

PALMYRA FREEMAN.

TUESDAY, JUNE 16, 1829.

Whole

BY
JONATHAN A. HADLEY.

Reported for the Anti-Masonic Enquirer.
TRIAL OF WHITNEY & GILLIS.
THE PEOPLE,
vs.
JAMES GILLIS &
JOHN WHITNEY.
(CONCLUDED.)

Friday Morning, May 22.

John Sheldon sworn—Resided in this place, Sept. 12th, 1826; recollects that that Morgan was carried away; saw John Whitney; saw him in this place on that day, in the afternoon of the 12th; don't recollect when I saw him first; saw him two or three times in the afternoon about the streets; don't know but sent to the stone cutters shop, but is sure; saw him near the stable; don't recollect whether he saw him at any place between the stable and jail; I worked in blacksmith shop between stable and jail. Whitney did not call at shop; did not see him pass the shop; I met him by Lynch's; think he was going towards the Post Office; went up with him; don't recollect when he went there; I boarded at Kingsley's; don't recollect that on the 12th Sept. I saw any declarations about Morgan's being carried away; was at Kingsley's that evening. The information I got about Morgan was the next day; was requested to stay at Kingsley's that night; think my conversation with Whitney was about stone cutting; had conversation with him about carrying Morgan, or any thing in relation to it; or the book he was about publishing; in relation to any man in jail; or any; saw Whitney last towards night; Hubbard's carriage and gray horses at Kingsley's tavern that evening; it was two or three hours before that, that saw Whitney last; don't know that he was at Kingsley's; don't recollect when I saw Whitney last, or whose company he was in; saw no person from Rochester that day that I knew; knew Smith in some measure; don't recollect seeing him that Sept. had no conversation with Whitney that afternoon about Morgan or book, or any book about Masonry; any man in jail; or about any man to go out of jail willingly; did not know that Whitney was here, until I saw him. He did not tell me how he got home; and I did not know he did go; did not know of Hubbard's carriage going to Rochester; did not see it harnessed up; did not see it at any time before it passed.

Cross examined by Defendants Counsel. Thinks he first saw Whitney down by the house some time along in the afternoon; have seen him very near sundown; but does not recollect when; I did not know myself that Morgan was here; any thing about his book; had no conversation with any body about him that afternoon; was not in Batavia in 1826; or that year, or for several years; has been convicted, and been in jail; was brought here on a warrant from the county to testify, and put under bonds; did not see Whitney have conversation with any connected with the Morgan abduction; did not see Whitney at all in the public square that day, except going to the Post Office; was not above the Post Office that day; when he saw Whitney, it was below square.

John Voorhes—Lived in Canandaigua Sept. 1826; knows when Morgan was carried away; knows Whitney since he was indicted; does not know that he was in Canandaigua in 1826; never saw him in this place until he saw him in jail; saw no person from Rochester that he knew; had no knowledge that persons were sent for from Rochester, carry away Morgan; does not know who knows Lawson; saw no person who was called Smith or Whitney; does not know whether Lawson went to Rochester that day or the evening before.

Mrs. Mary Hamford—Is the wife of Hamford. In Sept. 1826, lived a little beyond Rochester, at a public house; and the testimony of Hubbard yesterday; recollects his calling at my house Sept. 1826; a carriage drove up to the house; two men came and knocked at the door; had sore eyes, and went in the bar-room; they wanted something to drink; I set down a decanter; one of them took the decanter to the carriage for the shed, and when he came back, they enquired about oats, but finally concluded they would not wait to feed. They asked about oats, and told them I would call the boy up, they said finally they would not stay to feed. When my came in with the decanter, they took it at the bar; one of them said "he is damned glad to get out of jail at last." Asked who have you got there, a prisoner? One of them replied, no mad man, a man who has been in jail. They appeared to talk with their eyes. Saw the carriage drive off; the curtains were down; saw it return about half or 3-4 of an hour afterwards. The carriage went on the Ridge

