

GETTYSBURG STAR,

EXTRA.

Gettysburgh, January 10, 1839.

DEMOCRATIC-ANTIMASONIC NOMINATION: JOHN F. WEFARLANE.

After the insurgents had turned the Legislature, Secretary of State and Governor out of the Capitol, they set about deceiving the people at a distance by the most impudent assertions that no violence had been used—no mob existed. This was an afterthought of the villains, when they found that the people would not justify mobs for any purpose. While the tumult was going on however they wrote to their friends in a very different strain. Senator Bell, of Chester, a leading Van Buren man, wrote to his friends that a "most dangerous mob had possession of the Capitol."

Mr. Flennikin, a leading Van Buren member of the House, from Fayette county, wrote the following letters to his intimate friends, on the 4th, 5th and 7th of December:

HARRISBURG, 5th Dec.

"My Dear S—:—We are doubtless here in the midst of a fearful revolution. The town of Harrisburg is crowded with the most excited population beyond all control. They yesterday drove out the Senate. The Governor has, it is said, issued his proclamation for 5000 militia. It will bring in 1500, before night this day. I fear that blood will flow freely in this devoted place. (Extract relating to his family) excluded. I have laboured until I can scarcely stand, to prevent that state of things, but all in vain. I fear the days of Stevens, Burrows and Penrose are numbered. In great haste.

Yours, truly,

Copy of Letter of same to the same.

HARRISBURG, 5th Dec.

"My Dear S—:—No actual fighting has yet taken place at Harrisburg, but how long it will remain so, God only knows. The people have entire possession of the Capitol. The Senate cannot meet, and the opposing branch or rather the fractional (or factional) branch of the House are not permitted to meet. We met this morning at 10 o'clock, and transacted some business and adjourned until tomorrow, but whether we will again be permitted to meet, is extremely doubtful.

The militia under the Governor's requisition are now on their march to this place, and are expected to be here to night some, and early in the morning others.

The moment an armed force reaches here there will be collision and bloodshed. Oh! deplorable condition of our beloved Commonwealth. I have this afternoon made my best efforts with a Committee of the opposition to preserve the peace and order of my native state. I feel now broke off from every point of hope. I have (as far as I can see) to look to but the most faithful scenes to be enacted here.

What a dreadful state of things we have reached, and all this on account of the perverse obstinacy of the Secretary of the Commonwealth, in withholding the majority returns in his possession from the county of Philadelphia, from both branches of the Legislature. Had he produced both returns no difficulty would have occurred.

I can write no more at present.

Yours, truly,

Extract of several letters from the same to another person.

HARRISBURG, Dec. 4.

"Leiper came here on Sunday at the head of 100 men from Philadelphia county, 500 more are expected from Adams and Franklin."

"It is expected the opposition will bring in men too."

"Hopkins was conducted to the chair by men who would have hurled Cunningham headlong from the seat he deserved—if he had refused to yield it. Here the galleries rung with the most tremendous shout of applause."

"I fear a Pennsylvania Legislature will never meet again until the close of a revolution."

HARRISBURG, Dec. 5.

"We are in the midst of a revolution, worse than my fears ever realized."

"I have apprehensions that before tomorrow night, the blood of our fellow citizens will flow in the Capitol, and in the streets of Harrisburg."

"The members are arming themselves with weapons of death."

"I fear the days of Penrose, Burrows and Stevens are numbered."

"The people have possession of the Hall of Legislation."

Extract from another letter of December 7th or 8th, the same writer says:

"It is rumored that there are armed troops on the other side of the river—hope

not. As soon as they set foot on this side of the river, blood will flow, in 48 hours, 20,000 democrats will assemble here to oppose them. I am prepared in peace or in war, to do my duty to my constituents."

JOHN SNYDER one of the "committee of Safety," returned home on Saturday after the meeting of the Legislature, as one of the members and agent of the "Provisional Government," to raise men and money to overturn the Constitutional Government. His account of their acts would certainly not be made against them than the truth. Mr. Durham, a merchant of great respectability and intelligence, of Luzerne county, testifies as follows:—

DAUPHIN COUNTY, SS.

