

# Democratic Banner.

BY MOORE & EMPHILL.

CLEARFIELD, PA., FEB. 14, 1849.

NEW SERIES—VOL. I, NO. 2.—WHOLE NO. 1127.

## TERMS

The "DEMOCRATIC BANNER" is published weekly, at \$1 per annum—\$1 50 if paid in advance. No paper can be discontinued (unless at the option of the editors) until arrears are paid. Advertisements, &c., at the usual rates.

## THE HARD DUTY.

An Over the Tale of Love and Sorrow.  
BY E. A. G.

On the plain banks of the Rhine there dwelt, in the beginning of the present century, a widow whose sole companion, since her husband's death, was an only daughter. The loss of her husband had been indeed a heavy blow, but years gradually dulled the keen edge of sorrow, and as they wore of the bitter tracings of bereavement from her heart, they left in its stead a kindly frame, and well disposed to sympathize with human woe in any form.

It was under these circumstances that a being, whose shattered garments still displayed some gaily remains of an English uniform, faint at her door, and when her kindness led in some measure restored him, he begged for a morsel of food, with an earnestness that proclaimed that he and misery were too well acquainted.

With such attentive nurses as the wretched soldier found in the kind mother and daughter, he was soon able to prove to them that he was not insensible to that goodness—which he did by many little services—the garden had never been so thriving, nor thence so well kept, as since the soldier had attended them.

In this way years rolled past, and still he slumbered away the summer hours as if he had never heard the stern music of the war drum; and his soul had never exulted in the heroic grandeur of stormy battle.

He had so ingratiated himself with the cottagers that his presence had become quite necessary to the happiness of one of them. To their interrogations as to the misfortunes that had thrown him on the world, he had never made satisfactory answers, and always avoided the subject, as if it were a painful one. "Ask me not of the past, dearest Lucette," he would say, "be content to know that I am with thee, and I am all, all thine own. I shall wander no farther, and ask no greater happiness than Heaven's bounty now blesses me with."

He spoke too fast; he was not entirely blest. He knew that Lucette's heart was his, but there was yet another link wanting to make the chain of his happiness complete.

This was objected to by the widow on account of her daughter's youth. "Wait but another year, Walter, wait but until the strength of womanhood is hers before you bring the cares of life upon her," she answered to his passionate entreaties. "Finding nothing was to be gained from her resolution, there was no course left but acquiescence; and in good truth they well might be content; for to them life was little else but enjoyment. Their life flowed in a still, calm current, unmoved by the rocks that often mar its course in the turmoil of the populous city; its smooth surface unbroken by the gusts of passion, that are ever excited where men do congregate." So gently life passed from them, that it might better be likened to a sleeping lake, in whose still bosom the deep blue of the summer heaven is found in unbroken reflection.

This year, however, was, in point of fact, whatever the parties so deeply interested in its termination might think, no longer than other years, and in due time it ended approached. A few days before that appointed for the fulfilment of their cherished hopes, Walter went to Ehrenholm, a town about a day's journey from the widow's abode, to procure some finery for Lucette—that is indispensable, on such occasions, as well in the cot as the castle. He would return by the close of the following day, and on the next they would depart for the court of Hymen, which, for this humble celebration, was fixed in the village chapel.

The long day waned and night fell, and he did not come. Sleep of course was not thought of, and Lucette counted the weary hours until the dawn, and still he came not. Sick with anxiety and fear she watched hour after hour the road he must travel, but the silence of the night came again, and found her feelings in a state more readily imagined than told. Fancy painted a thousand terrible pictures—one moment she saw him torn by the monsters of the forest—the next showed him, bleeding under the murderer's steel, and in the wild blast she heard his cries of despair. At last the trampling of a horse became distinct—she rushed to the door, but it was not Walter. As she opened the door, the rider threw a blooded paper at her feet, and rode off without speaking. She eagerly tore the paper open, and read:—"Danger threatens me, dearest Lucette; and I must fly, for it is over—do not fear—before this you reach you: I shall be safe—kind Heaven threw this peasant in my way, or I must have been you in suspension. I was washed, and could have been death had I attempted to save you; the danger will soon be past, I shall return and explain all."

