



THE JOURNAL

One country, one constitution, one d.

Huntingdon Dec. 19, 1838

Democratic Antimason CANDIDATES.
FOR PRESIDENT,
GEN. WM. H. HARRIS
FOR VICE PRESIDENT
DANIEL WEBSTER

FLAG OF THE PEOPLE.
A single term for the Presidency, the office administered for the whole PEOPLE, and not for a PARTY.
A sound, uniform and conventional CURRENCY, adapted to the want of the whole COUNTRY, instead of the SHILLINGS brought about by our present RULERS.
ECONOMY, RETRENCHMENT, and reform in the administration of public affairs—Tired of Experiments and Expenditures, Republican gratitude will reward unobtrusive merit, by elevating the successor of WASHINGTON and the disciple of JEFFERSON, and thus resuming the safe beaten track of our Fathers.—L. GAZEL

A WORD

To our subscribers—we ought to be patrons. But do you see, there is a difference. Winter is here, and did it ever occur to you that the Printer, might possibly be cold unless some one paid up, give him a chance to pay up too. Winter is here. The printer wants to buy his beef and pork. (If we were in the situation of some of our Loco Foco contemporaries, we should not suffer for "wahoo hogs") but as it is, we have to buy our pork. Every thing has to be bought, no is that all—it is sauced with the harras sin thought, it must be paid for. Our patrons we know will pay up. Will some of our subscribers, enter their names among the list of patrons. "A stitch in time," is our doctrine, and we therefore commence in time. Court week will soon be here—and if it does not bring with it a goodly share of the "root of evil" for our purse, we must "suspend specie payments." But not belonging to the shimplaster concern, we have issued this our Proclamation, to have our friends resume, or commence, between this, and the January court.

HUNTINGDON JOURNAL, &c.
IN the name and by the Authority vested in me,
A. W. BENEDIOT.
Editor and Publisher of the said "Journal."

Whereas the season is fast approaching, when it becomes necessary for every prudent man to lay up treasures to meet the little responsibilities, which demand his care. And whereas the only means a Printer has of obtaining sufficient to eat and wherewithal to be clothed, are the kind support and punctual pay of his subscribers. And whereas there is now a very large amount due to the said Journal, by divers good citizens, for advertising, jobbing, and subscription.

And whereas the said Journal has been conducted with regularity and care, and to the best of the abilities of the Editor, and whereas he deserves not only your names as subscribers, but also your pay. Therefore I A. W. Benedict, Governor of the said Huntingdon Journal, have caused this my Proclamation to issue, commanding, demanding, requiring, and desiring, requesting and soliciting, that every friend of the aforesaid Journal, who wishes to see it go on and prosper, and who know themselves indebted on its books, forthwith to take measures to "Pay the Printer, Pay the Printer"—on or before January court.

Given under our hands and the Big Seal of the office this day of our severest need.

SIGNED
By the SECRETARY.

CONGRESS
Is busy again doing nothing. The old subject of Abolition is introduced by the Loco Focos, in order if possible to bring the Northern members into collision with the Southern. We rejoice to see the effort has not been quite as successful as expected.

copy of a return filed in the Prothonotary's office of Juniata, which he then had, and which, though it is only signed by the return Judges of Huntingdon and Juniata, gives the vote polled in the whole five counties, clearly elects Messrs. M'Clay and Bell, and would have entitled them to seats on the first day of the Session. But no such design was entertained. The original main return of the majority of the Judges was believed to be the only legal return, and was sent together with the county returns calculated to explain it.

In addition to the original "returns and papers" described in the foregoing remarks, and relating to the senatorial election of 1838, there are in this office the following certified copies of returns, viz:

One, of the return for the county of Philadelphia, the original of which was transmitted on Tuesday last.

One, of the return from Chester, Montgomery and Delaware, the original of which was sent to the Senate at the same time.

One, of the votes polled for Senator in Delaware county.

Two, of the return for Lancaster and York the original of which has been sent to the Senate.

One, of the return of Lebanon and Dauphin, the original of which the Senate have.

There is also an original paper, which seems to be a return of the votes polled for Senator in the county of Dauphin. It is signed by five of the Judges, and seems to have been transmitted to this department by mistake, as it is addressed in the body of it, to the return Judges of Lebanon and Dauphin.

