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TERMS.

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From the U. S. Gazette of the 31st March.

Trial of Singleton Mercer.
Charged with the murder of Mahlon Hutcheson Heberton, near Camden, February the tenth.

In the Court of Quarter Sessions of Gloucester county, New Jersey, before Judge Elmer and the Associate Justices of the Circuit.

Thursday Morning, March 30th.

Mr. Browne resumed his argument, continuing his citations of cases of monomania, adducing the opinions of authors who have written upon partial insanity, arguing thereupon, and applying the principles therein contained to the cause on the part of the defence.

In his peroration, which it is essential to notice, Mr. Browne contended—upon the sanction of the law of France, the law of New York, and upon the fundamental principles of the English law as in Blackstone, which is the common law, also, of New Jersey, in fact—that the only questions for the jury to decide, in this case were:

"Whether, according to the principles of common sense, Singleton Mercer was a lunatic when he committed the act?"

O.

"Had Singleton Mercer, when he committed the act, the use of his reason?"

Mr. Browne then gave a succinct and lucid statement of the various tests which might be applied to discover insanity in any person, and which appear to the reporter to be so excellent, that he only regrets that the limited space allotted him will not permit their recital.

The peroration was occupied by fervent argument adduced to maintain that Mr. Mercer had been guilty of no crime whatever, not being a moral agent; and closing with the expression of cordial thanks to the court and jury for the earnest attention which they had accorded him.

At the close of Mr. Browne's speech, the learned gentleman retired from the Court for a few moments, and returned with much difficulty, leading in Miss Mercer, who was completely convulsed by the most agonizing grief. She having been seated, the Attorney General, the Hon. Mr. Mollison, objected to the reception of any testimony reflecting upon the character of the deceased, as the act could not be palliated by the provocation; unless it was adduced as a proximate cause of insanity; and that the insanity must be first proved before the causes of it were brought forward.

General Garret D. Wall and William N. Jeffers, Esq. followed in opposition to these objections.

And the Attorney General rejoined.

Judge Elmer, stated the opinion of the Court, admitting the testimony.

At the commencement of the above argument, the state of Miss Mercer was such that she had to be carried from the court, and at its close, another attempt was made to bring her forward, but it was utterly useless. We have never witnessed a scene so extremely painful as that which attended this and the afternoon's examination.

The Court adjourned.

AFTERNOON SESSION.

Sarah Mercer, sworn—I am the daughter of Thomas Mercer; I was sixteen last January; I am a sister of Singleton Mercer; about New Year, in Chesnut about 5th, as Miss Osborne and myself were going down, we met a gentleman whom I thought to be Mr. Bastido; I was telling Miss Osborne it was Mr. Bastido; Mr. Heberton heard me and passed up the street, and met another gentleman, and then turned back and followed us; him and the other gentleman; they followed us down Chesnut to Second, down Second to Birch's auction store; I said to Miss Osborne "they are following us;" Mr. Heberton then laid hold of my cloak; asked where we were going; I said we were going upon an errand; we then turned up Walnut street; Mr. Heberton and the other gentleman walked along side of us; we went up Walnut to Ninth; then turned back and came to Walnut and Eighth; up Eighth to George street, and they left us; we then went to Mrs. Osborne's, from whence a gentleman saw me home; the next evening I left home on an errand, and in coming home I met Mr. Heberton at the corner of Second and