Painful as this intelligence was, it was nevertheless some relief to know that he was alive—and though danger had threatened him, he was now beyond its power. It was a relief from the torture of uncertainty. But what could this peril be that was thus fearful? Who could seek his life? He had long lived far from the busy world, and why should men thirst for his blood? These were mysteries beyond her power to resolve and they left a heart-sickening weight upon her mind that bowed her spirit to the dust.

A few days after the occurrence that had fallen with the withering effects of a thunderbolt upon the betrothed joyous Lucette, she and her mother were alarmed by the appearance of two English officers with their attendants.

"We come, madam," said the elder of the two, addressing the widow, upon an unpleasant errand—to see one of our own nation, who has offended his country's laws, and long been a fugitive from justice; he was a few days since discovered by a soldier who had served in the regiment from which he whom we now seek had deserted. I presume we need hardly ask you to give us any information of him—our duty, however, commands us to examine your dwelling. Capt. Warner," he continued, addressing his companion, "you will take Leopold and Henrich and search the cottage—the former will recognize the deserter."

"You speak truly, sir," said the mother, as he ceased; "we do, indeed, give you no information; it is now four days since we have seen him, but are you not mistaken? It cannot be, surely, that one so good, so noble-hearted, could wrong his country?"

"I knew him not, madam," the officer replied. "I am yet but as a stranger in the corps I now serve; but the soldier Leopold, is positive that it is the same, and the General has commanded that no exertions be spared to take him."

During this conversation, Lucette had stood silent—almost breathless. Every word had been a dagger to her heart. A passionate burst of tears at last broke the spell that had chained her in silence.

"Oh, sir," she shrieked, kneeling at the feet of the Englishman, "if you have a human heart, if you have the kindness of manhood—spare him! oh, spare him!—if you have a wife, think of her, and save me from this terrible fate! He is mine—mine own;—we will be your slaves—we will kiss the dust you tread on—anything, so you but save him! It may be you are a father!"

"A father! Oh, God! girl, thou hast touched a chord that vibrates to agony!" exclaimed the officer; and burying his face in his hands, his whole frame shook with some terrible agitation. "Aye! I was a father!" he continued; "but the cold cloud covers him. He, too, was a deserter!"

He shuddered under what seemed the power of some dreadful recollection. At length, collecting himself, he said— "Yes, poor girl, if I can I will save him; but the chance is slender; he can scarcely escape the search that has by this time scoured every mile of this country. Yet, should he be taken, all my influence shall be used in his favor."

At this moment the party from the house returned. The captain reported their want of success to his superior, and after a few minutes conference, they saluted the cottage and rode off.

Weeks passed wearily away, and brought no tidings to the cottage of him whose fate so deeply interested its inhabitants. The fears of Lucette gradually settled into a hope that Walter had escaped his enemies, as she had heard of it had been taken; but another pang had been added to those of uncertainty—his dishonor. He had deserted his country's banners; here was a dreadful explanation of the causes that had brought him a beggar to her mother's door. This, however, was hardly more than a momentary grief; woman's love is not to be shaken thus lightly—and the heart that worships has a wonderful faculty of keeping the errors of the idol in the shade.

Walter was once more an outcast, and it seemed to his sunken heart that the curse of Cain clung to him. He wandered many a weary league, shunning the sight of man, and almost the sight of Heaven. Hoping that the pursuit had been abandoned, he at length turned his steps toward the spot where he had so long found safety.

On a warm summer night, Lucette was roused from her dreams of the wanderer by a repeated tap against her window. Rousing, she heard her name called in tones she could never mistake. Words were too weak to paint that meeting.

"You tell me you have heard that I deserted my country's armies. It is true—I am a deserter. I promised to explain why my life had been haunted. Six long years ago I was a British soldier, my sword unstained save with the blood of my country's enemies. An untamable spirit was my ruin; I resented, with proud words, the harsh rebuke of a superior; he struck me with his sword, and ere he could recover his weapon, my own was in his heart! Death or flight was my only choice. After long years of wandering and concealment, Heaven directed

me to this spot, where I long hoped my day's would end in peace. On the day preceding that which would have been the happiest of our lives, I saw one who had tried I knew slept not, one whose heart I recognized, and fled. The danger is now no more, and I again fold my Lucette to my breast. I—ah! what glittered in the moonbeam beneath yon window? 'Twas the glare of arms!"

