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ADDRESS
OF
HON. SAMUEL T. SHUGERT.

To the People of the 21st Senatorial District of Pennsylvania:

The undersigned having been elected and returned at the last general election as one of the Senators to represent this district in the Legislature of Pennsylvania, feels it to be his duty to lay before the people of the district a plain statement of the proceedings which recently resulted in giving his seat to one of the defeated candidates.

On the 7th of January last, the day appointed by law for the meeting of the legislature, I with the other newly elected Senators, appeared in the Senate chamber at Harrisburg and took the oath of office. *On the same day*, contrary to the courtesy extended in such cases by immemorial usage, a petition signed by John J. Patterson and some twenty other citizens of Juniata county, was presented to the Senate, alleging that said election was undue, and the return false and untrue, and praying that John K. Robison might be admitted to the seat held by me. The petition contained *eighteen specifications* of alleged illegal and fraudulent votes, amounting in the aggregate to something over a hundred, charged as having been cast for me. On the 9th of January the committee was drawn, and consisted of George Landon, Jacob E. Ridgway, J. W. Fisher, Warren Cowles, A. W. Taylor, *republicans*, and George D. Jackson and R. J. Linderman, democrats. After the committee was drawn, all the above named Senators appeared before the Speaker's chair and took the oath prescribed in such cases, to wit: *"To well and truly try the matter of the petition and a true judgement give thereon according to the evidence, unless the committee shall be dissolved."*

On the same day the Committee met and organized by electing Geo. Landon chairman, and appointing Capt. Taylor, of Beaver county, clerk. At the same meeting the committee gave my counsel until Monday, January 20th, to file their answer to the petition. It happened unfortunately that all the counsel employed to represent my case before the committee, were engaged during the following week in different courts and were consequently unable to give any personal attention to collecting the facts necessary to be incorporated in the answer. In most instances, I was therefore compelled to rely upon the information I could obtain in answer to letters written to different counties in the district. Yet during this brief period we were enabled to find something over *one hundred and fifty* illegal votes which had been polled for the said John K. Robison. On the 20th of January our answer was filed, denying the allegations of the petition, specifying more than one hundred and fifty illegal votes cost for John K. Robison, and also asking that the returns for the township of Taylor, in Centre county, should be excluded from the count because the election was held some three miles from the place fixed by law. Also the township of Taylor, in Blair county, because the election officers had not been sworn as required by law, and also the townships of Cass, Union, Porter, Todd, Dublin, Lincoln, Penn, and Oneida, in Huntingdon county, because of gross misconduct of the election officers and great irregularities in the manner of holding the elections in these several townships. In the answer leave was also asked to add other names to the different specifications.

On the day after the answer was filed when the committee first met to hear testimony, Mr. Cessna, one of the Attorneys for Robison, remarked that he noticed we had asked leave to add other names to the specifications of our answer, and that probably they would desire the same privilege to add names under the different specifications of the Petition. Some of the committee replied "certainly, if one party had the privilege to amend the other should have the same privilege." *But neither at this nor at any other time was any motion made by the contestant for leave to file any amendments or additions to the petition and no leave was ever granted by the committee for such a purpose.*

Within a day or two after the contestant commenced producing his evidence, witnesses were called to prove an illegal vote not mentioned or specified in the petition. One of my counsel objected to the evidence, because it did not tend to prove any of the charges made and which alone we were bound to meet. This objection, it was admitted by all was well taken. But the chairman of the committee replied, *that they wished to hear the whole case, whether in accordance with the technical rules of evidence or not. That the committee wanted to know which of the candidates had actually received the greater number of legal votes, and which of them the legal voters of the district wanted to have represent them in the Senate.* To this statement of the chairman EVERY MEMBER OF THE COMMITTEE ASSENTED. My counsel replied, that if that rule was to be adopted by the committee and applied *to both sides* of the case they were perfectly satisfied. Nearly every member of the committee answered, that the same latitude should certainly be given to both sides. The objection was therefore overruled and the evidence received. Within the next week, *the same objection was made, the same answer given by the chairman, the same reply made by my counsel, and the same assurance given by the committee that equal latitude would certainly be allowed to both sides*, at least *one dozen* times, and each time the objection was overruled and the evidence offered by the contestant received. My counsel supposing as they were bound to do, that the committee intended to act in fairness and good faith, and knowing that the fullest possible investigation would only more clearly demonstrate the legality of my election, ceased to make any further objection to the evidence offered, and thus for more than three weeks the committee received all evidence offered by the contestant, whether relevant or irrelevant, pertinent or impertinent to the issue raised by the petition and answer. More than one half of all the evidence offered by the contestant and received by the committee, was in reference to matters not charged or mentioned in the petition.

