

# THE JEFFERSONIAN

Devoted to Politics, Literature, Agriculture, Science, Morality, and General Intelligence.

VOL 18.

STROUDSBURG, MONROE COUNTY, PA. FEBRUARY 24, 1859.

NO. 9.

## Published by Theodore Schoch.

TERMS.—Two dollars per annum in advance—Two dollars and a quarter, half yearly—and if not paid before the end of the year, two dollars and a half. No papers discontinued until all arrearages are paid, except at the option of the Editor. 27 Advertisements of one square (ten lines) or less, one or three insertions, \$1 00. Each additional insertion, 25 cents. Longer ones in proportion.

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### JURY LIST, for February Term, 1859.

GRAND JURY.  
Chesnut Hill—John Gregory, John Green, Hamilton—Christopher Bittenbender, Jr., Isaac Marsh, John Marsh.  
Jackson—Andrew J. Detrick.  
Paradise—James Henry, Joseph Price, Joseph Jones.  
Polk—George W. Kresge, Daniel Kresge, Pococo—Peter Transue.  
Price—Jeremiah Postens, Simon N. Stright.  
Ross—Barnet Flyte, Samuel Altemose.  
Smithfield—William Brodhead, John V. Bush, Horace Brodhead.  
Stroudsburg—Samuel Melick, Davis D. Walton, Jeremiah Williams.  
Tunkhannock—Wm. D. Christman.  
Tobyhanna—Washington Winters.

### PEIT JURORS.

Chesnut Hill—Joseph Dorsheimer, Henry H. Weiss.  
Coalbough—Clas. Hebard, Simon Gruber.  
Eldred—Joseph Febr, Adam Brotzman, Reuben Stever.  
Hamilton—George K. Slatter, Joseph Keller, John Mansfield, Rudolph Storm.  
Jackson—Samuel Sager.  
Paradise—James Heller.  
Polk—Daniel Kerelcher.  
Price—William Price.  
Ross—Jacob Neyhart.  
Smithfield—Henry Eilenberger, Isaac Treible, Joseph Fenner, Samuel Detrick, George Kintner, Benjamin Taylor.  
Stroud—John Bush, John Houston, Charles Drake, Daniel Boys, Edward Brown, Samuel Evans, John S. Vanlyet.  
Stroudsburg—Charles S. Detrick, Peter Edinger, Philip S. Brown, Edward L. Wolf, William Wallace.  
Tunkhannock—Abraham Batz.  
Tobyhanna—John White, Jr.

### TRIAL LIST, for February Term, 1859.

Jacob T. Smith vs. George Rouse.  
Nicholas Altemose vs. Jacob Hufsmith.  
Jacob Bossard vs. Hanford Bellis.  
Henry Detrick vs. James Henry.  
Abraham Crotzer vs. Charles Dailey.  
Robert Boys vs. Daniel Brittain Barnett.  
William Storm vs. William S. White and Mathias Brackly, partners under the firm of William S. White & Co.  
George Loos vs. Charles Shafer, late Constable of the Borough of Stroudsburg.  
George Loos vs. Charles Shafer, late Constable of the Borough of Stroudsburg.  
Jeremiah Williams vs. Richard Postens.  
William Overfield vs. Elijah Depuy.  
Ja-per J. Rosenkrans vs. Richard Postens.  
William Taylor & Co. vs. Smith & Overpeck.  
Pugh Decker vs. Robert Huton.

### Argument List, February Term, 1859.

Jacob W. Williams vs. Jacob Rouse.  
J. E. Hoodmacher, use of John Merwine vs. Nathan Slupp.  
John Merwine, use of John Murphy vs. Jacob Bunkirk.  
Charles F. Kerman, use of Jacob Van Bunkirk vs. John Murphy and Jacob Van Bunkirk.  
Hardy C. Levanway, use of R. S. Staples vs. Moses L. Noyse.  
Henry Edinger vs. Joseph J. Postens.  
Jonas R. Smith vs. Mathew Proctor.  
In the matter of a Road view in Price township.  
In the matter of a Road view in Polk township.  
In the matter of the independent School District of Stroud township.

### License Applications.

MONROE COUNTY, ss.  
I, JOHN EDINGER, Clerk of the Court of Quarter Sessions in and for said County, do certify that the following named persons have filed with me, in my office their respective petitions for licenses, and paid the advertising fee, as follows, to wit:  
Jerome S. Williams, of Hamilton township, for store license to sell liquor.  
John Baldwin, of M. Smithfield township, for Tavern license.  
Melchoir Depue, of M. Smithfield, for Tavern license.  
Casper Metzgar, Hamilton, for license to sell liquor by the quart.  
John Thomas, of Stroud township, for Tavern license.  
James Postens, of Stroud township, for Tavern license.  
Witness my hand and the seal of the said Court at Stroudsburg, this 7th day of February, A. D. 1859.  
February 10, 1859.