These are all the papers of every kind, in relation to the senatorial election of 1838, in the office or possession of the undersigned. Copies of them, or the documents themselves will be transmitted at any time when required. Copies would have been appended to this communication, if time permitted, or they were thought to come within the meaning or intention of the Resolution.

The undersigned deems no apology necessary for the length of the foregoing statement. He has been placed in a position of great responsibility, and feels that its duties have been discharged honestly, according to the best of his knowledge and ability. He leaves the matter now to the Senate. He was the keeper appointed by the express law of the land, of the returns of the election, which in this free country, are documents of the very highest importance. They are the evidence of the sovereign will of the people, and as such were treated, and preserved, and presented.

If he had permitted himself to be made the channel of transmitting to the Senate any returns except such as had reached him in the mode pointed out by law, he would have been recreant to his duty, and deserving the censure of all. If any departure from the mode prescribed by law be ever permitted, there cannot possibly be limit placed to the confusion that may ensue. If one man or set of men, other than the lawfully prescribed agents, may present a return, all others may do the same, and thus the organization of the Legislature be annually defeated. The safe and the lawful course is to present none but the regularly received returns, and leave contested elections to be settled afterwards, as the act of Assembly contemplates and directs.

With great respect,
THO. H. BURROWES.
Secretary of the Commonwealth.
SECRETARY'S OFFICE, Dec. 10, 1838.

Register's NOTICE.

NOTICE is hereby given to all persons concerned, that the following named persons have settled their Accounts in the Register's Office, at Huntingdon, and that the said Accounts will be presented for confirmation and allowance at an Orphans' Court to be held at Huntingdon, for the county of Huntingdon, on the second Monday (14th day) of January next, viz:—

- I. James Magee, Administrator of the estate of Andrew French, late of Tell Township, deceased.
- II. James Wilkins, Administrator of the estate of John Scott, late of West Township, deceased.
- III. James Thompson, Executor of the last Will and Testament of Catharine Calderwood, late of the Borough of Birmingham, deceased.
- IV. Abraham Robison and Thomas M. Robison, Administrators of the estate of Abraham Robison, deceased, who was Guardian of the minor children of John Robison late of Frankstown Township, deceased.
- V. Isaac Anderson and Joseph Reed, Executors of the last Will and Testament of James Anderson, late of West Township, deceased.
- VI. Samuel Smith and John F. Lowry, Executors of the last Will and Testament of David Longenecker, late of Frankstown Township, deceased.
- VII. William Johnston, Administrator of the estate of John Johnston (son of Tho's) late of Porter Township, deceased.
- VIII. William Galbraith, Administrator of the estate of Ann Law, late of Allegheny Township, deceased.

JOHN REED, Reg'd.
Register's Office, Hunt, Dec. 14, 1838.

MONEY FOUND.

THE undersigned found on the Canal below Alexandria, a part of a Pocket Book containing a sum of money. The owner can have it by proving property paying charges, on application to me, one mile below Alexandria.
SEMPLÉ FLEMING.
Aug. 25, 1838.

who was going on by the canal boat towards the west, to give it to me without delay, and that the passenger told him he had received it from Sheriff Watmough. I, of course, received the package, and on opening it, found it to contain papers purporting to be the returns of the General Election of 1838, for Philadelphia county; but having already filed away in this office (viz: on the 13th inst.) the returns of the county received through the regular channel, and having issued the Governor's warrant on the State Treasurer to pay the deputy who brought them, I could not receive any other returns, and accordingly will place this paper, with its contents, on my desk, subject to such order as may be taken respecting them hereafter.

"T. H. BURROWES."
"16th Oct. 1838."

Contained also, in the same envelopes was a letter from the Sheriff of Philadelphia, of which the following is a copy, the original being on file in this Department:

"Philadelphia, Oct. 14, 1838.
"DEAR SIR—After the departure of the messenger who carried the returns of the General Election, which had been delivered to me personally by one of the return judges thereof, I found, on going to my office about noon on Saturday last, the enclosed packets, seven in number.
"I have personally no knowledge how or from whom these packets were received; but I was informed they had been brought there by Mr. Geo. W. Smick. Of their contents, of course, I know nothing; but I transmit them to you, to be disposed of as you may think proper.
"I have the honor to be, dear sir,
"With unfeigned regard,
"Your obedient and faithful servant,
"JNO. G. WATMOUGH.
"High Sheriff of city and county of Phila."
"THOMAS H. BURROWES, Esq.
"Secretary of the Commonwealth of Pennsylvania, Harrisburg."