Within a day or two after we commenced giving evidence in support of our defence, a witness was called and sworn to prove an illegal vote cast for John K. Robison, which had not been specified in our answer. To the surprise and astonishment of every one not initiated in the contemplated *dodge*, the contestant's counsel objected to the evidence on the ground that they were not bound to meet any charge of illegal or fraudulent voting for Robison but such as had been specified in the answer. In vain my attorneys urged the precedents set by contestant's counsel themselves, the repeated decisions of the committee upon the very point, and the solemn assurance of the committee so often given that the same latitude would be allowed to both sides in the production of evidence. The committee by a strict party vote sustained the objection and excluded the evidence. Similar offers were repeatedly made by my counsel, and as often rejected, for the same reason. By this decision, after the committee had received all kinds of evidence which the contestant could offer, we were prevented from proving more than *one hundred illegal votes cast for John K. Robison*, some of the witnesses to prove which were then in Harrisburg, while others had already been subpœnaed but not yet arrived.

In reply to what my counsel said in reference to the contestant having offered, and the committee having received evidence not in support of any charge or allegation contained in the petition, H. B. Swoope, one of Robison's attorneys, said it was not true; "that all the evidence offered by them was admissible either under the original *or the amended petition.*" To this my counsel replied *"that no amended petition had ever been filed in the case."* Mr. Swoope then called upon the clerk of the committee, who produced a bundle of manuscript, entitled "amendments to the petition," but which had never been marked filed, had never been printed, had never been read nor offered before the committee, and which none of my counsel nor any member of the committe had ever read or seen or heard of. No member of the committee to this day knows when that document was handed to the clerk, nor will any member of the committee even pretend that he ever saw it or knew anything of its contents until some days after the contestant closed his evidence This so-called "amendment" not only adds new names under almost all the specifications of the petition, but also contains *thirteen* new and distinct specifications not referred to in nor covered by the original petition. And yet this latter document *was not signed by any voter in the district, nor by any one else, was not sworn to by any one and not certified by any county officer, as the law requires the petition to be*, and was certainly not presented to the Senate, nor even to the clerk of the committee, until long after the expiration of ten days from the meeting of the Legislature. Immediately on the adjournment of the committee, my counsel prepared an amendment to the answer, specifying in detail the great number of illegal votes polled for Robison, which had come to their knowledge after the filing of the answer. The very next day they asked leave of the committee to file this amendment to the answer. This was objected to by the counsel for the contestant on the ground that it was *too late*, although it was only the day before that any member of the committee saw the "amendment" to the petition. The leave asked for by my counsel to file the amended answer, was refused by the majority of the committee. It must be apparent to every honest and intelligent man, that the whole proceedings connected with the preparation of the so-called "amendments" to the petition, and the surreptious manner in which that document was got before the committee, can be characterized by no other name than a *scurvy trick*, a deliberately planned fraud, not only upon me, but upon the rights of the legal voters of the district, which no honorable member of the legal profession would have perpetrated, and which no member of a committee, having any self-respect, or any regard for the appearances of decency would have been guilty of abetting.

So manifestly unfair were these various rulings of the committee and so apparent was it that they would work gross injustice, that one of the Republican members of the committee said to my counsel, that at the proper time he would himself move to strike from the records of the committee all the evidence offered by the contestant which could not have been received under the original petition had the same strict rule been applied to the contestant which was afterwards applied to us.

After these rulings my counsel produced and offered to the committee all the evidence in their power which the committee would receive, but at every step was cramped and fettered by every legal technicality which the ingenuity of the counsel for the contestant could devise, and which technicalities the majority of the committee were generally willing and ready to sustain.

As soon as the evidence was finally closed upon both sides, my counsel submitted the following motions and reasons:

In the case of the contested election for Senator in the Twenty-first Senatorial District of Pennsylvania, between John K. Robison, contestant, and Samuel T. Shugert, sitting member:

The evidence in this case being closed on both sides, the respondent, Samuel T. Shugert, by his counsel, respectfully moves the committee to dismiss the alleged and so-called "amendments to petition" in this case, and strike out all the evidence given in support of, or under, said so-called "amendments," for the following reasons:

1. Because the so-called "amendments" were not signed by the petitioner, as required by the statute, to wit: "By at least twenty qualified electors of the district."

