ARISTOCRACY UNMASKED!

Or the exposition of a Vote against the Right of Suffrage.

Aristocracy Unmasked:

The constitution of Pennsylvania, framed so long ago as the year 1790, in relation to the right of suffrage, has the following Section.—"In elections by the citizens, every freeman of the age of twenty one years, having resided in the state two years next before the election, & within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector." The democrats of this state began, indeed very early to consider the position of *Thomas Jefferson* as the sound and wholesome one; and not a member of it has been or can ever be so inconsistent with its principles as to seek to restrict, clog and curtail the right of suffrage, as it is now established among us. We detest every practice that savours of Aristocracy, and cannot submit to have freeholders, or land-owners, set apart from the rest of the community, as alone worthy and competent to choose our public officers.

Not so, however, with the federal party—Universal suffrage has been always opposed by them, as too DEMOCRATICAL, tending to deprive the *high-born*, the *wealthy* and the *talented few*, of their *due weight* in society; subjecting the government to the *vices of the poor*, and *levelling* all those *ranks* and *distinctions* which are the relicts of a *venerable antiquity*. They desire to contract the right of voting into as narrow a circle as possible, and maintain and act upon the doctrine that in this matter, as in every other, the people at large are their own worst enemies. "Why, they exclaim, *should a Mechanic Vote?* Let him make shoes, not Governors! *Let the Cobler stick to his last.*" This is the doctrine of the federalists; and they have never lost an opportunity to enforce these unnatural and detestable notions. They have exerted their very best abilities to give them plausibility; and they are perfectly conscious that if they once succeed in establishing them by law, democracy, with all its equality, freedom and independence of spirit, is practically forever at an end.

This is a matter of principle, not of declamation or invective. Each party has its constitutional and fixed belief about it. *The democrats wish all men RICH or POOR to have the right of voting. The federalists wish to debar the POOR of that right.* No democrat can without apostatising, wish to exact a qualification of *freehold* and no federalist can disclaim this cardinal creed of his party. It is an unerring and permanent test of politics.

By this test, I am about to try ANDREW GREGG, a candidate for the office of governor. Let my fellow citizens read with attention the facts which I subjoin, and which I have extracted, word for word from the journal of the Senate of the United States. It is a record which cannot be denied; its language is plain and unequivocal, and the conclusion in the mind of every pure republican must be immediate and decisive.

Senate of the United States.

During the first Session of the 10th Congress, which began on the 26th of October 1807.

Wednesday, December 2, 1807. A message from the House of Representatives by Mr. Magruder their clerk:

Mr. President—The House of Representatives have passed a bill, entitled—An Act extending the right of suffrage in the ississippi territory and for other purposes."

The bill was read and ordered that it pass to a second reading.

Tuesday, December 29th 1807. The Senate resumed, as in committee of the whole, the second reading of the bill, entitled—An act extending the right of suffrage in the Mississippi territory, and for other purposes—together with the proposed amendment, and after having agreed to amend the amendment—On motion the Senate adjourned

Monday, January 4th 1808. The Senate resumed, as in committee of the whole, the second reading of the bill entitled—An act extending the right of suffrage in the Mississippi territory, and for other purposes—and on motion to strike out of section 1st lines 6 and 7 of the bill, these words—"*and having paid a county or territorial tax, assessed at least six months previous to such election,*" and insert "*and who has a legal or equitable title to a tract of LAND by virtue of an act of Congress, or who may become the purchaser of any tract of land from the United States, of the quantity of fifty acres, or who may hold in his own right a town lot of the value of ONE HUNDRED DOLLARS, within the said territory.*"

A division was called for; and on the question for striking out, it was determined in the affirmative, Yeas 20; Nays 11.

The Yeas and Nays having been required by one fifth of the Senators present,

Those who voted in the affirmative are Messrs. Bayard, Bradley, Crawford, Gaillard, Goodrich, GREGG, Hillhouse, Maclay, Matthewson, Milledge, Mitchell, Moore, Pickering, Smith, of Maryland, Smith, of New york, Smith, of Tennessee, Sumpter, Thruston, Turner, White.

Those who voted in the negative, are Messrs Adams, Anderson, Conduit, Gilman, Howland, Kitchell, Parker, Pope, Reed, Robinson, Tiffon

On motion to insert at the end of the third section the following;

"*Provided*, That the provisions of this act shall not take effect, until the assent of the legislature of the state of Georgia shall be given thereto."

