



---

Volume 22

Article 3

---

2016

## The Military Career of James Gettys

Melissa M. Gettys

Amanda A. Howlett

Follow this and additional works at: <https://cupola.gettysburg.edu/ach>

 Part of the [Military History Commons](#), and the [United States History Commons](#)

**Share feedback about the accessibility of this item.**

---

Gettys, Melissa M. and Howlett, Amanda A. (2016) "The Military Career of James Gettys," *Adams County History*: Vol. 22 , Article 3.  
Available at: <https://cupola.gettysburg.edu/ach/vol22/iss1/3>

This open access article is brought to you by The Cupola: Scholarship at Gettysburg College. It has been accepted for inclusion by an authorized administrator of The Cupola. For more information, please contact [cupola@gettysburg.edu](mailto:cupola@gettysburg.edu).

---

# The Military Career of James Gettys

## **Abstract**

James Gettys was a Federalist, tried and true. From his role in the American Revolution to his final position as Vice Brigadier General during the War of 1812, James understood the necessity for “we the people” to remain united as one, power in numbers. He lived that way, worked that way, and built his town on that premise. Like most of the frontiersmen of his time, his life was difficult, and his rise to the top was not always met with valor. Much like his father, Samuel, James Gettys fought for everything he had, and his attainments were well earned. Until recently, discussion of James Gettys’ military career began with his 1781 role as a Cornet in a Light Horsemen of York County. While any role in the Revolutionary War was beneficial, his appeared fairly insignificant, as a Cornet was a lower ranked officer, and Gettys’ unit was never activated.<sup>1</sup> Seemingly odd given his numerous promotions within the militia, James appeared to witness the fighting safely on the sidelines. New research, however, reveals, that this version of events is not entirely accurate. This article reviews that new evidence and narrates the postwar Revolutionary War life of Gettysburg’s founding father.

## **Keywords**

James Gettys, military, War of 1812, Revolutionary War, Gettysburg

## The Military Career of James Gettys

*Melissa M. Gettys and Amanda A. Howlett*

James Gettys was a Federalist, tried and true. From his role in the American Revolution to his final position as Vice Brigadier General during the War of 1812, James understood the necessity for “we the people” to remain united as one, power in numbers. He lived that way, worked that way, and built his town on that premise. Like most of the frontiersmen of his time, his life was difficult, and his rise to the top was not always met with valor. Much like his father, Samuel, James Gettys fought for everything he had, and his attainments were well earned.

Until recently, discussion of James Gettys’ military career began with his 1781 role as a Cornet in a Light Horsemen of York County. While any role in the Revolutionary War was beneficial, his appeared fairly insignificant, as a Cornet was a lower ranked officer, and Gettys’ unit was never activated.<sup>1</sup> Seemingly odd given his numerous promotions within the militia, James appeared to witness the fighting safely on the sidelines. New research, however, reveals, that this version of events is not entirely accurate. This article reviews that new evidence and narrates the postwar Revolutionary War life of Gettysburg’s founding father.

\*\*\*

The origins of an American army began with official recruiting of troops and militia to fight under George Washington’s command on June 16, 1775. The Continental Congress resolved to recruit and form companies of expert riflemen for this amalgamated army. Pennsylvania would supply six companies; Maryland, two companies; and Virginia, two companies. These companies were to join the armies in Boston and fight “for the defense of American liberty, and to fight any hostile invasion, thereof.”<sup>2</sup> An additional resolution on June 22, 1775, beseeched Pennsylvania to form two additional companies, making the request from the “Colony of Pennsylvania” a total of eight.<sup>3</sup>

On June 25, a Colonel Thompson was commissioned to lead the Pennsylvania Battalion.<sup>4</sup> Recruitment of men began at various taverns and meeting sites throughout the Commonwealth, including that of James Gettys' father, Samuel Gettys. These recruitment meetings were typically met with enthusiasm and support. Area men, including James' brother William, joined Michael Doudle's York Company, and by July 1<sup>st</sup>, they were marching out of York for their duties under General Washington in Boston.<sup>5</sup>

The 1775 Pennsylvania Battalions were locally organized, staffed, and supplied. At that time, Pennsylvania was ruled not by a governor but by a Provincial Assembly, whose Quaker roots did not officially recognize the need for an organized militia. Thus, the counties formed their own, armed units for their protection and called them "Military Associations."<sup>6</sup> However, British aggression forced the Provincial Assembly's hand, and on June 30, 1776, Pennsylvania's Provincial Assembly voted to officially sanction its first unified military association, calling it an "Association . . . for the Defense of their Lives, Liberty, and Property."<sup>7</sup> Nonetheless, the organization and monetary support for such troops was, once again, passed down to the counties, as each was mandated to not only choose the men, but also to equip them with the "proper Number of good new Firelocks, with Bayonets fitten to them, cartridge Boxes, and Twenty-three Rounds of Cartridge" as well as "Knapsacks" for the men's use.<sup>8</sup> The newly organized military men were termed "Minute-Men" and were tasked with "Readiness, upon the shortest Notice, to march to any Quarter in Case of Emergency."<sup>9</sup>

As the fighting intensified and the British aggression increased, the Committee of Safety recommended that the Pennsylvania House of Representatives raise a larger number of troops to protect the Province. Thus, on February 20, 1776, the House put forth a resolution to raise an additional 2,000 troops, including unique battalions known as the "Pennsylvania Riflemen."<sup>10</sup> The riflemen were organized into two battalions, totaling 1000 men; the remaining 1,000 men were designated as musket-men.<sup>11</sup> What was unique about this new delineation of troops was the concept of two smaller battalions of tightly organized, higher ranked marksmen. This included James Gettys.