Pine; he went to the corner of Second and Queen with me; I thought it was Mr. Bastido the whole time; he did not tell me that that was not his name; he asked me if I would not meet him and I said yes; the next time I met him he told me his name was Heberton and not Bastido; I had never heard of him before; I met him three evenings after this; on one of the evenings I met him it came on to rain; he stopped at Lawyer Vandyke's to get an umbrella; Lawyer Vandyke told Mr. Heberton to tell me to come in, but I wouldn't go; one of the evenings I met him, he told me he should like to come to our house; that he did not know any one to introduce him; he asked me what gentleman came to our house; I mentioned one or two; he said he knew one I had mentioned; he said the next time he met him he would ask him to introduce him; the next time we met he said he had asked this gentleman and the gentleman had refused to do so; the next time we met we took a long walk together; we stopped before a house in Elizabeth street; Mr. Heberton said a friend of his lived there; and asked me if I would not go in until he got warm; I refused to go; he said he would only sit a few minutes; he then rang the bell, and a mulatto woman came to the door; she spoke to Mr. Heberton and called him by name; we went in; she showed us up stairs; she let us into a room with a bed in it; I did not see the bed till I had got in the room; as soon as Mr. Heberton got me into the room he locked the door; I told him I would not stay; he told me I could not help myself; he then said if I did not comply with his wishes I never should see my home again; I screamed; he then pulled out his pistol, and said I must comply with his wishes; he took off my bonnet and cloak, he then carried me by force over to the bed; and threw me on it; Mr. Heberton then took off his coat, while he was doing so, I got off the bed and ran to the other end of the room; Mr. Heberton carried me back again; I struggled to get away from him but could not; he then violated my person; I guess I was about an hour altogether in the room; he told me that he loved me and would marry me; he would marry me and take me away from this place; he said if I was afraid to go home he would take me to some place to board until he could get ready to go to New Orleans; I told him I would not, I would go home; after we got out of the house he asked me to meet him again; I told him I would not; I was determined to tell my father and mother; he then said, if I did, he would tell his friends I took him to the house after picking him up in the street; he took me three times to this house; once out by Thirteenth and Walnut; once in Pine above Twelfth—I never was with him any other places except these—he brought two gentlemen down at two different times to Third and Carpenter and introduced them in the street; I know who they were; the last time I saw Mr. Heberton he went to Alderman Palmer's with me; the young lady was not at home; I did not go in—he then asked me to meet him the next Wednesday, and on the following Wednesday we would go and get married, and go to New Orleans—the last time I met him was on Sunday evening, when this conversation took place—the next morning I went to my sister's Mrs. Quin's, while I was there, a servant came and informed me that my father had received information that I had met Mr. Heberton, said that my father wished me to come home—she didn't know what my father would do to me—I was afraid to go home, for fear of being confined in the house, so that my meeting with Mr. Heberton would be prevented—I then fled to Mrs. Pider, in Pine above Twelfth street, the place I have already alluded to, and stayed there that night, that was Monday night—the next afternoon Mrs. Pider said she would go out, and look for Mr. Heberton, see if she could see him, and tell him where I was—said she did not see him; on her return that evening a lady came to Mrs. Pider's, and said there was a great excitement about me; Mrs. Pider then went and told my parents that I was at her house—my friends came and took me home—I first told this story to my mother, all I have told here; this was the night I came home, I was in bed with her when I told it—I next told it to my brother, Tuesday night to my mother, the next morning to my brother—before I ever went to Elizabeth street, Mr. Heberton told me he liked me better than any young lady he had ever seen.

Cross examined—I thought it was Mr. Bastido because he turned and looked, and afterwards he told me he had heard me say "that is Mr. Bastido." I knew he was following us by both of us turning our heads and seeing him; when Mr. Heberton laid hold of my cloak, he asked me where we were going and I said on an errand—I thought it an indignity to lay hold of my cloak. I did not say anything to him about it, I did not know the other gentleman, then I did not, now I do—it was Mr. Penrose, it was Mr. Wood saw