The next moment he was a prisoner. Ehrenholm was the seat of the tribunal on which Walter's fate hung. His guilt was established,—his doom pronounced.

"It cannot be, Colonel; the case is too strong for loose measures."

"But think, my dear General, consider the ties that must be broken! Had you witnessed the anguish of the poor creature, whose very existence, as well as the prisoner's hangs on your word, you could not but be merciful. They tell me years have passed since he deserted. You cannot deny me this favor?"

"Urge me not, Colonel, I pray you urge me no further. The example is necessary. Order the execution within the hour, and superintend it yourself. Your goodness may alleviate what it cannot avert."

Heavy were the tidings Lucette was doomed to hear. There was no pardon for her friend had done all, but in vain; nothing could now save Walter. The General had pronounced his fate, and was now many leagues on his way to a distant post, and the death stood motionless in the ranks.

Slowly the victim was led out; he wished not to look upon the light of Heaven again, and his eyes were bandaged. The parting with Lucette was only,—he was done with earth, and calmly knelt upon his coffin. For a moment all was hushed—nothing but the heavy breathing of the soldiers was heard. The prisoner at this moment raised his head and beckoned.— "The Colonel approached him."

"I had almost forgotten," said the soldier in choking accents—"I had almost forgotten this letter for my father! Let it reach him."

"I shall reach him if he be on earth," replied the deeply affected officer, warmly grasping the convict's hands.

As he turned, he read the superscription, to GRANVILLE WALLER. "Gracious heavens!" he exclaimed, as he rushed back, tore the bandage from the kneeling soldier's face; gazing for a moment wildly on him, he articulated "my son! my son!" and fell senseless to the earth.

Horror filled every breast at this sad scene, and one desire animated every bosom, to save the condemned one. The fifty hearts of men who had been deaf to the cry of infancy, or the wailings of bereaved women, melted at this burst of manly grief. But the only power that could save him was now far away, and no one dare take the responsibility of postponing the execution.

The stern mandates of military power might not be trifled with; the son must die—the father must be almost his executioner. Colonel Waller now recovered; all a father's feelings for a long lost child, for one whom he had long believed to be calmly sleeping in the silent grave, were in his heart, and struggled against his sense of duty. This told him his son must die! and, Brutus-like, his resolution was soon taken.

The ministers of doom were again drawn out, and their weapons levelled at the victim's breast. The Colonel stood firmly near his son.

"Soldiers!" cried the father, in a hoarse, broken voice, which he strove in vain to command; "Soldiers, take your example from me, and shrink not from your duty. Fire!"

At the fatal word he rushed upon his son's breast, & they fell lifeless together!

A ringing shriek was heard from a neighboring house, as the roar of musketry died away—it told that Lucette's heart had burst.

## IMPORTANT FROM YUCATAN.

NEW ORLEANS, JAN. 25.  
Highly important news has just been received from Yucatan. A great battle has been fought between 8000 Indians, on one side, and 500 American volunteers on the other. The Indians were driven back after a desperate struggle, and American valor was again triumphant. The American loss was severe; they had 43 killed, and a large number wounded, many mortally. The Indian loss was supposed to be immense. The Indian town of Tula was captured and burnt. The Americans were on the eve of marching towards Buctos, where a decisive battle was anticipated. The next news is looked for with much anxiety.

**Homicide.**—A negro boy, belonging to Josiah Benton, of East Fethena, (La.) murdered a fellow-slave recently, by cutting him in the back with an axe, severing the spine. After the commission of the crime, he fled, taking with him one of his master's finest horses. The cause was jealousy.

## The Trial of Newman.

The following letter from Judge Lewis was addressed to the Speaker of the House of Representatives:

LANCASTER, Jan. 19, 1849.

