

HUNTINGDON JOURNAL.

"ONE COUNTRY, ONE CONSTITUTION, ONE DESTINY."

A. W. BENEDICT PUBLISHER AND PROPRIETOR.

WHOLE No. 163.]

HUNTINGDON, PENNSYLVANIA, WEDNESDAY NOVEMBER 28, 1838.

[Vol. IV, No. 7.]

TERMS OF THE HUNTINGDON JOURNAL.

The "Journal" will be published every Wednesday morning, at two dollars a year if paid IN ADVANCE, and if not paid within six months, two dollars and a half. Every person who obtains five subscribers and forwards price of subscription, shall be furnished with a sixth copy gratuitously for one year. No subscription received for a less period than six months, nor any paper discontinued until arrears are paid. All communications must be addressed to the Editor, post paid, or they will not be attended to. Advertisements not exceeding one square will be inserted three times for one dollar for every subsequent insertion, 25 cents per square will be charged;—if no definite order is given as to the time an advertisement is to be continued, it will be kept in till ordered, but, and charge accordingly.

THE GARLAND.



—With sweetest flowers enrich'd
From various gardens cull'd with care,—

In order to show the 'signe of the Time'
we copy the following lines from the Boston Atlas:

Harrison and Liberty.

Bring festive wreaths and rosy wine—
Bring flowers to gem the minstrel lyre—
A nation's pledge at freedom's shrine
Is breathing from its strings of fire;
Bid music tones of gladness tell
To the wild winds o'er earth and sea;
The song that every bosom swells,
To "HARRISON AND LIBERTY!"

Strike! strike the festal harp of fame!
Awake its triumph tones profound—
The "guardian hero's" deathless name
Shall in their magic chorus sound
And while her banner floats unfur'd,
America the proud and free,
Shall greet the echo through the world,
For "HARRISON AND LIBERTY!"

When freedom from her starry sky
Look'd down upon the battle's gloom,
She saw the charms of conquest fly,
And smile above the invader's plume;
The valiant warrior of the Thames
Then led the brave to victory:
Now with a country's proudest names,
Rank "HARRISON AND LIBERTY!"

Joy led the floating signal fly,
For freedom's standard guards the brave!
Its top, stars are streaming high—
'Tis planted on the spoiler's grave!
Let crouching vassals, nursed in fear,
To tyrants bend the subject knee—
We give a welcome and a cheer,
To "HARRISON AND LIBERTY!"



FROM THE EXAMINER.

FATE! I have ask'd few things of thee,
And fewer have to ask.
Shortly, thou knowest, I shall be
No more . . . then can thy task.

If one be left on earth so late
Whose love is like the past,
'Tell her, in whispers, gentle Fate,
Not even love must last.

Tell her, I leave the noisy feast
Of life, a little tired,
Amidst its pleasures few possess
And many undesired.

Tell her with steady pace to come
And, where my laurels lie,
To throw the freshest on my tomb
When it has caught her sigh.

Tell her to stand some steps apart
From others on that day,
And check the tear (if tear should start)
Too precious for dull clay.

Beauty and Liberty.

From the Italian of De Rossi.
Bound in Love's oppressive chain,
Beauty, captive, groan'd with pain,
Hoary Time at length drew nigh,
Saw her weep, and heard her sigh;
Then, with his all-conquering hand,
Sever'd every golden band—
Beauty joyful—Beauty free—
Tasted now sweet Liberty,
Love on purple pinions came,
Held a glass before the dame,
Whispering, 'Mark thy charms are lost'
Dearly hath thy freedom cost.'

SELECT TALE.

From the Diary of a Philadelphia Lawyer.

THE REPRIEVE.

Nulla unquam de morte hominis cunctatio longa est.
"When man's life is in debate,
The judge can ne'er too long deliberate."
—Dryden.

"And may God have mercy on your soul!" There is an appalling and mournful feeling that comes over the bystander in a Court of Justice, when, after a period of intense interest and breathless attention from the crowded audience, the judge concludes the sentence of death upon a fellow being who has incurred the highest penalties of the law, with the quaint and simple supplication above. But at such a time, who, without the experience, can imagine the feelings of a young man—the counsel for the condemned, who sits beside his client after every energy has been spent in vain, and beholds the final seal thus impressed upon the destinies which had been confided to his care and protection.

All that ingenuity, all that research, all that midnight toil could accomplish has been fruitlessly exerted—every hope, every chance has been concluded, there is no error, no informality, no appeal, and the hope and anxiety which has animated every particle for some period back with its intensity, has flickered its last gleam upon the case. The prisoner stands condemned to die, by the sentence of the law, which he has violated. Oh! it is a thrilling and a painful moment, and one which, though more than once experienced, I would pray ever to avoid again.