Before me, the subscriber, a Justice of the Peace for the said county, personally appeared Alpha Durham, of Tunkhannock, in the county of Luzerne, who being duly sworn, doth depose and say, that on Sunday the ninth day of December, A. D. 1838, he was in Bassler's Tavern, in the town of Seelersgrove, and county of Union, and then and there heard a man of the name of John Snyder, who is said to be a son of the late Governor Snyder, and who resides in or near Seelin's Grove, aforesaid, as deponent has been informed, in a conversation with George Kremer, of said county, and others, say, that he had just returned from Harrisburg the day previous, and had been in Harrisburg when the Legislature met on the preceding Tuesday, and during all that week, until the day previous to that (and Sunday), when he had come home; he said there had been much disorder in the organization of the House of Representatives and Senate—that the Whigs had got the advantage of their party in the organization of the Senate and House of Representatives on account of the way the Secretary of the Commonwealth had sent in the returns, and they or his party were determined to prevent any legislation, as they were afraid that the Whigs &c. having a majority in the Senate the Whig or Cunningham House would meet and act with the Senate and pass laws and do acts that would be injurious to their party—he said they, the Democrats, were determined to prevent any such legislation by force of arms, because it would be of no use to have the Supreme Court decide on such legislation, acts or laws, that that was too slow a process—that the Judges of the Supreme Court were believed or supposed not to be Democrats, and intimated something about the corruption of the Judiciary, or Judges,—he said if the Whigs did attempt to legislate in this way and surround the Capitol with troops to guard it and themselves, his party would fire or play upon the Capitol with artillery; would drive in the doors of it with cannon balls, and in this way drive the members out of the Capitol,—he said that at the meeting of the Legislature on the previous Tuesday his or their party had a parcel of five fellows there from Philadelphia and other places, and it would have been as easy for us to have had a gallows erected on the Capitol-hill at Harrisburg and had Stevens hung on it, as to have said the word; and if they had said the word, they could have had Penrose and Burrows tarred and feathered, or any other violence done to them they desired,—that it required restraint to prevent them from doing so, and that if they, (we) or his party had given the word to them, those fellows would have demolished the Capitol,—that those fellows had come to Harrisburg to see that their Philadelphia members had their rights, got their seats, and were not cheated out of them; he gave an account of what he said took place in the hall of the House of Representatives the then preceding Tuesday,—he said that when the Senate met on the same day, there was a great crowd in the Senate chamber, and that when those persons who had come from Philadelphia to see that their members were not cheated out of their rights, saw the course that the Senate was pursuing, that Anna and Wagner were admitted, and Brown & Stevenson kept out those persons became very much excited and made noise and said Brown should have his seat,—that Brown attempted to address the Senate, and the Speaker told him that he could not do so, as he was not a member of the Senate,—that the crowd in the galleries called out and insisted that Brown should be heard—that when the Speaker of the Senate refused to let Brown speak and called to order, or shortly after, he himself hallowed or cried out loudly "Ride the Speaker on a rail" and then those people in the gallery moved forward; that after this the Senate did consent to let Mr. Brown speak—that immediately after this the Speaker called Mr. Rogers to the chair, and having left it, being afraid as he supposed, escaped from the Senate chamber through a window and "cleared off"; He further stated that the Governor had issued his proclamation calling upon the Militia to come there and keep the peace, and some troops were expected to be at Harrisburg then or shortly, and that their party thought it would be best to have more men there to help to keep the peace, and he expected that a great many thousand

would be there to help; that they (the Democrats) had sent out expresses in different directions and had an understanding so that they would have a great number there to help them,—he mentioned the names of a number of officers, captains, &c. of Artillery, and other troops, that were ready to come to help their party, but deponent cannot now recollect the names of the officers said Snyder then mentioned; he said he had not the least doubt that a great many thousands would come there under arms, that a much greater number would come there than the Governor got to come, and they, that is the said Snyder and others, as deponent then understood him, had determined that if the troops brought there by the Governor, spilt a single drop of blood, that every one of them should be put to death.

The said Snyder detailed what he said had been done at Harrisburg at considerably greater length than the foregoing—a considerable part of the foregoing, to the credit of deponent's knowledge and belief, is in the precise words used by the said Snyder, changing the same from the third to the first person where necessary as applicable to the person speaking, and the remainder is the substance of what he then stated in relation to the matter before referred to; he also stated how he had led or assisted to lead men up to the Arsenal to turn out those in possession of it or take it—that they had sent off an express to get Mr. Porter to come down and be inaugurated the next Tuesday, if the people thought fit to do so. The said Snyder further stated that he had that day, or by that day's mail, received a letter from Harrisburg, informing him that his presence there might be beneficial to the democratic party, and he was determined to start again to Harrisburg early the next morning.

ALPHA DURHAM,
Sworn and subscribed before me, December 24, 1838,
M. MURKINSEY,
Justice of the Peace, &c.

To the People of Adams County.

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

The circumstances which led to that step, have 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, and overthrow of our Liberty, will discover the tendency, and do justice to the actors of this crisis.

On Tuesday 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 above 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 vote 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. Brooks received a majority of seventeen votes over his opponent Mr. B. H. But, in making out copies for the return Judges in the Trappe 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 face of the returns of the several counties, although they had before them, the returns, tally papers, Judges and Clerks of the Trappe 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 the Judge (a Van Buren man) had lost the tally papers. That Ward gave about 300 in 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 6000 in all, and giving to

the Whig Candidates, about 1000 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 Northern Liberties.

The Whig judges determined to add up all the votes given in the county, and called upon all the return Judges to furnish the returns from their respective districts, and 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, sealed by law.

The Van Buren judge added up a part of the returns, and refused to add 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 numbers 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 Representative, Senator or other officer, 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 each 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 said Sheriff shall within fifteen days thereafter, cause the returns 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 his 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, or 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 on the Philadelphia County returns, which has been the pretext for so much lawless conduct. The returns were made out by the Judges who added up all the Districts

which were furnished them, "enclosed, sealed and directed" their returns to the Senate and House of Representatives, 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 such cases might happen, and has provided a 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 leaving 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 a 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 House, 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 late Revolutionary proceeding, 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 have 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 gasconade 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 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 their leaders declared, "to throw the Legislature out of the windows" if 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 unduly and nothing to be repented of. They held two informal meetings on Saturday and Monday at each of these, Mr. Strahm, 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 Stardevant 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 1st 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, and the chairs of several members were surrounded with rough, brawny bulies. 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. McClen, Thomas C. Miller, Wm. Leiper, Lewis Corryell, 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 had delivered to them the official returns of the late election for members of the House of Representatives. He deposited them on the Speaker's chair and withdrew. 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 enabled 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 violate the law by voting on Mr. Hopkins's 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. With those tribunals, we were willing to trust our case; and I hope 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, 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.

Gen. 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 it possible any collision with the other body then organizing, a resolution offered by Mr. Crabb was passed fixing our time of meeting at 10