

From the United States Gazette.

The Presbyterian Case.

A gentleman of the bar, in whose practice we have great confidence, has, at our request, supplied us with a notice of the case which closed yesterday. It will be seen that the verdict of the jury is for the Relators, or New School. The Counsel for the Respondents, (or Old School) moved for a new trial.

IN THE SUPREME COURT.

Before Hon. Milton C. Rogers, and a Special Jury.

Commonwealth—At the suggestion of James Tod, John R. Neff, F. A. Raybold, George W. McClelland, Wm. Darling and Thomas Fleming.

Ashbel Green, Thomas Bradford, Solomon Allen, Cornelius C. Cuyler and William Latta, not summoned.

Information in the nature of *quo warranto*, and ordered by the Supreme Court to a Jury to try questions of fact to inform the conscience of the Court.

The proceeding of this interesting case is founded upon the statutory power given to the Supreme Court, declaratory of the common law, by act of Assembly of Pennsylvania passed 14th of June, 1836, entitled "an act relating to writs of *quo warranto* and mandamus." That act provides that the writ of *quo warranto* may issue in a designated description of cases, among which is the present, viz: "In case any question shall arise concerning the exercise of any office in any corporation created by authority of law, &c., and in case any association or number of persons shall exercise any of the franchises or privileges of a corporation within the respective county without lawful authority."

On the 29th of May, 1838, on relation of the complainants, it was suggested to the Supreme Court, that the defendants were since the 24th May, 1838, exercising and did still exercise the franchises and privileges of corporators without lawful authority, viz: the franchises and privileges of trustees of a certain corporation called and known by the name of "Trustees of the General Assembly of the Presbyterian Church in the United States of America;" that on said 24th of May, 1838, the relators were duly elected Trustees of the said corporation according to the provisions of the act of Assembly of 28th March, 1799, incorporating said body; but notwithstanding said election the defendants still usurped said office, and praying for process of law, &c. On the 31st July, 1838, the defendants put in separate answers: that of Ashbel Green asserted that he was one of the original Trustees and had ever since acted as such; and denying the election of the Relators, and claiming that his right as Trustee had never been vacated, determined or abridged; and that of Thomas Bradford, alleging that on the 27th May, 1822, he was duly elected by the General Assembly a Trustee, and had ever since acted as such; also denying the election of the relators and asserting his present right.

On the 10th Oct. 1838, the relator replied to the plea of Ashbel Green, that true it was he was originally a trustee of the General Assembly, but that by the act of incorporation, the corporate body had power to change one third of the whole body of 18 trustees, as often as they should hold their sessions, and that, in exercise of such authority, said body did on the 17th May, 1838, at an Assembly held in this city, duly elect James Tod in place of the said Ashbel Green, and the said James Tod accepted said office, and thereby the said General Assembly avowed disfranchised and discharged the said Ashbel Green, &c., and thus replied to the plea of Thomas Bradford, in like form alleging that George W. McClelland was duly elected in his place, &c. In like form, the relator asserted that Thomas Fleming was elected in lieu of Cornelius C. Cuyler, and William Darling in lieu of Solomon Allen. William Latta was not summoned, and his right, opposed to that of F. A. Raybold, is only incidentally in question. In the pleadings the several parties appealed to the country, viz. a jury trial, and the issue of fact became ripe for a trial on the 7th Nov. 1838.

Accordingly, a jury was empanelled on the second Monday of March, 1839, and charged to enquire of the matters of fact contested in the pleadings. The relators were represented on the trial by Josiah Randall, W. M. Meredith and George W. Odgers—the defendants by F. W. Hubbell, J. R. Ingersoll, John Sergeant and W. C. Preston, Esqrs.

The facts of the cause covered much ground, and were extracted from the course and proceedings of the General Assembly during a long period of years; but the most striking, interesting and important points of consideration were the *Excision* of May, 1837, and the *Secession* of May, 1838.

It seems that the organization of the Presbyterian Church, as to Government, is this:—First, the session, composed of pastor and elders who enjoy a life tenure; next, in rank, the presbytery, consisting of all the pastors and one elder from each session, within a particular district; next, still higher, the Synod, composed of a number of Presbyteries, not less than three, within a prescribed district, in which, as in the Presbytery, all the Pastors and one elder from each session hold seats; and last, the highest tribunal, is the General Assembly, composed of pastors, and delegated elders from all the Presbyteries.

