

From the Providence Herald.

Newport, July 6, 1833.

Dear Sir,—I saw by reading your paper, the Republican Herald, of Saturday, the 20th inst. that you intend publishing a series of strictures on the trial of E. K. Avery. It is what I have very much wanted to see undertaken by some able and impartial writer. I should very much like to see that trial strip and exposed to the world, in its hideous deformity; for, from my own observation, being at the court house every day, myself, more or less, and seeing the management that was made use of, in doors and out, I do sincerely believe it was one of the most corrupt and abominable trials, that ever took place since courts of justice were instituted amongst mankind.

EPHRAIM K. AVERY.

NO. 2.

Mr. Simons:—Avery has passed through the forms of a legal trial; his life, therefore, is no longer in jeopardy from the action of the law. He has availed himself of all the subtleties of and technicalities of law, to ward off the impending blow that seemed ready to fall upon him, and now, the only earthly tribunal to which he is amenable, is the bar of public opinion. The public, in making up judgment on the case, will, as they have an unquestionable right to do, lose sight of legal quibbles, the foundation on which rests thousands of verdicts of acquittal, which, in the very face of rational conviction, have turned loose upon society, thousands of guilty wretches unfit to live. Such may have been the fact in the case of Avery; that such is the fact, the jury themselves declare, and it is doubtful if even the judges, and the counsel on both sides, do not entertain the same opinion. In my review of the case, I shall proceed without reference to points of law. I shall take facts, as they present themselves; use my own judgment as to what testimony ought, and what ought not to be admitted; draw such conclusions from the premises as reason may approve, and decide accordingly.

In the singular proceedings under review, it has been said with much aptness, that Sarah Maria Cornell, who was in her grave, and not Ephraim K. Avery, who was arraigned at the bar of his country, was put on her trial; and entering on an investigation of the facts in the case, the country was ransacked, every nook and corner was searched, and every possible means made use of, to draw every musty and long neglected old maid to relate and swear to every tale of gossip that had ever been told, either in jest or in earnest, either true or false, of Sarah Maria Cornell, from her very infancy to blast her character, and to prove her that abandoned wretch, with whom an honest man and a Christian minister might cohabit without shame, and afterwards murder without guilt.—And yet, strange as it may appear, though a host of this species of testimony was admitted on the trial, not a solitary witness was called on to identify the murdered girl; they knew a person by her name, and there might have been forty, and the sins of the whole were laid upon her shoulders. It was well known there was one who might have been mistaken for her, one of an abandoned character, still living; some witnesses, from their own subsequent confessions, did not know whether the facts they swore to related to the one or the other of those persons, and yet on such equivocal testimony is the character of the unfortunate victim of lawless violence, loaded with an overwhelming weight of infamy, a great portion of which is as likely, for aught the court and the witnesses know, to belong to another, as to her, if to any one.

Without attaching much importance to the hearing of the testimony admitted respecting the character of Miss Cornell, for in my view, it has but little to do with a rational investigation of the case, a cursory glance at it, in the gross may be expected. And now, permit me to inquire as to its nature and amount.

The first and most prominent witness in the case, is the prisoner himself!—at least his former letters and conversations are brought to show what he had thought of her. And what had he thought of her? Why he thought well enough of her to receive her into the church—to extend to her the hand of fellowship—to sit with her at the sacramental board—and unite with her in the services of religious devotion. Pretendedly afterwards acquiring a knowledge of delinquency, and of her aberrations from the path of virtue, and when she had been cast out from the church, he again received her into its bosom. Satisfied, as it would seem by his letter to Mr. Storrs, that she was a liar, and knowing that she was an abandoned prostitute, he finds her in the church at Fall River; and instead of taking immediate measures to rid the church of her hateful presence, instead of instantly removing such a nuisance from religious society, he calmly and basely compromises with her, to permit her to continue in peace. This, of itself, is a transaction, of which no gentleman, no man of honor or moral worth, and certainly no honest and faithful Christian minister, would permit himself to be guilty. It is a transaction that should, in justice, have ban-

ished him forever from the pulpit, and covered his name with eternal infamy.

