

him where Freeborn had gone. If he did tell him where, it was to Fall River. He then thought if Freeborn was not at home, he would not go there, but that he would go down the west side of the island and bring out by sister Wilcox's, for she had invited him to visit her. Wm. E. Cook had shown him where it was, when he carried him to Newport, but it was a foggy wet day then, and he could not tell where it was. He kept down the west of the island till he thought he was near her house, when he thought he would bring out to the road, when he brought out to the road, it was farther than he thought, and night having come upon him, and his leg failing, beginning to be some lame, for says he, you remember that I told you that I had broken my leg, (He had told witness before, that he had broken or dislocated his leg about the time he left Lowell.) Well, when he came out into the road it was dark, something in the evening. He was in doubt whether to go to Wilcox's, or to go to brother Cook's, or to return home over the ferry; that there would be some difficulty in finding Wilcox's and he had rather be at home: commenced returning, there was no moon, I think he said, the farther he travelled, the more it hurt him, it gave him pain if he did not step just so, as it was very rough travelling, as there were lights at all the houses, he thought he was early enough to cross the ferry, if he kept on; and as his family were not very well, his wish was to keep on and cross the ferry as he had heard they would cross the ferry at almost any time. When abreast the windmill, he heard the Bristol bell ring for nine. He came down to the ferry house, rapped at the door, made nobody hear, saw a little house back of the ferry house called there, because he thought the ferryman might live there; they told him the ferryman lived at the large house; rapped again, Mr. Gifford let him in; requested Gifford to carry him across the ferry; Gifford told him he could not that night, he might stay all that night and he could cross in the morning, so he went in and went to bed; observed by their clock that it lacked 15 minutes of 10 o'clock. It took him some minutes in going from the great house and back again. Witness then observed to Avery, I have considered that clock too fast, I had visited that family frequently. Avery then stated in the morning Mr. Gifford's son set him across the ferry, and he came home—Amen.

"BROTHER AVERY."

When a man has been tried by his peers and acquitted, unless there are particular circumstances connected with his character and station in life to operate indirectly on the minds of the jury, he may be said to have passed through the fire like Shadrach, Meshach and Abednego, and demon-strated his innocence to the world.—Whatever therefore may be our own impressions from an attentive perusal of the testimony on the trial of "Brother Avery," we have no disposition to call in question either the motives or impartiality of the jury which acquitted him. "Murder will out," and if indeed the murderer of the unfortunate girl, walks unscathed on the face of the earth, without doubt he will one day be disclosed to the detestation of mankind. He cannot finally escape even though the whole force of religious fanaticism should be brought in array to screen him from his merited punishment. He may be hailed with triumph by crowds of deluded followers, but one day or other the darkness which envelops this, one of the foulest murders that ever stained the face of our country, will be dissipated and the light of the blessed truth will blast the guilty whoever he may be.

No one can, we think, attentively read the testimony on this remarkable trial, without a conviction that Sarah Maria Cornell was murdered, and that circumstantial evidence as strong as ever was brought to bear against a prisoner, was adduced on the occasion. But let that pass. No doubt exist that she was first the victim of the seducer, next of the murderer, and that he was one and the same person. Who was that person? There is not a particle of testimony to implicate any other than the one who was brought to trial and acquitted. None other was named, none other was even suspected; nor was there a single circumstance that could tend to a suspicion—a possibility of any other known agent having committed the atrocious deed.

As to the attempt to prove the insanity of this poor girl, who is first the victim of seduction, next of calumny; it only deserves to be noticed as a desperate and abortive attempt to fix upon her the guilt of suicide. We defy any human being that is not himself insane, to believe in the possibility that a woman found as Miss Cornell was found hanging to the stake, committing the act herself. The thing was physically impossible. Some one must have done it for her, and who that was, the wretch who perpetrated the double crime of seduction and mur-

der only knows. There is, however, another being acquainted with his guilt, and to his justice we leave the villain, whoever and wherever he may be. May he wander like Cain, if not with a brand on his forehead, at least with a fire in his heart; may he writhe in the agonies of sleepless remorse, live in perpetual fear, and die without hope.

