

# HUNTINGDON JOURNAL

"ONE COUNTRY, ONE CONSTITUTION, ONE DESTINY."

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## TERMS

### HUNTINGDON JOURNAL.

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Every person who obtains five subscribers and forwards price of subscription, shall be furnished with a sixth copy gratuitously for one year.

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From the Gettysburg Star.

### TO THE PEOPLE OF ADAMS CO.

FELLOW CITIZENS:—I promised you a more extended account of the alarming acts of the last month, which compelled me to withdraw from the Legislature.

The circumstances which lead to that step, has been so falsely stated by guilty partisans, that I am aware that calm impartial truth will at present find it difficult to command universal belief. But the transactions of the period are too important to be omitted in history, and he who shall be found worthy to write an enduring account of the rise and fall of our Republic; of the establishment, & overthrow of our Liberty, will discover the tendency and do justice to the acts and actors of this crisis.

On Thursday the 4th day of December last, the members elect assembled at Harrisburg in accordance with the Constitution, to organize the different branches of the Legislature. It was known that several cases of contested elections were likely to be presented to the several Houses. It was doubtful which set of Senators from the Huntingdon district, was entitled to their seats in the first instance, although it was well known that the Anti-Masonic members had received about three hundred more votes than their opponents. But, in consequence of the return judges from the several counties having failed, to carry out the vote of Huntingdon county; in their addition of the several returns, the Van Buren candidates claimed their seats on the organization of the Senate, although, if the votes of Huntingdon were included, they were in a large minority; and although the votes of Huntingdon county were regularly returned by the return judges of that county, to the Secretary of the Commonwealth, and by him, to the Senate.

In the district composed of Chester, Delaware and Montgomery, Mr. Brock received a majority of seventeen votes over his opponent, Mr. Bell. But in making out copies for the return judges in the Trap district, the Clerk wrote two hundred and twenty six, [the number of votes cast for Mr. Bell.] so that it might well be read two hundred and seventy six, although the true number (226) was carried out in figures. The return judges chose to read it seventy-six, and made up their returns accordingly, thereby giving Mr. Bell thirty-three of a majority in the district. This they did from the fact of the returns of the several counties, although they had before them the returns, tally papers, Judges and Clerks of the Trap District, ready to prove the error. The county judges decided, perhaps correctly, that their duty being merely clerical and not judicial, they could not correct it.

In the county of Philadelphia, which elected two Senators, eight Representatives and in districts, two members of Congress the return judges met to add up the votes given in the several districts. C. J. Ingersoll appeared before them, and proved that in the 7th Ward of the Northern Liberties, the judge [a Van Buren man] had lost the tally papers. That Ward gave a about 500 majority for the Van Buren ticket. Ingersoll asked, not that it should be set aside, but that all the votes of all the Wards of the N. Liberties, seven in number, should be rejected, being near 6,000 in all, and giving to the Whig candidates, about 1,000 majority.—The law is explicit. The judges could do nothing but 'add up' all the votes returned from the several districts, without inquiring into their legality. That is reserved for the several branches of the Legislature. The Van Buren judges, however, determined to 'add up' only the remaining districts, after excluding the seven wards of the N. Liberties.

The Whig judges determined to add up all the votes given in the county, and call upon all the return judges to furnish the returns from their respective districts, & did add up all the votes thus furnished, some of the judges withholding theirs. The returns thus legally 'added up,' were

duly sealed, directed to the Senate and House of Representatives, handed to the High Sheriff, and by him sent to the Secretary of the Commonwealth, as directed by law.

The Van Buren judges added up a part of the returns and refused to add up the balance, although offered to them. A few days after they were disposed of in the Sheriff's office, [as is supposed] although that is not officially known. By the returns made by those judges who went upon the principle of casting up the whole number of votes, and which were officially transmitted to the Secretary of the Commonwealth, the Whig members were elected by between one and two thousand majority.

Several seats were to be contested in both Houses upon the above and other returns. The manner of conducting these contested elections, is regulated by the Constitution and laws passed in pursuance thereof, and is easy to be understood. But the difficulty was likely to arise in organizing the Houses as to who should have their seats in the first instance.