Road; the curtains were up when it returned; have since seen Hubbard, who was one of the persons. Witness has since been out of the country; would not be positive that Whitney was the other. The man's complexion was darker, and his dress and hands appeared more like a laboring man than Whitney now appears. When I first saw Whitney in the Court House, he looked like the man; I thought there was some appearance in him like the man who called with Hubbard; am not willing to say that I believe him to be the man; all I can say is, he looks like the person; the man who came into the house was a dark complexioned man; he stooped a little, and his face was thin; his cheek bones were high; had on a dark brown coat, strait body. He staid when the carriage went on; walked the stoop, and did not appear inclined to talk; did not fully make up my mind when I first saw Whitney yesterday in the Court House, whether he was the man. There was some looks like him; but he is altered; he did not look exactly like the person; don't know as I should have thought he looked like the man if he had not risen up; don't think I should have picked him out, if I had not my attention directed to him; did think that he looked like the person; that there was some resemblance that struck me, I cannot be positive. If Whitney was darker complexioned, and had the same appearance of being a laboring man, should have less doubt of his identity. Whitney looks more delicate now, in his face and general appearance than that man did; don't notice any other difference. Did not see any other carriage come after Hubbard's. A gentleman came on horseback on the Rochester road after the carriage had passed, and enquired of a boy if he had seen a carriage, and enquired which way it went; he was told it went on the Ridge. He then went on the Ridge, and I saw him return with the carriage or just before I heard his conversation with the boy; don't know the man on horseback; have not seen him since to my knowledge; did not see any hacks pass that morning, except Hubbard's. At that time I was around seeing to things myself, as my husband was sick. I was some times in the front and some times in the back part of the house out of the sight of the main road.

Cross examined—Moved from Hamford's landing about two years since to Pittsburg; have returned lately; the boy spoke of was William Howe; thinks he is now in Palmyra; did not know Hubbard before, but recognized him when he saw him afterwards instantly; saw him in January following. The other person lingered about the house some time, and I saw him repeatedly; has not seen Whitney since, until the present time, provided it was him; has seen Hubbard repeatedly since. It is about 4 or 5 weeks since I returned from Pittsburg; recollect Hubbard when I saw him since my return; we left the landing in April following. The first that I heard of carrying off Morgan, was from a paper, which contained a description of the carriage. I went to my husband and told him it was the carriage which stopped at our house. There was something in the department of the persons at the time, that induced me to believe their was some mischief. They looked at each other, and seemed to talk with their eyes; and I told some of my neighbors about it. I kept the appearance of the persons in my mind, from that circumstance, and from their coming so early. Hubbard remarked, he must be in a hurry, as they must drive to Lewiston that day.

By Mr. Spencer—The coat the man had on was much worn, and appeared to be a brown one, and seemed to be a coat that had been labored in; I think I could say it was a dark colored; it would be difficult to recognize a man who had altered so much as Whitney has, if he was the man. If he was dressed the same as then, and was darker complexioned, all that I can say about it is, that Whitney has some resemblance to the person.

Halloway Hayward—Was in the village of Canandaigua the evening Morgan was said to be carried away; was at Kingsley's that evening; went to the shed; I did not notice any body about there except one stranger and Dr. Wells; the stranger came from towards the jail, and appeared to be in haste; was a smallish man; has never seen him since to his knowledge; did not myself go towards the jail; saw no other strangers that evening; saw others in Kingsley's bar-room, no strangers since to my knowledge; did not see Whitney that evening to my knowledge; and I was not in town in the afternoon; I came in about 9 o'clock that night; think I saw Hubbard's carriage drive up; after I saw the carriage, it came up from the jail; I went directly home afterwards; did not stop at Ackley's; did not know Whitney, and did not see him until I saw him on the stand on Sheldon's trial; has had no conversation in relation to his being here in September.

Cross examined—Lived in a brick

house near to Capt. Ackley's tavern; after turning out my horse which was in pasture the upper end of the village; I passed Ackley's tavern, and think the house was shut; should think the stranger, I saw was a small sized man dressed in gray clothes; knew Lawson, he was often at Ackley's tavern, he was a farmer and hauled wood to the village; his every dress was mixed, probably satinet; he was dressed in gray the night Morgan was brought into town.

Sarah Viller—In Sept. 1826, lived at Capt. Allens in Clarkson, Monroe county; heard about Morgan being carried away; about that time saw a carriage stop at Allens; it was dark colored; the curtains were down; it was about 10 or 11 o'clock in the morning; carriage was so closed I could not see persons in it; the horses which came with it were put in the barn, until next day; Capt. Allens horses was harnessed to it; the carriage then drove on west; a sulkey came before the carriage; it went east, was gone 15 or 20 minutes, and then returned west after the carriage. The carriage returned the next day in the afternoon; the curtains were then up, the horse were then exchanged; the first horses put on, and it drove east; Allens is 22 miles from Rochester.

