

Official Testimony of Sheriff Morton McMichael and General Cadwalader from *The Olive Branch; or, An Earnest Appeal in Behalf of Religion, The Supremacy of Law, and Social Order: With Documents relating to the Late Disturbances in Philadelphia. Philadelphia: 1844.*

OFFICIAL TESTIMONY

Morton McMichael, sworn—I am the High Sheriff of the city and county of Philadelphia. On Friday last some time in the evening after dark, I received a note from Alderman Hortz, Police Magistrate of the District of Southwark, informing me that there was a tremendous excitement in front of the Church, and requiring me to send aid immediately, as he could do nothing himself; before I had started, two or three other depositions arrived with the same report.—I started with them, and learned on my way, that there was a rumor of arms in the Church ; they stated that the people in the neighborhood were in a state of exasperation; they inquired of me if I had authorized arms to be taken into the Church—I said I had not, but I told them I supposed they had been placed there by the military. I stopped on my way down at the house of Maj. Gen. Patterson; I saw Gen. Patterson, and he stated to me and to them that the members of the Church had been authorized to defend their Church with arms, and that they had been placed there by the sanction of the Governor. I continued on down Queen street; when I reached the Church, I found a large crowd of persons there, and had great difficulty myself as the Sheriff.—I found a space in front of the Church quite clear; the police of the District were in front of the Church, and kept it clear; Ald. Saunders came up and asked me if I was the Sheriff, he told me that the belief prevailed among the people that there were arms in the Church—that they were very much incensed in consequence of this, and were determined to have them out; had any means to protect the Church; he said he thought arms were inside, it could not be protected—that if they were removed it could be protected—that that was the object they had in view, and that they would be satisfied with the removal of the arms; I inquired for Ald. Hortz, the police magistrate, as I knew him, having spent three nights in the District during the Wec-cacoe Engine riots; I crossed over to his house, which is immediately opposite, and found him at home, but not well, and for that cause not in front of the Church; he repeated the statement to me about the arms, described the excitement, and expressed the opinion that the only possible way to allay it was to remove the arms.

I proposed to go into the Church and see how matters stood,

and in company with Aldermen Hartz and Saunders, did so; the gate was opened as soon as the persons there were informed that the Sheriff was present, and wished to obtain admission; we passed along the side of the Church to the rear of the main building, and entered a small apartment like a robing room; we found there W. H. Dunn, whom I had seen before, Mr. Dunn, the priest, whom I had never seen before, and a third person, whom I understood to be the sexton; I stated to them that there was a great crowd outside of the Church, and great excitement upon the allegation that arms had been brought into the Church that day; Mr. W. H. Dunn said that 12 stand of arms had been brought on that day; I told him that it was very indiscreet to have done so, and inquired the reason why this had been done, when there was no immediate danger; priest Dunn replied that he had received information that day, that the Church was to be attacked in the evening, and put a note into my hands; I read part of it, and found that the handwriting was that of a female, and signed with a female signature; the substance of the note was, that the Church was to be attacked that evening; I asked him who the writer was, and he said, a young lady, a Teacher in his Sabbath School; some further conversation took place between the Aldermen, these parsons, and myself, the result of which was that a proposition was made that the guns should be deposited in the Commissioners' Hall; Mr. Dunn concurred in the proposition; I then went out; the Aldermen found the captain of the watch, and the guns were taken to the Commissioners' Hall and there deposited; as these guns were taken away the crowd cheered, and they began to clamor that there were other arms in the Church. I ought to have stated before this, that Mr. Dunn said, that there were other arms in the Church; he said the guns then taken out, were [40] all those that were taken in that day; when the muskets were, taken to the Hall, there was a great clamor from the people outside, that there were other arms inside, and the clamor was renewed and continued; they insisted there were more arms inside, and it was proposed to me by the Aldermen and, others that persons should be appointed to go in and search the Church; I said to these gentlemen, that we had no right to search that Church in my opinion, but that if they would select 20 good men, I would make them my police and prevent anything from being taken out until the morning; Wright Ardis stepped up, and said he would get me twenty men, I said to him—Get me the men, and I will make them my posse; the twenty persons were selected, and while that was going on, there were loud clamors outside, and some person addressed the crowd from the front of the Church; there being a call for the Sheriff, I got up and stated that Aldermen Hartz, Saunders and myself had been in the Church; that we had caused to be brought out the arms taken in that day; that twenty men, chosen by the Aldermen of the district, were about to be selected,