In 1803 the presbyteries of Oneida, Albany and Columbia, N. Y. composed the Synod of Albany. In 1812, this Synod having increased in numbers, was divided into two Synods, called Albany and Geneva. In 1821 the Synod of Geneva was parted, and its presbyteries of Niagara, Genesee, Rochester and Ontario were formed into the Synod of Genesee. In 1825 the Synod of Pittsburgh was divided, and its Ohio presbyteries of Grand river, Portage and Huron was constituted the Synod of the Western Reserve. In 1829 the Albany synod again yielded to a division, and its Western presbyteries of Ogdensburg, Waterloo, Oswego, Oneida, and Otsego, became the Synod of Utica. The four important Synods so much in question, thus created, were the synods of the *Western Reserve*, *Geneva*, *Genesee* and *Utica*.

The Presbyterian Church, as in almost all other religious communities, encountered internal disputes on doctrine, and ranged themselves into parties, called the New and Old School; this has been until recently a division of opinion, not feeling, and kindly conducted on both sides. The General Assembly, at various times, had a majority for either party. From 1831 to 1835 inclusive, the Old School prevailed. In 1836 the New School was in the majority. In 1837, the Old School party had a superiority of numbers, and in the session of the General Assembly of that year, a resolution called the *Excinding measure*, was passed. This vote cut off from the Church, the four Synods of the Western Reserve, Geneva, Genesee and Utica. These Synods contain 599 churches, and not quite so many pastors; their representatives were of the New School party. The ground of this excision, was connected with the opinions or faith of those Synods, and the question of unconstitutionality of the Plan of Union of 1801, between the General Assembly and the Church of Connecticut.

In May, 1838, the annual session of the General Assembly commenced, and as might be expected, the process of excision, caused great difficulties. Delegates from the excinded Synods, presented their credentials to the usual officers, the clerks, who declined to enrol their names. The Moderator of the past session, Dr. Elliott, took his seat in the Assembly, held in the Seventh Presbyterian Church, according to the usual form. Dr. Patton, of N. Y. offered resolutions; the Moderator made the same decision as to his appeal. Dr. Elliott, after the report of the clerks, enquired if any delegates were present, whose names had been omitted. Dr. Mason of N. Y. then presented the commissions from the excinded districts, and was declared by the chair to be out of order. He appealed, and that was also declared irregular. The Rev. Mr. Cleaveland, of Michigan, then moved that Dr. Beman, of N. Y. be appointed Moderator *pro tem*, and put the question to the Assembly. The yeas were general; there being but few negatives; but whether the voting were universal, was disputed. At this time great confusion occurred—much noise—and the evidence was contradictory upon the opportunity and the generality of voting, and the conduct of the respective parties. The Moderator thus chosen, Dr. Beman, proceeded to organize in the usual manner, and the body of New School delegates, including the excinded portions, adjourned to the First Presbyterian Church; and among other business, elected the six gentlemen named as Relators, to the office of Trustees. The remaining body also organized and transacted business.

It is not our purpose to offer opinions, or adopt the evidence on either side, but merely to furnish an intelligible view of the points in controversy, and the history of the events which have evolved them.

The charge of the Judge ruled the law in favor of the Relators in emphatic language. He held the excinding resolution to be unconstitutional and void, and on the question of organization he charged the Jury that if the delegates were prevented from hearing the question, or voting, by the clamors, art or measures of the new school party, or the audience, then the Dr. Beman Assembly was irregularly formed, and the relators must fail in this issue; but if they believed that the confusion was the act of the defendants, or those who supported the Dr. Elliott house, then they could take no advantage of their own wrong act, and the verdict must be for the plaintiffs.

The Jury retired for a few minutes and returned to the Court a verdict of *guilty against the defendants*.