By the law of 1799 applicable to all single county districts it is provided that 'as soon as all the votes shall be read off and counted, the judges of each district, in case the county be divided into districts shall make out under their hands a fair statement and certificate of the number of votes which shall have been then and there given for each candidate, distinguishing the station or office he has voted for, which number shall be expressed in words at length, and not in figures only; and one of the said judges shall take charge of such certificate, and, on the fourth day after the day of election, produce the same in a meeting of one judge from each district within the said county, at the Court House, and for the city and county of Philadelphia, at the State House; for which service he shall be allowed out of the county Treasury; ten cents for every mile he shall have necessarily travelled, in coming from his proper election district to the said Court House, and in returning therefrom to his own home; and the judges of the several districts of the county so met, shall add together the number of votes which shall appear to be given for any person or persons who shall thereunto be found to be highest in vote, or elected as Representatives, Senator or other offices, and shall forthwith make out duplicate returns of the election of such person or persons as shall be so elected and chosen to any office or station, which the electors of the said county are entitled to choose for themselves unconnected with any other county or district and when a Governor is to be chosen, like returns of all the votes given for any person or persons for Governor; and having lodged one of the said returns in the office of the Prothonotary of the county, shall enclose, seal and direct 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; when to a member or members of the House of Representatives to the House of Representatives; when to Sheriff or Coroners, to the Secretary of the Commonwealth; when to a Commissioner or Commissioners for the county, to the Clerk of the Court of Quarter Sessions of said county. And one of the judges shall deliver the returns so sealed and directed to the Sheriff of the county, endorsing thereon the time of delivering the same; and the sheriff shall within fifteen days thereafter, cause the return directed to the Clerk of the Court of Quarter Sessions, to be delivered agreeably to the said direction; and having received the returns of any district for the election of Senator or Senators, or one or more members of the House of Representatives, which may by law be directed to be completed and made out within the said county, for the same election, the said Sheriff shall forthwith, by himself or deputy, transmit the whole of said returns to the Secretary of the Commonwealth, so that the same shall be delivered into the Secretary's office within twenty days after the last of the returns shall have been received by the said Sheriff; in which case, and not otherwise, he shall be entitled to receive from the State Treasury, on warrants drawn by the Governor, ten cents for every mile he shall necessarily travel, in going from and returning to his proper county.

This is the whole law which has any bearing in the Philadelphia county returns which has been the pretext for so much lawless conduct.—The returns made out by the Judges who add up all the districts, which were furnished them, were enclosed, sealed and directed to the Senate and House of Representatives; then one of the return judges endorsed them 'official returns of the county of Philadelphia,' and signed his name as return judge; delivered them to the Sheriff of the county, who transmitted them to the Secretary of the Commonwealth as the official returns. Being sealed, of course the

Secretary had no right to inspect them; and, if he could have divined their contents, he had no right to judge whether they were true or false returns. He had but one duty to perform—to transmit them to the several houses to which they were directed. They were the only returns from the county which he could thus transmit, until the Houses were organized and capable of calling on him for further information. Those returns might be false, or the persons therein returned as elected, might have been unduly elected. The law supposes that such cases might happen, and has provided the remedy in accordance with the constitution. But that remedy could not be applied because the issue could not be made up until the members returned to the Secretary, and by him to the house, had been duly sworn in.

Until then, no parties existed between whom to form the issue. It is absurd to say that the *prima facie* decision of the contested seats in the House of Representatives, can be postponed until all the undisputed returns are read, and then those members decide the disputed ones; because, until the speaker is elected and the members duly qualified, they are not a body competent to entertain any question. Every thing anterior to that, is a mere consensable agreement among so many gentlemen. And by the constitution and laws, there must be one hundred members capable of voting for speaker, and taking their seats at the organization. If the disputed seats are to be postponed until such organization is perfected, it would be easy to defeat it altogether, by contesting all the seats, and having none as umpires. This, however, is an entirely false view of the matter. The House is competent to take no vote as to the right of members to seats. There must in every instance, be sitting members upon the returns furnished by the Secretary of the Commonwealth; and the only way by which they can be unseated, is by a petition presented by the claiming members, complaining of false return or undue election of the returned members—and that petition referred to a committee selected by lot, according to the act of 1791, whose report is final and conclusive.