Hon. WM. F. PACKER.

Speaker of the House of Representatives: Under a solemn sense of duty to the Commonwealth, I beg leave to communicate, through you to the representatives of the people, the circumstances connected with a trial for murder which has this day terminated in the Oyer and Terminer for the county of Lancaster.

The evidence disclosed the following facts:—On the 19th October, 1847, one Allen Dorsey and the prisoner, Henry Newman, were engaged in "sparring," as it were termed, for their amusement. After an interchange of pugilistic efforts, one Edward Stout (the deceased) remarked to Newman (the prisoner) that "he ought not to strike so hard when he was boxing for fun." Newman made answer "do you take it up?" Stout replied that "he did not take it up but that he was stout enough to box with him." Thereupon Stout and Newman commenced a trial of their skill. After being engaged in it some time, they ceased boxing and commenced an altercation with respect to each other's persons, which resulted in an agreement to fight. Each deliberately, and by agreement, took off his coat and hung it on the fence, and upon Stout asking Newman if he was ready and receiving an answer in the affirmative, they commenced fighting, and both fell. Newman, upon the ground, struck Stout and struck him once, and they were then separated. After this, Stout remarked to Newman that the latter used to be able to whip him, but could not do it any more; and Newman made answer "I know what I can do. I can kill you. You watch me. I'll kill you before sunset," using, at the same time an imprecation indicating that he would do so; and to another witness he said, "if his fist could not whip him, powder and shot could." After some time, Newman invited Stout to a graveyard at some distance for the purpose of renewing the fight. This was assented to, and both parties proceeded to the place designated. Some casual remarks were made relative to each choosing his grave, and by request of both parties a person present searched the combatants for the purpose of ascertaining that neither was armed with any dangerous weapon. This examination being satisfactory, the contest was resumed and Newman, again defeated, cried enough, upon which they were separated. Some altercation respecting each other's prowess again took place on their return from the graveyard, and at Fisher's tavern, in Columbia, after they had returned. Newman at last asked Stout to take a drink with him which Stout declined, saying "he could buy his own liquor." Whereupon Newman started off instantly without reply. He proceeded to the house of one Sisco and said that Sisco had sent him for his gun, which he took and loaded with powder and shot and wad. He then enquired for caps, but failed to obtain any there. He went into several houses, and made application to boys that he met, from time to time, in the street, offering money for the purpose of obtaining caps to be used in firing off the gun. His efforts were, for a considerable time, unsuccessful, but at last he obtained from a boy the caps he desired, one of which he attached to the gun, and the rest he placed in his pocket. His conduct caused some alarm, to quiet which he told some persons that he intended to "shoot pigeons," and to another that he was "going to shoot rabbits." After preparing his gun he proceeded to the place where Stout was and met him returning to his own house. On seeing him, Newman exclaimed, "a dead man—a dead man—a dead man, by God," and pointing his gun at Stout towards him. Stout laughed or smiled and said "Henry don't shoot me" and endeavored to dodge the gun, in which he struck it so as to lower the muzzle from its then elevation. Newman moved back, and when the gun was but two or three feet from Stout, fired the contents into his abdomen. This shot set fire to his clothes, brought his entrails out, and caused his death on the same night. After firing, Newman said, "I told you he was a dead man—that's what I wanted to give you." Ten minutes afterwards he repeated that "it was what he intended to do." After his arrest on the same day, at the Magistrate's office, he repeated that he "intended to kill" the deceased and "had borrowed Sisco's gun for the purpose." Next morning, before starting for Lancaster jail, he made similar declarations, adding that he wanted to kill two more negroes and one white man, and that they might hang him. Similar declarations were made to another witness when the prisoner was on the road to jail.