and that nothing should be taken out of the Church until day, when if anything illegal was found there, those persons in charge should be dealt with according to law. I then requested them to disperse. As I stepped down from the platform, a gentleman stepped up to me and said, do you need any assistance; I asked him what assistance he had to furnish; he told me, as I understood at the time, that he had 33 men belonging to the civic guard at an armory close at hand; I told him I should be much obliged to him for these men, and he said he would have them there in 20 minutes; I have since ascertained that this was Capt. Hill of the City Guards;—the people, before he returned, became clamorous, and I went into the church with the 20 men and Ald. McKinley; I found in the robing room the same persons we had left there; I made a list of the names and residences of those who had been furnished as my posse; when I had done so, some person proposed to make a search -I said to them that they were my posse, that they were there for the protection of the property, that it would be unsafe to make a search with candles, and that day time was the proper period for that; while still speaking on that subject, a side-door was opened, and two men were seen there armed with muskets; they were standing there as if guarding a passage; each man had a musket at his shoulder; the 20 men then became excited, expressed apprehensions at being fired on from the inside of the church, said they could not stay there to peril their lives, and we then went through the church; we found in the church, stationed at different parts, eight or ten men armed—eight of their muskets were loaded. We found a number of muskets stacked in one of the side rooms of the church not loaded: found in a closet a number of old fowling-pieces, single and barreled guns and rifles; most of them were loaded, and loaded very heavily; there were besides some pistols, and a considerable quantity of ammunition; I had twenty pieces placed in the hands of the twenty persons with me, and informed them they were now in actual possession, and bound to protect the church at all hazards; they very willingly took the guns, and we remained in quiet possession; there was no assault made from without, but there was occasional clamor until 10 1/2 o'clock in the evening, when I began to think of the necessary preparations for protecting the church the following day; it was the opinion of the Aldermen and the Captain of the Watch, that if it was known early in the morning that arms were there, a large crowd would be collected; while speculating about this, intelligence was brought me that Captain Hill's company were in the street; I went out and asked him if he had any objection to protect the church until I could have him relieved; he was not in regimentals when he first came to me, but his company were uniformed when they came; I took his command into the church, and had all the arms gathered.

[41]

Mr. Dunn made a schedule of them and they were carried over

to the Commissioners' Hall by the watch and my posse of twenty, and deposited in one of the lock-ups under the charge of the captain of the watch, who avowed to me his ability to protect them against any force that might be brought to bear against them; I then briefly addressed my 20 men, urged upon them the propriety to do all they could to allay the excitement, and returned to Captain Hill, and made arrangements to procure relief for him, and ample provision for his entertainment. I left him in charge of the church at 3 o'clock in the morning, and went to the house of Maj. Gen. Patterson; I was half an hour trying to arouse the General, but was unsuccessful; I came back a short time afterwards, but he was gone out; I then went to Gen. Cadwalader with Major Hurst; the military aid came by accident, but I should have been compelled to have called for it, and I considered it a very fortunate circumstance that it came; when I took the arms. Mr. Dunn said he would look to me for the protection of the church; I afterwards had interviews with Gen. Cadwallader, one of the County Commissioners, and the Judges of the Court of Quarter Sessions.

