

tion. The Whigs made charges of illegal voting and Whig Governor William Pennington rejected returns from two townships and certified the Whigs' entire slate with the great seal of the state. The House overruled this action on July 16, 1840, after a bitter partisan battle, and seated the original winners. But Dickerson's second congressional career was not noted for important activity.

Beset by continued Whig attacks on the Democrats' economic policies, Dickerson was defeated for reelection to Congress in 1840. He had seen a chance to leave the unhappy atmosphere of the House even earlier, when the United States judge for the District of New Jersey, William Rossell, died. He pressed President Van Buren for the appointment. But the president, anxious to preserve the slim Democratic House majority in the climax of his fight for the independent treasury, would agree to the appointment only when Mahlon arranged to come out of semi-retirement and hold the judgeship for Philemon until after the election. In March 1841, Mahlon yielded the judgeship to his brother.

Philemon had a rewarding career on the federal bench from 1841 to his death. He approached the work with enthusiasm, dignity, and self-conscious impartiality. The volume of work was small until the Civil War, when a large number of constitutional questions piled a heavy load on the court. Dickerson's health broke under the strain, but he remained on the bench. He died at Paterson on December 10, 1862.

Dickerson was involved in no precedent-setting decisions on the court but was popular with the bar and with other judicial officials. He remained a leader in state Democratic party councils until the growing sectionalism of the 1850s pushed his sympathies toward the Republicans. He took a great interest in the affairs of Paterson; he was instrumental in procuring its city charter in 1851 and wrote *A Lecture on the City of Paterson, Its Past, Present, and Future . . .* (1856). His second son, Edward Nicoll Dickerson, became a prominent member of the New

Jersey bar, a scientist, and an inventor.

For two decades Philemon Dickerson was an important figure in the politics of New Jersey. He was not a kingmaker at the center of political power, and much of his career was adjunctive to that of his more influential brother; still, he helped build the party system in an era of transition.

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WILLIAM PENNINGTON (May 4, 1796–February 16, 1862) was born in Newark, the son of Phoebe (Wheeler) and William Sandford Pennington. After attending Newark schools, he earned a degree from the College of New Jersey (later Princeton University) in 1813 and then studied law with Theodore Frelinghuysen. In 1817 he was admitted to the bar, and he began to practice in his native city. Pennington became a licensed counselor in 1820 and a sergeant-at-law in 1834. Between 1817 and 1826, during the judgeship of his father, he served as clerk of the federal district and circuit courts in New Jersey.

William descended from a long distinguished line. His father was the grandson of Judah Pennington and the great-

grandson of Ephraim Pennington. Ephraim, originally of New Haven, Connecticut, had moved to New Jersey as one of the founding fathers of the town of Newark. William's wife, Caroline, was a member of another important and distinguished family. Her grandfather, Dr. William Burnet, was a member of the Continental Congress eminent for his services in the revolutionary war, and her father, the younger Dr. William Burnet, was surgeon general of the Continental army.

As founders and leaders, the Penningtons were inevitably and consistently involved with the political and economic growth of the new town and its surrounding area.

By 1800 William's father and uncles had achieved political prominence as organizers and leaders of the new Jefferson-Republican party in Newark and in Essex county. Before President Madison appointed the elder William a judge of the New Jersey district court, he had served as a state assemblyman, council member, and governor. In 1824 the Pennington family supported John Quincy Adams for president, largely out of anger at Secretary of the Navy Samuel L. Southard, the leading New Jersey supporter of John C. Calhoun. Southard had used his influence with President Monroe to secure the district attorneyship of New Jersey for Lucius Q. C. Elmer of Cumberland County. The younger William Pennington, who had wanted the post, never forgave Southard. In 1828 Pennington was chosen to represent Essex County in the state assembly, and he became a leader of the National Republicans in the state. When the National Republicans and other anti-Jackson politicians coalesced to form the Whig party in 1834, Pennington emerged as their leader in Newark.

The victory of the Whigs over the Democrats in the congressional and state elections of 1836 opened the way for Pennington's rise to the governorship in 1837. He proved a popular governor, and until 1843 he was reelected annually to the post. In his views and acts Pennington embodied a thoroughly Whig philosophy

of government. He believed that the government's chief duty was "to protect the rights of property and the tranquility of society; to secure and support the feeble against the strong, the peaceful against craft and oppression." It seemed obvious to him that the good of any society rested in a harmony of social interests, with mutual dependence and cooperation among the groups and classes. He believed that the legislative power belonged exclusively to the representative body of the government, that the executive branch should have no veto power, and that states' rights should be guarded jealously from federal encroachments. These principles underlay his hostility toward such national Jacksonian measures as the Independent Treasury Act, the Militia Act and the Bankruptcy Act, which he saw as undue extensions of presidential power at the expense of the states. They also explain his insistence that the proceeds from the sale of public lands should revert to the states.