The discussion to the Jury was ably conducted by Messrs. Meredith and Wood for the plaintiffs, and by Messrs. Ingersoll and Preston for the defendants. The leading counsel for the Relators, Josiah Randall, Esq. was their original counsel and legal adviser during 1837, and yielded the prominent position in the argument to which he was entitled, in order to open the cause of the plan, to the Jury; it is spoken of as a masterly effort. The evidence of the defendants was fully opened by F. W. Hubbell, Esq.

The consequences of the judgment upon this verdict will be according to the eleventh section of the act of 1836—"If any person, &c. be found or adjudged guilty of usurping or intruding into, or unlawfully holding or exercising the office, franchise, privilege or power mentioned in such writ, the Court shall give judgement that such defendant be ousted and altogether excluded from such office, franchise, privilege or power, and that the Commonwealth, or party suing such

writ, as the case may be, recover costs from the Defendant."

It is understood that the law laid down by Judge Rogers will be considered by the Court in Bank, on motion for a new trial.

A SHOCKING TRAGEDY.

AN AMERICAN MOTHER AND HER THREE DAUGHTERS MURDERED BY PIRATES.

A foreign journal received by the recent arrival at New York, under date of Athens, January 7, furnishes the details of one of the most revolting instances of piracy and murder, to be met with in the calendar of crime.

It is stated that on the 10 of November last, the Turkish schooner, Cherkaj Scherf (The Prophet's Mantle) anchored in the Bay of Patras, the crew consisting Captain Said, of Nouria, and nine others; the vessel carried, besides eight passengers, a German antiquary, M. Hundseliff, Mr. and Mrs. Davidson, of Carolina, with their three daughters; and two young Turks, Abdalla and Hussien, twin sons of the Aga of Kara. The cargo consisted of Cashmere shawls, Oriental trinkets, Circassian embroidery, and other valuable articles. On the evening of the 12th the crew and passengers returned on board, and on the 13th, at dawn, the vessel was to sail. The Patrasfisherman perceived the schooner's lights that she was sailing; though they did not hear the customary signal-gun fire.

Some hours after, when the sun was above the horizon, a few fishermen, spreading their nets on the shore, described a man struggling amidst the waves. Two of them rowed to his assistance, and arrived in time to save him. He was a youth dressed in Turkish costume. His condition was horrible; he was fainting and the blood was gushing from a large recent wound in his head. He was conveyed speechless to a cabin, where every attention was paid him. The fishermen conjecturing that other persons might have been wrecked, proceeded with their boats in various directions. They shortly espied the carcass of a vessel, which was soon thrown on the coast. It was the Cherkaj Scherf. The scene she presented was horrible: on the deck, which was streaming with blood, lay the atrociously mangled corpse of the captain and eleven other persons.

Below in one of the cabins, were extended the lifeless bodies of Mrs Davidson and her three daughters; the state of the corpses revealed that the most infamous violence had preceded their dreadful wounds. The ships masts and oars had been demolished with axes and her whole cargo plundered. The occurrence was forthwith reported to the Governor of Patras, and the poor youth saved by the fishermen was carried to the hospital.—Every attempt at discovering the perpetrators of this atrocious carnage was at first fruitless. All that was ascertained was, that on the evening before the schooner was to have sailed, a brig, which appeared to be from the Island of Samos, had beat about the bay of Patras. Two days after the dead bodies of two more of the crew were found on the shore.—At length the young Abdallah whom the fishermen had saved recovered enough to declare the following: The schooner had scarcely left the Bay of Patras—the sea was calm, the passengers and part of the crew had retired to the cabins—when a fearful tumult was suddenly heard.

Fifteen ruffians, armed with daggers and yataghans, had boarded the vessel, and before any resistance could be attempted, massacred or threw overboard every soul on deck. Abdallah had seen the death of his brother, and he was making himself a desperate defence, when the cut of a yataghan cast him into the sea. He added, that on the day he arrived in Patras he had been with his brother and the captain into a coffee house, and that he thought he had seen there two men whom he had seen again on the awful night of Nov. 12. The youth further stated that the captain had long talked before the two men of the richness of his cargo, and that, next day, on the owner of the coffee house being asked who those two strangers were, he replied that they were old soldiers of Hydra, living quietly at their homes. The coffee house keeper was then questioned. At first he denied all, but subsequently avowed that the two men had conversed with Abdallah and the captain, adding that he knew nothing of what they might have done.