The County Commissioners gave me notice in writing on Saturday to take all measures to preserve the public peace and protect the church; Mr. Lentz, one of the County Commissioners, came to my office and I asked him whether the "deputies," the word used in the notice, was understood to mean military force if necessary; he said certainly; I consulted with all the officers of the county, and acted with their full concurrence and approbation; I had commenced at an early hour in the morning to summons a civil posse, and had issued several hundred notices; I directed George Hoffner to inform the Aldermen of Moyamensing that they might employ 15 men for each ward, making in all 60—that the Aldermen of Southwark should employ 10 men for each ward, making in all 50; I summoned the volunteer posse; I gave notice in writing to Major General Patterson, that he should hold any number of companies, not less than ten, ready to act, immediately their services should be required; this was between one and two o'clock on Saturday; about 6 o'clock the posse mustered at Military Hall to the number of 100; they divided themselves into five squads with a leader for each squad, and I placed myself at their head and moved down towards Queen street; upon arriving on the ground, I took possession, cleared the street, posted my men at the corners of Second and Third streets, and made that a position; I announced myself on arriving [42] as the Sheriff and the gentlemen with me as my posse; there was a large crowd persons there; frequent attempts were made to break through the line, and if Captain Hill's company had not come down, we should have been forced; there were in the church 22 persons in all; considerable demonstrations were made by the crowd on the civil officers, using all the violence a crowd usually resorts to, they were warned by entreaties and intimidation, and several arrests were made; I myself arrested two per-

sons; the crowd continued to gather and became more formidable; about that time Generals Patterson and Cadwallader moved down with a portion of the Artillery-44 men in all, and brought with them a field piece; the crowd had now become clamorous and threw stones; we repulsed them at various points; at one time at the corner of Third and Queen, the mob had forced back the military, and General Cadwalader had given notice that they would fire, when I rushed forward and ordered the mob to fall back; this state of things, continued until one o'clock; Colonel McCahen, myself, and the captain of the watch, scoured the district, and drove the groups of persons away wherever we found them.

Early in the evening, intelligence was brought me that an attack had been made on Mr. McCoy's grocery store, in Front street; I sent a portion of my posse there; another time I heard that an attack had been made on the house of a man named McGarvey, at the corner of Second and Queen streets. One of my reasons for having an ample force that night was, because I learnt that threats had been made against several persons' property; at 2 o'clock, every thing seemed to be peaceable; a number of arrests had been made by my posse, and the prisoners from necessity had been put in the church, in consequence of the denseness of the crowd between the church and the Commissioners' Hall; at 2 o'clock, I proposed that one of the Aldermen should make an examination of the persons arrested; I spoke to Aldermen Saunders on the subject, who declined, on account of having to hear the watch cases at four o'clock, and I did not apply to Alderman McKinley, as one of the officers had informed me that he was not in a proper condition to hear the cases; I intended to send for Judge Parsons, but could find no vehicle; I requested as many of my officers as could to remain, and Schlater, McFaitte and Hemphill stayed; between three and four o'clock, Alderman Saunders examined the prisoners at the watch house, and two persons were committed; before leaving, Capt. Colahan came; Capt. Patterson said that Capt. Colahan was his relief; Capt. Colahan said that he had only one round of ammunition; and wanted more; I told him that Mr. Price, my deputy, should procure more for him, and also rations for his men; I left at 4 o'clock in the morning with Captain Patterson, with instructions to those who remained to protect the church.

I requested the twenty men I had at first to meet at 9 o'clock, and then information; at 5 o'clock I laid down; at half-past 10, Generals on and Cadwalader called to say that Captain Colahan had sent word that his post was menaced in consequence of Mr. Naylor being in the church; while these gentlemen were with me, four of my twenty men came and said, that the District was in a state of great excitement, in consequence of one of the military companies in the church being Irish; I requested General Cadwalader to go to Judge Parsons and ask him to meet us at the General's quarters, and hear the persons in custody; as soon as I could I went to General Cadwalader's, and found Judge Parsons; the latter arranged to go to [43]

the church, and started, but just after he was gone, word was brought that Naylor had been rescued by a mob; Judge Parsons, on his way down, obtained intelligence of the same fact; while in consultation, a messenger, arrived to say that a piece of artillery had been planted in front of the church; we were then consulting as to the earliest period a reinforcement could be sent for the protection of those stationed at the church. Col. Pleasanton said that the military would not be ready before 2 o'clock, another messenger arrived to say that the Montgomery Hibernia Greens had been compelled to abandon the church, that the men had fired, and that one of their number had been captured by the mob, beaten severely, and supposed to be killed; I then directed my deputies to summon a posse in as great strength as they could; I myself went to Major General Patterson's, to communicate this additional information; while at General Patterson's quarters, I wrote two proclamations.

