DAVID OVER.

## BEDFORD, PA. FRIDAY, JAN. 24. 1862.

VOL. 35, NO. 4,

## Poetry.



[From the Salem Gazette.] England's Demand for Mason and Slidell.

Take them and welcome, Old England-the traitors Though a slave cannot breathe on your boasted free Your arms open wide to receive their oppressors; Should any one hinder, the world you'd embroil!

Sit down at your ease, with your ears stuff'd with cotton, (Full long are they clos'd to your paupers sad wail!)
You like the slaves products, if others will keep him, You heed not the sorrow press'd down in each bale.

Take them and welcome, Old England-the traitors! They could not breathe long in our free Northern Take with them the scorn of a free hearted nation-Then put forth another demand, if you dare !

Take them and welcome, Old England-the traitors! We'll send you the rest, or their heads, bye and by e, But never more say that you stand up for Freedom Or the civilized world will call it a lie!

The Dying Soldier's Address to his Comrades.

Written from the words of John Ruby, a member of Captain Compher's Company, and a citizen of Raiusburg, Bedford Co., Pa., who died in Camp Curtin, Herrisburg, Dec. 30th, 10 o'clock, A. M.

Brother soldiers! I must leave you. Death is preying on me now All my toils on Earth are ended, All my battles fought below.

I must join a nobler army, Where King Jesus takes command, Where there's music more melodious, Played by the celestial band.

When the spirit leaves my body, Send the relic to the place, Where first I met you, brother soldiers, That it there may rest in peace.

In my quarters are some pictures, Bury them along with me; They are mementoes of some loved one, I no more on Earth will see.

Soldiers, now I'll have to leave you ; Though your company is sweet, But may Christ at last receive you,

That we may in Heaven meet. Camp Curtin, Jan. 10th, 1862.

Lines On the death of John Oler, a member of Capt. Compher's Company, who died in Camp Curtin, January 2nd, 1862, at 8½ o'clock, P. M.

No friend was there to shed a tear. When Oler passed away: No friendly hand to smooth his hair; No tongue to chant a lay.

He died amidst the camp's vast noise, The soldiers' mirth and glee; Around him rang the hearty voice, In many a jovial spree.

The bugle, drum and fife was heard, In many a broken sound; But of a psalm no single word, Was uttered in the round.

No mother's tear dropped on his cheek; His lips, no sister pressed; No kindred voice was heard to speak; No relative caressed.

A vouthful volunteer he came, His country's rights to save; But death lay hold his tender frame, And dragged him to the grave.

His battles now on Earth are fought, His last great victory's won : The wreath to crown him now is wrought;

He rests in peace at home. S. VEATCH. Camp Curtin, Jan. 10th. 1862.

Lines On the Death of J. Deffibaugh, a member Captain Complier's Co., who died in Camp Curtin, Jan. 3d, 1862, at 81 o'clock, A. M. What mournful tidings greet my ear !

Another soldier gone! No relative to linger near, To hear his dying moan !

He came with us, a volunteer, To meet the traitorous foe: And to defend our country's fiag. But death has laid him low.

No friend had he to shed a tear Around his dying bad : But he torgotten shall not he, Although he's with the dead,

His brother soldiers think of him With serrow in their hearts. And grieve that one so brave, so true, Should from them thus depart.

We miss him at our quarters now We'll miss him in the field; For he can never meet the fee,

Since death has made him yield. S. VEATCH. Cam > Corti 1. Jan. 10th, 1862.

Contested Election Case.

SYNOPSIS OF THE ARGUMENT DE-LIVERED BY ROSS FORWARD Esq.

The seal of Geo. W. Householder, member elest from the district of Somerset and Bedford, is contested by John Cessna, Esq. of Bedford county.