Gettys began active duty as a Pennsylvania Rifleman on June 30, 1776; he was a Sergeant, First Battalion, in Captain Philip Albright's Company.<sup>12</sup> His battalion served in the Continental Army under General George Washington, as a part of the general's guard.<sup>13</sup> Captain Albright's company received their marching orders to meet with General Washington's troops in New York. On August 27<sup>th</sup>, James and his company were involved in their first major battle, the Battle of Brooklyn.<sup>14</sup>

The Battle of Brooklyn, also known as the Battle of Long Island and the Battle of New York, was a disastrous defeat for the Continental Army. The British troops, under the command of General William Howe, massed themselves on Staten Island, bringing supplies and soldiers aboard British ships until they numbered over 31,000.<sup>15</sup> General Washington believed that these forces would attack Manhattan Island, the location of New York City, and that any enemy forces sent to Long Island would be a mere feint to attract the attention Continental forces. Thus, Washington sent only a third of his troops to Long Island. This situation left the men there cut off from the rest of the army, separated by the waters of the East River.<sup>16</sup>

On August 22, British troops began landing on Long Island, massing from the Narrows and Flatlands near the coast and in the village of Flatbush.<sup>17</sup> The Continental Army believed this to be the start of the diversionary attack, and they bolstered their defenses in response, including stationing General John Sullivan and Lord Stirling's troops to guard most of the passes through the Gowanus Heights. However, a road leading to their position, far to the left of the Continental line, was left nearly unprotected. Despite General Sullivan's later claims that he personally paid horsemen to guard it and that he predicted a possible attack along that route, he only sent five militia officers on horseback to guard Jamaica Pass on the night of the August 26.<sup>18</sup>

Sullivan's intent was unclear. One possible explanation for this poor defense was in Jamaica Pass' location. Positioned four miles from the main Continental lines and two miles of woods from the next pass at Belford, only a swift group of horsemen could return quickly enough from the pass to warn other troops of an attack. The Continental Army

had no company of horsemen in the immediate area at that time.<sup>19</sup> As it turned out, Loyalists in the area informed British officers Clinton and Erskine of the poorly guarded pass.<sup>20</sup> This weakness in the Continental Army's defensive lines led to the final battle plans drawn up by the British.

Their plan was for General Grant and his men to serve as a distraction; likewise, the Hessians, German mercenary soldiers hired to fight for the British, would occupy the Americans at the area of Flatbush Pass. Meanwhile, Generals Howe, Clinton, and the main body of their army would march clandestinely through the Jamaica Pass, flanking their enemy.<sup>21</sup> Neither Grant nor the Hessians were to make serious advances until they heard the start of fighting behind the Continental lines and knew that the flanking maneuver had worked. Then, they were to push the Continental men back squarely into the arms of Howe's forces.<sup>22</sup>

The battle began overnight. An advance guard from General Grant's troops came across Continental troops near the Red Lion Tavern. In the darkness, confusion, and sudden appearance of the enemy, the American soldiers barely had time to fire off a few volleys before retreating. Continental Generals Parsons and Putnam were made aware of the attack, but the British forces occupied a side of the main hills by morning.<sup>23</sup> The Hessians also moved in the morning, beginning their initial attacks. These tense exchanges that rippled up and down the Continental lines, however, were mere distractions. The bulk of the British Army successfully inched their way up the Jamaica Pass. Guarding the road between the pass and the American position were a meager two battalions: Colonel Samuel Miles and 650 troops, all from Pennsylvania.<sup>24</sup> Included in that number were Captain Philip Albright, Captain William McPherson, Sergeant James Gettys, and several other Adams County men.

Colonel Miles and his men spent the days before the battle on the isolated left edge of the Continental lines. They were ordered to send daily scouting parties across several miles to watch the Jamaica pass and report enemy movements. Should enemy troops enter the area, Miles' men were to warn the Continental lines farther down the road and oppose the enemy until other detachments organized themselves in preparation.<sup>25</sup>

The position was frustrating and afforded little attention from other portions of the army. According to Miles' journal, in the days preceding the battle, Colonel Miles felt that Howe and his main forces would attempt to take the Jamaica Pass. He complained of not receiving General Sullivan, in charge of the Continental troops on Long Island, for four entire days before the 26<sup>th</sup>, while he and his men spent the entire time within the range of Hessian cannon fire. When Sullivan finally reached them, Miles informed Sullivan that he believed the British would attempt to take the Jamaica Pass: "I was convinced when the army moved that Gen'l Howe would fall into the Jamaica road, and I hoped there were troops there to watch him," he wrote.<sup>26</sup> Miles' men, however, were the closest soldiers, save the five men on horseback watching the pass itself.

When the Hessians began their attacks on the morning of August 27, Miles heard the gunfire from the Continental side and began marching his troops in that direction. He was stopped by Colonel Wyllys along the way and told to guard a road between Flatbush and the Jamaica Road.<sup>27</sup> Wyllys, a Colonel in the Continental Army, held superiority over Miles, who was in the Pennsylvania Militia. Not wanting to guard a position he considered ineffective, Miles informed Wyllys that he believed the main British troops would attempt the Jamaica Pass. If not allowed to join the fight against the Hessians, he requested to turn and head back to the pass instead, hopefully reaching it before the enemy forces. Wyllys granted permission, and Miles turned his forces around.<sup>28</sup>

The march back east was made through almost two miles of woods, and only Colonel Miles' first battalion kept up with him. The second battalion fell far behind. By the time Miles and his men approached the Jamaica Pass, they were too late. The majority of the British Army on Long Island were filing out of the pass, with a baggage guard in the process of entering the road.<sup>29</sup> Miles was now cut off from the main Continental lines in Brooklyn.

Colonel Miles then sent Major Williams on horseback to the second battalion in the back, informing them of the situation and telling them to get back to the lines left of the enemy, any way they could. While many of the second battalion succeeded in returning, the path back

to Brooklyn required crossing a milldam, and several drowned. In the meantime, Miles managed to capture an enemy grenadier and learned “that there was a whole brigade with the baggage, commanded by a general officer.”<sup>30</sup> Miles then gathered his officers to determine a course of action. Their first option—attempting to break through the baggage guard—seemed impossible, considering the enemy’s numbers. Miles believed they might, instead, be able to lie low among the trees until the enemy passed, which would prevent the loss of his men in a useless fight. “This was, however, objected to, under the idea that we should be blamed for not fighting at all, and perhaps charged with cowardice, which would be worse than death itself.”<sup>31</sup>