It passed in the negative, Yeas 3; Nays 27.

And the President having reported the bill amended in the first and second sections, ordered, "That it pass to the third reading as amended."

Tuesday, January 5, 1808. "The Bill entitled "An act extending the right of suffrage in the Mississippi territory and for other purposes" was read the third time as amended; and, On the question, shall this bill pass as amended?

It was determined in the Affirmative, Yeas 18; Nays 8.

The yeas and nays having been required by one fifth of the Senators present,

Those who voted in the affirmative are Messrs Adams, Anderson, Conduit, Gillman, Goodrich, GREGG, Howland, Kitchell, Matthewson, Moore, Parker, Pope, Reed, Robinson, Smith of Maryland, Thruston, Tiffen, White.

Those who voted in the negative are Messrs. Bradley, Crawford, Maclay, Milledge, Smith of New York, Smith of Tennessee, Sumpter, Turner.

So it was resolved, That this bill pass with amendments.

Ordered That the Secretary request the concurrence of the House of Representatives in the amendments.

Friday, January 8, 1808 Mr. Magruder, clerk of the House of Representatives returns the bill into the Senate, with the agreement of that body, and on

Tuesday, January 12, 1808, it became a law.

Thus it is made manifest by the most authentic proof,

1. That a law extending the right of suffrage in Mississippi had passed the House of Representatives, and was reported to the Senate of the United States on the 2d of December 1807, without the odious and anti-republican feature which exacts the qualifications of FREEHOLD in a voter.
2. That it underwent repeated debate in the Senate and on the 21st of December, Mr. Moore proposed an amendment exclusively bearing upon this single point.
3. That the amendment, retained under consideration until the 4th of January following, imposed a *restriction* upon the right of suffrage, and required that *every voter should be a LANDHOLDER or a FREEHOLDER.*
4. That on the question being put, it was obviously thought one of importance and principle, because then, for the first time, the yeas and nays were called and taken.
5. That Andrew Gregg *deliberately voted in FAVOR of such an alteration in the law as would restrict the right of suffrage, and exclude from its enjoyment all who were not LANDHOLDERS or FREEHOLDERS.*
6. That Andrew Gregg, a Pennsylvanian, in defiance of the principles of our state constitution and of our laws, and in utter contempt of the known wishes and doctrines of the democratic party of this commonwealth, voted to inoculate the territory of Mississippi with the poison of aristocracy, and laid the foundation for political practices in that portion of our Union, subversive of the rights and freedom of the people.

What then fellow citizens, is the inevitable conclusion? Think for yourselves; and say, is ANDREW GREGG a *Republican*, worthy of applause and exaltation? Or is he a *federalist* of that decided stamp, whose principles are inimical to the sovereignty of the people, & friendly to the sovereignty of the few?

"SHULZE AT HOME."

The greatest pains imaginable have been taken by the friends of Mr. Gregg, the *federal* candidate, to impress upon the minds of the people throughout the state, that Mr. Shulze is unpopular at home. To this end, meeting after meeting has been got up in Lebanon, and in other sections of the county, denouncing him as incompetent to discharge the duties of the station for which he is a candidate, and unworthy of their support. The proceedings of those meetings have been manufactured at the seat of government, by those "high in authority," and are couched in the most bitter and indecorous language. It can be made appear, that sums of money have been raised by the aristocratic gentry of Lebanon, to defray the expenses of persons at a distance, who could not otherwise have been prevailed upon to attend their meetings. By resorting to such unbecoming and pitiful measures, they have been enabled to collect groups of men together from various quarters of the county, who dare not refuse to "dance attendance" at the nod of their purse proud masters. It was in this manner the federalists got up their late meeting in Lebanon, the proceedings of which are not only published in the federal papers, but in extra sheets also, and distributed through the state in vast quantities. While the federalists deserve credit for their unwearied industry and perseverance in their support of Mr. Gregg, they deserve the severest reprehension for the disgraceful means they have made use of to deceive the people at a distance, by representing Mr. Shulze as unpopular at home, and totally unfit for governor! If he were unpopular at home, then he would not receive the undivided support of his political friends: but the fact is, the democrats are united in his favor, and many uniform federalists who know his worth, capacity, and honesty, are his sincere and warm advocates, which at once proves the falsity of the charges contained in the federal address, headed "*Shulze at home.*"