Notwithstanding this declaration he was imprisoned, when his wife, alarmed the circumstance which her husband's concealment might entail, disclosed the fact that the two suspicious individuals were Geo. Dionado and Alexander Gloukos, two of the most formidable pirates of Samos, and that their strong-hold was near the Cavern of Philoctetes. The woman protested that her husband was guiltless, and that his only relation with them were there of a friendship formed while serving together in the Greek insurrection. Upon these circumstances being communicated to the Governor of Samos, he hastened with 300 infantry and 60 horse to the Cavern of Philoctetes, which he caused to be surrounded. He in person with 50 picked men, entered the den, when he had to sustain a discharge of musketry. After a sanguinary struggle which obscuredly rendered still more horrible, the fire of the pirate band was silenced. Fifteen of them had been slain, one only captured, and the remainder had escaped by an aperture which the governor not having detected it, had not been

watched or guarded. Young Abdallah, on being confronted with the prisoner, identified him as one of the two men he had met at Patras. After much hesitation, the coffee house keeper avowed that the villain was no other than Gloukos, the lieutenant of the brig commanded by Geo. Diomadi.

LIFE AND DEATH.—Fanlus, in Sweden, a few years since, witnessed an incident which partakes of the romantic. In opening a communication between two mines, the body of a young minor was found in a state of complete preservation, being impregnated with the vitriolic water of the mine; when exposed to the open air it became stiff. The features were not recognised by any person but tradition had preserved the recollection of the accident by which he had been buried in the bowels of the earth more than half a century ago.—All further inquiry was dropped, when suddenly, a decrepid old woman, leaning on her crutches, advanced and discovered that the body was that of a young man to whom she had been engaged by a promise of marriage fifty years before. She threw herself on the body of her former lover, and bedewed it with many tears, fainting with joy to have again beheld the object of her affection before she descended to the tomb. The contrast between these parties—one of them buried during 50 years, yet preserving all the features of youth; the other bending beneath the load of years, and living, if she could be said to live, during an equal space of time, above ground—may be conceived, but cannot be described.

IMPORTANT INTELLIGENCE.—By the Dromo, Capt. How, arrived yesterday from Havana, we have received a file of the Diario de la Habana to the 18th inst. From the paper of that date, we translate the following important news:

"By letters from Vera Cruz of the 10th March, we learn that a treaty has been concluded between Don Edward De Gorostenza and General Victoria on the part of Mexico, and Admiral Baudin on the part of France, the British Minister, Mr. Packingham acting a mediator, of the following tenor.

1st. There shall be an armistice of fifteen days.

2nd. The Mexicans shall pay \$600,000 in periods of 2, 4, and 6 months.

3d. Indemnification for the expenses of the war, and to the expelled Frenchmen shall be finally settled by a nation in friendship with the two contracting parties.

4th. The Castle of S. J. Ulloa shall be delivered up to the Mexicans as soon as it shall be known that the treaty has been ratified by Congress.

The same letters say that there was no doubt the treaty would be immediately ratified. M. Gorostenza had set off for the city of Mexico to remove any difficulties that might present themselves. In the meantime the discharge of all vessels of all classes and nations was allowed. Vera Cruz will again receive within her walls the persons who have emigrated, and the 11th will open to the merchants their former places of business."

The above intelligence is confirmed by Capt How, who states that the British frigate *Medea*, Commodore Douglass, and British sloop of war *Race Horse*, arrived at Havana from Vera Cruz with letters to the above effect, and would proceed immediately to England.—*N. Y. Courier.*

MELANCHOLY SUICIDE.