As governor, Pennington fulfilled his dual role as chief executive and chancellor of the state with remarkable skill. His judicial decisions usually pleased the courts and the petitioners; the court of appeals overruled only one of his decrees, and in that instance legal opinion was divided. He was no less distinctive as chief executive. He contradicted the traditional image of the New Jersey governor as a weak executive. The office had limited authority, for it lacked the powers of veto or appointment and its occupant's annual election by a joint meeting of the houses depended on his party's continued dominance in the legislature; the governor's duties lay mainly in signing bills into law and apprising the legislature of general conditions in the state. Pennington's character and personal influence, however, enabled him to overcome the inherent weakness of his office and to exercise an effective, positive leadership. His annual messages, like those of his predecessors, pointed out which conditions needed attention and indicated the priorities for immediate legislative action, but he often adroitly used them as

vehicles to propose his own solutions to specific problems as possibilities to be explored. In this way he encouraged and even directed much of the legislation passed in his administration.

His accession to office came in the wake of the disastrous Panic of 1837. The preceding legislature had seemed unable or unwilling to cope with the economic distress. Even a special session called by Governor Philemon Dickerson had failed to produce a program of relief, largely because of a deadlock between the parties in the legislature. This situation changed with a convincing Whig triumph in the state elections of 1837 and the elevation of Pennington to the governorship. As governor Pennington worked with the predominantly Whig legislature to restore public confidence in the economy. He also expressed strong moral and humanitarian concerns. He brought about a major reform of the judiciary to improve the administration of justice. Orphan courts were established to protect children from exploitation and from being deprived of their inheritances. Under him the state initiated action to establish institutions for the care of deaf-mutes and blind children and an asylum for the insane. It inaugurated prison reform, improving health and work conditions, increasing medical care for the prisoners, and providing more humane treatment for their rehabilitation and moral guidance. Pennington's administration abolished imprisonment for debt and reduced the number of crimes specified for capital punishment.

Governor Pennington refocused attention on the common school question. Joining his predecessors, he repeatedly urged legislation to provide an effective and efficient school system, for he viewed education as "a branch of public service." He urged the establishment of a state normal school to train well-qualified teachers and the appointment of a state superintendent. Although legislation passed in 1838 establishing public schools fell short of these objectives, Pennington continued to press for them and for the

creation of free public libraries in every school district as well. Public apathy and the political influence of private interests delayed the reforms for another decade, but Pennington's sustained support quickened their momentum.

Pennington staunchly championed and defended states' rights and conservative economic interests. Early in his term, he figured prominently in a political incident which assumed congressional import. A routine executive act erupted into a full-scale political fracas known as the "Broad Seal War." In the close congressional elections of 1838, the governor threw out the returns from two Democratic townships on the grounds that they were questionable. Since the governor had no power to take measures for correcting questionable returns, he argued, he had no choice but to disregard them. Doing so turned the election in favor of the Whigs, and Pennington commissioned all six Whig candidates to represent New Jersey in the House of Representatives. Five Democratic candidates, among them two former governors, Philemon Dickerson and Peter D. Vroom, Jr., contested the decision. When Congress assembled in December, two delegations from New Jersey presented themselves—one with the usual credentials under the broad seal of the state, bearing the governor's signature, the other with a certificate of election signed by the Democratic secretary of state. Because the House was almost equally balanced between Democrats and Whigs, the New Jersey delegation was crucial to its organization and to the determination of the majority party. Ignoring the sealed commissions, the House refused to seat the delegation sanctioned by Governor Pennington. After days of disorder and stormy debate, Congress organized itself without five of the six New Jersey representatives. More than a year of intense debate and investigation followed, and finally the House admitted the Democratic claimants by a strictly partisan vote. Pennington, though he admitted Congress's right to investigate the credentials

of its members, excoriated it for violating the great seal and for trampling on states' rights by arbitrarily admitting the protesting delegation without ascertaining the legality of the votes in the two questionable townships. The governor himself was highly criticized by his political opponents for granting the Whig commissions, but the supreme court later upheld him. The case made the need for a new election law obvious, and in 1839 the legislature passed a comprehensive act to regulate elections that remedied the defects of the old law and decreased the possibility of a recurrence of the incident.

Pennington was the first governor to bring effective action against the Joint Companies, the Camden and Amboy transportation monopoly. By virtue of special privileges granted them by the legislature in 1831, they had become so powerful that they practically dominated the state's political and economic life. In 1839, when a dispute arose in the legislature over transit duties owed to the state, the governor used his personal and official influence against the companies, which were dominated by Democrats. When the state referred the case to the supreme court, the companies paid the duties. The companies' setback, however, increased their political activity and eventually helped to restore the Democrats to power, in 1843, unseating Pennington after six years in office.