Miles then chose to try a third option: wait for the British flank guards and attempt to fight through them. After half a mile of marching, Miles and his men encountered what he estimated were 700-800 British troops. After brief fighting, the British began approaching them with bayonets.<sup>32</sup> Miles and his men, outnumbered and lacking bayonets to counter the assault, had few options but to try and break for the American lines, using the wooded area to their advantage. Miles ended up at the back of his own battalion, engaging in another brief fight with the enemy in the process.<sup>33</sup> Miles claimed that 159 of his own men were taken prisoner during this retreat. As James Gettys was a sergeant and listed as missing since the battle, it is likely that he was taken prisoner alongside his men. Splintered in the woods and cut off from the American lines, Miles and his remaining men hoped to remain undiscovered until nightfall and take advantage of the dark for a return to Brooklyn. Unfortunately, he and “a few men who would not leave me” were discovered by Hessians around 3:00 p.m. and forced to surrender.<sup>34</sup>

During the Battle of Long Island, the Continental units often found themselves outnumbered and flanked. Some initial fights, like the first battles of Stirling and his men, led those unaware of the “Jamaica Pass scheme” to believe that they were successfully holding the British enemy at bay.<sup>35</sup> But once Stirling and his men realized they were being surrounded, they fell back to the Brooklyn Heights lines. Chaos ensued. Hemmed in by the British, many American soldiers were forced to dash

across the millponds and the marshes of the Gowanus Creek.<sup>36</sup> Those men who could not swim either drowned or floundered in the water. Some of the wounded soldiers caught by the infamous Hessians were stabbed to death with bayonets, rather than taken prisoner.<sup>37</sup> Major officers from the battle—including Sullivan, Stirling, and Miles—were taken prisoner.<sup>38</sup> By the time British General Howe called a stop to the fighting in the afternoon, the Americans had suffered devastating losses.

On an official roll of missing, wounded, and dead soldiers taken by Captain Albright on September 1, 1776, listed “the Second Lieut’t, two Sergeants and Twenty-six privates Missing.”<sup>39</sup> The captured included many men from the local area, such as William McPherson, Thomas Foster, and Charles Spangler. In that roll, James Gettys, spelled Geddes, is listed as “Mising since Battle.”<sup>40</sup> What happened to him during and immediately after the battle has yet to be discovered among historical documents, but it is almost certain that he was taken prisoner. In the days following the defeat, the fates of those who did not make it back to the Continental lines remained uncertain. Even captured officers like Colonel Miles were listed as missing as late as August 29.

The treatment of prisoners was severe. The British troops hauled many of the prisoners to Nova Scotia; numerous prisoners died in the process. Others became ill or malnourished and died in captivity. James Gettys and the men of his unit were relatively fortunate, however, as several local men (including his lifelong friend, Captain William McPherson) were exchanged on April 20, 1778.<sup>41</sup>

While in no way required to, James re-enlisted in the war effort three years later, on September 11, 1781. Once again under the command of Captain William McPherson, James was given another officer position, this one not as strenuous, as he was listed as Cornet for the Light Horsemen of York County, a volunteer company.<sup>42</sup> Clearly healthy and unshaken, James and the unit were referenced as “spirited” by Brigadier General James Irvine in a report to Council on August 18, 1781. The company was asked to “hold themselves in readiness for Marching at the shortest notice”; however, they were never engaged.<sup>43</sup>

New research reveals that while James and his brother William were active in the Revolutionary War, so too was their father, Samuel. In addition to hosting the 1775 meeting of the militia in his tavern, in 1777 Samuel Gettys allowed Assessors to collect fines from “non-associators,” or “male white Person[s], capable of bearing Arms, between the Ages of Sixteen and Fifty years” who refused to join an Association and drill with the militia.<sup>44</sup>

As the Revolutionary War both widened and intensified, a volunteer military association no longer guaranteed the Commonwealth and its counties the level of protection needed—to say nothing for the continual request for Pennsylvania fighters to support General Washington’s army. On March 17, 1777, the Provincial Assembly passed the Act of Assembly requiring all “able bodied white males between the ages of 18 and 53 to repel invaders.”<sup>45</sup> Shortly thereafter, Samuel himself took a part in the fight for liberty as a member of the state militia. While his role was unclear (he likely served as a private), he was severely injured in the fighting, as his name appears on a list of special pensioners who were eligible to receive monies prior to the scheduled disbursement due to the severity of their injuries. Initially, the states were charged with paying disabled soldiers. However, in an Act of Congress on March 4, 1789, the federal government established a law to make restitution to soldiers severely injured during the Revolutionary War. A second Act of Congress followed on September 29, 1789, instituting continuing payment of pensions, “here-to-fore-with,” by the new Federal government, to “Invalids who were wounded and disabled during the late war.”<sup>46</sup> Samuel Gettys’ misspelled name appears on one list of Pennsylvania invalid pensioners as ‘Samuel Geddes.’ Appearing on the federal list, however, did not mean that Samuel actually received any money, as the responsibility was on the receiver to locate and register with a federal agent. In fact, it appears that Samuel Gettys may never have received his federal pension, as pensioner “Geddes, Samuel” was recorded as deceased during a March 1791 distribution of payments.<sup>47</sup>

\*\*\*

In the years following the Revolutionary War, politically driven debate and disagreement continued among the new states and among their people. The newly formed Congress continued to debate the relationship between the states and the central government. Each state created and enforced the laws and rights of its people, yet debate was ongoing at the federal level as to the true meaning of republican representation. If the people were now “We the people,” in the republican sense, then the federal agencies could now usurp the individual states and exercise control over everyone. Authority and power were yet unclear. So as the Continental Army disbanded in 1783, Pennsylvania opted to maintain and drill its own Militia for the continuous protection of the Commonwealth.