At half-past 2 o'clock some fifteen or twenty persons assembled at Military Hall to form a posse; on the 3d of July I had issued 600 notices to citizens requiring them whenever they heard the State House Bell strike eight successive taps, to come to the Sheriff's office, and aid in preserving the peace. I continued to receive various conflicting messages—at one time the church was in possession of a large mob—at another, it was on fire—and at another time a large military force was required; I was engaged all this time mustering a force; at length I ordered the alarm bell to be rung, and it continued to ring for some time, when the whole number of persons- who reported themselves were six or eight; from the front of the State House, I passed through Independence Square, where the military were mustering, and where a large number of citizens had assembled to look at them, and there I summoned, personally, a number of citizens who were collected in groups; some 60 or 70 were at length collected and quartered at Military Hall; it was suggested to me by several respectable citizens, that a number of those present were unwilling to go to the scene of conflict unarmed; I said that I had no arms, other than bludgeons to place in their hands, but afterwards learned that Mr. George K. Childs, who was captain of one portion of my posse, had 50 muskets then in his house; I directed him to arm fifty citizens, acting as posse, and ordered him to report immediately to Gen. Patterson for duty.

The posse went down with the military; I directed the others, under Col. McCahen, to meet me at Second and Queen streets; I did not receive any message during the Sunday afternoon from any of the Aldermen of Southwark, or from any other civil authorities, messages were brought me by private citizens only; in the latter part of the afternoon, some of the twenty whom I appointed on Friday night, came to inform me that the church was in charge of a committee of citizens who refused to co-operate with them, or [44] have anything to do with the Sheriff posse; at a still later hour, a gentleman called upon me, and said me that he was one of a committee of forty who had then possession of the church; that they would protect

the church as citizens, but would not act as officers of the Sheriff; and they wanted to stipulate with me that the church should be left to them, and that the military should not go down; the military were then in motion.

Up to a late hour it was doubted whether a sufficient force could be obtained to keep possession of the church. The military mustered in small numbers. It was known at the time that the mob had three cannon. Upon consultation it was determined by the military officers, myself, and the Attorney General, to go down and take possession of the church, and maintain it against all mobs, at all hazards—those in charge not being willing to act under the law officer.—We regarded the act of dislodging the officers of the law as an open rebellion against the laws. The streets were filled with persons as I passed down. I reached the corner of Second and Queen streets, just as the firing took place. As I passed from Second into Queen street, a flash from one of the muskets was close to my face. I remained and saw the military take their post, and afterwards, until after the cannonading took place. I understood from the military officers upon the ground that they had been grievously assaulted, that several of the men had been struck by stones, that one had his head cut, and another three ribs broken, and that Captain Hill was captured and his sword wrested from him, he was knocked down, and trampled upon. I left the ground about eleven o'clock, and went to Major General Patterson, at his head quarters, and at my suggestion he sent down a troop of cavalry as a reinforcement. I made repeated efforts, in conjunction with the Mayor and some citizens, to organize a civil force to relieve the military on Monday. I sent my deputy, Mr. Price, and other deputies, but was unsuccessful in collecting a civil force.

The military mustered in small numbers on that day, insufficient for action, in place of those on duty; about noon a proposition was submitted to General Patterson, and subsequently submitted by the Aldermen and Commissioners of the District of Southwark to the Sheriff, the Judges of the Court of Quarter Sessions, and the Attorney General, to remove the military, and then the authorities would protect the church; a person presented himself, while the consultation was in progress between the persons named, in this court room, as a committee from a Wharton Market meeting, but was not listened to.

In concluding the proposition from the local authorities of Southwark, no intercourse was opened with any committee, or any one but the city authorities. Col. Jack attended as a committee from some meeting, but by direction of Judges Jones and King, was ordered to leave the Court Room. I was continually receiving reports from persons as to the affairs in the district of Southwark, during the morning. All communications from the meeting were disregarded by me, and by this court.