The popularity of the democratic candidate was tested last fall, when he obtained a handsome majority over one of the most popular Germans in Lebanon county. If Mr. Ley could not be elected over Mr. Shulze, how is it possible that such a frail and incompetent old man as Mr. Gregg could obtain a majority in the county? But they are determined to make a desperate struggle, by redoubling their exertions for Mr. Gregg, and stop at nothing to defame and blacken the character of him, whose virtues they envy, and whose well earned fame and popularity they dread. The toasts which were drank at the federal celebration of the fourth of July, at Lebanon, were marked with a spirit of vindictiveness and rancor, without a parallel, and could only have been uttered by the most hardened and depraved of the human species, some of whom have but recently been "called to their long account." Federalism and faction, however, may rage a few weeks longer, when the people of Pennsylvania will prostrate them, by the rejection of their idol, Andrew Gregg, and their selection of Mr. Shulze.

In order to test the sincerity of those who puff and blow so much about the unpopularity of "*Shulze at home,*" and to show to the world how confident his friends are of his success, we have been instructed, by a *responsible* person, to make the following propositions. The money to be deposited, either in the Camden bank of New Jersey, or in the Westminster bank of Maryland.

$100 that Mr. J. ANDREW SHULZE will have a majority in Lebanon County.

$100 that he will have 100 of a majority in Lebanon County.

$100 that he will have 200 of a majority in Lebanon County.

$100 that he will have 300 of a majority in Lebanon County.

$100 that he will have 400 of a majority in Lebanon County—and

$500 dollars that he will be elected Governor over Mr. Gregg *Carlisle Gazette.*

Correct View of the Militia Bill.

From the (Bucks county) Democrat.

There has been much *wilful misrepresentation* on the subject of the Militia Laws of this state, and especially of Mr. Shulze's vote on that subject at the last session, that I think it proper, in addition to what has been said on that subject, to present a concise view of it to your readers.

The complaint is "that the legislature at the last session made an attempt to place the military above the civil power of the state, and that Mr. Shulze voted to that effect." To establish the position it is assumed that to prohibit aldermen and justices of the peace "from commencing or taking cognizance of any *civil suit or action* against a military officer, constable, collector or other persons concerned in the execution of the militia laws of this commonwealth—actually placing the military above the civil power." If there had been no other remedy for a wrong done by a militia officer, there might be some pretext for such an assumption, but it is well known to the declaimers against Mr. Shulze, that the constitution says "the trial by jury shall be as heretofore," and that under the act of 1821, the right to bring suits "in the county where the cause of action shall have arisen;" to be tried in the court of Common Pleas, is fully recognized:—This is perfectly clear, and he who runs may read.—How then is the military made superior to the civil power?

It has never been intended that any profligate, corrupt, unprincipled man who might have happened to obtain a justice's commission (and that there are some such we all know) should have it in his power to obstruct and defeat the militia law for a whole county Suppose for instance that one justice in a county could be found, so abandoned to all sense, justice and honesty, as to enter suits against the collectors of militia fines, and give judgment in every case against them, for the amount of fines collected with costs; would not the whole militia law become a dead letter as to that county? Such a case did actually happen in Chester county: and the mildness of democracy, instead of addressing the Governor to remove him, chose rather to make the law more plain. It is for this last act that the unprejudiced clamor has been raised, to confirm the prejudiced, and deceive the ignorant advocates of Mr. Gregg.

I would ask the attention of your readers to the history of the provisions of the militia laws on this subject since 1802, when the first general and comprehensive law for the regulation of the militia was passed.

We find in the pamphlet laws of 1801-2 page 235, the following section:—That "no certiorari or other writ, shall in any case, issue from any court of law or equity in this commonwealth, to remove any proceedings that shall be had in any court of appeal or court martial, held under and by virtue of this act; and that no court of law or equity of the said commonwealth, shall in any case hear, sustain, determine, or in any manner take cognizance of appeals that may be offered or attempted from any sentence or decree passed or made by such courts of appeal, or courts martial, any law, usage or practice to the contrary in any wise notwithstanding."

The legislature wisely foresaw that if a certiorari or an appeal from courts martial or courts of appeal was allowed, the fines could never be collected. The writs of certiorari might be issued or the appeal entered, and the collection of fines suspended for years; but it never entered into their minds, that justices or aldermen would attempt to "rehear, examine, court of appeal; Such cases did however occur, and when the act of 1814 passed, commonly called Duane's bill, (having been reported by W. J Duane, now one of the champions of Mr. Gregg,) a clause was inserted in addition to that of 1802, above noticed, prohibiting aldermen and justices of the peace, as well as judges, expressly from issuing any writ or process, with a view to rehear, examine, or obstruct the decision of any court of appeal or court martial, and such act on the part of a judge justice, or alderman, was made a misdemeanor in office; reserving however the rights of every citizen under the habeas corpus act.