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### AN ESSAY,

Read before the Stroudsburg Philomathean Society,

BY JACKSON LANTZ,

December 17, 1858.

### "CAPITAL PUNISHMENT."

In ages far past was established the penalty of death for crime. It had its origin in a semi-barbaric people, and was instituted because of its necessity in order to compel obedience to the ordinances or laws of that people. But that necessity, we think, has long since ceased, and its infliction now appears to us to be an unfortunate adherence to one of the relics of Barbarism, which, by common consent, in most countries and States, has been continued to the present time. If it is right then all is well, but if it is wrong then its infliction is a crime against humanity, the enormity of which can scarcely be conceived.

It is admitted by a great majority of those who have considered it in all its bearings to be, to say the least of it, of doubtful right and expediency. It therefore becomes our imperative duty to re-examine this matter and to keep well to first principles and endeavor to discover whether it is not contrary to the moral law, whether it does not tend to produce the evil it was intended to eradicate; and whether indeed it is not pervasive of the very nature of man.

Because the law of Moses sanctions the taking of human life for crime, is no guaranty of its propriety or expediency at the present time,—no more so than the stoning to death for various offences authorized by it.

The Divine law, not unlike the human law in some respects, is, or was, modified and varied according to the necessities of the case, and the necessity which gave rise to the taking of human life, if it ever existed, ceased when Christ came upon earth; as he both by the letter and spirit of his teachings, has to our mind, clearly repeated that part of the law of Moses which sanctions the taking of human life for crime. Hence the only excuse we can plead, for the taking of life for crime, is the example set by Moses.

Then let us briefly recount the history of murder and the penalty attached to it, from the creation of the world to Christ, and see whether it has been uniform, and whether Christ has not taught that after him it should not be inflicted.

Cain, the first born on earth, murdered Abel his younger brother because of jealousy. The Lord directly took this case in hand, as we are taught, and meted out to Cain what was undoubtedly his just punishment, in making him a fugitive and vagabond in the earth. (Gen. 14.) God cursed him and Cain discovering what a wretch he had rendered himself, was afraid that his fellow men would kill him, and the Lord comforted him by saying that whosoever should kill Cain vengeance should be upon him seven fold. Now this is an express prohibition of taking the life of a murderer.

But Moses subsequently established the death penalty for the practice of witchcraft, smiting parents, disobeying parents, Sabbath breaking, rebellion, idolatry, adultery, man-stealing, for endangering life, for murder &c.

The penalty of death for these crimes was inflicted from its establishment to Christ, without any interruption. But Christ taught another law than that of revenge. He taught charity, mercy and mutual forbearance, and his teachings, we think, have expressly repealed the law of revenge as inculcated by the law of Moses, as the following passages pretty clearly indicate:

Then came Peter to him, and said, Lord, how oft shall my brother sin against me, and I forgive him? till seven times? Jesus saith unto him, I say not unto thee until seven times; but, until seventy times seven. Matt. 18 c.—21, 22.

For if ye forgive men their trespasses, your heavenly Father will also forgive you: But if ye forgive not men their trespasses, neither will your Father forgive your trespasses.—Matt. 6 c.—14, 15.

Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord.—Rom. 12 c. 19 v.

A new commandment I give unto you, That ye love one another; as I have loved you, that ye also love one another.—John 13 c.—34 v.

"Judge not that ye be not judged; condemn not and ye shall not be condemned; forgive and ye shall be forgiven. For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again."

Ye have heard that it hath been said, An eye for an eye and a tooth for a tooth;

But I say unto you, That ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also.—Matt. 5 c.—38, 39 v.

We then that are strong ought to bear the infirmities of the weak, and not to please ourselves.—Rom. 15 c.—4 v.

Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets.—Matt. 7 c.—12 v.

This teaches us unmistakably that it is our duty to be charitable and merciful; and that the law and the prophets so far as they relate to us, are reduced to this: That we should do to others as we would have them to do unto us.—Then everything in the law and the prophets not consistent with this is repealed, or superceded.

The following verses I believe are generally strongly and mainly relied upon by the advocates of capital punishment.