I appeal to the candid and virtuous feelings of any person of common reflection; I appeal to every intelligent member of every Christian church; and I ask which line of conduct is most to be detested, either for Ephraim K. Avery to hold an illicit intercourse with Sarah Maria Cornell, or, knowing, as he and his friends pretend to prove, that she was a common prostitute, to cover over her depravity, to assist her in palming herself off on a church in his own connection, and, with all that moral pollution attributed to her, to lead her to the sacramental board, and connive at the disgrace that the discovery of her true character might bring on a respectable religious community. What confidence ought to be reposed in a professed gospel minister who would be guilty of such infamous conduct? Is the man that would suffer a common prostitute to remain in his church unexposed, covered with the garb of apparent sanctity, when he knew her real character, and suffered her to continue in an association with respectable and innocent females, when he had the power to prevent it, a whit better than the most abandoned debauchee? Avery and his friends may take which horn of this dilemma they please. He did not make the minister and members of the Methodist church at Fall River acquainted with her character, or else Mr. Bidwell was guilty of the most wicked hypocrisy, in declaring, when her dead body was discovered, that she was a worthy member of the church.

In this case, Avery became a partaker of her evil deeds, as much as a man would be who should receive stolen goods and conceal the thief. And, on the hand, if he did impart this information, then Mr. Bidwell himself is answerable for the sin. The inference I draw from the premises, is, that in a moral point of view, to blacken the character of Sarah Maria Cornell, affords no shield to Ephraim K. Avery; for the worse you make her, in the same ratio you degrade him, for being acquainted with the extent of her moral depravity, he basely concealed that knowledge from the world, and thus connived at her continuance in the church and enabled her to mingle in decent society. But I am not about to disprove nor deny the badness of her character; though, in my next number, I shall descend pretty freely on the nature of the testimony on this point, hit whom it may. In this place, I only say, bad as she may have been, Ephraim K. Avery, if not her murderer, or even her paramour, both of which I have no doubt he was, and think I shall yet make appear, was, at least, no better than she, and deserves to be detested by every member of community, who desires to preserve free from every contamination of vice, which he has manifested a disposition to conceal and countenance.

ARISTIDES

DEPOSITION OF LORINDA HEWITT.

The state of Indiana, Switzerland co. ss

David Schoonover, Affidavit &

Solomon Washer, notice to

testimony of LORINDA HEWITT.

CROSS EXAMINATION, CONTINUED.

72. How far did your mother and sisters live from you, when you lived in the state of New York?—I was young when grandfather moved to this country, and I cannot tell how far they lived from me.

73. What name was you known by, besides Lorinda, before you was married?—The school children, before Washer was married to Mrs. Washer, called me Lorinda Peabody, after that time, they called me Lorinda Washer.

74. Did you know that your true name was Schoonover, and neither Peabody nor Washer?—I expected it was, my people told me so.

75. When you say your people, do you mean your mother's family?—My aunt told me that Mrs. Schoonover was my mother.

76. State whether your mother called you her daughter, and whether your brothers called you their sister?—I do not remember, at that time, of ever hearing them call me so.

77. Was your aunt ever married, before she was married to Mr. Washer?—I never saw nor heard tell of her being married, till married to Mr. Washer.

78. Tell how, if you can, that your sister obtained the belief, when she was ten years old, that you was your aunt Washer's daughter?—I cannot tell.

79. Did you ever tell any one that Washer had always treated you well, since you quit living with him?—I do not remember of telling any person so.

80. Do you know of your husband having promised David Schoonover, to pay the whole or part of the costs in this suit?—(Overruled.)