A tragic event occurred yesterday morning, [says the Pennsylvania Inquirer of April 1] about 8 o'clock, on Noble street wharf. A middle aged man named Mr. T. J. Pascoate, walked to a part of the wharf near the water's edge, and taking a razor from his pocket, cut his throat in so dreadful a manner, that he nearly severed his head from his body. He expired almost immediately. Several persons hastened from the fatal spot to James Gregory, Esq. Coroner, who promptly convened a jury; and from the evidence deposed before them, it appeared that Mr. Pascoate was about 52 years of age, had formerly been in good circumstances, but of late had suffered much from the difficulty he experienced in obtaining a livelihood. Two letters were found upon him one directed to Mr. Clemens, and the other to Mr. Shaffer, in both of which he stated, that when those gentlemen had read them, the writer would have quitted the world. They were written in a friendly spirit, and contained one or two little requests and directions which he hoped would be attended to; and the writer assigned as a reason for the rash act he was about to commit, that from poverty, want of employment and misery, he was weary of life. We have been informed that he once kept an hotel at Cincinnati. The jury, after a brief consideration of the circumstances, returned a verdict of "Died by Voluntary Suicide."

MURDERER ARRESTED.—We are glad to learn that Kober the man who is suspected of having murdered a Jew pedlar in Lancaster, Pa. a few weeks since, was yesterday arrested in this city, by Edward C Taylor, one of the city police officers, and Baliff Smith, at a German tavern in Market street, Fell's Point. He was accompanied by his servant, who calls himself William, and who was also arrested. We understand that a passport in the name of the pedlar, had been seen in his possession, previous to his last.—*Balt. Chron.*



THE JOURNAL.

One country, one constitution, one destiny

Huntingdon, April 10, 1839

Democratic Antimasonic CANDIDATES.

FOR PRESIDENT,

GEN. WM. H. HARRISON

FOR VICE PRESIDENT

DANIEL WEBSTER.

FLAG OF THE PEOPLE!

A single term for the Presidency, and the office administered for the whole PEOPLE, and not for a PARTY.

A sound, uniform and convenient National CURRENCY, adapted to the wants of the whole Country, instead of the SHIN PLASTERS brought about by our present RULERS.

ECONOMY, RETRENCHMENT, and REFORM in the administration of public affairs.

Tired of Experiments and Experimenters, Republican gratitude will reward unobtrusive merit, by elevating the subaltern of WASHINGTON and the disciple of JEFFERSON, and thus resuming the safe and beaten track of our Fathers.—*L. Gazette.*

Democratic State Convention.

The friends of HARRISON and WEBSTER in the several counties of Pennsylvania, are requested to appoint delegates equal in number to their members in the State Senate and House of Representatives, to meet at the Court House in Harrisburg, at 12 o'clock, M. on

WEDNESDAY, 22d of May, 1839.

For the purpose of nominating a ticket of Electors, to be voted for by the people of Pennsylvania, at the Presidential Election in 1840, and pledged, if elected, to support the candidates for President and Vice President of the United States settled by the Democratic Anti-Masonic National Convention, which was held in Philadelphia in November, 1833.

Thomas H. Burrows,
Thomas Elder,
Theo. Fenn,
Amos Ellmaker,
Francis James,
Wm. R. Irwin,
William Agnes,
Harnar Denny,
Samuel H. Fisher,
William Smith,
Ner Middlewarth,
William McClure,
George Mowry,
Levi Merkel,
Maxwell Kinhead.

State Committee.
Harrisburg, March 2, 1839.

Our Town.

Ah! favored, happy, distinguished town this Huntingdon. At this present moment, we have a Governor! a real live governor! What do you think of that, little towns, a live Governor, just think of it. "Vat a werry extraordinary event," as the loafer said when he found a tip.

Who would believe it? How strange! yet not less strange than true. Reader, let us introduce you to him. Do you see that man standing like Tom Benton's ball, solitary and alone, his hands most gracefully laid across his hips, under his coat tail; a little inclination in his figure, his eyes bent on the ground, and his brows brooding over them, as if to keep out the gaze of a plebeian world, or of honest men. That's him, a real live Governor. But watch him a moment, see how noiselessly he glides into you little crowd of men. Hear him "how de do"—"how are you"—"How do you do," how friendly. They were disappointed, he must keep them friends still. But here comes one, he is rejoiced to see—he is a whipper-in. "How have you been," why did not you come to Harrisburg; we wanted such men as you," and he takes him by the arm and walks away to one side, to tickle the fancy of the poor dupe with a notion, that he is a special adviser. The native sucks it all; and the Governor tells him he never could get along in his township without him, and what he wants done next time. He is, a favored man, he talks to a live Governor all alone; he is satisfied; it is the summit of his glory, and he turns away, and says "he is the same old two-and-six-pence" and is more his dupe and slave than before. While his *Excellency*, bows a smiling adieu to him, and a pleasant welcome to some other, & to both he says inwardly, what uncle Toby said to the fly; "go poor d—!"