He bases his claim to the seat, upon the unconstitutionality of the apportionment bill of 1857, connecting these counties in the same

The 4th section of the first article of the Constitution, on which is his main reliance, reads as follows: "Within three years after the first meeting of the General Assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as directed by law .-The number of representatives shall at the usual periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inbabitants in each; and shall never be less than sixty nor more than one hundred. Each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representative until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeably to the ratio which shall then be established. This section, as well as the previous ones, is verbatim the constitution of 1790, not having been altered or in the least amended by the convention to revise the constitution, and whose amendments were adopted in 1838. It consequently relates only to the counties as they existed in 1790, and not as they were in 1838. A position which the new counties were disposed to contest at the first apportionment after 1838, but very soon abandoned, because there was no re-inactment of the previous constitution at that time, but simply an adoption of the amend-ments as made by the convention.

Now, Mr. Cessna's claim to a seat for Bedford county cannot be sustained for two principal reasons: -

1st. Because the question of the constitu-tionality of the law has been decided by the only tribunal having any authority over the subject, and its decision, whether right or wrong, cannot be inquired into or reversed by the present Legislature, or any committee

2d. Because Mr. Cessna is entirely at fault in his construction of the constitution. And construction, which is attempted to be made the ratio then, in 1857, established, is proper-the apportionment law of 1857, when examin-of the 3rd section of 1st article of the con-ly and of necessity connected with another ed in the light of the facts connecting the counties of Bedford and Somerset, will be

found strictly in accordance therewith. whom is entrusted the carrying out of its proare divided into legislative, executive and ju- "each county shall have at least one represen it is the duty of the Executive, should be think differently to interpose; but if his opinislature, the enactment, notwithstanding, beis the province of the present Legielature to that is guaranteed them. decide upon the qualification of its members, according to the law, prescribed by a previ- every foot of land now in Somerset county was ous Legislature, under the provisions of the embraced within the boundaries of Bedford Continution. They dare not enact a new law county. The people of that portion of Bedford to confirm their own membership. For it is county applied by petition to the Legislature in only a previous Legislature that can prescribe 1795 for a separate county organization, and, the district, and direct how the members of they deeming it advisable to grant the privila-the succeeding Legislatures shall be shosen.—
If it was otherwise there is nothing to prevent year erected the new county of Somerset. Then anybody of men, chosen according to the fan-came up the question of representation, how cy or pleasure of the several counties, assemb-was that to be arranged? Why just as the frawork and enact, that, the manner in which nected, with the parent county, and within the tioned, and sanctioned for three-quarters of

ple. In so far as it has it must be sustained, right of the people in that district, to be repre. Otherwise it is a fraud upon their rights. The sented in the Legislature. Is there any man while at the last apportionment there were of age, tendered his sword to the Gevernor Otherwise it is a fraud upon their rights. The proper authority has told them how to elect, and they have obeyed. You now tell them they should not have done so, but should have elected according to the construction of the construction of the construction of the Legislature in question, and has no more wisdom than to say that although the law is unconstitutional, and there is therefore no law on the subject, yet the people shall elect according to a law which, though not enacted, should have been. For the law of '57 heing constitutional, the result would be there is no law, and there.

Sented in the Legislature. Is there any man while at the last apportionment there were of age, tendered his sword to the Gevernor for active service.

Mr. Cessna claims to have obtained the opinion of many eminent lawyers and judges, all of whom support the position taken by him.—

Granting that he has such optuions, upon what are they based—ou the statement of the case they really longed? And who but the Legislature of the State shell direct how this representation shall be arranged? And if they have the power on law which, though not enacted, should have been. For the law of '57 heing constitutional, the result would be there is no law, and there.

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Granting that he has such optuions, upon what are they based—ou the statement of the ease they to settle this war, that he had done his share.