In 1790, Pennsylvania experienced a transition by installing an official governor in place of a Supreme Executive Council. The transition was a smooth one, as Thomas Mifflin, the President of the Supreme Executive Council and a major in the Continental Army during the Revolutionary War, became the first governor. Mifflin, a Quaker from Philadelphia, maintained the state militia—despite of his ongoing personal conflict with the concept of war. During this time, James Gettys served in the militia as a Lieutenant under Captain James Hamilton in a Troop of Light Horse, having been promoted in 1786.<sup>48</sup>

Scholars have written that Governor Mifflin entered into a disagreement with President Washington when the president utilized Article I, section 8, of the Constitution of the United States to grant Congress the authority to quell the so-called Whiskey Rebellion in western Pennsylvania.<sup>49</sup> However, written records show otherwise, as Mifflin personally wrote the President that “it is proper, under the impression of my Federal obligations, to add a full and unequivocal assurance that whatever requisition you may make, whatever duty you may impose in pursuance of your constitutional and legal powers, will, on my part, be promptly undertaken and faithfully discharged.”<sup>50</sup> It was during that time period, specifically in 1794, that James Gettys was commissioned as a Second Major in the 4<sup>th</sup> Regiment of the Militia of York County under the command of Brigadier General Henry Miller.<sup>51</sup> It is likely that James was a part of the mandatory drafting of the militia in response to the Whiskey Rebellion. There is, however, no direct proof of James’ involvement.

In 1799, Pennsylvanians elected Judge Thomas McKean their governor. Having maintained his Federalist views during and following the Revolutionary War, McKean began finding fault with Federalist policies. Upon assuming the position of Governor, McKean removed all state employees who held Federalist affiliations.<sup>52</sup> That move, as well as his policies centered on differentiating Pennsylvania from the rest of the country, did not bode well with many of his fellow citizens. In the state where the Pennsylvania Rifleman resided, the protectors of General Washington and front line men in many of the Continental Army's battles, such blatant actions created a decisive chasm between Republicans and Federalists.

During this period, the citizens of western York County appealed to the new Governor to create a new county. Towns such as Gettystown, Littlestown, Hunterstown, Abbotstown, and New Oxford felt the need to have more ready access to a courthouse and county services. James Gettys and many prominent men pooled their money, time, and resources to ensure that Gettysburg would become the county seat. In January 1799, James Gettys took an additional step forward and promised the state of Pennsylvania lots for the use of a "gaol" and a courthouse, as well as the right to collect taxes and quit rents on two hundred of the town's lots, should "Gettystown" receive the honor of becoming the new county seat.<sup>53</sup> Other prominent area men pledged private donations totaling \$7,000 for public buildings, including Henry Hoke, James Scott, William McClellan, George Kerr, William McPherson, Alexander Cobean, Alexander Irwin, Alexander Russell, Walter Smith, William Hamilton, John Myers, Emmanuel Zeigler, and Samuel Sloan.<sup>54</sup>

On January 22, 1800, Governor McKean approved an Act of the General Assembly allowing another county to be formed from part of York with Gettysburg being the county seat.<sup>55</sup> No doubt, the news was received with elation, until it was followed by a "catch" of sorts. On January 24, 1800, McKean added that he appointed fellow Republican James Duncan to reside over the new Adams County court system, and named him as Prothonotary, Clerk of Court, General Quarter Sessions of Peace and Jail Delivery, Clerk of Orphans Court, Clerk of Courts of Oyer and Terminer

holden by Judges of Court of Common Pleas, Register of Wills, Grantor of Letters of Administration, and Recorder of Deeds.<sup>56</sup> Thus, McKean and Duncan, two of the state's most prominent Republicans, wielded total control over the use of land and buildings paid for by the private citizens of Gettysburg.

Continuing in his efforts to distinguish Pennsylvania from the other states, on October 7, 1800, Governor McKean changed the cockade on the hats of the state's militiamen from the standard United States Army black cockade, a representation of that worn by General George Washington throughout the Revolutionary War, to a red and blue cockade.<sup>57</sup> Governor McKean's law defied the federal order created in 1799 by Alexander Hamilton in his capacity as United States Senior Army Officer. The order, executed in March 30, 1800, by the next Senior Army Officer, John Wilkinson, specified a "Black Cockade of four inches diameter having a white eagle in the center."<sup>58</sup> Even though Pennsylvania's militia was not, at that time, under federal control, Governor McKean's choice to alter the military uniform from that worn by United States soldiers added to public unrest. Federalists were already voicing their opinions of President Thomas Jefferson's scale down of the federal government. Likewise, local, high-ranking Democratic-Republicans such as Associate Judge and Regimental Physician Dr. William Crawford were personally submitting columns to the *Sentinel*, attacking those who held fast to Federalist beliefs. Dr. Crawford, known locally for his outspokenness and veracious temper, even used his position to require privates under him to submit to his requests for documents so that he, as an "agent" of the militia, could check them for accuracy, a move suspected of being political.<sup>59</sup>

In 1800, James Gettys was promoted to Lieutenant Colonel of 20<sup>th</sup> Regiment of the Militia of Adams County, meaning his level of responsibility increased.<sup>60</sup> He was directly responsible, during military events, for the men under his command—including any fellow Federalists' resistance to the new change in uniform. Lieutenant Colonel Gettys blazed a pragmatic path. In the fall of 1802, when the militia was scheduled to gather for several days of regimental training, he called a meeting of his officers to

ensure unified creation, preparation, and adherence to the new state law—and, in particular, to the new cockade.

The Gettysburg troops did not receive any official cockades; thus, they used worsted wool, the material commonly used, and created their own. The wool was purchased locally, perhaps at the store of Cornet John Foster in Fairfield, or at the local store owned by the father of Lieutenant John Kerr. At the meeting, the new uniform requirements were discussed, and Colonel Gettys expressed his support for the law and his intentions that they comply. As per testimony supplied later, the meeting was informal, and much discussion ensued. While Colonel Gettys assumed his expressed intentions were clear, some of the men, such as Major Torrence, felt the lack of formality meant the men had a choice.<sup>61</sup>

Whilst the meeting was in session, Governor McKean's appointed court official, James Duncan, began what can only be considered a strange act of spying. Duncan, who had no affiliation with the officers meeting and who was not a friend of Gettys or his family, claimed that he happened to stop by Colonel Gettys' home while the meeting was in session: "I went Down to Conl. Gettys—not knowing anything of it & as I ascended the Steps of His House I was Told By Some persons that there was a meeting there of Some of the Officers to Know How they should conduct with Respect to the Cockade."<sup>62</sup> No one stated to Duncan or anyone else that Colonel James Gettys offered his men a choice as to whether or not they followed the law. Yet, Duncan claimed he "Laughed at the idea & expressed the Sentiment Viz-ave the officers should meet to know whether they should comply with the Law or not."<sup>63</sup> Indeed, Duncan acknowledged that following the detailed meeting with Colonel Gettys regarding the uniform change, the men "Had Agreed to wear the Blue & Red Cockade."<sup>64</sup>

Duncan then walked to William Maxwell's office and discussed the meeting with him.<sup>65</sup> Maxell documented Duncan's concern and later used that information against Colonel Gettys.