John—was tried for murder. He was one of several brothers who had emigrated early in life to this country, and who had left behind them every thing that they had esteemed dear in kindred or in friendship, to meet their fortunes in the new country of the free. They had been here for many years, and by thrifty industry had amassed a comfortable little property for their security in time of need, or in the decline of life. John was the twin brother of another who had been left at home to gather for the old people the crops that were grown upon the homestead. He was in the midst of his prosperity—every thing around began to wear the assurance of success of his honest and upright career among his co-laborers, and those with whom he was associated—his house became the asylum of the destitute of his countrymen, and his counsel, the guide and support of the distressed. In short, he was among his own class and among his countrymen, no common man.

When the news of the arrest was made public, there was, as might be expected, great excitement among his friends. Every determination was set for his service—every heart beat with a quick pulse in his regard, and a hundred hands were ready to lend their aid in securing his defence. The services of a senior counsel & myself, were retained for the accused. The *ex parte* hearing was had, and upon a positive accusation confirmed by some circumstantial evidence, the unfortunate prisoner was remanded, to await his trial at the next session of the Oyer and Terminer. The day fixed for the trial arrived. The Court House was crowded in every part, and amidst all the assemblage there was not perhaps one being unconnected with the issue, that did not feel a lively and fervent desire for the acquittal of the prisoner. He had just arrived at the full development of the man—he was about thirty, and his well squared frame, his healthy glow which stood upon the cheek unchanged by the prison's dew or the mind's distress, and his good humored smile that was stamped by nature upon his face in the hour of his birth—all made him an object of interest; and his fate a subject of solicitude to every one who looked upon him. The trial occupied several days, during which every assiduity and attention which professional expe-

rience and skill at the hands of those retained for him could give, was bestowed upon his case. All that friends could do, or means could command in his behalf was expended in the establishment of his defence. Yet all could avail nothing against the effective and effecting power of the prosecution. The widow of the deceased, and the orphans of the murdered man, dressed in the sad habiliments of mourning, came in the presence of the prisoner, and when called upon to designate the murderer of the husband and the father, pointed with unerring certainty and equal promptitude to the accused. The evidence detailed a most foul and deliberate deed. The deceased had been watched on his way home to his residence, which was some distance from the habitation of any fellow being. In a moment of fancied security and quiet, when his wife was busied in the preparation of the plain and homely fare of the evening board, and the children were clambering around their father's knees, to hear his account of the doings of the day with the out-door world, and manifesting their joy at the return of their labor-worn parent—at such a sacred moment, the assassin had entered the door of the solitary home, and with a demoniac fierceness, before their eyes, and in the very drowning of their cries for mercy and for help—had slain their only support and protector, in a strange, wide world; and with a merciless instrument with which he was prepared, had beaten the body of the deceased until it presented before them a loathsome gory mass, scarcely distinguishable as having been the habitation of the spirit that had but a moment before enlivened and warmed them with the ardor of its affection. In addition to this evidence, the prisoner, though residing several miles from the place where the deed had been committed, was seen in that neighborhood, by several persons who knew him, but a short time previous to the hour in which it was alleged the murder had been perpetrated. To all this the prisoner could say nothing, but the unvarying expression of the surprise in which he was overwhelmed at the character of the charge, and the evidence, and the reiterated protestations of his perfect and entire innocence of the crime alleged. There was no chance of proving an *alibi*. It was true he had been in the neighborhood of the place where the deed was committed, about the time of its transaction; he was there in search of a person on some business, but at what precise time he was at any particular place, he was as unable to prove, as it was impossible for him to give evidence of his entire ignorance of the existence of such a being as the deceased, prior to the time of his accusation.

The trial was concluded, and the jury, with every desire and disposition to receive and to cherish every shadow that might oppose the glare of evidence in which the guilt of the prisoner was exhibited to them, were solemnly compelled to seal their verdict of condemnation, and to place the prisoner upon the mercy of a higher tribunal, for the numbering of his days upon earth. The day of sentence was one of such impressive character, as to leave its remembrance deep in the heart, after a lapse of many years.