He replied—"If my country needs protection is an opinion whatever that touckers are they based and of which they may have known nothing. He replied—"If my country needs protection is an opinion whatever that touckers are they based and of which they may have known nothing. He replied—"If my country needs protection is an opinion whatever that touckers are they bas

the law has been observed, but that it has been, which concedes all that you have any right to inquire concerning. For it does not come this Legislature to decide that the man elected according to the provisions of the same law, which is alone the test of their own mem- ed, to entitle them to a member. The ratio barship, was improperly elected. Where 18 was 5976. Somerset had 5254 and Bedford the power given in the constitution or by virtue of what law, can a committee of nine the crushing force of this fact upon his claims to a seat from Bedford county, undertakes to the present Legislature, undertake to veto and construe the latter clause of the 4th section make null and void that which has been pre-viously enacted by the Senate and House of obtained the number of taxables agreeable to Representatives, and been fully carried into the ratio then established, it is forever after effect by the action of the people. entitled to a separate representation, no mat-Having full authority, as has been heretofore ter how far it may fall short of it at the times shown, the judgment of the Legislature was of subsequent enumerations and apportion expressed, and the law pronounced, and it has ments. A construction that is directly in op een executed by the citizens who were bound position to its plain words and obvious mean by its action. It is too late now to apply the remedy for that which is past. There is no authority given anywhere to any man or body sufficient number of taxable inhabitants shall be contained within it to contribute them to one of men tt interfere with it, except to the whole be contained within it to entitle them to one Senate and House of Representatives, with the approbation of the Executive. If they think the previous legislature erred, they might alter the law for future membership, but they dare not take upon themseves the authority to alter the law so as to affect the membership of the present legislature and they are not take upon themseves the authority to alter the law so as to affect the membership of the present legislature and the previous sentence. ship of the present Legislature, and thereby representative they had no thought of choosperiods of enumeration and appointment agreeing. It would be such a disregard of the es- ably to the ratio which is then established is seventy years, that it is hard to imagine how having a separate representative. Admitting, any man could conceive the idea of attempting Mr. Cessna, now then that Bedford county as can covince any body of sane men of the prop- titled to have at least one representative, alpriety of so doing.

But let the first position be decided as it d in the light of the facts connecting the country of the state of the light of the facts connecting the country of the facts connecting the country of the facts connecting the stitution. Mr. Cessna reads it as though it country in representation. And with what other can she be more fairly joined than the constitution of 1st article of the con-country in representation. And with what other can she be more fairly joined than the constitution of 1st article of the con-country in representation. And with what other can she be more fairly joined than the constitution and the constitution had wisdom enough. ly to examine the constitution, and observe to to know that in the progress of time, it would become necessary to make new counties, and requisite number it was a matter entirely at visions, and on whom we are to depend for its they in anticipation of a difficulty which might the discretion of the Legislature, depending dicial. The members of the Legislature, tative, but no county hereafter erected shall For the latter clause of the 4th section of the sworn to support the constitution, there is be entitled to a separate representation, until constitution is merely declaratary of a right confidence reposed in them that they will make a sufficient number of taxable inhabitants no enactments contrary to its provisions. If, shall be contained within it, to entitle them to however, they should fail in their judgment, one representative agreeably to the ratio which it is the duty of the Executive, should be shall then be established." If then the new county is not entitled to a separate represenion simply is opposed to two thirds of the Leg- tation, the necessary consequence is, that it must be included with the county, or some one comes law. If any oitizen thereafter feels of the counties, from which it is stricken .himself aggrieved, he may refuse to comply But in that case, what becomes of the right and connection with other counties which had therewith, and bring the question before the Judiciary, who enter their judgment in the matter, and if the law is adjudged to violate the fundamental law, they refuse to compel upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representations and must be connected with some adjudged to violate upon the fiction that this rightrof representations and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that this rightrof representation and must be connected with some adjudged to violate upon the fiction that the rightrof representation and must be connected with some adjudged to violate upon the fiction that the rightrof representation and must be connected with some adjudged to violate upon the first properly fails. Now their decision may chance | the people within the bounds of a certain disin fact, to be wrong; but, however, otherwise triot known all that time as the county. It desired by any man or body of men, it cannot was not given to the people who might, half a be interfered with or modified, wishout a change | century afterwards, be within the bounds of in the fundamental law itself, procured under what should then be known as Bedford counproper forms and regulations for that purpose.