81. Did your husband find fault with Mr. Eggleston, on yesterday, for not asking the questions properly? (Overruled.)

82. Is your husband to pay Mr. Eggleston for attending to this examination?—(Overruled.)

83. Was you perfectly willing to come here as a witness, or did your husband insist on your coming?—I was perfectly willing.

84. Has your husband used any threats,

towards you, if you did not testify in this case, to prove the charge against Mr. Washer, that was set forth in the piece signed "Junius Brutus"?—He has not.

85. Has there been no difficulty, or hard feelings between you and Mr. Hewitt, touching this matter?—(Overruled.)

86. Did you know of Augustus A. Peabody writing a letter to Mr. Washer, in which he stated to Washer, that there was a great difficulty between Mr. Hewitt and yourself?—(Overruled.)

By agreement, an adjournment now took place until two o'clock, when the parties being present, the direct examination was resumed, to—

87. Question by Schoonover's Attorney. You stated yesterday, Mrs. Hewitt, that Washer, in the several attempts he made upon your person, that he, Washer, threw, or pulled you down; you will now state in what position you were, while he was holding you down?—He held me on my back.

88. Did he, Washer, get upon your body, in either of the attempts, after he had thrown you down and was holding you? state his position?—Yes, he laid on my body.

89. Did he, Washer, at either of the times, attempt to pull up your clothes?—He did.

90. Did he, at either of the times, attempt to get apart your legs, and get between them?—He did.

91. Did you discover, at either of the attempts, whether he had, or attempted to get his pantaloons down?—I believe he did.

92. In the last attempt made by Washer, did you release yourself by crying, or fainting away?—I fainted.

93. In the several attacks Washer made upon you, did his actions show that he wished to commit a rape on you?—Yes.

94. Did Washer hurt, or bruise you any, in his attempts to separate, or force apart your legs?—No.

95. Did Washer, in any of his attacks, attempt to lay his hands upon any of the private parts of your person?—Yes.

96. Was Mrs. Hyde's child born about the time Washer attempted the last rape upon you; and if so, what was it called?—It was about the last time, and the child's name is called Adolphus.

97. Did you ever live any at Mr. Peabody's?—Yes.

98. Question by Washer.—You say Mr. Washer attempted to commit a rape: did he effect his purpose?—Not unless he did it after I fainted.

99. Could you not know whether he had effected his purpose to commit a rape on you, or not?—(Overruled, at the suggestion of Schoonover's attorney.)

100. You say he attempted twice, in the day time, to commit a rape upon you: tell how you defended yourself, and how you prevented it, at those two times, by day light?—By crying, and begging him to let me go, and trying with all the strength I had.

101. Did you, or did you not, call or cry aloud, in hopes that some person might come to your assistance?—I did call or cry aloud.

102. Why did you not give this answer, when you were first questioned on this subject?—I do not think the question has been asked me; if it has, I did not understand it.

103. Could Washer have committed a rape on you, when you fainted, if he had wished to do so?—(Overruled.)

104. You have stated that there were two little boys in the room, and you might have waked them, but you might as well be dead as to make it known. State whether you thought it a disgrace, to use means to preserve your innocence?—At first, I might have waked them, but I thought I might as well be dead as alive as to let it be known; he had told me before, that if I made it known, people would believe him and not me; and I thought if I could escape by crying, and hallooing, I would do so—I did try to awake them, when I thought he would be likely to accomplish his purpose.

105. Are you certain that he did not threaten you with any violence, or injury, if you told of it?—I do not remember of his threatening any more than what I have just said, about his denying it.

106. Did he promise you, or give you any presents to keep it a secret?—Never, that I remember of.

107. State the name of the neighbor woman that was talking with Mrs. Washer, when Mrs. Washer said, she would not believe, if she saw her husband in the act of adultery?—I can not say for certain, but I think it was Mrs. Hyde.

LORINDA HEWITT.