Robert Anderson—Resides 3-4 of a mile west of Gains corners; lives about 3 miles west of Capt. Allens; has heard of Morgan being carried away, sometime in the fore part of Sept. a carriage passed my house, I was eating dinner; I saw Capt. Mather ride by afterwards; I was told that the carriage stopped at my brothers about 100 rods west; I got up from the table and stepped to the door, and saw an appearance of changing horses, this was after dinner, Mather was riding one horse and leading another; could not state whether the curtains of the carriage were down; it did not attract particular attention; I only saw it through the windows as it passed; when I went out to work after dinner, I saw a man riding one horse and leading another east; they were not the same horses Mather had; was not near enough to see whether the horses had been harnessed; these horses was going towards James Mathers. James Mather started with me, and rode to Rochester, and I supposed he was going on with me; I put up at my brother-in-laws, at Rochester; he put up at the tavern; he was with me. The special Counsel moved on an attachment against James Mather, on reading service of subpoena.

Esbon Gregory—In Sept. 1826, lived in the town of Hartland, about 14 miles west of Judge Andersons, and 15 west of Gains, on the ridge road. On Wednesday the early part of Sept. at the time Morgan was said to be carried away; met a carriage on the ridge about 40 rods from Niagara county, was going to Oak Orchard with a load of hay; met the carriage about 2 miles east from where I live; the carriage was a dark chocolate color; the curtains were drawn, and the windows up so that I could not see any persons in it; I was with a wagon going east, and the carriage was going west; it was a warm day; saw Mather on the box, and another person with him; could be positive who it was; met the stage about 1-2 miles behind the carriage; met a sulkey at some little distance still further east than stage; Smith was in it; had Adams Pet horse in the sulkey; told him he was driving too hard for the horse; he said "no matter, the concern is able to pay for it." It was about 2 o'clock P. M. when I met the carriage; did not know Whitney by his name then; had seen him at Rochester before that day; cannot be positive that it was Whitney on the box; has an impression that it was him, but it is accompanied with doubts, my first impression that I saw him was since I have come to Canandaigua; I was asked if I knew Whitney, I said I did not know him by his name; I thought him out and saw him; and talked with him; and then got the impression that I saw him on that day, either in the stage or on the box with Mather; when I saw the person on the box, I was then of opinion that I had seen the person before, I spoke to Mather, he returned the compliment; saw the carriage return; saw Jeremiah Brown riding on one horse and leading another from Murdock's towards his own house. The next day the same carriage drove up to Murdock's tavern. Brown was in the carriage, and Mather was driving it; the curtains was then up, & window down.

Cross examined—Lived about a mile east of Johnsons creek; about 2 miles west of Murdock's; and about 1 mile west of Browns; had lived in Rochester the spring before; the man by the side of Mather had on a drab coat or over coat, it was a sultry day; but it had rained some before I left home; he was not so large a man as Mather; appeared to be a smaller size; has been of opinion that it was not so large a man as Whitney; his doubts arises from that circumstance; did not then recollect what Whitney's business was; don't recollect what he had on; had always understood

that it was Whitney the distiller, who had gone to the south; had passed Whitney's shop in Rochester frequently; perhaps 20 times in a day; I drew lumber across the canal bridge by Whitney's shop; had no acquaintance with him; did not know that this Whitney was implicated until I came here; don't recollect that I knew Whitney's name when I lived in Rochester; had seen the distiller Whitney frequently.

By Mr. Spencer—Was perfectly well acquainted with the face of the stone cutter, but did not know him by name; could see him as passed his shop; has been in his shop as witness thinks; recollects seeing Williams there; don't recollect seeing Wood there; has seen him since he has been here; heard about the Morgan business that evening; soon after the carriage passed. I associated it with the Morgan business; this was at court in Rochester; when I was down as a witness on a civil suit in October. I had never associated this Whitney with the transaction until I saw him here in court. I think that the name of the man on the box, was a face I had seen before. The stone cutters face I had become in some measure familiar with. I had not associated the countenance of any person, with the person on the box, until I came here; and not seen Whitney from that time until I saw him here. This was the one with me when I saw the man on the box.