This act was voted for indiscriminately by federalists and democrats, as will be seen by the journal of 1813 14, page 354—there being 67 votes for the bill and 11 against it. In 1816 a supplement to this act was passed, pamphlet laws, page 224, declaring "that the proceedings of the courts of appeal and courts martial, shall in no case whatever be set aside, or declared void by any judge of a court of law, on ground of informality in such proceedings," and every judge who shall declare such proceedings void on the ground aforementioned, shall be deemed guilty of a misdemeanor in office; and *no action of trespass shall be sustained in any court of record within this commonwealth, in consequence of any proceedings, had by any courts martial or courts of appeal.*" Here observe, that all the provisions in previous laws, go no further than to prohibit the *removal of the proceedings*, and writ of certiorari. The right of the "*action of trespass*," and trial by jury for any alleged injury done, remained unimpaired; but this section (if it was constitutional) took away any redress for other than personal injuries.—This act of 1816 is decidely the strongest and most exceptionable, on the ground of giving superiority to the military power. Yet I find by looking into the journal of the House of Representatives, for 1815 16, that all the members from Bucks county voted for it. On page 674, a motion was made to postpone the bill indefinitely. ayes 31, nays 43; *among the nays are the names of* BENJ FOULKE, Dr. PHINEAS JENKS, and DAVID WYNKOOP; and in page 675, on the question *shall this bill pass?* ayes 49, noes 25; among the ayes are the names of JENKS FOULKE, SELLERS & WYNKOOP, but no clamor was ever heard about these votes; these members (except Mr Sellers, who died soon afterwards) were re elected for several years by the *Federal party*. We now come down to 1821-22, when General Barnard, as chairman of the military committee, reported the militia bill which is now the law of the state: This law simply re-enacts the provisions of the act of 1814, (Duane's Bill,) with the addition of the clause *prohibiting the courts* from declaring the proceedings of court martial or courts of appeal, *void on the ground of informality*; and repeals the clause of the act of 1816, which was voted for by the Bucks county federal members, Messrs. Jenks, Wynkoop, &c. declaring that "no action of trespass shall be sustained in any court of record within this commonwealth, in consequence of any proceedings, had by any courts martial or courts of appeal"

We now come to the section reported by Gen Barnard at the last session, for which Mr Shulze voted. We have already seen that courts of record were forbidden to issue writs of certiorari, or remove the proceedings &c. and aldermen and justices of the peace forbidden to "rehear, examine, or obstruct, directly or indirectly, the decision of any courts martial or courts of appeal." This has been the law as to courts since 1802, and as to aldermen and justices, since 1814. The section is in the following words:

"That if after the passage of this act, any alderman or justice of the peace shall issue process, or in any manner whatsoever commence or take cognizance of any *civil suit or action* (not criminal as has been falsely said) against any military officer, constable, collector or other persons concerned in the execution of the militia laws of this commonwealth, for any thing done by them, or either of them, under or in pursuance of said militia law, in imposing and collecting fines; every alderman or justice so offending, shall be guilty of a misdemeanor in office, and their acts and proceedings in such suits shall be null and void."

I think it would puzzle most, if not all the noisy clamorers on this subject, to explain the difference between the effect of this clause and that contained in Mr. Duane's Bill of 1814—But how is it possible that any man of common sense, could construe it to take away all redress in a court of criminal jurisdiction for *personal injury?* The criminal jurisdiction of justices of the peace is wholly untouched, and the remedies for personal wrongs, by indictment or information, or presentment, are as they have always been untouched; and the remedy for any unlawful injury done to the property of a citizen by a militia officer, or collector of fines, is completely open by the action of trespass in the court of common pleas, to be tried by jury; which remedy be it remembered, Dr. PHINEHAS JENKS, DAVID WYNKOOP, Esq. and the other federal members in the year 1816 *voted to deprive us of!* The whole amount of the provision is to put it out of the power of a single justice of the peace in a county to prostrate the militia law of the state, throughout the whole extent of his jurisdiction, by giving judgment for the recovering back of all fines collected in sums less than $5 33 cts. when