me home from Mrs. Osborne's—I met Mr. Heberton at 3rd and Pine by accident not by promise, I promised to meet him again because I liked him—Mr. Bastido is a Spaniard, I don't know whether he talks broken English—I was not introduced to Mr. Bastido at my sister's because I was in the front room and he in the back room—when I said "three evenings after," I did not mean three evenings, but three evenings afterwards—the street in which we stopped for an umbrella was Walnut, below 6th, lower side, I stood in the entry of the house, Mr. Heberton said to Mr. Vandyke "I have a young lady out here," Mr. Vandyke said "why don't you bring her in then," Mr. Denkla and Mr. Maitland were the names of the gentlemen I mentioned as visiting father's house, Mr. Heberton told me it was Mr. Denkla he had asked to introduce me, he did not ask why Mr. Denkla refused, I did not ask the reason—I did not know the name of Elizabeth street, I had never heard of such a street before; the reason I consented to go up stairs was that I thought the parlors were up stairs, only one large stone step at the entrance of the front door; while we were going down Elizabeth street, it was that we had the conversation about going into the house; we stood in front of the house, I don't know how long, I refused to go in, he rung the bell, he asked me if I would not go in while he got warm, only a few minutes, I did not make up my mind to go in until he rung the bell; Mr. Heberton did not change his dress otherwise than by pulling off his coat; his pantaloons were unbuttoned, not until he got in bed; his suspenders were unbuttoned, his pantaloons were on; he violated my person but once; I promised him before I left him that evening, I would not reveal; he took me to that house three times; they include the first time; I don't know who kept the house near Thirteenth and Walnut street; Mrs. Pider kept the house in Pine near Twelfth street; I don't know the name of the person who kept the house in Elizabeth street; Mr. Penrose and Mr. Luken were the names of the gentlemen I was introduced to at 3rd and Carpenter; the young lady I went to see at Alderman Palmer's was his daughter; I was acquainted with her; my meeting with Mr. Heberton on Sunday evening was by appointment; it was made the evening before; the servant who came to Mr. Quin's did not tell me before Mrs. Quin; I went up stairs and Mrs. Quin said she would go home with me; it was on Monday I went to Mrs. Pider's; Tuesday evening I went home; Wednesday morning was the first my brother knew of the transaction; I did not see the bed until I got in the room; I made no remark until I saw the bed; the woman did not call me by name, I had never seen her before; I had never been in that street before; as soon as she had got off my hat and cloak he carried me to the bed; I did not say anything but screamed; I told him I would not stay; I had no other conversation with him than I have spoken of; I did not take notice what he did with the key; the reason only I did run to the door is that I did not know what I was doing; Mr. Heberton put on my hat and cloak; I never went anywhere with the gentlemen he introduced me to; I have never been at any of these houses with any one but Mr. Heberton; Miss Osborne resided in Seventh above Chestnut street; Mrs. Hughes kept a boarding house with Mrs. Osborne; there was no colored boarders there; I have seen a colored servant, don't know his name; there were two servants; one named Quinton was a servant beside the one mentioned; he told me he could tell fortunes; he came to tell me so because Miss Mary Osborne and I were in the entry talking about it, and he came in and confirmed it; I asked him to tell me my fortune; but he had no cards; I don't remember that getting a pack of cards was suggested; Miss Osborne's sister Anna was present too; the parlor was the front room up stairs; Miss Osborne said Quinton was the servant of a gentleman; I had seen the gentleman sitting at a window on the opposite side of the street; I did not know his name; Miss Mary Osborne said he was the master of Quinton; I don't know any thing of the house opposite; Mrs. Osborne told me it was a gambling house; I never bowed or smiled at the man I saw in the window; nor did I to any gentleman across the street; Quinton said he would tell my fortune next day when he got the cards and I called him across to see if he had got them; this was the next time I went up there; only that once; when I beckoned to him I did not notice any one opposite; I did not know a man named Arnetree; Miss Osborne showed a man named Coles to me one day; never spoke in the streets of Philadelphia, to any person I did not know, and that I had been formally introduced to; I always had some lady with me when in the street. Miss Osborne showed me a man named Caran, one of the gamblers on the other side; I never recognised or talked with him—I never gave Quinton my card—he

asked me my name once—I showed him a card—he had not my name on it—he could not read—my sister's name was on it; I did not give him the card; I held it in my hand; this was on the stairs at Mrs. Osborne's, I asked him no questions; never conversed with Quinton about his master; he told me once a gentleman wanted to know my name; but I would not tell; I never wrote a note to any gentleman I did not know.