Seymour Murdock—Resided in the town of Ridgeway, Orleans co. 10 miles west of Andersons, on the Ridge Road, heard of the Installation of a Lodge at Lewiston, Sept. 1826, on the 12, or 13 Sept. the day before the installation, the stage came full. A man got out of the stage, and called me one side, and asked me if I was a Royal Arch mason. I told him I was not; he then asked me to furnish him with a pen and ink and boy, to send a note to Jeremiah Brown; Brown came down and talked with this man; Brown lived west 1-2 miles from my house; he went home on the stage; he came back soon, riding one horse and leading one; soon after saw a carriage come from east; Mather driving; Brown went out and spoke to Mather, then stepped to the shed, got on one horse and led another and followed the carriage; a sulkey passed; did not know the horse in the sulkey; Mathers horses were on the carriage; Mather driving it was 22 miles to Lewiston from my house.

Corydon Fox—In Sept. 1826, was in the employment of Mr. Barton, of Lewiston; remember the installation at Lewiston; on the night of the 13th or 14th Sept. 1826, Mr. Barton came to me and waked me up, and wished me to put horses on a carriage, which I did and drove round on back street. Bruce rode round on box, took in some persons from a carriage standing there, drove to Youngstown, to Col. King's; Bruce walked up to Col. King, who came and got into the carriage; some one in the carriage asked for water; Bruce told him he should have some water soon; King got out after Bruce got in, drove towards Fort Niagara; got to the grave yard, where they all got out; Bruce told me to go about my business; don't know who called for water; the voice was low and weak, like a woman's; think when Barton called me it was between 11 and 12 o'clock; got back about day light; four got out of the carriage at the grave yard; all the persons seemed to be at liberty, they went off side and side; cant say whether all had hats; knew none of them except Bruce and King. There were four in all.

Levi W. Sibley—Resided at Rochester, in Sept. 1826, attended the installation at Lewiston; went in steam boat; boat left the landing between 5 and 6 o'clock in the evening but one before installation, saw Whitney, Smith and Lawson, on the morning of installation, between 8 and 9 o'clock; they joined procession; installation was Wednesday the 14th Sept. I returned in steam boat; Smith and Whitney came back with me; did not go with me in the steam boat; I went as one of the band of music; knew Smith and Whitney well; boat remained at Lewiston while we were there for us; Smith and Whitney got on board at Lewiston; boat stopped at Youngstown, about sun set; some went down who were not coming to Rochester, wind blew fresh, after it stopped, Smith asked Capt Vaughan if he should have time to go to Ft. Niagara; he told him he could, if he was quick, he went; boat staid till 10 or 11 o'clock; saw Lawson and Smith on shore; went on shore to hurry them; they came from the direction of Ft. Niagara; Smith told me the man with him, was a man from Ontario; I recognized him as Lawson since, when subpoenaed on his trial; had seen him before, but did not know him by name.

Rev Francis H. Cumming—Was called upon to deliver an address at the installation at Lewiston, in Sept. 1826, and did so. Smith and Whitney were in the procession. I went in the stage. Neither of them went with me.

Ebenezer Watts—Was at the installation at Lewiston, went from Rochester in

steam boat; returned in steam boat. Smith and Whitney returned with me in steam boat. did not go with me in steam boat. Installation was Sept. 14, 1826; boat left and returned as Mr. Sibley has stated.

Henry B. Williams—In Sept. 1826, was a partner of Whitney in stone cutting business. Was sick at the time Morgan was said to be taken away and was confined, and for some time afterwards; our work was driving, we was much pressed at the time; had 6 or 8 hands employed; we had no foreman in particular; Wood and King were our oldest workmen; charge devolved on Whitney when I was sick altogether, when he was there, and principally at other times. Whitney left the country the winter after Morgan was said to have been taken away; was not apprised of his going, and did not know when he did go. He had before said he thought of going to the south on business. There had been no settlement between us at the time of his going away, of our partnership concerns; he was gone until September last; he left a family in Rochester; don't think he made any provision for their support, they were supported chiefly from funds of the concern, which I advanced; had not been requested by Whitney to do previous to his going away.