In addition, Duncan alerted fellow Republican Dr. William Crawford. Crawford, in his capacity as a Regimental Physician, and Duncan, as a representative to the Governor, continued their suspicious

behavior by attending the regimental training later that day, making a list of the men who had not converted to the new cockade. Following their recording of those details, Dr. Crawford did not approach Colonel Gettys with his list. Rather, he approached Colonel Henry Kuhn of New Oxford and requested him to question Colonel Gettys as to the cockades on the hats of the men at the Regimental Muster Drill. Crawford, in his continuing threatening and abrasive manner “required Conl. Kuhn to examine If there were any Blk Cockades mounted” on the mens’ hats.<sup>66</sup> Colonel Kuhn responded by informing Dr. Crawford that he had “looked along the Lines & Had not seen any immediately.”<sup>67</sup> Not appeased, Crawford approached Colonel Kuhn again later that day and “requested Him To complain To Conl. Gettys.”<sup>68</sup> Colonel Kuhn did so; however, Dr. Crawford claimed that one half hour later, there were men whom still donned the black cockade. Subsequently, he chose to approach Colonel Gettys, himself.

Colonel Gettys, in his discussion with Dr. Crawford, reiterated that he “supported the law” and had supplied the men with red and blue cockades.<sup>69</sup> As per Crawford, on Regimental Day, the men wore the new red and blue cockades. That, however, was not the end of it with Dr. Crawford. He and Duncan decided the new cockades were not appropriate. Crawford called the new cockades unacceptable and described them as “a Little Bit [of] Blue & Red Worsted Tape upon their Hats instead of the Cockade ordered by Law.”<sup>70</sup> Duncan later stated that he “Believed the Legislature never Contemplated a Cockade of the Kind Conl. Gettys wore on that Day.”<sup>71</sup>

For Colonel Gettys, events soon worsened. Following the official militia parade, Captain Alexander Cobean made a point to ask Colonel Gettys if the official Militia activities had concluded. Colonel Gettys replied that they had. Captain Cobean then left, only to return with his men, each donning the federal black cockade. In a boisterous show of protest, they marched fully armed down Baltimore Street while a crowd of onlookers shouted “Huzzahs.” Cobean expressed his distaste for the new red and blue Pennsylvania cockade by stomping on it.<sup>72</sup> He did so without Colonel Gettys’ permission and not in his presence. The demonstration,

however, was recorded by Duncan and Crawford and added to the list of complaints they filed with the Brigadier General. On November 15, 1802, Brigadier Gen Michael Simpson issued a court martial against Colonel Gettys, Captain Cobean, and nineteen other officers and militiamen.

Lieutenant Colonel Gettys' court martial trial was held on December 6 and 7, 1802, at the home of Major William Sturgeon in New Oxford. William Maxwell sat as Judge Advocate at James' trial, despite being directly involved in the events in question due to his clandestine meeting with Duncan. At the opening of the trial, Colonel Gettys argued that there was collusion among the witnesses (and, indeed, the Judge Advocate). Gettys added that some of the witnesses were not present for the events to which they were about to testify. This was certainly true of Duncan, and his testimony was based on hearsay. Yet, the Court ruled that Gettys had no right to question the witnesses, and the trial began.<sup>73</sup> There were fourteen men seated on the jury: Major William Sturgeon, Captain Thomas Aston, Captain George Smyser, Captain Richard Knight, Captain John Weikert, Lieutenant John Guillilands, Ensign George Waffils, Captain Daniel Lengifelter, Lieutenant John Autchison, Captain John Albard, Major Samuel Smith, Captain Andrew Walker, Captain Thomas Merideth, and Ensign William Maxwell [Jr.].<sup>74</sup>

The very first witness, James Duncan, began by presenting his story of accompanying Dr. Crawford to the regimental training grounds and witnessing four men in Captain Cobean's Company wearing the old black cockade. To add emphasis to his testimony, Duncan added phrases such as "contrary to Law."<sup>75</sup> Regardless of the fact that Duncan admitted that he "could not distinctly hear" Colonel Gettys' discussion with the men, he continued by adding, "It appeared that Conl. Gettys Did not Take any Notice." The testimony was accepted.<sup>76</sup> Duncan then continued that he saw the old black cockade worn by some of the men in William Gettys' regiment, as well as Colonel James Gettys' regiment. He added that the Colonel Gettys did don the new red and blue cockade; however, it was not the cockade intended by the law.<sup>77</sup> How Duncan's interpretation of what constituted a "legal" cockade was accepted is unclear.

Duncan's presentation of questioning the men on Colonel Gettys' porch followed. Perhaps it was Duncan's position(s) with the county courts that made his hearsay testimony acceptable to the court martial jury. However, it is still remarkable that the defense was not allowed to question such hearsay, especially as Duncan began by saying, "I was Told By Some Persons" that some of the officers were meeting to "know how to Conduct with Respect to the Cockade."<sup>78</sup> Duncan never elaborated on his sentence. Yet, this testimony was used to create the premise that Colonel Gettys was not firm in his commands; indeed, it was even suggested that he had offered the men a choice.

Dr. William Crawford's testimony followed. In it, he detailed the multitude of protests he made during the regimental training week, some of which were of a threatening nature. Dr. Crawford testified that he attended a staff officer's meeting; however, he did not indicate if it was the same meeting that Duncan spoke of in his testimony. Crawford added that officers at the meeting wore a red and blue cockade that looked to him like a "Little Bit [of] Blue & Red Worsted Tape . . . instead of the Cockade Ordered by Law."<sup>79</sup> Even though the Governor's new law did not indicate materials or size, Dr. Crawford seemed free to make the decision on his own.