The communications from the Alderman and Commissioners of the District, after consultation with the Judges and the Attorney General, it was [45] concluded to acquiesce in, and withdraw the military; the military went down

by my authority; it is my firm belief that without the aid of the military the church could not have been saved, nor the peace of the country preserved. In conclusion, I would say, that this testimony is desultory—not arranged in order as a statement, but given as the circumstances come into my mind, in the course of examination, and that in all my movements in this matter, I have acted under the advice and consent of this Court.

In reply to questions of the Attorney General, the Sheriff said, I do not think that the church could have been saved without the military on Saturday night. I have no means of knowing anything of the present condition of the district of Southwark, except as disclosed in the testimony upon this investigation.

Judge Jones here remarked that it would be well to have it recorded, that the self constituted committees from the Wharton market, or mob meetings, were in no way regarded by the Court as fit persons to treat with, and that nothing was done in the matter until the authorities of the district—Aldermen and Commissioners—required it. This he wished to be distinctly understood. The Court at 8 o'clock, P. M., adjourned.

BRIGADIER GENERAL CADWALLADER'S STATEMENT

I take a moment to say that many and urgent requests were made to Gen. Patterson and to the Sheriff to have a military force sent down to St. Philip's Church, on Sunday afternoon, and we were informed that unless such force was sent, that the persons in the church could not retain possession of it.

Under these circumstances, it was supposed that it would have been attributed to timidity if we had not gone, and the Sheriff was particularly desirous that, if our force was a sufficient one, the military should receive possession of the church and protect it.

I considered our force, although not large, sufficient for the purpose of maintaining possession until daylight the next morning; but stated that an additional supply of ammunition would be then necessary, as well as a reinforcement of fresh men, provided there was any collision with the mob—this it was supposed there would be no difficulty in providing, for the troops were expected to arrive from the county.

On our arrival at the church, I halted the troops and gave notice to the mob to disperse, and stated that all persons were required to clear the street, and to go to their homes; and I informed them that I was ordered to use force to do so if the order was not complied with, or if resistance was offered, and I intended to obey my instructions. In obedience to instructions, previously received from Major General Patterson, I gave directions to all officers acting in command of companies which were detached for any particular service, to fire in the event of being assailed or resisted, without further orders.

I then directed Col. Pleasanton to detail Captain Scott's company to clear the street as far as Second street, which was promptly done; but finding it necessary, I sent Capt. Hill's company to unite, with Capt.

Scott in the performance of the same duty

I then gave notice again to all persons at the corner of Second and Queen streets to disperse, and warned them that the responsibility would rest upon themselves if they did not do so. [46]

Much unruly conduct occurred, and insult was lavished upon officers and men in the discharge of their duty.

I had at the time these companies were clearing the street, unlimbered and loaded two six-pounder field Pieces, and placed them in front of the church.

Capt. Paterson's company was detailed or receiving possession of the church.

I then, after repeating instructions to the officers at the corner of Second and Queen, to maintain their position, and to fire if resisted or assailed, returned to the church, and informed the citizens within that I thanked them in the name of the public authorities for the faithful manner in which they had protected the property entrusted to their care, and accompanied them to the corner of Queen and Second streets, to pass them out at the guard stationed there. The moment the last member of the committee had passed, Captain Hill's sword was seized by one of the mob, and he was knocked down by a blow on the neck from a brick or stone. Two men who attempted to assist him were struck, and an attempt made to wrest their muskets from them. At the same moment a shower of stones were hurled upon the military amid the shouts of the mob; one of which struck Sergeant Starr, of the Cadwallader Grays, in the breast, and another a private of the same Company, both of whom were knocked down and disabled, and have not at this time recovered. A member of Capt. Hill's company fired at the man who had hold of the Captain's sword when he fell, and the Company aimed and fired over their Captain, who was yet lying stunned by the blow. Captain Scott's Company fired about the same time.