From this statement, which can be verified if necessary, and from this letter, it will at once be perceived, even if a senatorial return that could have been distinguished as such, had been contained in the packet, it could not at all be recognized as the official return of the county; because, First, the regular return had already been received from the Sheriff, and he had been paid under the act of 1799 for bringing it; and, Second, it was not transmitted by him as a return at all.

But there was no "return or paper" whatever in the packet that could be recognized, as a senatorial return. There were two sealed papers, it is true, one of which may, when opened, prove to be intended as a senatorial return. They are herewith transmitted, that the Senate may inspect them, and then decide whether the undersigned could say that either of them is a senatorial return. It will be perceived that they are both exactly alike in all respects; they are both addressed to the "speaker of the Senate," and they are both sealed. They are both, therefore, so far as the undersigned has the means of determining, gubernatorial and not senatorial returns. Thus, he has no "returns or papers" in his office, addressed to the Senate of Pennsylvania, "relative to the Senatorial Election of 1838."

These papers, (marked No. 5. T. H. B., & No. 6. T. H. B.) which have been made the subject of so much remark, the undersigned now willingly entrusts to the Senate. He is aware that they do not come within the scope of the Resolution of the 8th inst, being obviously both gubernatorial returns, if returns at all; but he desires to hold back nothing that may throw light on the subject; and only requests that they may be preserved, and the fact noted that the seals were unbroken, and the direction of both exactly similar when they came into the possession of the Senate.

The 8th district composed of the counties of Huntingdon, Union, Mifflin, Juniata and Perry; on the other hand, does come within the act of 1803, as to transmitting returns by mail; and the returns sent to the Senate, were opened as the law directs. Quite a number of "returns and papers," came from this district, or from the different counties composing it, none of which however, were addressed to the Senate, except the two sealed papers presented on the 4th inst., and believed the votes polled in Huntingdon county for the candidates for four and for those for two years. These, together with certified copies from the respective Prothonotaries of the return of votes polled for Senator in each of the counties, so far as those copies were transmitted to this office, were sent to the Senate, because the main district return, which was sent as the return, appeared on its face deficient in omitting entirely the votes polled in Huntingdon county. The remain return being open and the omission apparent, the propriety of this course seemed obvious. It appeared proper to place before the Senate every document that could help to explain or supply the deficiency.

Nor is there now any doubt entertained of the correctness of this proceeding.—There is a difference between presenting full information from which to form a correct conclusion, and embarrassing the Senate by contradictory returns, or defeating the will of the majority by presenting only minority returns. It never entered into the mind of the undersigned to produce either of the two latter improper consequences. If it had, the means were at hand. It might have been accomplished by transmitting the certified

that of 4th April, 1703, on the same subject; and the third, fifth and ninth sections of the act of March 29, 1836, entitled "An Act providing for the call of a Convention to propose amendments to the Constitution of the State," &c.

From this statement it will be seen that there is only one case in which a senatorial return is to be sealed up and addressed "to the Senate," viz: in case of a return sent by hands of the Sheriff from a district composed of a single county; and the form—the very words of the address are given. It is to be "to the Senate," and not to the "Speaker of the Senate." Nor is the distinction immaterial as at first view might appear. For the difference forms the only means which this Department possesses of distinguishing a senatorial from a gubernatorial return, both being sealed papers. The twelfth section of the act of 1799, says, the return judges "shall enclose, seal and direct" the return, "when the same relates to the choice of a Governor, to the Speaker of the Senate; when to the election of a Senator or Senators, to the Senate; and when a member or members of the House of Representatives, to the House of Representatives." Thus clearly and expressly marking the difference, that the Secretary may have no difficulty on the subject. And the reason for adopting the particular phraseology used in each case seems to have been this. Gubernatorial returns are only transmitted to, and opened by the Senate after it is fully organized for the session and has a Speaker. To him, therefore, such returns are ordered or directed. But returns for Senators, and members are to be transmitted and opened, if at all, before organization for the session has been commenced, and before the Speaker for the session is known, and therefore, the returns are directed to the Senate or House. At all events, whether the reason for adopting the particular forms of direction may have been, the reason for having distinct forms in each case is manifest, viz: that the gubernatorial might be distinguished from the senatorial return.