Crawford discussed approaching Colonel Kuhn and admitted that he insisted Kuhn inspect the troops for any black cockades. When Colonel Kuhn responded he did not see any black cockades, Crawford replied there were several and demanded that Colonel Kuhn speak to Colonel Gettys regarding the situation. Colonel Kuhn did so, at his request.<sup>80</sup>

Colonel Crawford then groused to Major McKee and gave him an ultimatum: either he "Do His Duty as an Officer," or Crawford would file a complaint against him.<sup>81</sup> One and one half hours later, apparently still not appeased, Crawford went to Colonel Gettys himself and complained, stating that Samuel Coben, James Hall, Samuel O'Hop, and James Laird "of Capt. Cobean's Company made their appearance upon the parade with a Cockade mounted contrary to Law."<sup>82</sup> James Gettys' true response will never be known. Crawford himself did not recall the exact wording, testifying that "to the best of my recollection Conl. Gettys Replied that

If they Did He supported the Law and furnished them for it.”<sup>83</sup> Crawford added that Colonel Gettys felt he had performed “His Duty required it was well enough.”<sup>84</sup> If, indeed, this was Colonel Gettys’ true response to Crawford, then Crawford’s “recollection” was damaging, as it implied that Colonel Gettys did not do as expected: firmly and forcibly confront Captain Cobean and his men in public. Holding fast to the belief of rank, respect, and order, Gettys’ stance remained that he did indeed give the order to the officers—each of whom were responsible for their own men. The Court Martial jury disagreed.

Contributing to the damaging evidence against Lieutenant Colonel Gettys, Colonel Henry Kuhn testified next. Kuhn first testified that “Judge Crawford” threatened him as well, telling him that if he did not “acquaint Conl. Gettys with it [men wearing the black cockade], He would Lodge a Complaint.”<sup>85</sup> When Kuhn did tell Colonel Gettys, Kuhn felt that Gettys, “Did not Seem to Take any notice of it,” thus intimating that Colonel Gettys was not doing his job.<sup>86</sup> Like Crawford, Kuhn did not present testimony regarding any discussions Gettys had prior, during, or after his fellow officers’ concerns. Regardless, Kuhn’s testimony contributed to the jurors’ final decision that Colonel Gettys did not discipline his men, as expected in his position.<sup>87</sup> Kuhn’s testimony was corroborated by Major Torrence, who stated that, at the meeting, men in Captain Cobean’s unit were discussing treating the cockade with contempt. When questioned whether he knew if Colonel Gettys was present at the meeting while the discussion ensued, Major Torrence responded, “Yes, I Believe I Do.”<sup>88</sup> The trial ended following Major Torrence’s testimony.

The final statement read by the court clerk indicated that the court did ask Colonel Gettys if he had any statements to make in his defense. Yet, the court recorder did not note any of that conversation. The records simply indicated, “Having asked of Conl. Gettys If He Had any Testimony To offer on His Defence Answered no,” therefore the court finds “Upon due and mature consideration of the whole of the Testimony Do find the said Conl. James Gettys Guilty.”<sup>89</sup> The sentence given, or as stated in the records, “inflicted on the said Conl. James Gettys” was a fine of \$10.00. In addition, Colonel Gettys was to be “Degraded and Suspended from Acting

as a Colonel in the Militia of this State for and During the Terms of Two Years from the Date of these presents.”<sup>90</sup>

A current count indicates twenty-one men were tried in all. The dates of the trials all occurred in December 1802. The men included Captain James Scott, Lieutenant Robert Hays, Cornet John Foster, Colonel James Horner, Captain Alexander Cobean, Lieutenant John Kerr, Ensign James McGaughy, Captain John Arndt, Captain Jeremiah Porter, Captain Archibald Dickey, Captain Isaiah White, Major Thomas McKee, Captain Peter Mack, Ensign Nicholas Barr, Ensign John McCellan, Ensign Moses McClean, Lieutenant David Kirfner, Lieutenant George Faltzkiser, Thomas Merideth, and Lieutenant Joseph Wilson. Those who pleaded guilty to the court received minimal fines. The men who pleaded not guilty were severely fined, degraded, and suspended.<sup>91</sup>

The Democratic-Republicans’ attacks on the Federalists were vicious and unrelenting and indicative of the administration of Governor Thomas McKean. In fact, after years of accusing state politicians and militiamen of incompetence, McKean’s own party refused to re-nominate him for governor in 1808. Citing McKean’s caustic habit of trumped up and false accusations, the Democratic-Republican Party instead supported Simon Snyder, who won the election and became Pennsylvania’s third governor.<sup>92</sup>

To Colonel Gettys’ credit, he remained active and prominent in the Pennsylvania Militia. In 1812, he was promoted to Brigadier General, taking over for Brigadier General Michael Simpson, the very man who filed the Court Martial charges.<sup>93</sup> During a reorganization of the state militia in 1814, York and Adams counties were combined. General James Gettys then became Vice Brigadier General, Adams County.<sup>94</sup> His military career ended only with his death on March 13, 1815. James Gettys left behind more than a town bearing his name. He left a lifetime of service to his friends, his community, and the new nation he and other Revolutionary War veterans helped to secure.

The times James Gettys lived in were trying and new. Yet men like Gettys were an integral part of defining what is now America and what it means to be an American. From small towns to large wealth laden

metropolises, all people played a part in securing the promises of self-government. Yet some men, like General James Gettys, played a larger role with their endless determination and innovations. Much as President Thomas Jefferson said in an 1801 letter to the Pennsylvania scientist Dr. Joseph Priestley, “We can no longer say there is nothing new under the sun. For this whole chapter in history is new. The extent of our republic is new.”<sup>95</sup>

## (ENDNOTES)

- 1 Pennsylvania Historical & Museum Commission, "Revolutionary War Military Abstract Card File: Items Between Gabell, Thomas and Gaddis, Joseph." *Military Accounts: Militia. Pennsylvania Archives*. Web. ARIAS: Pennsylvania Digital State Archives.
- 2 John Blair Linn and William H. Egle, eds., Pennsylvania Historical and Museum Commission, "Colonel William Thompson's Battalion of June 25, 1775-July 1, 1776" *Pennsylvania Archives Series 2, Vol. X* (Harrisburg: Edwin K. Meyers, State Printer, 1891), 3.
- 3 Ibid. 3.
- 4 Ibid. 3.
- 5 Ibid. 20.
- 6 Pennsylvania Historical & Museum Commission, "Revolutionary War Records at the Pennsylvania State Archives: The Military Association, 1775-1777," *Pennsylvania State Archives*, 2011, Web, (accessed 1 June 2016).
- 7 Charles F. Hoban, ed., Pennsylvania Historical & Museum Commission, "Votes of Assembly 1775," *Pennsylvania Archives Series 8, Vol VIII*, January 7, 1771 – September 26, 1776 (Harrisburg: State of Pennsylvania, 1935), 7245.
- 8 Ibid. 7246.
- 9 Ibid. 7246.
- 10 Linn and Egle, eds., Pennsylvania Historical and Museum Commission, "Pennsylvania Rifle Regiment Col. Samuel Miles March 6, 1776: Pennsylvania Rifle Regiment," *Pennsylvania*

*Archives Series 2, Vol. X* (Harrisburg: Edwin K. Meyers, State Printer, 1891), 201.

