New Jersey from Congress. Delivered in New Jersey Legislative Council, January 23, 1840.*

Trenton, N.J.: Justice and Mills, 1840.

- 50) Miller, Jacob Welsh. *Speech of Mr. Miller, of Morris, on the Joint Resolutions, Relative to the Exclusion of Representatives of New Jersey from Congress, January 23, 1840.* Trenton, N.J.: Sherman & Harron, 1840.
- 51) Randolph, Joseph Fitz. *Address . . . to his Constituents, the People of New Jersey.* New Brunswick, N.J.: n.p., 1840.  
"The New Jersey Question," pp. 19-21.
- 52) Stockton, Robert Field. *Address of Captain Stockton, to the People of New Jersey.* Trenton, N.J.: Sherman & Harron, 1840.

#### POLITICAL BROADSIDE

- 53) Democratic Party, New Jersey. *Jerseymen, Do You Hear It?* [n.p., c.Aug. 1840]  
Refers to the New Jersey Whigs'

"commissioned men the people defeated" before presenting the party's legislative platform for the election of 1840.

#### ACTION IN THE NEW JERSEY STATE LEGISLATURE

- 54) N.J. Governor. *Special Message of the Governor of New Jersey; with Accompanying Documents, January 14, 1840.* Trenton, N.J.: Phillips & Boswell, 1840.  
This message to the New Jersey Legislative Council and General Assembly was accompanied by copies of the commission issued by Governor Pennington and his Privy Council containing the seal of New Jersey, letters written by the Whig and Democratic claimants, and names of "illegal voters" who participated in the election of 1838.

The message was printed in the minutes of the proceedings of the Legislative Council and General Assembly, in *The Congressional Globe* and in the reports of The U.S. House of Representatives Committee on Elections (see entries 55 and 56).

- 55) N.J. Governor. "Governor's Message and Accompanying Documents, January 14, 1840," *Votes and Proceedings of the 64th General Assembly of the State of New Jersey . . . Belvidere,*

- N.J.: Wilson & Brittain, 1840 [hereafter referred to as *NJGA Proceedings*] pp. 173-196.  
2000 copies of Pennington's message were ordered printed by the General Assembly.
- 56) N.J. Governor. "Governor's Message and Accompanying Documents, January 14, 1840," *Journal of the Proceedings of the Legislative Council, of the State of New Jersey, Convened at Trenton . . . Being the First Sitting of the Sixty-Fourth Session*. Somerville, N.J.: S.L.B. Baldwin, 1840 [hereafter referred to as *NJLC Proceedings*] pp. 98-119.  
The Legislative Council (now known as the New Jersey State Senate) went into a Court of Appeals and resolved that 1000 copies of the message be printed and that it be referred to a joint special committee to consist of five members from the General Assembly and three from the Legislative Council.
- 57) N.J. Legislature. Joint Special Committee. "Report, January 16, 1840," *NJGA Proceedings*, pp. 199-202.  
A vote to adopt the report (which presented eight resolutions generally claiming that until the Whig candidates were seated, the U.S. House of Representatives was not legally constituted and could therefore act on nothing) and to send copies of the report to the upper and lower houses and the governors of all states for their own legislation failed. The vote on the resolutions themselves was tabled.

## THE JOURNAL OF THE

- 58) N.J. Legislature. General Assembly. "Debates and Votes, January 21, 1840," *NJGA Proceedings*, pp. 219-229.  
All eight resolutions were passed by the General Assembly which had a Whig majority.
- 59) N.J. Legislature. Joint Special Committee. "Report, January 16, 1840," *NJLC Proceedings*, pp. 123-124.  
The same report presented to the General Assembly on the same day.
- 60) N.J. Legislature. Legislative Council, "Debates and Votes, January 17, 23, 1840," *NJLC Proceedings*, pp. 133-154.  
The Legislative Council passed the eight resolutions, urging strongly that the Whig claimants be allowed to take their seats in the U.S. House of Representatives.
- 61) N.J. Legislature. Joint Special Committee. *Minority Report of the Joint Committee of the Legislature of New Jersey, to whom was Referred the Message of the Governor, and the Accompanying Documents, in Reference to the Exclusion from the House of Representatives of the Persons to Whom Certificates of Election were Awarded by the Governor and the Majority of his Privy Council, January 24, 1840*. [Trenton, N.J.: n.p., 1840]  
The Democratic minority on the committee called for the seating of the Democratic claimants and blasted all those in the state who abrogated their responsibilities to