Eliza Mercer sworn—I am the mother of Singleton Mercer; I have been twenty years in bad health; my son was 20 years of age on the 17th of December last; he was subject to very severe attacks of the croup in early life; his life was several times despaired of; subject to it until he was 13 years of age; I heard the narration of my daughter; she told me the same on the night she came home; she told me in bed; we laid together; we did not sleep; my son was told next morning I think after ten o'clock; Sarah was in the room with me where we laid; it was Sarah's room; Singleton came in and came up stairs, I went out on the stairs and met him, I said "my dear son, Heberton has ruined your sister," he said "where is she?" I said "in my room," he ran into the room and I followed after, "he had his sister in his arms, and she said, 'Oh! dear brother, don't kill me,' he said 'no, my dear sister, I love you as I do my own life, only tell me all,'" she said "I will, my dear brother," they looked round, and both said, "mother leave the room," I said "suffer me to stay, and they both said 'no, no,'" I left them, I saw Singleton about half an hour afterwards, he came out of the room crying and went down stairs, he was outrageous, there were several gentlemen in the parlor, he wanted to go back and kill her, then I went up stairs, and stayed there, and saw no more.

Cross Examined—He tried to get up stairs, was prevented, the gentlemen locked the door, he tried to get out of the window, I did not go down stairs with Singleton, but afterwards—I went down because I heard a noise, Singleton was in the parlor, I don't know who was in the parlor, several; house was continually crowded, he was standing in the middle of the room with the fire poker in his hand, I was in such confusion myself I cannot tell what was going on, Mr. Mercer was not at home—I begged him to be still, it was all in vain, he didn't mind me, at the time, the gentlemen in the room undertook to pacify him, I don't know of any effort being made to restrain him, I have had interviews with Mrs. Heberton, the mother of M. H. H., it was on Monday evening of that week, it was in the dining room of her house up stairs, had not known her before, the object of my visit was to see if I could get them to return my daughter, I cannot say what I said to her, can't remember the conversation I was so distressed, I never told Mrs. Heberton that Singleton was armed and that her son was in danger, the lady with me might have said so, not in my presence though, Miss Holland who was with me, had some conversation apart from me, I did not know at the time that Singleton was armed, Mrs. Holland is not in this village, her first name is Sarah, she lives next door to me, I live No. 33 Queen st., Mrs. Holland at No. 35.

Defence resumes—The visit was on Monday evening at nine o'clock, it was made so that my daughter might be restored.

Mary Osborne sworn—I was fourteen the 12th of last January, I live in Seventh above Chestnut street, Jeremiah Osborne is my father's name, he is a house carpenter, my mother is the lady who sits alongside of me, my sister is going, on seven-teen, I believe, when I came from school Miss Sarah Mercer was at our house. I know the month was January, don't know the day of the week, it was about a week after the holidays, she was going home, and we told her she had better stay to tea, she said she was afraid her mother would scold her if she stayed late, and we told her some one would go home with her, so she stayed until after we had done tea, between seven and eight o'clock in the evening, we wanted to get some grapes for my sister, who had an operation performed on her, mother was down in the parlor when Sarah and I started to get them, we did not go down to ask her but we went without, we went into Market street first, and could not get any grapes there, then into Chesnut street, and got the grapes, we were going home, but Sarah said "let's take a walk," I told her I would, and we went down Chesnut street to Sixth, still continued down Chesnut street, where we met Mr. Heberton, I did not know him, Sarah said "there is Mr. Bastido," I said "is it?" we went down Chesnut to Second, in Chesnut street Heberton met with a friend, we went down Second st. and opposite Birch's auction store Sarah said "Mary, they are following us," I said "let us run," and as we were going to run, Heberton caught hold of Sarah's cloak he asked us where we were going,

and we said "of an errand," the other person was still with him, we went up Walnut street, they still continued to follow us, when we got up to Ninth street I told Sarah they should not go any further with us, Heberton wanted us to go into Locust street, but we would not, we turned down Walnut again to 8th, and then at 8th and George I told Sarah they should not go any further, I was afraid mother would scold. Sarah told them to leave us, they did leave us, we ran almost all the way home, when I got home, we went up to the room of my sister, and told her, and she said "we ought to be ashamed of ourselves to have men following us," it was before ten when Sarah left for home, I went with her; a gentleman with her, Mr. Wood, son of the confectioner, he is respectable, has long visited our house.