11 *Ibid.*, 201-202.

12 Linn and Egle, eds., Pennsylvania Historical and Museum Commission, "Pennsylvania in the War of the Revolution, Battalions and Line, 1775-1783, Volume I: Col. Wm Thompson's Battalion of Riflemen," *Pennsylvania Archives, Series 2, Vol. X* (Harrisburg: Edwin K. Meyers, State Printer, 1891), 12-13; Linn and Egle, eds., Pennsylvania Historical and Museum Commission, "Pennsylvania in the War of the Revolution, Battalions and Line, 1775-1783, Volume I: Pennsylvania Rifle regiment, Col. Miles," *Pennsylvania Archives, Series 2, Vol. X*, (Harrisburg: Edwin K. Meyers, State Printer, 1891), 217-218.

13 Linn and Egle, eds., Pennsylvania Historical and Museum Commission, "Pennsylvania in the War of the Revolution, Battalions and Line, 1775-1783, Volume I: Pennsylvania Rifle regiment, Col. Miles," *Pennsylvania Archives, Series 2, Vol. X* (Harrisburg: Edwin K. Meyers, State Printer, 1891), 206; *The History of Cumberland and Adams Counties, Pennsylvania, Part II*, (Chicago: Beers, 1886), 34.

14 Linn and Egle, eds., Pennsylvania Historical and Museum Commission, "Pennsylvania in the War of the Revolution, Battalions and Line, 1775-1783, Volume I: Pennsylvania Rifle regiment, Col. Miles," *Pennsylvania Archives, Series 2, Vol. X* (Harrisburg: Edwin K. Meyers, State Printer, 1891), 202.

15 Henry P. Johnston, *The Campaign of 1776 around New York and Brooklyn*, (Brooklyn: Long Island Historical Society, 1878), *The Project Gutenberg*, 134, Web (accessed 9 Aug. 2015).

16 *Ibid.* 137-138.

17 Ibid. 141.

18 Ibid. 159.

19 Ibid. 158

20 Ibid. 161.

21 Ibid. 160-161.

22 Ibid. 161.

23 Ibid. 162.

24 Ibid. 129, 139.

25 Ibid. 158-8.

26 Linn and Egle, eds., Pennsylvania Historical & Museum Commission, "Journal of Col. Samuel Miles Concerning the Battle of Long Island—1776" *Pennsylvania Archives Series 2, Vol. I* (Harrisburg: Benjamin Singerly State Printer, 1874), 520-521.

27 Ibid. 520

28 Ibid. 521.

29 Ibid. 521.

30 Ibid. 521.

31 Ibid. 521.

32 Ibid. 521.

33 Ibid. 522.

34 Ibid. 522.

35 Johnston, *The Campaign of 1776 around New York and Brooklyn* (Brooklyn: Long Island Historical Society, 1878), *The Project Gutenberg Web* (accessed 9 Aug. 2015).

36 Ibid. 187.

37 Ibid. 185.

38 Ibid. 39.; Linn and Egle, eds., Pennsylvania Historical & Museum Commission, "Journal of Col. Samuel Miles Concerning the Battle of Long Island—1776," *Pennsylvania Archives, Series 2, Vol. I* (Harrisburg: Benjamin Singerly State Printer, 1874), 517, 522.

39 Thomas Lynch Montgomery, ed., Pennsylvania Historical & Museum Commission, "Pennsylvania Rifle Regiment. Colonel Samuel Miles, March 6, 1776. (a.)," *Pennsylvania Archives, Series 5, Vol. II*, (Harrisburg: Frank H. Fuller, State Printer, 1906), 316. Brooklyn: Long Island Historical Society, 1878. 133. *The Project Gutenberg. Web.* 3 July 2007.

40 Linn and Egle, eds., Pennsylvania Historical and Museum Commission, "Pennsylvania in the War of the Revolution, Battalions and Line, 1775-1783, Volume I: Pennsylvania Rifle regiment, Col. Miles," *Pennsylvania Archives, Series 2, Vol. X* (Harrisburg: Edwin K. Meyers, State Printer, 1891), 214-219.

41 Linn and Egle, eds., Pennsylvania Historical and Museum Commission, "Pennsylvania in the War of the Revolution, Battalions and Line, 1775-1783, Volume I: Pennsylvania Rifle regiment, Col. Miles," *Pennsylvania Archives. Series 2, Vol. X* (Harrisburg: Edwin K. Meyers, State Printer, 1891), 217.

42 Samuel Hazard, ed., "Pennsylvania Archives Selected and Arranged From Original Documents in the Office of the Secre-

tary of the Commonwealth of the General Assembly, February 15, 1851, & March 1, 1852," *Pennsylvania Archives*, Series 1, Vol. IX (Philadelphia: Joseph Severns & Co., 1854), 455.

43 *The History of Cumberland and Adams Counties, Pennsylvania, Part II*, (Chicago: Beers, 1886), 34-35.

44 Charles F. Hoban, ed., Pennsylvania Historical & Museum Commission, "Votes of Assembly 1775," *Pennsylvania Archives*, Series 8, Vol VIII, January 7, 1771 – September 26, 1776 (Harrisburg: State of Pennsylvania, 1935), 7380-7381.