This being the mode of return, and the form of direction prescribed by the laws, the duty of the undersigned was plain.

It was, in the first place, to send to the Senate from every single county district that had forwarded one, the original sealed return, addressed to the Senate, and forwarded by the sheriff; and in the second place, to send from districts composed of more counties than one, that had complied with the law, original open returns forwarded by mail, and addressed to the Secretary; and in the third place, to send from districts of both kinds, that had neglected to forward original returns either by the sheriff or mail, certified copies received from the prothonotary's office.

This mode was adhered to in every particular and in all cases without exception except in that of the eighth district, for a reason which will presently be explained.

In the case of the county of Philadelphia, the return sent to the Senate on the 4th inst., was a sealed one; it was known to be the Senatorial return, from the endorsement on the back; it was presented to the Department by the Sheriff before any other return was offered or received; and was distinctly stated by him, in a written communication, to be the return of the county. These facts will appear on examining the back of the return itself on which the time of its receipt is endorsed in the hand writing of the undersigned, and by the following letter from the sheriff, the original of which is on file in this office. In reading the sheriff's letter, however it is to be borne in mind that it relates not merely to the Senatorial return, but also to those of the election for Governor, Assembly, Amendments &c.

"Philadelphia, Oct. 13, 1838

"Dear Sir—I have the honor to enclose you the returns of the General Election, handed me by one of the judges thereof.

"And am, dear sir,
"With unfeigned regard,
"Your obedient servant,
"JNO. G. WATMOUGH.

"High Sheriff of the city and county of Philadelphia.

"T. H. BURROWES, Esq.
"Secretary of the Commonwealth."

Under these circumstances, the undersigned had no hesitation as to the course to be pursued. The return was regular, so far as he could judge of a sealed packet, it reached him through the legal channel; and it reached him and was accepted before any other was heard or presented. It was to him the only legal return.

The undersigned, however, does not and never did deny that other papers, purporting to be returns from the county of Philadelphia, also, came into and are now in his keeping.

The following copy of a memorandum, made the time of receiving the first of the returns to which he now alludes, and on the envelope which contained them, will explain the manner of their receipt:

"Mem—This paper with its contents, marked by me No. 1, T. H. B.; No. 2, T. H. B.; No. 3, T. H. B.; No. 4, T. H. B.; No. 5, T. H. B.; No. 6, T. H. B.; No. 7, T. H. B.; and No. 8, T. H. B., was delivered to me at my dwelling house after I had left the office for the day at a quarter before six o'clock, P. M. on Monday the 15th of October, 1838, by Mr Gilbert S. Parker, of Harrisburg. Mr Parker, at the same time, told me that he was requested by a passenger in the cars,

were, with a single exception, made in pursuance of previous appropriations defraying the expenses, have subsequently been ratified by the Senate, and received the sanction of Congress by the appropriations necessary to carry them into effect. Of the terms upon which these important negotiations were concluded, I feel no difficulty in affirming that the interest of the Indians in the extensive territory embraced by them; is to be paid for at its fair value; and that no more favorable terms, and that no more favorable United States, have been granted to the sonably expected in a negotiation with civilized men, fully capable of appreciating and protecting their own rights. For the Indian title to 116,348,897 acres acquired since the 4th of March, 1829, the United States have paid \$72,560,056; in permanent annuities, lands, reservations for Indians, expenses of removal and subsistence, merchandise, mechanical and agricultural establishments, and implements. When the heavy expenses incurred by the United States, and the circumstances that so large a portion of the territory will be unsealable, are considered, and this price is compared with that for which the United States sell their own lands, no one can doubt; that justice has been done the Indians in these purchases also. Certain it is that the transactions of the Federal Government with the Indians, have been uniformly characterized by a sincere and paramount desire to promote their welfare; and it must be a source of the highest gratification to every friend to justice and humanity, to learn that notwithstanding the obstructions from time to time thrown in its way, and the difficulties which have

(CONTINUED ON FOURTH PAGE.)

Communication.