In spite of his progressive views in some limited areas, Pennington did not favor much-needed constitutional reform. The only reform he advocated and endorsed fully was the separation of the judicial and executive functions of the governor. Ironically, his proposal in 1840 that this basic flaw in the original constitution be removed by legislative action renewed agitation for constitutional revision. Failing to exercise vigorous leadership in the reform movement proved a tactical blunder that lost the Whigs the initiative and contributed heavily to their defeat in 1843. When the new governor, Daniel Haines, a confirmed revisionist, called for a constitutional convention in 1844, lead-

ing members of both political parties were elected delegates to the convention, but Pennington was not among them.

Pennington's active political career came to a temporary end with his defeat in 1844, brought on not only by his conservative position on constitutional reform but also by the machinations of politically ambitious Whigs who harbored personal resentments against the "Pennington clique" and entered into collusion with the Camden and Amboy monopolists.

Pennington returned to private law practice and never again held an important state office. His hope of becoming chancellor under the new constitution did not materialize; nor did his hope of becoming a minister to Europe. President Fillmore offered him the posts of governor of Minnesota and claims judge under the Mexican treaty, but he declined both.

Persuaded to run for Congress in 1858, Pennington made a brief but spectacular political comeback. He was elected as a Republican. The political ferment and confusion building toward the Civil War made the peaceful organization of the house difficult. After a bitterly hostile contest lasting two months, Pennington was chosen speaker. It was conceded that despite his ignorance of the technicalities and complicated rules of the House, Pennington presided in this period of high emotional and political stress with fairness, impartiality and wise conciliation. In 1860, he ran again as a Republican, but lost. He died two years later, survived by his wife and by four children, William S., Henrietta, Mary and Edward R. Pennington.

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Sister Serafina D'Alessio



DANIEL HAINES (January 6, 1801-January 26, 1877), the last governor elected by the legislature, was born in New York City. His ancestors had left England in 1637 to settle in Salem, Massachusetts. Later they moved to Southold, Long Island, then left this homestead to join the first settlers of Elizabethtown. While living there, Haines's grandfather, Stephen Haines, played a distinguished role in the American Revolution. One of his sons, Elias, was the future governor's father.

Elias Haines was a well-known and successful New York City merchant. He married Mary Ogden, who was the daughter of Robert Ogden III and the niece of Governor Aaron Ogden. The couple had four daughters and three sons. It was their first child who would become New Jersey's chief executive.

The young Haines's early education took place at a private school in New York under the celebrated instructor Edmund D. Barry. After completing his preparatory education at the academy in Elizabethtown, he was graduated from the College of New Jersey (later Princeton University) in 1820. Haines then entered the law office of his uncle, Thomas C. Ryerson, in Newton, Sussex County. In 1823, after three years of study, he was admitted to the bar, and he began to practice law in Hamburg, Sussex County.

During the election of 1824, Sussex County was strongly pro-Jackson. A Federalist who became an ardent supporter of

Andrew Jackson, Haines began his political life by securing Jackson all the votes cast in the small township of Vernon, in which he resided. For the rest of his political career, he continued to work within the Democratic party.

After fifteen years of private law practice, Haines was elected to the legislative council in 1839 by a large majority. He immediately became involved in the political controversy known as the "Broad Seal War." A dispute over the results of the 1838 congressional election had triggered this intensely bitter, partisan contest. In the legislative session of 1839-40, the Whigs introduced a series of resolutions to denounce the action of the House of Representatives, which had failed to support their candidates. Amzi Armstrong of Essex County and Jacob W. Miller of Morris County were the principal Whig advocates of these motions in the council. In the debates that followed, Haines led the opposition, which questioned the legislature's right and fitness to pass the Whig resolutions. Though he failed to prevent their passage, Haines debated with an ability and tact that contributed to his emergence as a political leader and, ultimately, to his election as the state's chief executive.

The Democratic caucus nominated Haines for governor on October 27, 1843, and since the Democrats had just regained control of the joint meeting after six years in the minority, Haines's election was assured. His major achievement during the first of his two terms in office was the adoption of a new state constitution in 1844. Besides being instrumental in bringing about the convention called to frame it, Haines convinced his contemporaries that the state's original fundamental law had "provisions which are at least inexpedient if not wholly incompatible with the spirit of the present age." The anachronistic unity of the offices of governor and chancellor and the chief executive's election by the legislature instead of the people became two of his chief concerns. Moreover, Haines pleaded successfully for a bipartisan convention,