There sat the three judges congregated together, to witness the imposing and solemn discharge of the last act of the court, in pronouncing sentence. Confronting them in the centre of the long dock sat the convicted prisoner. On each side was marshalled a small body of the officers of the peace, with their staffs of office, holding off the eager crowd that pressed on all sides to obtain a look at the unfortunate victim of the law. In the centre of the forum sat the members of the bar, who had been attracted on this sad and unusual occasion, each bearing in his countenance the deep impression of the high authority which they were about to witness, exercised by man over his fellow man. Every corner and every nook, every window and door that commanded an

inview to the court-room was thronged with spectators. And yet, with all this crowded assemblage, not a whisper was heard to disturb the silence that reigned around. After a little while the prisoner was ordered to stand up. He rose from his seat and firmly took his position at the bar. As he rose, however, and exposed his manly features, his unwrinkled brow and noble figure to the bystanders, an involuntary sigh heaved from the hearts of the multitude, to behold one so fair, so mild and so youthful, about to receive the doom of murderer—the sentence of death. The feeling judge, in a tone that betokened the emotion under which he labored, addressed the prisoner by name, and in a solemn voice asked him if he had any reasons, "why sentence of death should not be pronounced upon him." He stood a moment as if collecting his energies and his thoughts, and after looking around upon the mass of fellow beings that surrounded him, he answered as follows: "I have been fairly tried and legally convicted; for the purposes of human justice I am guilty—but in the presence of these my fellow mortals, and in the presence of that God from whose eye no deed is hidden, and into whose ear no falsehood can enter, I do now as I have always done, most solemnly avow my innocence of the crime of which I stand convicted. My reliance is on Him, who is the justifier of the just, and the guardian of the innocent—on Him I rely for my safe deliverance from the ignominious death of the murderer." With these words he took his seat, and a moment of silence, still as the deadly night of the charnel house, pervaded the room. A cry of grief was heard in a moment afterwards, from a distant corner of the room. It grew more violent until it became necessary to remove the person from whom it proceeded from the court-room. A female in a deep swoon, unrecognized by any one, was carried through the crowd, and placed in an adjacent chamber, while assistance was sent for to revive her from her lifeless state. In the meantime the judge proceeded in his painful duty. The sentence was brief and solemn. The prisoner received it without betraying the slightest emotion, nor seemed to move either muscle or feature, until the last words fell upon his ear—"and may God have mercy on your soul." He raised his eyes to heaven on the enunciation of the prayer, and spoke from them, the strength of his support. The order was given to clear the court-room, and the assembled multitude dispersed, part speaking their still belief in his innocence, and some regarding his calmness as the assurance of the heartlessness of Cain.

In a little time the prisoner was removed from the dock, and under a guard of officers was on his way to the vehicle that was to convey him to the prison from whence it was ordered that he should never return with the spirit of life. As he passed through the hall that faced the entrance of the court, a wild shriek was heard, and immediately a frantic female rushed into the crowd, grasping at the prisoner, and exclaiming, "you cannot, you shall not take him yet." 'Twas the woman that had swooned away in the court-room. The unhappy man turned around to behold the being who had thus unexpectedly involved herself in his way, and in meeting her eye, beheld a sister. They had been separated for many years, and he had believed himself parted from her by the broad ocean, and had hoped that the tale of his suffering even had not, would not, reach her ears. She was with him, locked in his arms, and again helpless in the excitement of her feelings. He could withstand no longer the torrent of his anguish, and he and she were each carried away senseless from the spot of their unexpected meeting. I immediately gave directions to have the poor girl removed to a comfortable and convenient place of repose, where I could see her and administer to her necessities, and gain from her all the intelligence of her sudden presence.

A few days found her, under the care of good attendance, much revived from

the shock which had seriously prostrated her. My most industrious and sagacious inquiry could elicit nothing, however, that in any degree explained the mystery of her sudden appearance, and her unexpected emigration. I at length suggested to her a visit to her brother, in his cell at the prison. The practicality of this, which she had not hoped for, scarcely, in the deep dejection of her privation, seemed to inspire a new life and a new vigor to her mind. "Can I then see him, and speak with him again—alone too?" she solicited, and raising her arms towards me, seemed as if she would impress upon me with manual force the emphasis of her assurance, when she exclaimed, "he is then yet safe."

With the presence of the sheriff, the next day, I conducted the unhappy girl to the prison, and led her to the cell of her brother. She entered it with a light step, and in one bound, she entwined him in her arms again. But when she looked for the response to her embrace, and saw his helpless arms weighed down with the load of chains that fettered him, and his feet clasped in the iron bands that bound him to a block in the centre of the floor, her joy fell, and her heart sought the relief that is gained when

"From tender hearts
By strong impulses called, tears burst at once
And stream obsequious to the leading eye."

The desire to be alone for a few moments, that they might converse without restraint. The request was granted to them, and they were left in close and eager discourse for some time. They were at length separated, and to our surprise, parted with a smile upon each others countenance, and an ordinary obeisance, as if they had separated, friend from friend in the ordinary sociality of life.

To the sheriff in attendance, who had taken the liveliest interest in the fate of my client, as well as to myself, the occurrences of this visit opened new mysteries and new anxieties for the confidence of the convict.