The above deposition, having been by me taken, at the times above stated, and carefully read to, and approved by said Lorinda Hewitt, the same was acknowledged, sworn to and subscribed, by her, on this 21st day of June, 1833, in pursuance of the provisions of an Act of the Legislature, entitled, "an act to perpetuate testimony, approved January 26th, 1824." Witness my hand and seal, this 21st day of June, 1833.

ISRAEL R. WHITEHEAD, [L.S.]

Master in Chancery.

The reported death of the hon. Alexander Buckner, of the Senate, is confirmed in the Missouri papers.

GENERAL ELECTION,

To be held on the first Monday in August next.

Congress—Amos Lane.

John Test

Enoch McCarty.

LEGISLATURE,

Samuel Fallis,

Daniel Kelso

Charles F. Krutz,

John P. Lillard.

Sheriff of Switzerland co.

Ralph B. Cotton,

George E. Pleasants,

Pruett Harvey

Bela Hearick,

William Keith.

Israel R. Whitehead.

CORONER,

George Brown

Stephen G. Peabody,

John Stepleton.

Cosby M. Lewis.

SCHOOL COMMISSIONER,

Thomas Cole,

John Shaddy.

COUNTY COMMISSIONER,

Moses Bronson,

Colin McNutt, Jun.

William Scudder.



WEEKLY MESSENGER

PRINTER'S RETREAT, INDIANA.

SATURDAY, AUG. 3, 1833.

WEDNESDAY, July 31.

WE anticipate our usual day of publication, to enable us to give our attention to numerous

Jobs.

CAMP MEETINGS.

The United Brethren will hold a camp meeting, on Webster Marsh's farm, on the 9th day of August next.

The Methodists will hold a camp meeting, on the ground near Mr. Lee's, on the 16th of August next.

* * After mature deliberation, we have concluded to suggest to those who manage those things, that the Camp Meetings proposed to be held as above, be postponed for the present; because cases of Cholera, have existed recently, within 3 or 4 miles of each encampment. It will be remembered, that last year, the Cholera broke out at a camp meeting in Pennsylvania, when no cases had existed within thirty miles of the ground, and five persons died—the camp broke up, but the contagion spread in every direction. K. & C.

CHOLERA.

Since our last publication, the following deaths from Cholera, have taken place in our county—not before published,

31 Cornelius A. Voris' wife,
32 George Kiphart,
33 John Hucklestep—all of Pleasant township.
34 Henry Martindale—of Posey.

A novel case.—Cheng and Yang, the Siamese twins, have been tried in Trumbull county, Ohio, for an assault and battery committed on an old and respectable citizen. The defendants pleaded guilty, and were each fined five dollars and costs.

Black Hawk and suite arrived at Buffalo on the 28th of June, and left there on the Sunday morning following, in the steamboat Uncle Sam for Detroit. They availed themselves of the opportunity, whilst at Buffalo, to visit the Senecas in that neighborhood.

A trader in bees, during the last month, carried safely several boxes of hives from Kennebeck, in Maine, to Quebec. He travelled during the night, and set his bees out during the day to feed and continue their work, which they did with their usual activity and regularity.

"I hope I don't intrude."

Messrs. Keen and Child—As I heretofore promised, I send you another letter, written by our would-be representative, Solomon Washer. It has been made public property by Mr. Washer's own acts—he has repeatedly named his correspondence with one of the conspirators, as he calls A. A. Peabody. It is an answer to one, in which Mr. P. tells W. that he is accused of having "imposed on an orphan girl of twelve years old." I shall preserve its beau-

ty throughout, as nearly as possible—the spelling, punctuation, &c. &c.