45 Pennsylvania Historical & Museum Commission, "Revolutionary War Military Abstract Card File series 13.50," *Pennsylvania Archives*, Web. ARIAS: Pennsylvania Digital State Archives. "Revolutionary War Military Abstract Card File series 13.50."

46 Linn and Egle, eds., Pennsylvania Historical and Museum Commission, "Muster Rolls of Ranging Companies, & C., with lists of Pennsylvania Pensioners in 1789 and 1813: Pennsylvania Pensioners, 1789," *Pennsylvania Archives*, Series 2, Vol. XI (Harrisburg: Lane S. Hart, State Printer, 1880), 747-751.

47 Ibid. 751.

48 Thomas Lynch Montgomery, ed., Pennsylvania Historical & Museum Commission, "Militia Rolls – 1783-1790," *Pennsylvania Archives*, Series 6, Vol. III, (Harrisburg: Robert McAfee, State Printer, 1907), 1457.

49 U.S. Constitution, art. 1, sec. 8.

50 Linn and Egle, eds., Pennsylvania Historical & Museum Commission, "Papers Related to the Whiskey Insurrection in Western Pennsylvania 1794: Governor Mifflin to President Washington," *Pennsylvania Archives*, Series 2, Vol. IV, (Harrisburg: Edwin K. Meyers, State Printer, 1876), 109.

51 Thomas Lynch Montgomery, ed., Pennsylvania Historical & Museum Commission, "Militia Rolls – 1783-1790," *Pennsylvania Archives*, Series 6, Vol. V (Harrisburg: Robert McAfee, State Printer, 1907), 831.

52 Pennsylvania Historical & Museum Commission, "Governor Thomas McKean," Pennsylvania Historical & Museum Commission, 2015, Web (accessed 10 July 2015).

53 Adams County Historical Society, Comp. Adams County Deed Book A, 66-68, 24 Jan. 1799, print.

54 History of Cumberland and Adams Counties, Pennsylvania, Part II, (Chicago: Beers, 1886,) 41.

55 Gertrude MacKinney, ed., Pennsylvania Historical & Museum Commission, "Executive Minutes of Governor Thomas McKean 1799-1808," *Pennsylvania Archives*, Series 9, Vol. III (Harrisburg: State of Pennsylvania, 1931), 1587.

56 Ibid. 1588.

57 Ibid. 1673.

58 United States. The National Archives. "Enclosure: Uniform of the Army of the United States, December 1799." *Founders Online: Alexander Hamilton*. n.d. Web (accessed 24 July 2015).

59 History of Cumberland and Adams Counties, Pennsylvania, Part II (Chicago: Beers, 1886), 107.

60 MacKinney, ed., Pennsylvania Historical & Museum Commission, "Executive Minutes of Governor Thomas McKean 1799-1808," *Pennsylvania Archives*, Series 9, Vol. III (Harrisburg: State of Pennsylvania, 1931), 1880-1881.

- 61 Pennsylvania Department of State. "Republica vs Col. James Gettys." *Pennsylvania Archives*. Record Group: Dept. of State. Subgroup: Secty of Commonwealth. Series: Court Martial Proceedings. RG 26.4-0460. Box #1. 1790-March 1814, 10.
- 62 Ibid. 4.
- 63 Ibid. 4-5.
- 64 Ibid. 5.
- 65 Ibid. 2.
- 66 Ibid. 7.
- 67 Ibid. 7.
- 68 Ibid. 7.
- 69 Ibid. 7.
- 70 Ibid. 6.
- 71 Ibid. 6.
- 72 Pennsylvania Department of State. "Republica vs Capt. Alexander Cobean #1." *Pennsylvania Archives*. Record Group: Dept. of State. Subgroup: Secty of Commonwealth. Series: Court Martial Proceedings. RG 26.4-0460. Box #1. 1790-March 1814, 1-4.
- 73 Pennsylvania Department of State. "Republica vs Col. James Gettys." *Pennsylvania Archives*. Record Group: Dept. of State. Subgroup: Secty of Commonwealth. Series: Court Martial Proceedings. RG 26.4-0460. Box #1. 1790-March 1814, 1-2.
- 74 Ibid. 1.

75 Ibid. 3.

76 Ibid. 3-4.

77 Ibid. 4.

78 Ibid. 4.

79 Ibid. 6.

80 Ibid. 7.

81 Ibid. 7.

82 Ibid. 7.

83 Ibid. 7.

84 Ibid. 7.

85 Ibid. 10.

86 Ibid. 10.

87 MacKinney, ed., Pennsylvania Historical & Museum Commission, "Executive Minutes of Governor Thomas McKean 1799-1808," *Pennsylvania Archives*, Series 9, Vol. III (Harrisburg: State of Pennsylvania, 1931), 1881.

88 Pennsylvania Department of State. "Republica vs Col. James Gettys." *Pennsylvania Archives*. Record Group: Dept. of State. Subgroup: Secty of Commonwealth. Series: Court Martial Proceedings. RG 26.4-0460. Box #1. 1790-March 1814, 11.

89 Ibid. 11.

90 Ibid. 11.

- 91 Melissa Gettys and Amanda Howlett, *James Gettys and the Founding of Gettysburg* (Gettysburg: Ten Roads Publishing, 2012), 27.
- 92 Pennsylvania Historical & Museum Commission, "Governor Simon Snyder," Pennsylvania Historical & Museum Commission, 2015, Web (accessed 6 Aug. 2015).
- 93 Pennsylvania Historical & Museum Commission, "Muster Rolls – Pennsylvania Militia War 1812-1814: With Contemporary Papers and Documents," *Pennsylvania Archives*, Series 2, Vol. XII (Harrisburg: E.K. Myers, State Printer, 1890), 4.
- 94 Thomas Lynch Montgomery, ed., Pennsylvania Historical and Museum Commission, "War 1812-1814," *Pennsylvania Archives*, Series 6, Vol. VII (Harrisburg: Harrisburg P. Co., State Printer, 1907), 4.
- 95 Thomas Jefferson, Albert Ellery Bergh, and Richard Holland Johnston, The Thomas Jefferson Memorial Association of the United States, *The Writings of Thomas Jefferson*. Washington D.C.: The Thomas Jefferson Memorial Assoc., 1904. Google Book Search. Web. 10 Aug. 2015. 229.