Think not that I am come to destroy the law or the prophets: I am not come to destroy, but to fulfill. For verily I say unto you, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled.—Matt. 5 c.—17, 18 v.

Now, it is well known that the term "law" has different meanings, owing to the sense in which it is used. The above however, in connection with the "prophets" appears to have reference to the prophecies and Decalogue; for, when he said, "I come not to destroy the law, or the prophets," he meant evidently that he came to verify the predictions of the prophets and to confirm the decalogue.—For if he had not come the prophets predictions would not have been fulfilled, and hence would have been destroyed.—And that nothing should pass from the law till all be fulfilled, most undoubtedly has reference to the commandments, and not to the law of Moses, as many suppose.

The following passages prove that the Mosaic code is repealed:  
For sin shall not have dominion over you: for ye are not under the law but under grace.—Rom. 6 c.—14 v.

Grace is defined to mean the free favor of God bestowed upon men without any merit or claim on their part. The New Testament reveals the plan by which this grace is bestowed consistently with the divine attributes—the atonement, mediation, and intercession of Christ. This shows clearly that we are not under the law of Moses, as the word "law" in this case has reference to, but that we are under the teachings of the New Testament as explained or promulgated by Christ.—We admit that the Law of God or the Commandments, were established or confirmed by Christ. But where can the advocates of Capital punishment find any thing in the Decalogue, that can possibly be interpreted to sanction the taking of human life; but on the contrary, we are strictly forbidden to take human life: God says: "Thou shalt not kill." Who shall not kill? Why, man shall not kill his fellow-man. Is it not remarkable that the advocates of capital punishment, will quote this same commandment to justify them in murdering an unfortunate, to say the least of it, fellow being? Has a Commonwealth a better right to murder than a private individual? We think that the individual is much more excusable than the Commonwealth, for the individual is often void of education; of a low intellect and imperfectly developed moral perceptions; whereas the Commonwealth has the benefit of all these advantages. One more passage which to us is conclusive that the Mosaic code is superceded:

The law and the prophets were until John: since that time the kingdom of God is preached, and man preacheth into it.—Luke 16 c.—16 v.

The kingdom of God, denotes the gospel dispensation under the government of the Messiah in distinction from the typical kingdom of the Jews. Here Christ distinctly and unequivocally states that the law and the prophets, (that is, Moses and the Prophets,) were until John; the direct signification of which is, that after John, there was a new dispensation established, which superceded Moses and the prophets. This is not only signified but distinctly stated. Then, in order for the advocates of capital punishment to find authority according to the law of God, for the taking of human life, they are compelled to find it in the New Testament, as promulgated by Christ. This, as has been shown, they cannot do, for the letter and spirit of his teachings do not admit or imply the right to take human life for crime.

Christ sought in many cases not to do away with the sinful practices of the peo-

ple to whom he was sent, by directly repealing their laws. But he did seek to establish such principles as would in their legitimate workings subvert all their institutions, which were contrary to the principles which he taught. The friends of capital punishment, hence are compelled to seek for the right to take human life, out side of the New Testament.

We will follow them next, in the examination of the organization of man and endeavor to discover whether the inclination to crime of certain men is not owing to their peculiar organization over which they have little or no control.

Although all men are born free and independent so far as natural rights are concerned; yet there is a decided difference in their organization and susceptibility to intellectual and moral attainments.

It is sufficient for the present purpose, to observe that all the animal propensities and manifestations of mind, depend upon organization. All men are naturally influenced either by a preponderance of their intellectual and moral faculties or of their animal propensities, except when they are so equally balanced that there is no decided preponderance on either side.

This difference naturally divides men into three classes, as follows:

The first class, embraces all those who have a decided predominance of intellectual and moral feeling. In these the animal propensities are proportionately weak, yet sufficiently strong for their legitimate ends—the propagation of the species—and cannot gain the ascendancy over the higher and nobler faculties of the mind, to that degree, sufficient to impel them to the commission of crimes. They naturally shrink from it, and having the law written, as it were, in their hearts, are a law unto themselves. They being actuated by high-minded and honorable motives in their intercourse among men, government nor individuals have no fear of acts of violence from them. They are benevolent and charitable; and to disseminate intelligence and virtue among their fellow-men, is their greatest enjoyment and satisfaction of mind.