"Indianapolis April 14th 1832

"Dear Sir I received your of the 9th on this evening and was glad to learn that you and yours were all well and should have been glad also to have heard (of the health of my own, I suppose however that they are well or you would have written I heard the Death of Parson and Elston (the would-be, has admirable ears, to hear men die at 90 or 95 miles distance) perhaps with much coldness but I hope there on naturab and untimely Death may prove an effectual warning to those travelling the some road as for offering myself as a Candidate for the legislature I have no knowledge of ever authorising any person to announce me as such, nor in the way of a Joke it will be evident that I could expect to derive either honor or profit from it were I sure of being elected my ability to Discharge the Duties incumbent on such a trust would forbid the hope of the fonsmen, So would the pay for those Duties, (C compared with the wages I am able to Command for my labor equally forbid the dubeari as for the insinuation which is in Circulation with regard to my having

[here Mr. Washer's conscience, not being better acquainted with matters and things than Peabody, supplied the name of the Crime—Mr. P. said "imposed on an orphan girl of twelve years old"—Mr. Washer wrote it "attempted to seduce an orphan girl of," and then erased these seven words] imposed on an orphan girl of twelve years old I have not the remotest idea of where it has originated as to the advice you give me to leave the County and not attempt to establish a Character for truth and honesty if You mean it for my good I am in duty bound to thank you for it but that it would have the effect of good cannot be imagined it would be acknowledged a Crime of which I have no knowledge of having Committed and which will be likely to prove false from being privately insinuated and not openly avowed, as to with Drawing my name I heretofore authorize you to do it in my name, as I have no recollection of authorising any person to have my name inserted as a Candidate I know not to whom to rites it is true I have been solicited to become a Candidates and ar Such Solicitations made beg persons who have known me for many years and with whom I had trade considerable Dealings war Calculated to flatter I have a times indulged the thought per hops I could do as well as some that been sent thers Mr. Merrill told me he understood from Wm. P. Stevens I was a Candidate for the legis lature I told him I would hove it stop but he advised me not to. I wish you to mite me again if you think the letter ne ill yet here by thd 9th or 10th ob may al whia b time I expect to Come home I hove wrote home to Day before 3 yet yours I wish you to See my family before you write, with much esteem I remain you w friend S. WASHER."

Mr. Would-be, has some remarkable paragraphs in the handbills to which his name is affixed, Can it be Conscience? Yes, thou art ever constant—sure—A fix'd unwav'ring sting While memory lasts, thou wilt endure, Though darkness shroud thee quite, In the handbill of June 12, Washer appears to be conscious that—"the heart of man is hidden, and his imaginations are mysterious." They are indeed, and When thou sit'st alone, And sullen, dark and dreary thought surround you, Don't her piercing shriek, half drown'd by chocking, Caus'd by your foul hand upon her mouth, Startle your ear, and sink your soul with horror?

Again, the would-be, says, in the same paragraph—"There is a beginning to all iniquity, and men have been guilty of horrible crimes, whose previous character was fair." True, nine years and more, has passed, since this horrible crime has been committed—an "attempt to seduce an orphan girl" of 12 years of age—an infant, his own niece, in his own house; yet he has continued for the whole time, a striking evidence, that man, can

"Smile, and smile, and be a villain still."

Again, in Washer's handbill which contains Robert Walker's affidavit, the would-be, says, "This was a deep laid plot, and it might have taken effect with any honest citizen, to scare him out of the state." Having no pretensions to HONESTY, the wise would-be determines to brave the charge, telling his neighbors, "they may prove it on me; but they cant hurt me, for it is OUTLAWED."

PAUL PRY.

July 26.

NOTICE.

The subscriber gives notice, that he has been appointed attorney in fact for JAMES S. BRANDER, of Petersburg Va. and that the notes, books and accounts of George McCulloch, and all debts due him, have been assigned to said Brander, and are in the hands of the undersigned for collection. To those residing in the neighborhood of Vevay, the undersigned gives notice, that he has left a list of their debts in the hands of Mr. George McCulloch, who is heretofore authorised to settle and collect the same, according to the terms of contract between them and said McCulloch. Those residing in Jefferson and adjoining counties will make payment to the subscriber.

JEREMIAH SULLIVAN, attorney in fact for James S. Brander. Madison, June 21.

P. S. A good horse Dearborn wagon and harness, for sale. Apply to William Brander.

J. S.