He who supposes that the Houses, or the members thereof (except the committee aforesaid) can by vote, determine either the *prima facie* or ultimate title to seats, has examined the subject with little attention, or little ability to understand it. Never since the act of 1791 until the Revolutionary proceedings, has it been pretended, that if objected to, any member could take his seat on any other evidence than the return furnished by the Secretary. So well established were the law and the practice, that no difficulty would have been anticipated in any of the above named cases, had not certain party organs given notice "that the Van Buren members for the county of Philadelphia should have their seats on the first day of the session, and if it was resisted, twenty thousand bayonets should bristle in Harrisburg, and the best blood of the country should flow in the streets." This was believed, by most good citizens, to be but idle gaseonade, as it could not be supposed that in a Republic, scarcely half a century old, traitors could be found bold and profligate enough, to bring an armed mob to overawe the Legislature, and procure by force, what, if they were entitled to, they could have legally obtained in a few days; and what, if not entitled to, might soon be made to appear; and whether entitled to or not, enforcing it by a rebellious multitude, is certainly and fatally destructive to liberty.

When the members had assembled at the seat of government, a few days before the day of organization, it was ascertained that a large number of hired ruffians had been brought from the suburbs of Philadelphia, armed with deadly weapons, to enforce the claims of the Van Buren members to their seats; and, as some of the leaders declared, "to throw the Legislature out of the windows," it they refused it. The Anti Van Buren members of the Senate and House of Representatives, then assembled to deliberate as to the proper course to be pursued; and to consult as to the true legal method of organizing both branches, that they might do nothing unadvisedly and nothing to be repented of. They held two informal meetings on Saturday and Monday. At each of these, Mr. Strohm, a Senator from the county of Lancaster, presided.—After full deliberation, and examination of the Constitution and laws, several resolutions, which I shall, in a future number, give at length, were unanimously passed, declaring, "that the only legal mode of organizing in the first instance, was upon the returns furnished through the Secretary; and that if it were alleged that they were false, or fraudulent, that could be tried only according to the act of 1791, by a committee after the organization."

Among the members of the House then present, were Chester Butler and John Sturdevant of Luzerne, and John Montelius of Union county, making in all, fifty-two members of the House, and a quorum of the Senate.

On the first Tuesday, (the 4th) of December, the members elect assembled in the Hall of the House of Representatives. An unusual number of people filled the galleries and lobby; several of the aisles, and the open space in front of the Speaker's chair, were choked up with rude looking strangers; and the chairs of several members were surrounded with rough, brawny bullies. My seat had the honor of being guarded by eight or ten of the most desperate brawlers of Kensington and Spring Garden, who thrust themselves determinedly against my chair, and when I left it occasionally, one of them occupied it until my return. Most of them wore coats with outside pockets, in which their hands were generally thrust; and, as I afterwards satisfactorily ascertained, were armed with double barreled pistols, Bowie knives and dirks. Men of a similar description and similarly accoutred, occupied the platform around the speaker's chair. They seemed to be under the guidance of such men as Jack Savage, J. J. McCahen, Thomas C. Miller, Wm. Leiper, Lewis Coryell, Charles Pray and others, when several of my friends, seeing my danger, endeavored to introduce themselves between these ruffians and my chair, Pray (a claiming member from the county of Philadelphia,) came up and whispered to them, "to stand close and be ready."

At the usual hour the Secretary of the Commonwealth appeared, and announced to the members elect that he delivered to them "the official returns of the late election for members of the House of Representatives." He then seated them on the Speaker's chair and with him. A member elect then proposed that they should be opened and read; to which all agreed. The Clerk of the last House, who was present, was the person designated to open and read them. This is usually the case, although he is no longer in office, having gone out with the House that elected him on the second Tuesday of the preceding October. But having experience, he is generally selected for this purpose. He did proceed to open and read the returns, until he reached the County of Philadelphia, (being near the first.) Upon their being opened, Mr. Pray rose and pulled from his pocket, what he said was a certified copy of the true return, alleging that the one opened was a false return. Mr. Hopkins proposed that both should be read. Thos. S. Smith, of the city of Philadelphia, rose and objected to reading any paper but the returns furnished by the Secretary of the Commonwealth; declaring, that as the House was not organized and capable of voting on, or examining any contested return, nothing could be done until a Speaker was elected, and the members sworn in upon the returns officially furnished. That he hoped none who thought that the legal mode, would vote on Mr. Hopkins' proposition.