The power of the jury in determining the degree of guilt, was fully recognized by the Court; but the law in relation to what constituted murder in the first degree was stated to the jury as it was laid down by Rush, Pres. in the Com. v. Smith, 7 Smith 698, and the effect of using an instrument likely to kill was also brought to their attention as a circumstance warranting the conclusion that the purpose was to take life. The jury after being out all night, returned a verdict of guilty of murder in the second degree! The utmost penalty imposed by law for this of-

ence is twelve years imprisonment in the Penitentiary; and the Act of Assembly which prohibits the imposition of sentences which expire between the 15th of November and the 15th of February, necessarily reduces the imprisonment to 11 years and 9 months. The latter period of imprisonment was accordingly fixed upon as the highest punishment which could be inflicted. It is intended to cast the slightest imputation upon the jury. They were all honest and intelligent men. But as unanimity was necessary to a verdict, and as there is a growing aversion to capital punishment, the decision may be regarded as one of the many results of the present divided state of public opinion upon that subject. Taking the facts to be as here stated, every Court in the State would, it is presumed, hold that the offence was that of murder in the first degree. This is not a solitary case. The records of our Criminal Courts are filled with similar results of the present state of the law. It is within your recollection, Mr. Speaker, that a case of a similar character occurred in your own borough many years ago. I allude to the case of Stephen Lee, who deliberately shot a negro—and was only twice guilty of murder in the second degree.

In empanelling the jury in the case just decided in this county, fourteen jurors were excluded from serving because they could not conscientiously render a verdict of guilty, under any circumstances, in a capital case, and one of these was a highly intelligent gentleman who has served as Prothonotary of the Court for the last three years. Other jurors opposed to capital punishment, were necessarily admitted to serve as jurors because they avowed a readiness to find a verdict according to the evidence, irrespective of consequences. Under the embarrassments which surround this question, it seems worthy of consideration whether some difficulties might not be obviated by a law vesting in the Courts, or in jurors, under special circumstances, the power to substitute imprisonment for life, for the capital punishment now enjoined by law, but not imposed in fact with any degree of unanimity.

To remove all objections to the form of this communication, I request that it may be regarded as a petition to the Legislature of the Commonwealth, from one of her humblest citizens.

Signed, ELLIS LEWIS.

**AWFUL RAILROAD CATASTROPHE.**—On Wednesday evening last, about 8 o'clock, an accident occurred to the passenger train from Philadelphia, about four miles below Lancaster, which almost instantly killed both the engineer and fireman. The train was going at its usual rate, when, from some unknown cause, the locomotive ran off the track, dragging the tender and one of the passenger cars off with it;—breaking loose from these it turned completely around, its head eastward, & completely wrecked. It was the work of an instant. Upon getting out of the cars it was discovered that the engineer was cut entirely in two, dead, & the fireman so mashed and bruised that he gasped but a few moments and expired, without any attempt to speak, or giving any evidence of consciousness. The name of the engineer was Henry Murray, that of the fireman, Charles Wolfe, both of Columbia, the former leaving a wife & three small children, without support or protection.

Upon examining the locomotive it was found that the axles of its truck wheels were broken, as it was supposed, after it had run off the track, but nothing certain was known, as the persons killed were the only ones out of the cars.

Two nights before the engine ran off the track on the same road, but did no considerable damage, save that of greatly frightening the passengers. We trust that means will immediately be taken to put a stop to the repetition of such dangerous and awful occurrences. The scene of Wednesday night was indescribably appalling.—Harrisburg Telegraph, Feb. 3.

## A NOVEL ROBBERY.

A writer in the Philadelphia Evening Bulletin states that some night since, a house was broken into in this city, without alarming the inmates, who were much surprised in the morning, on coming down stairs, to find the parlor brilliantly illuminated. The gas lights were burning brightly, as well as the candles in the branches, which were placed on a large table; while around were seen empty wine bottles and glasses. In the centre of the table was placed the family Bible, opened at Luke Chapter tenth, with a mark attached to these verses:—

10. "His watchmen are blind, they are all ignorant, they are all dumb dogs, they cannot bark; sleeping, lying down, loving palantries."

11. "Ye are greedy dogs which can never have enough, and they are shepherds that cannot understand; and they all look to their own way, every one to his gain, from his neighbor."

12. "Come ye, say they, I will fetch wine, and we will fill ourselves with strong drink; and to-morrow shall be as this day, and much more abundant." Our police must be very efficient, since even the thieves rebuke them.