FROM THE SECRETARY OF THE COMMONWEALTH, RELATIVE TO THE RETURNS OF THE SENATORIAL ELECTION OF 1838.
READ IN SENATE, DECEMBER 11, 1838.

C. B. PENROSE, Esq.
Speaker of the Senate of Pennsylvania.

Sir—The resolution of Senate requesting the Secretary of the Commonwealth "to furnish to the Senate forthwith, any and all returns and papers in his office, addressed to the Senate of Pennsylvania in relation to the Senatorial election of 1838," (was received on the day of its adoption, (the 9th inst.) but not till after the Senate had adjourned for the day. The present is therefore the earliest opportunity afforded for a reply.

The undersigned has not now, nor has he heretofore had, either under his care in this office or in his private possession, any returns or papers "addressed to the Senate of Pennsylvania in relation to the Senatorial Election of 1838," other than those delivered to the Senate on the afternoon of the 4th inst.

This reply will no doubt surprise many.—Still it is true. But before explaining how this state of things has arisen, he feels it due to the Senate and to his own character to state the law relative to Senatorial returns, and the course adopted under that law with respect to the returns presented on the fourth inst.

There are manifestly two kinds of Senatorial Districts contemplated by the acts of Assembly relative to returns: First, Those which consist, each, of a single county; and 2d, Those which are respectfully composed of more counties than one.

There are two modes provided for making returns in a district composed of only one county which are. 1st, the forwarding to the Secretary of the Commonwealth of a duplicate original return, signed by the return judges of the proper county, sealed up and addressed to the Senate, placed by one of them in the hands of the Sheriff of the county, or his deputy, and by him delivered to the Secretary of the Commonwealth; 2d, The forwarding, by Mail, under sealed cover, addressed to the Secretary of the Commonwealth, by the Prothonotary of the proper county, of a certified copy of the other duplicate original return ordered to be deposited in his office, which copy is neither to be itself sealed nor addressed to the Senate.

In the case of a Senatorial district composed of more counties than one, there are also 2 modes.—1st, The forwarding, by Mail, of a duplicate original return for the whole Senatorial district, not sealed and addressed to the Senate, but enclosed in a sealed envelope addressed to the Secretary of the Commonwealth, and placed in one of the nearest Post Offices, by one of the district return judges; and 2d, The forwarding to the Secretary of the Commonwealth of a certified copy of the return, the Prothonotary of the county in which the return judges meet, not sealed and addressed to the Senate, but enclosed in a sealed cover addressed to the Secretary.

made towards a speedy completion of the removal of the Chickasaws, the Choctaws, the Pottawatomies, the Ottawas, and the Chippewas, with the extensive purchases of Indian lands during the present year, have rendered the speedy and successful result of long established policy of the Government upon the subject of Indian affairs entirely certain. The occasion is, therefore, deemed a proper one to place this policy in such a point of view as will exonerate the Government of the United States from undeserved reproach which has been cast upon it through several successive administrations. That a mixed occupancy of the same territory, by the white and red man, is incompatible with the safety or happiness of either, is a position in respect to which there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability. The bitter fruits of every attempt heretofore to overcome the barriers interposed by nature, have been destruction, both physical and moral, to the Indian; dangerous conflicts of authority between the Federal and State Governments; and detriment to the individual prosperity of the citizens, as well as to the general improvement of the country. The remedial policy, the principles of which were settled more than thirty years ago, under the administration of Mr. Jefferson, consists in an extinction, for a fair consideration of the title to all lands still occupied by the Indians within the States and Territories of the United States; their removal to a country west of the Mississippi, much more extensive and better adapted to their condition, than that on which they then resided; the guarantee to them, by the United States, of their exclusive possession of that country forever, exempt from all intrusions by white men, with ample provisions for their security against external violence and internal dissensions, and the extension to them of suitable facilities for their advancement in civilization. This has not been the policy of particular administrations only, but of each in succession since the first attempt to carry it out under that of Mr. Monroe. All have labored for its accomplishment, only with different degrees of success.—The manner of its execution has, it is true from time to time, given rise to conflicts of opinion and unjust imputations; but in respect to the wisdom and necessity of the policy itself, there has not, from the beginning, existed a doubt in the mind of any calm, judicious disinterested friend of the Indian race, accustomed to reflection and enlightened by experience.