2. Because the alleged "amendments" are not accompanied by an affidavit taken and subscribed by at least five of the petitioners, that the facts therein stated are true to the best of their knowledge and belief, as required by the statute.

3. Because the alleged "amendments" are not accompanied by a certificate from the treasurer, prothonotary or commissioners of the county where the petitioners, at the time of signing the same, were qualified electors of the district, as required by the statute.

4. Because the alleged "amendments" to the petition were not presented to the Senate within ten days after the organization of the Legislature next succeeding the election, as required by the statute, to give the Senate jurisdiction in the case; which statute provides and enjoins as follows: "But no petition complaining of an undue election or false return of a person elected Governor, Senator or member of the House of Representatives, SHALL BE ACTED UPON by the Legislature" unless the foregoing requisites are complied with.

5. Because this committee has no power, right or authority in law, nor discretion in equity, or otherwise, to permit, allow or consent that the original petition presented to the Senate in this case shall, may or can be amended in the manner proposed in this case, or in any other manner whatsoever, as the committee have no jurisdiction or control over the question of "amendments" to the original petition.

6. Because the issue in this case between the contestant and respondent, is founded by and upon the petition and answer, which can neither be enlarged nor diminished by the committee.

7. Because the committee are solemnly bound by the oaths they have taken in this case, "to try the matter of the petition, and to give a true judgment thereon, according to the evidence, unless the committee be dissolved."

8. Because the committee are not sworn to try or decide any facts set out in the so-called "amendments to petition."

9. Because even if the statute were not imperative in forbidding the committee to exercise jurisdiction in allowing amendments to the petition, it would be both inequitable and unjust to allow or act upon the amendments in this case, for the reason that the committee, have refused to allow amendments to respondents answer, or hear evidence of facts not set out in the answer.

In support of these reasons, the statute in reference to contested elections is cited—Act of July 2, 1839. sec. 129, Pamph. Laws 537; Pur. Dig., p. 388, and pl. 165 and pl. 166-179.

The principal objection urged to the granting of this motion, was that it was submitted out of time; that it should have been made, if at all, before the contestant closed his evidence in chief!! The absurdity and audacity of this objection will be apparent when it is remembered that it was not until some days after the evidence of the contestant had closed that any one knew of the existence of the "amendments to the petition," and not until the same time was it ever dreamed that the committee would not receive the same kind of evidence in behalf of the sitting member which it had received in behalf of the contestant, and which it was designed by this motion to strike out. After argument *this motion was refused* by a bare majority, the chairman, Senator Landon, voting with the two Democrats, and the member of the committee who had previously said he himself would make the same motion, voting with the majority!

I have given thus at length, and minutely, a history of the proceedings before the committee, that the people of the district may see and know what evident unfairness characterized its proceedings, and that the majority of the committee from the beginning did not design permitting an impartial investigation into the merits of the last election in this district. I might with propriety stop here, and refer the reader for information as to the merits of the case as it stood under all the evidence received, (notwithstanding the previous unfair rulings of the committee,) to the plain and candid statements of the minority of the committee in their report, which is signed by Hon. George D. Jackson and R. J. Linderman. But for the convenience of the reader, I will here incorporate the substance of that report.

The majority of the committee in their report giving the seat to which I was elected to John K. Robison, admit that the return from Taylor township, Centre county, which gave *eighteen* majority against me, must be rejected, as it was not a legal election, the Republican members of the election board having, without authority of law, removed the election some three miles from the place appointed for holding it, by reason of which removal some of the citizens of the township were prevented from voting. This would increase my majority over Robison, from twenty-two, as reported to *forty*. The majority of the committee also concede, that there were *sixty-eight* seperate illegal votes proven to have been cast for Robison. My counsel contended they had proven eighty-eight instead of sixty-eight. But take what the majority of the committee admit and it still further increases my majority to *one hundred and eight*. They then contend that there were *twenty-three* seperate illegal votes proven to have been cast for me, although they are very careful not to state the names of the twenty-three illegal voters, nor where the votes were polled. Now I most positively deny that all the evidence received proves that twenty-three illegal votes were polled for me in the entire district, whether specified in the petition or not. No impartial judge could decide after giving the fullest effect, that over *five* illegal votes were polled for me in the entire district. But taking all that this partisan committee contends for and it only reduces the majority to *eighty-five*. The question will naturally arise in the mind of every candid man, how could any committee, however partisan its members might be, throw a Senator out of his seat who held the certificate of election by a majority of twenty-two, which was increased by the one item in Taylor township, to forty, when the same committee concede that only *twenty-three* seperate illegal votes were polled for him and at the same time admitted that *sixty-eight* separate illegal votes were polled for his competitor. The answer to this question developes the greatest outrage perpetrated by the committee. They deducted *thirty-three* from the number of votes polled for me in the borough of Philipsburg, Centre county, throw out the entire poll of Rust township, in the same county, and also throw out the entire poll of Carbon township, Huntingdon county. Upon what pretext was this done?