Yet the man who labors, and will always labor, under strong suspicions of this double, aye treble guilt, until he confession or conviction of some other shall relieve him, is received by the "conference of the Methodist Episcopal church of New England," in triumph, as one escaped from persecution, as snatched from the fire. He is followed by crowds, and installed among the rulers sitting in high places governing the church and administering the holy offices of religion! We pronounce such proceeding highly indecorous and calculated to bring any church, any denomination of christians into disrepute. It was exhibiting an indecent triumph on an occasion that called for lowly humility rather than boisterous exultation. If they believed him innocent they should have given thanks in quiet gratitude, instead of flinging their outrageous shouts of triumph in the faces of a world, one half of which at least differs with them materially in the estimation of their brother, rendered illustrious as he is, by imputations that supported as they were, would have driven from society any other than a fanatical teacher in a community of fanatics. Such conduct in such a case, cannot but injure any religion, may all religions, by giving strong support to an opinion cherished by many reflecting and judicious persons, that however decisive may be the presumption of the guilt of a clergyman of certain denominations, there will always be found injuries to acquit, and legions of fanatical followers, to hail him as a persecuted martyr. An idea too generally prevails, that it is not the guilt, but the punishment that constitutes the infamy of a crime. But we must be permitted to observe that the escape of one guilty teacher of a church by the indirect interference or direct influence of the whole body, is much more likely to disgrace that church, than a dozen convictions. By leaving the law to take its course, they escape the charge of a communion in guilt; by active interference they become parties to the crime, and sharers in the disgrace. We pity the criminal at the gallows, but his triumphant escape excites unqualified indignation. *N. Y. Courier & Enquirer.*

TRIAL OF AVERY.

We have been under the necessity of condensing, to a considerable degree, this voluminous trial, in order to close its publication in our paper to-day. It has been our object to publish as much of the evidence as possible that goes to favor the prisoner, if, indeed, there be any such evidence in the trial, for this is an affair that will produce a very great excitement in the country; and it is well that all should have a full knowledge of the merits of the case. A strong attempt is to be made by the religious denomination of which he has been an accredited minister, to sustain him and force him upon a virtuous community, as a preacher of the gospel of Jesus Christ, when a very great majority of the people believe that his hands are crimsoned with the blood of an erring, unfortunate, forlorn girl, to whom, at the sacrament table, those very hands had, in other days, administered the bread of life. It is true, a jury of his country, after being confined sixteen hours in their room, to agree upon a verdict, acquitted him, as there was no positive evidence of his guilt before them, but we have no doubt they fully believed him guilty. He has escaped with his life, but not his reputation, and it is utterly useless for his brethren to struggle against public opinion to save him from contempt and degradation, until he can give a better account of himself during the afternoon and evening of the murder of Sarah Maria Cornell, in December last, than he has yet done. If the letter which he sent to the deceased by the engineer, the reception and delivery of which was clearly traced from Avery to the deceased, was not his letter, he could have easily shown of whom he received it, and if the letter which was mailed at Fall River and sent to Bristol, Mass. on the 20th of November last, and taken from the Bristol postoffice by Mr. Avery, as proved, was not the letter of the deceased, Mr. Avery could have shown very easily who the author of that letter was. Indeed, a correspondence between them for some time before the murder, seems to be fully proved, and we have no doubt but the meeting of the 20th near the fatal stack, was agreed upon by the parties, at which meeting she expected either to be cured of what so much troubled her, or else to be conveyed to some retired place where the knowledge of her situation might be kept secret; but the

experiment not succeeding her life was taken; for her situation when found is sufficient evidence that she did not die by her own hands. Suspicion has fallen upon but one man as the cause of her unfortunate situation while living, and her death.

Much of the evidence introduced for the prisoner is of such a nature as almost to exclude it from the columns of a newspaper, and it would not have found its way into the Courier, had we not have found ourselves in the midst of the publication of the trial before we read this part of it; and we could not well omit it without being vulnerable to the charge of giving a one sided view of the trial. The witnesses for the defence are mostly clergymen, and those girls who pretended to know and tell much of the failings of the deceased, and their stories will lead many to believe that their characters are no better than they should be. They seem to have been hunted up for the purpose of proving a bad reputation to be very bad. We do not think that those clergymen who sought out these witnesses & procured their attendance at the trial, have done the cause of justice or morals a very essential service. Nor do we think they have done themselves or the cause of religion much credit, in quitting their flocks for weeks, to aid the civil authorities in managing this prosecution.

We do hope, for the credit of that very numerous denomination to which Mr. Avery belongs, that the clergymen, who have taken such an interest in this business, will not throw community into a great excitement about this man. They had better give him up than have him hanging like a mill-stone about their necks.

The press would be silent if they would be still; but the reputation of the country is dearer to us than the reputation of any one religious denomination whatever, and if there is to be an Avery and Anti-Avery party, we shall, with our present convictions, be of the latter.

If the ministers of the Methodist denomination persevere in their attempts to sustain this man, a teacher of righteousness under existing circumstances, they will be the means of making more infidels in the new world than have all the writings of Home, Volney, Paine, and their conditors, since the settlement of the country. The very respectable denomination who are required, by a few misguided zealots, to sustain him because he is of their faith, are by no means to blame for his past conduct, but if they, as a religious party, undertake to buoy him up upon party grounds, they will identify themselves with him and must suffer if he cannot rise.