But with all the regard that he professed for us, and all the reliance which he had already placed in me, our every effort proved abortive, by which we endeavored to raise the veil that the appearance and the intercourse of the sister had thrown around him. He was suddenly elevated by her presence, unexpected as it was, from dejection to cheerfulness, from complaint to perfect indifference and resignation. The time appointed by the executive of the commonwealth for his execution was fast drawing near. From months and weeks, we had already begun to count the days that intervened between his execution and the present. The pious catholic friend, the priest, was called in, and having daily communion with the prisoner, had at length promised himself so much satisfaction to the result of his labors, as to administer the holy sacrament to him. Yet there was no confession—no other assertion but that of reiterated innocence. The sister remained in the same mysterious silence, and seemed to wait in patience the coming day of the brother's doom. A few days only now intervened for his destiny to reveal itself, and I sought the sister to entreat her to say, if aught she could, why there should be delay or mercy extended to the brother. She was still, and wrapt herself in the mystery of thoughtfulness that had made her impervious to all inquisition heretofore. At length I told her that the scaffold on which her brother was to hang, was already erected in the jail-yard—the rope was already prepared—the warrant had been read to him, and conjured her by these awful presages of his fate to reveal what she knew, that could avert his danger. This conjuration proved the test of the natural feelings of the heart, and after a moment's pause, she asked if it was yet in time to delay, at least, the execution, if the assurance of good reason therefore could be given. I informed her that it was, if the utmost promptitude was exercised. She then demanded who had the right to grant her the reprieve. I answered that it was the prerogative of the governor, who was at the seat of government, and volunteered

myself to be the bearer and the advocate of her claims to the indulgence which she prayed. "Bear me to the governor as speedily as possible," she replied, "and I myself will be the oracle and the advocate of my prayer." Our arrangements were made for our departure the next morning, and the same evening we had an audience with the governor. After the statement of the nature and course of the trial, and all the circumstances which were in my possession, to avail the convict, I turned to their sister, who sat beside me, and made known her relation to the subject of my supplication. She rose from her chair and, advancing to the centre of the room where the governor was seated, asked the privilege of speaking in private with him. I, of course, immediately withdrew, and gave her the fullness of opportunity which her precession desired.

What took place at this interview was a mystery to me, and I sought not, nor felt an anxiety to inquire into it, so that it was efficient in the object for which it was granted. The next day I was called upon by the secretary of the executive, with a reprieve of two weeks for my client.

Our immediate return to the city was requisite to make our success available, and we lost not a moment on retracing our way homeward. The day before the contemplated execution, the reprieve was placed in the hands of the sheriff, and the sister again admitted to the cell, and to a private interview with the brother. Altered she had been engaged in converse for some time, I approached the cell, unconscious that she was there, and in my unexpected interruption, heard, as they hastily closed their conversation, the last words of the sister. "He will then be far on his way."

A new light seemed to burst upon me, and I detained the sister, while I called upon the gratitude of the brother, as a plea, if my unrewarded labor in his behalf constituted no assurance of the sincerity of my interest in him, whereupon I was entitled to a revelation of the mystery that daily separated me more and more from their confidence, and removed them farther and farther from my assistance. A period, just one week preceding the expiration of the reprieve, was fixed by them as the day on which I should be made acquainted with every secret in which they seemed so deeply isolated. This day, at length, arrived, and the following was the revelation given by both to me, as we were met, in the narrow and dimly lighted cell. The prisoner was as innocent and ignorant of the deed or the contemplation of it, as the infant that yielded its pure spirit yesterday to the author who gave it. The twin brother, who had been left in Ireland, and whose resemblance to the convict, had, from infancy, baffled the scrutiny of the most intimate friends to distinguish between them, had perpetrated the foul and inhuman deed. The widow of the deceased, the principle witness in the prosecution, was early betrothed to him, and had preceded him to America under the most solemn vows of constancy and fidelity to the pledge that mutually bound them together. He was delayed from various causes from his projected emigration, and for years had lost all tidings of his betrothed. He heard, at length, of her perfidy. She was the wife of another, had married the deceased, and was the parent of several children. By an unlucky and unholy prompting, he made the resolve to pursue her and despoil her of her perfidious happiness. His purpose was overheard by the sister, but it was understood too late to prevent its fatal execution. He had already embarked for America, and no hope was left for her, to intervene between him and his design, but to pursue him as speedily as possible with the chance of overtaking him, before he had committed his dread device. She arrived here, after a long passage, just in time to receive the intelligence of her brother's arrest, and to discover in the court-room, for the first time, the mistake of the law in the prosecution of his victim.