But while the Judiciary is the only resort vided and subdivided, until, what is left to be to determine most Constitutional questions known as Bedford, is but a mile square, with arising upon exactments of the Legislature, one hundred inhobitants. To say that they there is one kind of question which the Con- shall still be represented by one member when stitution confides to the Legislature itself. It the ratio is perhaps 10,000 for the balance of provides that the number of representatives the State, shows the absurdity of such an idea. shall be fixed by them, and apportioned among It was to the people then included, or who the several counties. It is left to them en- might in all time to come beineluded, within tirely to decide how they will apportion it .- certain boundaries then known as counties, Confidence is placed in them that they will that was assured the right to one representado it according to the Constitution, but if they tive. And so long as they have one, two or should fail, their decision cannot be reviewed three more, electing in conjunction or respector reversed; for they are the only tribunal ively within these boundaries, according to the having jurisdiction over the subject. And it directions of the Legislature they have all

Now is 1790 and for some years afterwards

were again united. Neither Bedford or Somerset had sufficient taxables, according to the ratio then establish-5197. And Mr. Cessna, in order to obviate

And any county not being an original countake advantage of the people, giving them a ty, and failing to have any one of the several tablished usage and precedents, for the last positively prohibited by the Constitution from it, and still harder to think it possible that he she naw is, and not as she was in 1790, is enthough she had not the number of taxables, Somerset was not an original county, and can may, there can be no question as to the false make no such claims; and having fallen behind construction, which is attempted to be made the ratio then, in 1857, established, is proper-

> But even if Somerset should have had the ience of so doing, in districting the State. which the new counties should not have, and not a positive enactment that they should have the full ratio of taxables at the time of making the apportionment. If they had the number it would be proper and constitutional for the Legislature to give them a member. But exnecessitate it must depend upon its position not the ratio, and which the constitution posis ment from 1801 to the present time. And that under the present apportionment there are new in the Legislature 22 members from urconstitutional districts. The following table, including the two from Bedford and Somerset, gives an exhibit of these districts-one or more counties in which would be entitled to separate representation, baving more than the ratio of 5.976 taxables

> Counties. Taxables. Lebigh & Carbon. 2 ( Lehigh. 10,000 Carbon 4500 Lycoming & Clinton Lycoming 7474 Clinton Cumberland & Perry 2 ( Cumberland 7904 Perry 4700 2 ( Franklin Franklin & Fulton 8381 Fulton 1898 3 ( Armst'g Armst'g & Westml'd 6871 Westml'd Beaver Beaver & Lawrence Lawrence Mercer & Venaugo 2 ( Mercer 7328 Venango Clarion Clarion & Forest 6263 Forest Crawford & Warren Urawford Warren 2 Tioga Potter Potter & Tioga 2000

But the law being merely directory, it is a ling here and assuming that they are the Legislature of the State. And it is alleged, they have not been elected according to any previ- tion, but say in effect as to the matter of repre- in the matter of doubtful interpretation of the ously enacted law, they have only to go to sentation, you shall continue as heretofore con- constitution, that one, which has been unquess they were severally chosen, was proper and constitutional, thus making themselves a self-constituted body. This would be subversive of all law and order. It must be conceded members elected. Somerset, a part of Bed-constitution, and to which be mosted. For the amendment of 1857 go-colonel, which position has described the making of the Constitution and to which the question can be mooted. For the amendment of 1857 go-colonel, which position he held until 1853, excursion, Eddie's share of the peacet. The manner in which the question do not controlled the manner in the country in the real controlled the manner in the country is the manner in the country in the real controlled the manner in the country in the real controlled the manner in the country in the real c of all law and order. It must be conceded members elected. Somerset, a part of Bed- be mooted. For the amendment of 1857 go- be mooted.