The people of Fall River are entitled to much praise for the interest they have taken to bring to light the murderer of the forlorn girl who lost her life near their village, and if Mr. Avery is not that guilty person whom they believed him to be, he is certainly a very unfortunate man to be placed in the unpleasant attitude, in which he now stands before an intelligent and crime condemning public.

Had a man of any of the laboring classes among us been situated as Mr. Avery has been no extraordinary effort would have been put forth to save him, nor would those of his own occupation have made an effort to compel the public to respect him. If a struggle is to be witnessed between a numerous body of the clergyman and the great body of the people, to decide whether we have a privileged class of men, we shall witness a great battle about an important principle—a battle in which there will be but few neutrals.

The Portsmouth Gazette, speaking of Avery, says:

"His friends, if he has any, ought certainly to advise him not to exhibit himself unnecessarily to the public gaze." So we think. His friends have cautioned the press; the press will take the liberty to caution his friends.—*New Hampshire Courier.*

CAMDEN, June 19.

Rev. Ephraim K. Avery.—The committee appointed by the Methodist Conference to investigate the case of Mr. Avery have reported that, after having thoroughly and patiently investigated the whole matter, are opinion that he entirely innocent, not only of the murder but of any criminal or illicit connexion or intercourse with the deceased, (Sarah M. Cornell,) and the Conference have agreed to, and adopted the report, and Rev. Gentleman is now expounding the word of God, *secundum formam statuti.*

We understand that Black Hawk and his party are to visit, by arrangement, probably in the course of this day the splendid collection of paintings, now exhibiting at the brick building, corner of Ann and Nassau streets, in behalf of the institution for the blind.

Several mad dogs have appeared in the neighborhood of Wellsborough, Pa.

The state of Indiana, Switzerland co. ss David Schoonover, } Affidavit & notice to
Solomon Washer. } perpetuate the

testimony of LORINDA HEWITT, to be read in evidence in an action on the case which David Schoonover, by affidavit made before me, on the 11th day of June, 1833, on his oath said he expected to be commenced against him, by Solomon Washer, in the Switzerland circuit court, for his having, before that time, published a certain piece in a newspaper styled the "Weekly Messenger," published in said county, charging said Washer with having attempted to commit a RAPE on an orphan girl. Proof having been duly made, to my satisfaction, that a copy of the hereto annexed notice, had been in due time, left at the house of said Washer—and said Washer being present as well as the said Schoonover, this 20th day of June, A. D. 1833—and the said Washer waiving all exceptions to the illegality of the service of said notice, and the said Lorinda Hewitt, being by me duly sworn, according to law; she, on her oath made the following deposition to wit:

[Before commencing the examination, Solomon Washer, by his attorney, moved that Samuel Hewitt, the husband of said witness, should withdraw, not being a party to the transaction, which motion is overruled; and it was thereupon suggested to Mr. Hewitt, by said Washer, that he might withdraw, who refused so to do.]

DEPOSITION OF LORINDA HEWITT.

1. Question by Schoonover's attorney.—Mrs. Hewitt, if you know of any violence that Solomon Washer has attempted on your person, you will please state it and the circumstances attending it.

Answer.—The first time was in the spring of the year 1824. Solomon Washer was setting out apple trees—after coming in the house, he threw me on the bed; I entreated him to let me up, which he at first refused to do; he held me down and told me to lie still; he did nothing more than hold me down—when I asked him whether he wanted to kill me or what he wanted of me, he told me to lie still and he would let me know what he wanted; he attempted to pull up my clothes.

2. Were you living with Mr. Washer at the attempted violence on your person which you have just related?—Yes.

After he suffered you to rise from the bed, did he suffer you willingly to go from the room?—I went out of the room—I expect he was willing.

3. Did said Washer ever at any other time attempt to commit a rape on you? If he did, state the time, place, and concomitant circumstances.—At the same time above stated, when I went into the other room, he caught me and threw me down on the floor, and attempted the same violence.

4. Did said Washer in his second attempt use any threats to make you comply with his wishes?—No.

5. Were these two attempts in the day time?—Yes.

6. How did you release yourself from him in the second attempt?—By crying, and begging him to let me up; he at last told me if I would stop crying and get dinner, he would let me up.

7. Did he at any other time than the two you have just mentioned, make any similar attempt?—Yes.

8. You will please detail the circumstances.—I don't know what time in the year, but I think in the same summer. I think his wife had gone to Vevay; I had undressed and gone to bed; he came into my room, blew out the candle, threw himself on the bed, and held me there, and acted the same violence he did before.