The Clerk, however, asked the gentleman if he should read both returns; some said 'yes,' and he did read them. After he had finished reading all the returns, I rose and stated (in substance) that a difference of opinion as to the legal mode of organizing the House, was likely to arise; but as this was a government of laws, I trusted no difficulties would arise to disturb our orderly proceeding. If either party erred in its judgment of the law, that error could be peacefully corrected by the proper tribunals, we were willing to trust our case; and I hoped our opponents would see the propriety of following the same course, and doing nothing to disturb the peace or sully the honor of the Commonwealth. That I would propose that we should proceed to organize by electing a Speaker, and that the names of those members returned by the Secretary should be called. If any gentleman thought any other mode legal, they would call such names as they pleased, and if in so doing, two Speakers should happen to be chosen, they certainly would be courteous enough to find room for both on the Speaker's platform until the law decided between them. I then named tellers Mr. Watts and Mr. Zeilin, and asking the gentlemen if they were agreed, they answered affirmatively, and the tellers went to the speaker's desk and called the names of all the members returned by the Secretary—fifty-two of them voted for Speaker—several others answering but not naming any candidate for speaker.

General Cunningham was declared duly elected, and took the chair. Then for the first time in a Legislative Hall, that I have ever witnessed, a large number of persons in the gallery, lobby and hall, hissed.

The oath was administered to the speaker by Mr. Smith, and by him to all the

members who presented themselves to take it—fifty-two including himself. Motions were made and committees appointed to inform the Senate and the Governor of our organization—and in order to prevent, if possible, any collision with the other body now organizing, a resolution, offered by Mr. Grabb, was passed, fixing our time of meeting at 10 o'clock, A. M. and 2½ o'clock, P. M. on the alternate days of the week, I have suggested to the other gentlemen to accommodate their meeting to these hours. We then adjourned to meet the next day at 2½ o'clock P. M.

While the House was thus organizing, Mr. Hopkins moved that the names of the Van Buren men contained in the return furnished by Pray should be added to the list of members, and they be considered members.

The question was put, and forty-eight members elect, and a large number of the "people" scattered through the House voted 'aye'—and the clerk said it was carried, and installed Pray and his associates at once as members; and immediately after, in calling the names to elect a speaker, called them, and not the members officially returned for the county.

The forty-eight who did not vote for Mr. Cunningham, and the eight added as above, proceeded to the election, and Mr. Hopkins was elected speaker. He went to the platform amid the loud shouts and applause of the mob! J. J. McCahen and several of his associates, not members, mounted the platform with him—McCahen standing behind speaker Cunningham beckoning several of the mob to take possession of the steps leading to the speaker's chair, which they obeyed.

When the Speaker declared the House adjourned, McCahen said, 'you shall never meet in this house again.' This fellow was in no way connected with the Legislature but has been for years an officer in the Philadelphia Post Office, resigning occasionally on the morning of an election, so as to qualify himself to act as Clerk or Judge in Kensington District, and being re-commissioned the next day!

This is what the mob called 'protecting their rights;' and the general government 'the purity of the elective franchise.' The House of Representatives had, by its calm and conciliatory course, given no pretext for actual violence, and became organized contrary to the determination of the leaders of the mob. They expected we should submit to taking votes upon the legality of returns before we were organized, when they should be able to intimidate the weak and dictate their course.

Mortified at being foiled, they held a meeting at which General Miller presided, and resolved to go to the Senate and 'claim their rights.' The Senate met at three o'clock and proceeded to organize upon the same principles that the House had adopted. When the Philadelphia county returns were read, Mr. Brown presented certified copies of returns similar to Pray's, and Mr. Rogers moved that they be read as the true returns. The Speaker decided that no returns could be read in the first instance but those furnished by the Secretary of the Commonwealth. They having returned Messrs. Hanna and Wagner, they appeared and were sworn in. In the meantime, Mr. Coplan and others, members elect, but not sworn in, attempted to address the Senate, but were called to order by the Chair, not being yet qualified to act as members. Much confusion existed in the gallery. After Hanna and Wagner were sworn in, Brown attempted to address the Senate, but was called to order, not being a member. Persons in the gallery then cried out, 'hear him! hear him!' Brown, Brown! 'You shall hear Brown!' John Snyder called out 'ride the Speaker on a rail!' When hundreds cried out 'a row!' a row! jumped over the railing into the lobby, and in spite of all the efforts of the Sergeant-at-Arms, Door Keepers and their assistants, rushed into the Senate Chamber, headed by McCahen, Pray and others, continuing to yell 'Give us our rights! We will have our rights! Reconsider your vote!' 'You shall admit Brown and Stevenson!' 'Hanna and Wagner shall resign!' 'We will have our rights or blood!' 'We will have Burrows, Stevens, and Penrose's blood!' 'Down with Stevens,—Down with Burrows!' 'You shall hear Brown!' All was then confusion and alarm. Brown was permitted to proceed, sometimes addressing the Speaker, but generally his 'fellow citizens,' as he called the ruffians behind him, descending upon his and their rights, and they answering him with cries for 'blood!' and for the 'lives of Penrose, Burrows and Stevens.' Their fury increased and was fomented by their leaders. Mr. Burrows and myself were standing in front of them, near the fire. We were urged several times to withdraw as the only means of safety and of preventing the effusion of blood. Mr. Penrose, the Speaker, finding it impossi-