been. For the law of '57 being constitutional, the result would be there is no law, and therefore Mr. Cessna must fail in getting a seat as elected their representatives together. Then fore Mr. Cessna must fail in getting a seat as elected their representatives together. Then cambria, which had also been in great part originally Bedford, was erected and was joined with Somerset. Then Cambria and Bedford on at the course of his applications for opinions, decided the command ready for the field. They were devith Somerset. Then Cambria and Bedford case against him. It needs no one particular-promptly accepted, and were marched on at was connected for some years, Somerset electally versed in the law to form a correct judging alone, and in 1857 Bedford and Somerset ment in this matter. And I venture to say ment in this matter. And I venture to say eral times pronounced his the finest division that ninestenths of the voters of the State will in the whole army, unequaled for drill and undertake to say that they can and do under-stand it. And if the outrage of throwing from his seat Mr. HOUSEHOLDER, a member ac-discreet; as a man, sagacious, crafty, and reknowledged to be duly elected by the voters liable as a General. With a strong constituof the district, formed by the only proper aution and iron will, he knows no such word as thority, is perpetrated, it will be met by such fail. By education a soldier, he is as brave a howl of indignation, such universal derision and contempt, as should make its authors and perpetrators quail. ROSS FORWARD,

Counsel for Geo. W. Householder. [From the London Star Dec. 28.]

MORE COTTON IN ENGLAND NOW THAN AT THE SAME PERIOD LAST YEAR.

The planters of the Confederate States have nade an egregions blunder in supposing that, by retaining their cotton, they could coerce England into an interposition in their favor. — So far as they are concerned, cotton is no king. It is not like Tokay, or Johannisburg wine, to be produced only on one given spot of the earth's surface. The demonstration of this, as a fact, is due to the revolt of the Southern States; and the continuance of the blockade. or of whatever other obstacle exists to the exportation of Sea Island cotton, will make the fact an extensive and permanent one. When this blockade was established, and it became certain that our usual supplies of this-the most important of the raw materials used in our manufactories-would be stopped, most of us were really afraid to look at the consequen. ces in the face.

We spared somewhat in the illusion of the planters, who felt sure our industry would be destroyed if we did not interfere. Nobody in this country, indeed, thought of breaking the blockade except a few persons whose last thoughts would be for the protection and safety of our manufactering interests; and now, nine months after the work of secession began, although the po icy of the South has concurs red with the objects of the North in prohibits visions, and on whom we are to depend for its they in anticipation of a difficulty which might the discretion of the Legislature, depending ing the export trade of the former, we in Engpreservation. The powers of the government be raised, proceed to say in the same sentence, upon their judgement of the nearly for contou as a year ago -- that is to say, we have now as large a stock of the article on hand as we had this time twelve months. A return which we printed jesterday shows, indeed, that on the 20th of this month there was actually a larger stock of cotton at Liverpool than on the 20th of Dec. 1860.

Our real and enduring interest, therefore, concurs with our clear duty in respecting the decree of the Federal Government which cloour interest that this embargo should continue ountry only; but from several. The change will, no doubt, be accompanied by some suffering, but all great changes are thus accomen us with a diversion of the capital and labor of the South into other channels than the cultivation of cotton, but we now know too much six feet in height, soon made his appearance. to be affected by that menace. We see that by suffering a little temporary pinching, we can ultimately get cotton enough elsewhere, and countries not contaminated by slavery, and of the world.

Maj. Gen. George A. M'Call.

Gen. George A. M'Call. commander of the lantly led his forces in the engagement at was first commissioned Second Lieutenant on the first of July, 1822, in the first Infantry .-In January, 1829, he was appointed Assistant Gaines; in 1832, he was made Assistant Adjutant General; in 1836, he was appointed Captain and served with General Worth in the Florida war, where he won distinction and daring deeds in the battle of Resaca de la Palma, 9th May, 1846, and August, 1846 .then that the previous Legislature having desided upon the manner of chosing from the
people the members of the succeeding Legislature, it remains only for them on assembling
to inquire whether this law prescribed by a
proper authority has been followed by the peo-

once to Washington. Gen. M'Clellan has sevand fearless a man as there is in the army .-He has left a fireside surrounded by a loving wife and children, and all that wealth could desire. No man was more comfortably situated to end a life spent in his country's service. than General M'Call. He has a con as Brigadier-General from the United States, and one of a Major-General conferred upon him by the State of Pennsylvania. He outranks all other Brigadiers in the service.