9. Did he use any force at this time to make you accede to his wishes?—He held me to keep me from getting away, and asked me if I was not ashamed to act so, and told me how others would do; he asked me if I did not want new dresses, and told me if I would submit to his wishes, he would get them for me.

10. How did you release yourself from him at this time?—After he had been there sometime, he told me if I would quit crying he would leave; after some time, he got up and went away in the other room.

11. Had you lost your father previous to the attempts at violence on the part of said Washer, which you have just related?—Yes.

12. Were you living with said Washer when he made the last attempt which you have just related?—Yes.

13. Did said Washer, at any other time, make any similar attempt on your person?—Yes.

14. Will you please relate the circumstances?—I do not know exactly at what time; his wife was at Mr. Hyde's whose wife was sick; I was sitting down and got up to do something, and he pulled me down on the floor and used the same violence he did before. It was in the evening before I had gone to bed—there were two little boys asleep in the room—at first I might have waked them, but I thought I might as well be dead as to make it known.

15. Did he at this time use any violence? if he did, state it, and state also whether you were in manner hurt by his violence.—He told me not to

make a noise to wake the boys. I told him I would, and he then put his hand over my mouth to prevent my making a noise; I pulled his hand off my mouth and hollered; I then fainted, and that is the last I recollect until he was raising me up.

16. Did you receive any injury from the violence said Washer used at the time?—I believe he injured my health—I was not hearty at that time.

17. Did said Washer ever at any other time than those you have before stated, make any similar attempt on your person?—Not to hold me, that I remember of.

18. Did he at any other time use threats or entreaties to destroy your virtue?—Not that I remember.

19. How old were you when these attempts were made?—The last was when I called myself twelve years old.

20. Did you in any of the attempts on your person by said Washer, which you have related, have any considerable struggle with him?—Yes: The last time was the most violent; before he wanted to flatter and hire me; I tried with all the strength I had to get away from him every time.

21. Did he at any time use any threats or entreaties to prevent you disclosing these attempts on you?—I told him I should tell; he said if I did, he should deny it, and the people would believe him before they would me.

22. If you know any thing else relating to this affair, you will please state it.—He tried once to persuade me when we were together in the field; he tried to hire me by promising to get new dresses for me, and told me that other girls would let him accomplish his purposes, that I was worse than other girls; this was before the last time I stated before.

24. Was the last attempt in the same year with the former ones; if not, when was it?—I think it was—that it was all within one year.

Cross Examination.

25. Question by Washer.—Is Samuel Hewitt your husband?—Yes.

26. Does David Schoonover live at your husband's house, and how long has he lived there?—He lives there and has lived there about two months, but do not know the precise time.

27. State if you know who wrote for him or who helped him to write the publication in the Weekly Messenger, signed Janus Brutus.—I do not know.

(In putting the above question, David Schoonover, by his attorney, excepted to putting the same.)

28. Did you hear David Schoonover say he did not expect to be sued about this publication, "Janus Brutus."—(The master in chancery, at the suggestion of Schoonover's attorney, overruled this question.)

29. Did you hear Samuel Hewitt, your husband, this day in this room, say that this examination would never go into court?—(Question overruled at the instance of Schoonover's att'y.)

30. When did David Schoonover first know of the abuse of Mr. Washer towards you?—Sometime last winter; it may not have been so long—cannot exactly recollect the time.

31. Who told David Schoonover of it?—My husband.

32. Who told your husband?—Myself.

33. When did you tell your husband of it?—Since I was married to him.

34. When was you married to him?—(Question overruled by the master at the suggestion of Schoonover's attorney.)

35. Who did you tell of it first and at what time, and what other persons did you tell of it, and at what time did you tell them?—(Overruled by the master at the suggestion of Schoonover's attorney.)

36. Has Mr. Hewitt, your husband, been sued by Solomon Washer, for speaking or publishing the same words that Schoonover thinks he is to be sued of?—(Overruled.)

37. State what was that act of providence by which you was saved from a destruction worse than death.—I do not understand the question.

38. By what means was you saved from the misfortune of Washer having his will of you, against your consent?—By crying.

39. Did he desist, or stop, when you cried?—He tried to flatter, me at that time, to submit to his wishes.

40. How soon did you tell of the ill-treatment that Washer gave you?—(Overruled, at the suggestion of Schoonover's Attorney.)

41. How long did you live at Mr. Washer's house after this happened?—I can not tell exactly—four or five years.

42. Have you visited him and his family, on friendly terms, ever since?—I never visited him on friendly terms; I have visited there, but it was on account of my people.

43. How long at a time, that is, how many weeks at a time, were your longest visits?—I was urged to go there by my relations at home—I think the longest was three weeks; his wife was sick, and I was working there at that time.

44. Did your relations that urged you