Cross Examined—I have known Sarah almost a year; has been in the habit of visiting our family; did not visit us often till we moved to Seventh street, then she came often to see my sister after the operation had been performed, the operation was performed on the 6th day of January, it was about six weeks after that when we took our walk, Miss Mercer said "Mr. Bastido," did not introduce me to him, nor did Mr. Heberton introduce his friend to Miss Mercer, she came to our house perhaps once a week in the fall, Mrs. Hughes keeps the house and my mother boards with her, the servants were a waiter, cook, and chambermaid, the waiter was a colored man, the cook a female, the waiter's name was Harry, I remember hearing of such a person as Theodore Quinton, have seen him at Mrs. Hughes', in the fall, he was down among the domestics, never knew him to be there when Miss Mercer was there, have heard that there is a gambling house opposite our house, don't know any that went there, have seen them go in and come out, have seen persons at the window, don't know any such persons as Arnetree, Coles or Coan, never heard Miss Mercer speak about the persons opposite, when they came up to us in Second street, we separated, Heberton walking with Sarah, the other with me, I think Sarah had Heberton's arm, I had not the arm of the other, I did not hear anything they said to each other, for whenever I approached Heberton was very rude to me, asking me what I wanted and so on, when I said "let's run," Sarah said "very well," and then Heberton detained her by the cloak, several times I said during the walk in a whisper to Sarah, "let us go home," she said she would, and then Heberton would say "let's go a little farther," I said at George and Eighth street, we must separate, and Sarah said to Heberton "Mr. Bastido you must go no further with us."

Defence resumed—There never was a colored man a waiter or any other one ever boarded at Mrs. Hughes'. Adjud.

From the U. S. Gazette of the 1st April. Friday Morning, March 31.

The Reverend William Loughridge, sworn—I am a minister of the Gospel; I belong to the Fourth Presbyterian Church of the city of Philadelphia; I know Mr. Thomas Mercer and his family; have known them three years and five months; they attended the Fourth Church, of which I am pastor; Mr. Mercer is an elder; have known Singleton the time I have mentioned; have been intimately acquainted with him; he is mild and gentle in his disposition; kind and courteous in his manners; I have never discovered any thing tending to vindictiveness; I am acquainted with the general character of Sarah Mercer for modesty and so forth; her general reputation for chastity and modesty was unblemished; Mr. and Mrs. Mercer are communicants; I was at Mr. Mercer's on Wednesday the 8th of February; I heard of the circumstance of the abduction on Tuesday evening, and felt it my duty on Wednesday morning, as pastor, to visit the family; it was about ten o'clock when I arrived there; on entering the parlour, I saw Mrs. Mercer apparently in deep distress; I walked up to her and shook hands with her; on the opposite side was Singleton; he lifted up his hands and said "oh, Mr. Loughridge, we are ruined and disgraced for ever," and burst into tears; then threw himself with great violence upon a chair; I inquired what was the matter; he replied the amount of the matter is a person of the name of Heberton has ruined my sister; he then rose and walked the floor of the parlour in a very agitated state; I said I hoped it was not so; he said it was so, for she told him herself; he then said as soon as my father comes home I will make him shoot her; I reasoned with him; he continued to walk the floor in great agitation; a second time he lifted up his hands, burst into tears, and said, "oh, Mr. Loughridge, we are ruined and disgraced every one of us;" he then insisted upon leaving the parlour; I said I could not allow him to leave it until his mind should become settled; I was then surprised to see that a young man who had always treated me with kindness and respect be-