Such are the daily scenes in our town, is it not a favored one?

"Anti-masonic Vigilance again."

It is really laughable, to see the holy zeal of some one of the writers in the Standard, in trying to show how wickedly negligent the Anti-masonic Sheriff had been, in not having a reward of perhaps hundreds put on the re-capturing of young Taylor. At first he fumes, and works like a barrel of beer, because our Anti-masonic Sheriff is the tenant of an old jail that would hardly hold sheep unless watched, and because a cunning knave has been cunning enough to leave the old walls for more extensive quarters; and again he cracks his whip because the sheriff did not advertise him sooner than fifteen days. We almost think, that the article was dictated by a spirit of remorse at having lost an Attorney's fee for prosecuting the poor devil. (The first article was from Huntingdon) but, be that as it may, we perfectly agree with the writer, that villains have escaped punishment in this county, but not exposure. If they have escaped justice, contempt, scorn and disgrace, have overtaken them; and even justice, if it is slow, we trust it is sure; and the "iron reign" of Anti-masonry, may tell in letters of flame, that in old Huntingdon, though the cell of the felon cannot claim its fugitive, still "WE KNOW HIM."

The Mails.

What in creation has got wrong with Amos' mail bags? We have often felt disposed to join with the general out-cry against the irregularity of the mails, but, long since, we have seen the folly of complaint. But, in order that our readers may know, that when the paper is not received, that it is not always our fault.

On one day last week, we received a letter post marked at Mill creek, 6 miles below this town, which had been seven days on the rout. This kind of expedition is only equalled, by that of the man who "ran 14 miles in 15 days, and never looked behind him." We may as well laugh as cry, at the negligence of these Sub Treasurers—all we regret, is, that they cannot send their letters as rapidly as they can run themselves; although, it is not recorded, whether the worthy whose speed is recorded above was a Sub or not.

On Thursday, of last week, we received the U. S. Gazette of March 23d, which had been ten days on its passage; and, what makes it much more vexatious, was, that it contained an advertisement for us to publish, which we were unable to publish as directed, and consequently, material injury was done, not only to us, but to those interested in the publication of the advertisement. The unfortunate rascal who dares to stop the mail carrier, has to answer for his crime in the prison cell, if detected. Yet these Sub Treasurers of Amos', can stop its contents, just as often and just as long as he pleases, with impunity. So we go! and we must bear it patiently.

WOMAN.

"What is man's love? His vows are broke
E'en while the parting kiss is warm;
But woman's love all change will work
And like the ivy round the oak,
Clings close in the storm."

Who is there that has not marked and admired the firm and devoted affection of woman? Who that has felt and known the fond and endearing attention of a sister, or has enjoyed the ardent & self-forgetting fondness of a mother? Who that has seen or lived in the eternal sunshine of a wife's love, will not join with us in the sentiments of the poet.

If there be aught in this world of toil and care, that was created solely to cull the thorns from the rugged pathway of life, and to strew flowers in their stead, and to render more buoyant the spirits of man—that being is woman. From his cradle to his grave, the little of joy and happiness man can know, or earth can give, seem to be all concentrated in one feeling—affection for her so justly called, "heaven's last, best gift."

We have seen and felt the endearing attachment and holy sympathy of a sister! We have seen them live through all the storms which too frequently rend asunder the ties of kindred, yet never did that love change its purpose. Immutable as the laws of nature and ceaseless as the march of time is her affection. Basking in wealth and luxury, or shivering amid poverty and rags, still the balm of kindred love she pours upon the wounded spirit of a brother—though the world mocks at his degradation.

The wife! Let those that have bowed at that exalted shrine of female perfection—a loving wife, pour forth in the loudest strain of melody and praise, the ardour of her love, the firmness of her attachment,