In the 1st, 2d and 3d specifications of the contestant's petition it is charged in substance, that a large number of unnaturalized foreigners, working upon the Tyrone & Clearfield railroad in Clearfield county, were sent into Rush township and Philipsburg borough, and there voted upon forged naturalization papers casting their votes for me, that they were sent there with the avowed purpose of controlling the election, and left as soon as they had voted. The names of forty-two persons so alleged to have illegally voted for me are given in these specifications. Instead of attempting to prove one by one that these forty two persons named voted in either of the districts mentioned, that they had no right to vote, either because they were unnaturalized foreigners, or by reason of their non-residence, and that they cast their ballots for me, contestant's counsel attempted by the testimony of one Michael O'Meara, who swore mostly to hearsay declarations of third parties, to prove the charge as a whole. Yet under all of the evidence offered and received, for the double purpose of influencing this case and creating a prejudice against the Democratic party, which might be used by our enemies in future campaigns, loose, vague and indefinite as the evidence was, it is not proven that even one of the forty-two persons named voted illegally or voted for me. On the other hand, the poll lists of these two districts show that only fifteen of these forty-two persons named voted at all, three in Rush township, and twelve in the borough of Philipsburg. Of these fifteen it was clearly proven that two were regular citizens of Philipsburg and legal voters, and that seven others of the fifteen were regularly naturalized in the courts of Schuylkill and Luzerne counties. As to the remaining six no direct evidence could be had identifying them, but it was proven by the officers of the election that some of the naturalization papers voted upon by these men that day were issued by courts in the State of New York and in the counties of Cambria and Elk in this State, none of which papers were even alleged to be forged or fraudulent.

Michael O'Meara was shown to be entirely unworthy of credence by every kind of testimony by which a man could be discredited. He was positively contradicted in almost every important statement he made, by witnesses whose truth and veracity were above suspicion. He was proven by a large number of respectable persons to have borne a bad character for truth and veracity in every place he ever lived in America, and was not to be believed on oath. In addition to this, it was proven and not attempted to be denied, that he tampered with witnesses subpœnaed by us, that he made them drunk in order to prevent their testifying and then attempted to bribe them to leave Harrisburg. All this was in evidence before the committee, and yet not one syllable of it is mentioned in the report of the majority. My counsel offered to prove to the committee that O'Meara had stated that he was to receive TWO THOUSAND DOLLARS if he succeeded in swearing Robison into his seat, and at other times had boasted that he had voted the Irishmen at Philipsburg for the republicans. This offer was rejected by the committee as was also the offer to prove that H. B. Swoope of Clearfield had stated that he was sure of having the largest republican vote in Philipsburg ever polled, as he had an Irish boss "all right," even after it was in evidence that days before any railroad hands were sent upon the end of the road in Centre county, he was negotiating with O'Meara concerning the votes of the men, and that O'Meara was afterwards paid by the Republicans *eighty-five dollars* in pursuance of that negotiation. The only evidence in addition to O'Meara's offered by the contestant, of any importance to the legality of the election in Philipsburg was that of the republican inspector and clerk, who went over the poll list and picked out thirty-three names which they said they thought belonged to the railroad party, as there were no citizens bearing those names. Yet it was proven clearly that *twelve* out of the thirty-three were old citizens of Philipsburg and some of them republicans. Notwithstanding this the committee deducted the whole thirty-three from my vote without a particle of evidence as to how any one of them voted, other than the fact that some of the Irishmen were brought to the polls by one Mark Leddy, who was vouched for as a legal voter by Geo. H. Zeigler, the republican inspector! By deducting thirty-three from my vote in Philipsburg it gave Robison a majority in that borough although his counsel in the final argument of the case admitted that it was a democratic district.