The second class, includes that portion of mankind whose propensities are generally stronger, and always so far counterbalance the intellect and moral feeling that there is no decided predominance on either side. Hence they are vacillating, because influenced by transient and external causes. Education and moral culture bias them to the side of virtue, and by frequent recurrence to the principles of religion, and under the influence of good examples, continue good citizens. Reverses of fortune, however, often prove fatal to their virtue. But when persons of this organization of mind are born in the less fortunate conditions of life, uneducated and exposed to the numerous deceitful allurements of the world, from the path of rectitude, they in turn often become vicious and criminal. In order to reform and hold in check those morbid passions, lusts and appetites, the external causes of vice must be withdrawn; or they must be counteracted by good example and good advice.

The third class, are those for whom criminal legislation is mainly intended, and they are those whose animal appetites, or propensities are so powerfully developed as to overbalance the restraining force of their moral and intellectual faculties; and they consequently reject whatever moral influence may be thrown about them. Beings of this constitution of mind are under the dominion of strong lusts, violent passions and extreme selfishness. Their moral restraint is so weak that it affords no barrier to the gratification of their passions or selfishness, at any cost of life or property to those who may stand in their way. Such persons have extreme confidence in their power of concealment and escape; and have a fixed rejection in their own case, of all idea of retribution. There is a persuasion existing in their minds that the restraint imposed on them is simply that of power, and is, therefore, of no avail in controlling their passions, even when they do see the results of yielding to their gratification. Any better endowment of intellect in this class, is generally perverted to purposes of crime; and hence they make the most expert thieves, pickpockets, swindlers, forgers, and the most formidable robbers and murderers.

Now, men of this organization of mind are truly unfortunate without any fault of their own; and to inflict upon such punishments which the safety and good of society do not require, is to punish

them more for their misfortune than for their faults. Such persons under all circumstances are truly pitiable and fit subjects for our warmest and most considerate charity; as it is the imperative duty of the strong in all cases to bear the infirmities of the weak, and to inflict no punishment that our self-preservation does not require.

It is the duty of all intelligent and moral men to seek rather to reform than to exterminate our unfortunate fellow men. We should endeavor by proper education to develop their moral faculties, and thereby hold in check their propensities. If they are morally educated and good examples constantly set before them, they will prove more of a restraint than the gallows.

By the infliction of capital punishment, those who have rendered themselves unfit to associate with their fellow men, are often permitted to run at large, simply because the taking of human life is so revolting to human nature, that men are loth to testify in such cases, and juries are unwilling to take the fearful responsibility of pronouncing a man guilty of murder in the first degree. They will therefore, acquit him altogether or convict him of a crime of which he is not guilty, but which will not require a sacrifice of life.

The punishments for crime ought to be made sure, and should invariably be in proportion to the offence. From the fact that there are so many persons acquitted who are most probably guilty of murder, the terror of death to a great extent, is destroyed; and the criminals flatter themselves, that if they are suspected and even arraigned, that the chances are, that they will be acquitted. Hence the death penalty increases rather than decreases crime.

Farther, in evidence of the demoralizing effects of the infliction of death for crime, let us cite a few recorded facts, and then we will be better able to discover the legitimate results flowing from this inhuman practice, and to also see that it tends to increase murder as well as all grades of crime.

In Blackstone's time, about 1750, no less than 160 different species of crimes were punishable with death, in England.

Henry the 8th, of England, reigned 38 years (from 1509—1547) and during that time it is reported, on respectable authority, that 72,000 persons were executed. This is at the rate of 2,000 every year of his reign. But it does not appear that this immense human slaughter afforded any restraint to crime. There are no persons who have less regard for life, than those who witness the sacrifice of it. The effect of executions is to render the destruction of life familiar to those on whom they are intended to operate as examples of terror. This familiarity takes away the terror, and teaches them to place less value on life, and consequently diminishes the repugnance they otherwise would have to take it by personal violence.

The Rev. Mr. Roberts of Bristol, England, states that he conversed with 167 convicts under sentence of death, and found that 164 of them had witnessed executions. Here all but three had witnessed the taking of human life.

Men who are guilty of murder are generally of the lower class of intellect, and hence of the most feeble moral perceptions; and ministers, who have attended them in their last hours, have declared that one of the chief difficulties was to bring them to connect the punishment they were about to suffer with their crimes. It is to be wondered at, then, that men of this organization of mind should be impelled to murder, by talking about, thinking of, or witnessing the sacrifice of human life?

In Bombay, British India, under the recordership of Sir James Macintosh, capital punishment was abolished for 7 years, and the number of murders committed during that period was six, whereas during the preceding 7 years there had been 18 convicted of murder. Then the abolition of capital punishment reduced murder in Bombay to one third.