- allow votes not to be counted and to issue certificates on that basis. However, even the Democrats condemned the U.S. House of Representatives for denying New Jersey its right to representation and urged the House to seat the Whigs who held credentials from the Governor until the others could show a "better title."
- 62) N.J. Laws, Statutes, etc. "Joint Resolutions, passed January 23, 1840," *Acts of the Sixty-Fourth General Assembly of the State of New Jersey* . . . Trenton, N.J.: Sherman & Harron, 1840, pp. [137]-138.  
The complete text of the joint resolution as passed by the General Assembly and Legislative Council.
- 63) N.J. Governor. "Letter from R.M.T. Hunter, House of Representatives, Virginia to Governor Pennington, January 30, 1840," *NJGA Proceedings*, pp. 271-276.  
Hunter (Speaker of the U.S. House of Representatives) declined to lay the New Jersey joint resolutions before the House as asked by Governor Pennington. Hunter's letter as read in the Assembly on February 4, 1840. On February 5, the Democratic minority in the General Assembly attempted to have the letter printed. The resolution failed.
- 64) U.S. Congress. House of Representatives. *Joint Resolutions of the Legislature of New Jersey, on the Subject of the Contested Election of the Representatives of that State* (26th Congress, 1st Session, House Document no. 59, February 6, 1840. U.S. Serial Set no. 365).  
The same resolutions passed by the General Assembly and Legislative Council on January 21 and January 23, 1840 respectively.
- 65) N.J. Governor. [*Annual*] *Message of the Governor of New Jersey with Accompanying Documents, October 27, 1840*. Trenton, N.J.: Phillips & Boswell, 1840.  
In his annual message to the Legislative Council and Assembly, Governor Pennington called for the State to "vindicate her rights" taken away by the U.S. House of Representatives by refusing to seat the commissioned members from New Jersey. Pennington cites a "solemn protest of fifty thousand of the intelligent freemen of New England recently on Bunker Hill" against the House for its conduct in the New Jersey election case. Thus the New Jersey legislature began its new session on the same note of bitterness that rang throughout the previous one.

## ACTION IN LEGISLATURES OF OTHER STATES

- 66) Maine. Legislature. *Resolves Relating to the Election of Members of Congress from the State of New Jersey*. Augusta, Me., n.p., 1840.  
The Maine House of Representatives and Senate resolved to support the U.S. House of Representatives in excluding the Whig claimants. The resolutions state that

there is no other constitutional basis for a claim to a seat in the U.S. Congress than election thereto by a majority of the votes of the people, not as a result of certification by state functionaries. The resolutions were passed March 18, 1840 and signed by Governor John Fairfield, March 30, 1840.

- 67) Massachusetts. Legislature. Joint Special Committee. *Resolves Relating to the Exclusion of the New Jersey Representatives* (Senate Report no. 33, February 10, 1840). [Boston, Mass.] n.p., 1840.

The report consists of the New Jersey legislature's resolutions; a report of the Joint Special Committee of the Massachusetts Legislature claiming that the State of New Jersey has been denied her constitutional rights by the U.S. House of Representatives; and six resolutions urging the House to seat the New Jersey representatives.

- 68) N.J. Legislature. General Assembly. "Resolutions Adopted by the Legislature of Rhode Island in Relation to the Representation of New Jersey, in the 26th Congress of the United States, February 6, 1840," *NJGA Proceedings*, pp. 299-301.

This resolution is similar to that passed by the Massachusetts Legislature protesting the actions of the U.S. House of Representatives in refusing to seat the New Jersey claimants.

- 69) U.S. Congress. House of Representatives. *Resolutions of the Legislature of the State of Vermont on the Subject of the New Jersey Election, October 29, 1840* (26th Congress, 2nd Session, House Document no. 100, February 11, 1841. U.S. Serial Set no. 384).

Again the House is condemned for not seating the original New Jersey claimants.

#### SECONDARY ACCOUNTS

- 70) Bayard, Samuel J. *A Sketch in the Life of Com. Robert F. Stockton* . . . New York: Dirby & Jackson, 1856, p. 77.

A Democrat, Stockton originally supported his party's view of the outcome of the election, but could not tolerate the treatment of his State by the U.S. House of Representatives.

- 71) Chute, William J. "The New Jersey Whig Campaign of 1840," *New Jersey History* (v. 77, no. 4, October 1959, pp. [223]-239).

The Broad Seal War is summarized, pp. 234-238.

- 72) Fallow, Walter Robert, Jr. *The Rise of the Whig Party in New Jersey* (Ph.D. dissertation, Princeton University). Princeton, N.J.: Princeton University, 1966, pp. 333-335, 371-377.

- 73) Fogarty, Catherine. *The New Jersey Contested Election of 1838*. [Rutherford, N.J.: 1977] Unpublished typescript.

- 74) Lee, Francis Bazley. *New Jersey as a Colony and as a State*. New



- York: Publishing Society of New Jersey, 1902, v. 3, pp. 329-333.
- 75) Levine, Peter D. *The Behavior of State Legislative Parties in the Jacksonian Era: New Jersey, 1829-1844*. Rutherford, N.J.: Fairleigh Dickinson University Press, 1977, pp. 215-216.
- 76) McCormick, Richard P. *The History of Voting in New Jersey: a Study of the Development of Election Machinery, 1664-1911*. New Brunswick, N.J.: Rutgers University Press, 1953, pp. 118-119.