ble to restore order, left the Chair, putting Mr. Rogers in it; a man of their own party, who told the Speaker that if he did not leave he could not be protected. Private information was conveyed both to Mr. Penrose and myself, by persons from the crowd, that they heard the ruffians arranging it to 'stab' or 'knife' us. Mr. Burrows, following the advice of a very cool and judicious gentleman from Philadelphia, had left the house by a back window; and as the tumult grew thicker and nearer, after dark Mr. Penrose and myself did the same, and were followed by a large number of gentlemen, Senators and members of the House, as well as others. We had scarcely got behind the Treasury building, when twenty or thirty of the mob broke out of the Capitol, and run around to the window whence we escaped. On seeing it open, a person present testifies that they said 'we are a minute to late!'—and inquired for Mr. Penrose.

We went to the Secretary's and from thence to the Governor's. Neither of us returned to our lodgings that night. I was informed by those not likely to be deceived, that my path was waylaid by at least three parties of assassins. One of the gang had been heard to say, 'that I should be in the Susquehanna before morning.'

After the Senate was thus adjourned, the people, as this mob is styled by their leaders, took undisturbed possession of the Senate Chamber, their chiefs mounting the Senators' desks, and preaching sedition and bloodshed.

That night they re-assembled in the Court House, General Miller again in the chair, and resolved that the Government was at an end, and appointed a Committee of safety to carry on the Government of the State. Their orators, Barton, Penniman and others, told them to call on the Secretary for other returns, and if he did not give them, 'then,' 'then,'—said they, slapping their fists together, and making significant signs of assassination! They urged them 'to go to the Capitol the next day and demand their rights, and if they were not granted, THE CAPITOL SHOULD SMOKE WITH BLOOD!' They appointed several committees to 'take care of the Government.' Among the Committee of Safety some of our own citizens, Gen. Miller, Col. Irvine and others, found an honorable place.

The next day the Capitol was filled with the rioters. The Senate did not attempt to meet except to adjourn through a deputed Speaker. Mr. Spackman went to the House at the request of the Speaker, to adjourn it, but found it filled by the mob, even to the Speaker's chair; and when he attempted, with resolute firmness, to discharge his duty, he was seized and dragged out of the House, amidst violent tumult—many escaping through the windows.

The keeper of the Arsenal had garrisoned it with a few men, to protect the arms, when the mob surrounded and attempted to force it. I ought not perhaps, to say 'mob,' they were insurgents regularly officered. General Miller had the command of them; and aided by General Miller and several other officers of less note and infamy, drilled them for about three hours on Capitol-hill. As nearly as could be ascertained, without seeing the muster-roll, there were nearly four hundred men in rank.

In the meantime, the 'Provisional Government' was in session at Chase's tavern, receiving reports, appointing committees, and despatching agents to the different counties to raise funds and 'minute men' to 'protect the rights of the Philadelphia butchers!' Neither the Governor nor Secretary of the Commonwealth dared to go to their Executive chambers, & the obnoxious members of the Legislature were compelled to stay away from the Capitol, on pain of instant death. Nor could they with safety, appear in the street nor in the bar-rooms of the public houses, until the arrival of the troops under General Paterson.

I have been thus minute, and I fear, tedious, in relating particulars, because the actors and leaders in these scenes, with the effrontery of practiced felons, deny that there was any mob—any outrage! They say that none were assembled there but good peaceable citizens, anxious to protect their 'rights,' and that the virtuous indignation of the injured people, grieving over the wrongs they suffered.

If there was no mob, no tumult;—if the Legislature was not dissolved, and government broken up—why appoint a committee of safety? Why have a 'Provisional Government?' Why have a Commander of Arms, if the Governor was still Commander in Chief? Why raise 'minute men' in Berks, York, Northumberland and elsewhere, if there was no Revolution?

But, who where those virtuous 'People' who became so indignant at the infraction of their rights? They were not the