came violent and insisted still upon going to look for his father; I refused still to allow him to go out; the more I reasoned with him the more violent he became; I thought it prudent to say as little as possible to him for the purpose of keeping him in the parlour; he continued to throw himself upon a chair and then to rise and walk across the parlour; I think I had been about half an hour in the parlour when he said he would be the better of something to eat and water to drink; bread and butter, I think was sent in and a pitcher and glass; I think he eat but one mouthful; I insisted on his eating more, but he refused; he drank a tumbler full of water; after a few minutes a second tumbler of water; he continued all this time sitting down, rising up; and walking about; he filled a third tumbler of water; brought it in his hand to the fire-place; took his pocket handkerchief out; held it in one hand over the fender; poured this glass of water upon it until he saturated the handkerchief; he folded his handkerchief in the form of a bandage, and bound it around his temples, in this wet state; I inquired why he did so; he said my head is very bad, it is burning; I was afraid from the coldness of the day it might be injurious and advised him to take it off; he refused, and it remained there until it was dry or nearly so; he continued to move about the parlor occasionally insisting on getting out; I always refused to allow him to go out until his father should come in; after some time his father and his brother-in-law came in; he inquired if they had not brought Mr. Heberton; they said they had not; and he then became truly outrageous; his father rebuked him; Mr. Quin, his brother-in-law, reasoned with him very affectionately and kindly; he did not seem to me to be able to understand or appreciate any thing that was said to him; I stepped forward and spoke to him again; he replied to me very harshly; said all the ministers between him and Kensington could not settle his mind; I do not remember any thing more particular that occurred save that I recommended that he should be confined; he left the parlour in charge of two young men; I have not seen him since till I saw him in this town.

By the Court—By outrageous conduct I mean that he raved at his father and brother-in-law for not bringing Heberton with them.

Defence resumed—On that occasion he used profane and indecent language, such as I never heard from his lips before.

Cross examined—I live at 279 south Tenth street, have resided there two years last November, previously boarded with Mr. Sexton, I think I came to Philadelphia three years and five months ago, I resided in New York before, I studied divinity in Belfast College, Ireland, the Fourth Church is now at Twelfth and Lombard, it used to be at Fifth and Gas-

kill street, my opinion of Singleton is based upon my personal knowledge of him, but I have never heard any thing to the contrary of what I have stated, I cannot say that I have observed any remarkable firmness or determination of character about him, never saw him placed in circumstances requiring such a display, I have often heard my wife say Sarah was a quiet modest virtuous, and retiring child, Mrs. L. has repeatedly said so, this statement was made on such occasions as after a visit and so forth, quite casual, never heard her character questioned, it was a matter of great grief, but not of surprise, that Singleton should be in such a state, I stood between him and the door and he often pushed me aside, but I insisted on his remaining in the room, but for my interference he would have gone out, I was very much surprised certainly at his conduct with the handkerchief, I have seen many sick persons with their heads bound up, but never saw any thing like the manner of Mr. Mercer on the occasion, my remonstrances were in this wise, "leave the violator in the hands of the Lord, he will deal with him in his own good time," Singleton was perfectly insensible to all I said, his mind seemed carried away, his words were incoherent, having no reference to what I said.

By the Court—I do not remember the phrases he used, the idea was constantly in his mind that Heberton must do justice to his sister, I spoke of and endeavored to impress him with the providence of God in these matters, but it had no effect.

Cross examination, resumed—I have never known such incoherence except in the cases of persons in high fever, I have never seen any one, under any affliction, in what I might call such a deranged state, for so he seemed to be, by a deranged state, I mean at present, that his mind was so excited that he did not seem to know what he was doing or saying, I consider that he knew what he was saying about Heberton doing justice to his sister, that idea was alone in his head, when he heard that that could not be, he became distracted.

Catharine Shankland, sworn—I reside at 55 Queen street, next door to Mr. Mer-