In Rush twp., it was proven by the judge of the election that but six railroad Irishmen voted. It was not pretended that any Republican vote was illegally rejected there. Neither was it pretended that any illegal democratic votes were polled except the votes of these Irishmen. And yet the entire poll of this township, which gave me fifty-one majority (although I received but one hundred and twenty-seven votes to one hundred and fifty-three polled for the democratic candidate the year before, thus negativing the idea that any fraud was committed by my friends) was thrown out by the committee.

In regard to the Irish votes in Philipsburg and Rush township I have only this to say: It was proven by Philip Collins, the contractor, that he sent the men there on the 25th of Sept., not to vote, nor for any purpose of controlling the election, but to finish that part of the road in Centre county, which had to be finished before the fall rains began, in consequence of the character of the ground and the nature of the work, that they remained there after the work was finished after the middle of November. These men were assessed and duly paid their taxes, and having been in the districts more than ten days before the election in pursuance of their lawful calling were legal voters, although we contend most, if not all, of their votes were polled for the republican ticket as was demonstrated by comparing the last vote with that of previous years and by the circumstances surrounding O'Meara, who to a great extent manipulated this vote.

But even after throwing out *thirty-three votes* in Phillipsburg, and the entire majority of *fifty-one* in Rush township, it still left me elected by a majority of one, and it became necessary for the committee to perpetrate an outrage on some other portion of the district in order to give my seat to one whom the people had repudiated. This was done by throwing out Carbon township, Huntingdon county, which gave me *sixty-five* majority. Although it was not alleged that any legal votes had been rejected there, nor that any illegal votes had been polled excepting one WM. PLUMB, who was alleged to be an unnaturalized foreigner, though it was not proven for whom he voted. The excuse for doing this was, that persons other than the election board were at times in the room, and that no copy of the assess list had been filed in the office of the Prothonotary! Much graver irregularities were shown to have existed in the seven republican townships in the same county heretofore enumerated which gave an aggregate majority against me of about four hundred, and in several of them the number of votes returned exceeded the names on the poll lists, and yet no mention is made of any of these townships by the majority of the committee.

Great effort had been made to manufacture political capital out of two items connected with this investigation. The one that O'Meara was paid $500 to leave the State. Strenuous efforts have been made by the radical press to hold the democratic organization responsible for this, and to implicate Hon. Wm. A. Wallace in the transaction. O'Meara admitted himself when on the stand that he had threatened to go to Harrisburg and testify to the fabricated story which he afterwards did testify to unless he was paid money. The man who furnished as well as the man who paid the money was not shown to be in any manner identified with the democratic organization, nor to have had anything to do with voting the men in Philipsburg or Rush township, whether those votes were legal or not. And it was positively proven that when the man who afterwards paid the money went to see Mr. Wallace, he absolutely refused either to pay any money himself or to authorize the payment of any, and that he had no knowledge that any was paid. The other item is that one John Casey a witness examined by the contestant was killed near the town of Clearfield, on his way from Harrisburg, and this is charged to have been done by democrats in consequence of what John Casey had testified to. No more false or malicious charge could possibly be made, nor one with less foundation. It is of course impossible at this time to tell who killed John Casey nor for what motive, for the men arrested and confined in the jail of Clearfield county, for his murder, have not yet been tried. He was killed at a time when it was a physical impossibility for any human being in Clearfield to know that he had testified at all in the case, much less what that testimony was. His testimony in reality amounted to nothing in the case (as he could not even tell for whom he voted) and had it been fully known could not have furnished a motive for any democrat doing him the slightest injury. On the other hand his death was made to serve the contestant throughout the entire case, and is even still sought to be used as so much political capital by radical politicians throughout the State.

I have now, fellow-citizens, discharged the duty which I feel I owed to you by giving a plain unvarnished statement of these proceedings in order that you might see to what extent your rights have been disregarded and trampled upon by the reckless and corrupt partisan majority which for years have controlled the legislature of our State.

AMONG THE ANCIENTS.—A gentleman in Nashville is in possession of a very ancient coin, about the size of an American quarter dollar, bearing a rather strange device on each side, with Hebrew inscriptions round the border. The Hebrew characters on each side, when translated, read, "Jerusalem," and "The Holy." On the other side the inscriptions read "Israel," "Shekel." A gentleman who is thoroughly familiar with Jewish history and the Hebrew language says this ancient relic was coined about twenty-two hundred years ago, in Jerusalem, in the time of the Maccabees, and about one hundred years before the reign of Herod.