LITTLE EDDIE, THE DRUMMER-A'
REMINISCENCE OF WILSON'S CREEK.

[Correspondence of the Chicago Tribune.] CAMP BENTON, Dec. 20 .- A few days be-

fore our regiment received orders to join Gen. Lyon on his march to Wilson's Creek, the drummer of our company was taken sick and conveyed to the hospital, and on the evening preceeding the day that we were to march, a negro was arrested within the lines of the camp and brought before our Captain, who asked him, "what business he had within the lines ?" He replied, "I know a drummer that you would like to enlist in your company, and I have come to tell you of it." He was immediately requested to inform the drummer that if he would enlist for our short term of service he would be allowed extra pay, and to do this he must be on the ground early in the morning. The negro was then passed beyond the guard.

On the following morning there appeared before the Captain's quarters, during the beating of the reveille, a good-looking, middle-aged woman, dressed in deep mourning, leading by the hand a sharp, sprightly-looking boy, ap-parently twelve or thirteen years of age. Her story was soon told. She was from East Tennessee, where her husband had been killed by She had come to St. Louis in search of her sister, and, not finding her, and being desti-tute of money, she thought if she could procure a situation for her boy as a drammer for the short time we had to remain in the service, she could find employment for herself, and perhaps find her sister by the time we were discharged.

During the rehearsal of her story the little decree of the Federal Government which clo-ses the ports of the South. It is really for countenance of the Cartain, who was about to express a determination not to take so small for some time longer, for it will necessitate a boy, when he spoke out, "Don't be afraid, our getting cotton elsewhere, and not from one | Captain, I can drum." This was spoken with so much confidence that the Captain immediately observed with a smile, "Well, well, Sergeant, bring the drum, and order our fifer to come panied, when generally most beneficient in forward." In a few moments the drum was their nature. Mr. President Davis may threated, good-natured fellow, from the Dubuque mines, who stood, when erect, something over

Upon being introduced to his new comrade he stooped down, with his hands resting upon his knees that were thrown forward into an acute angle, and after peering into the little which will not be able to assume the airs and fellow's face a moment he observed, "My little insolence of people who think they have got a man can you drum ?" "Yes, sir," he replied, monopoly of an article of necessity to the rest "I drummed for Captain Hill, in Tennessee." Our fifer immediately commenced straitening himself upward until all the angles in his person had disappeared, when he placed the fife in his mouth and played the 'Flowers of Eden-Pennsylvania Reserve Corps, and who so gal- borough,' one of the most difficult things to follow with the drum that could be selected, Drainsville, is a native of Philadelphia, and entered the United States Army in 1818. He showing himself to be a master of the drum. When the music ceased our Captain turned to the mother and observed, "Madam, I will take your boy. What is his name?" "Edward. Commissary of Subsistence; in April, 1831, he was appointed Aidade-camp to Major General on the Captain's arm she observed, "Captain, if he is not killed-" here her maternal feelings overcame her utterances, and she bent down over her boy and kissed him upon the forehead. As she arose she observed, "Capthe entire confidence of Gen. Worth. In the Mexican war, he was breveted a Major, and then Lieut. Col., for his gallant, heroic, and daring deeds in the head with the series of the ser be discharged in six weeks,"

In an hour after, our company led the To-On the 7th July, 1846, he was made Assistant wa First out of camp, our drum and fife playa Adjutant Gen. to General Zichary Taylor, ing "The girl I left behind me." Eddie, as

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