In Tuscany, where murder was not punished with death, only five murders were committed in 25 years; while in Rome where the punishment of death was inflicted with great pomp and parade 60 murders were committed in one year. It would then be seen that in Tuscany there was but one-fifth of a murder a year, while in Rome, there were 60 in the same period.

When we reflect that the manners and religion of Tuscany and Rome are precisely alike, we think that this is evidence conclusive that capital punishment tends to produce the evil it was, and is, designed by its friends to eradicate. The Empresses Elizabeth and Catharine of Russia abolished capital punishment, and, were

well pleased with the results flowing from it.

The laws of Maine formerly inflicted death for the crimes of rape, burglary, and robbery with intent to kill. In 1837, this law was abolished or repealed, and since that time the crimes of rape, robbery with intent to kill, and burglary, have diminished to 5-13, being less than half what they formerly were.

In Denmark, executions are very seldom known. The women of that Kingdom at one time murdered their children quite often. The authorities finally abolished the death penalty and condemned them to the spin-house for life, and since this law has been in force, this crime has seldom been committed.

Michigan abolished capital punishment in 1846, and it took effect in 1847; and during the six years preceding the abolition of the death penalty, there was on an average, one indictment for murder for every 70,500 inhabitants. But for the first four years after it was abolished there has been but one indictment for murder annually for every 75,500 inhabitants; and for all grades of crimes for the 6 years before it was abolished, there was one indictment for every 13,959; but for the 4 years since it has been abolished, there has been but one indictment for every 18,431.

In Feb. 1852, Rhode Island abolished capital punishment, and they are well pleased with the results flowing from it. This we have a right to infer from the fact that in 1855 or '56, they enacted a supplement to their penal code, making murders committed in state Prison, punishable as other murders are in that State.

In Pennsylvania murder in the first degree is the only offence punishable with death; in New Hampshire, treason, and murder; in Massachusetts, treason, murder, arson, burglary, robbery and rape.—Yet in the two former crimes are less frequent than in the latter. Such are the facts within our reach, and which show conclusively that the death penalty creates crime. If this be so, then common safety to society, aside from humanity, calls in imperative tones for the abolition of the death penalty.

There surely is no reparation to the injured party in the infliction of the death penalty; and if this is a matter of importance, it can only be accomplished by imprisoning the criminal at labor.

But the reformation of the criminal is the great object of punishments in general; and if he is imprisoned he will be supplied with moral teachings, and if it is possible to reform him, it will in most cases be accomplished.

Governments nor individuals have no moral right to take human life, except in self-defence or self-preservation.

If a person becomes abandoned to crime, he, as a matter of course, forfeits his right to mingle in society, and ought to be securely confined, until he becomes unmistakably reformed, if ever, so that he cannot exercise a contaminating influence over his fellow men.

Circumstances have been, and will undoubtedly be again, such as to convict innocent persons of the horrid crime of murder; and who can conceive of a more pitiable and wretched circumstance for a person to be placed in?—All his earthly prospects; all his happiness, present and anticipated, inhumanly and barbarously snatched from him, by snatching the vital cord of life and ushering his spirit into the presence of Him who gave it.

Is it possible for us to conceive the unjust, burning and galling shame, the relatives and friends of this truly unfortunate man would suffer?

So long as this barbarous punishment is inflicted, who can tell when his turn will come to experience one of the above conditions? and for this reason, if no other, the death penalty ought to be abolished, and imprisonment for life substituted; and then, if circumstances should prove that a person was wrongfully convicted, he would then be restored to his relatives and friends, and have all possible restitution made him.

Then we arrive at the conclusion, that the only proper and safe security to society and individuals, depends upon meeting out to criminals humane and civilized, rather than barbarous and cruel punishments. The former, as has been shown, modifies and restrains, while the latter hardens and impels to crime.

A resident of Zanesville, Ohio, says the Cincinnati Gazette, recently bought a sorrel horse of Pennsylvania weighing which was twenty hands high, and weighed 2,400 lbs. The price paid was \$1,100; that is, not quite fifty cents a pound on the hoof.

A philosopher being asked what was the first thing necessary to win the love of a woman answered, opportunity.

LONGEVITY OF THE HORSE.—A Birmingham paper records the death of a horse aged 37 years. He had been owned by Mr. Franklin Whitney for 24 years.

George Sanderson, Esq., editor of the Lancaster Intelligencer, has been elected by the Democrats, Mayor of Lancaster city.

A Yankee doctor has got up a remedy for hard times. It consists of ten hours' labor, well worked in.