Cross examined—Was pressed for stone cutters in Sept. 1826; wanted a carver; cannot say that Whitney came to Canandaigua purposely for that; though he had no doubt of it; heard Whitney say he came to Canandaigua; does not know that he did from any other source; had a job on hand which he wanted done; had no recollection that Hard & Lee or either of them had been at our shop; knew they were letterers; had conversation about sending out there for a letterer; Wood and King were in a manner foremen, they were competent to take charge of the business; Whitney generally took charge of the business; I understood he left Rochester for the purpose of going to Canandaigua. Whitney came frequently to see me in my sickness; we had before Whitney's going away, had some conversation about going to the south to get a canal job, particularly about going myself, as I had some offers to go; I had been solicited to go to the falls of Ohio; to take a job; Whitney must have known it. I went to Palmyra and Oswego in relation to it; expenses paid by the company.

Direct—No stone cutter or letterer came from Canandaigua to my knowledge; cant say at the time Whitney was away he had any idea of taking a canal job. I was gone to the east at the time Whitney went away, had got to Auburn, on my way to Albany but a severe storm prevented, and I returned; Whitney knew my intention to go to Albany; I started with my family; on my return from the east, I found Whitney gone, when I left Rochester he was there. I have no recollection that I informed Whitney of the day I was going to Albany; carried on the stone cutting business winter and summer; done but little in the winter.

Lyman Aldrich being called to the stand, Mr. Sibley, of counsel for defendant, objected to his being sworn on the ground of his religious opinions and sentiments. It was urged that Aldrich entertained the same sentiments expressed in the letter of Mr. Giddins, and that therefore he was also an incompetent witness.

Judge Howell remarked that the decision of that court, excluding Mr. Giddins, had been egregiously misrepresented in the newspapers. The point which referred to future rewards and punishments, was expressly reserved by the court. Mr. Giddins, he said, was excluded because he did not believe in a Supreme being who holds men accountable for their conduct. No man can be a witness who denies his accountability to a Supreme being. Such was and is the opinion of this court, and such is the law of the land.

The following witnesses were then called to sustain the objection against Aldrich: John Cooper—Don't know Lyman Aldrich by name. Recognizes his countenance. Thinks he had conversation with Aldrich about Giddins testimony. Some time ago, when Giddins was called here for trial, witness heard Aldrich say he did not believe there was any being who would punish him for his sins; he believed in no punishment except what he received in this world. Don't recollect that he denied his belief in a Supreme Being. He understood him to say punishment consisted in a remorse of conscience for his crimes. He said if he could not be a witness with such sentiments he should not be at all.

By the People—Was questioned by Gillis and Hayward about what he heard Aldrich say. He was brought in from Canandaigua to Canandaigua and questioned by Gillis and Hayward; did not recollect them as much as he has now testified to; there were five or six in the Soda Fountain at the time of this conversation. The conversation commenced about excluding Giddins' testimony; don't recol-

lect who began the conversation; discussion was about the de court; questioned Aldrich on his belief. Said it twice or three times; witness was in earnest. Don't think he said no man would in another world; memory good; don't know that Aldrich at Giddins' exclusion.

Charles Underhill—Has known 4 or 5 years; his sentiment was a Universalist—that a man would receive wages in this world, and in the feeling breast. Last summer, in a conversation with him, he said that he knew nothing of Aldrich's abduction. Aldrich was anxious to hear Giddins' testimony; called the day after Giddins was read. Witness said letter urged that there was death. Aldrich said that witness told Aldrich that was that the Deity had no in this world. Aldrich said he believed in a Supreme being, believed that all would be happy world. Don't recollect that the Deity disregarded men.

Richard Wells—Has known since he was 4 years old; conversation with him in August; Aldrich was the same as Giddins; had been of the same opinion. He said all the people should receive wages in this world; he was a near neighbor and had frequently conversed on religious subjects. He been convinced of the Giddins' belief by frequent conversation with him. Aldrich said he well with Giddins' belief of the same opinion.

Cross examined—Aldrich witness till he was 19 years old; believed till that time he had religious principles. Thinks or 24 now. Aldrich said after his opinion for the witness.

Wm. Charles—Has known years; has heard him speak subjects two or three times in a Supreme Being, but in punishment in a future state from Aldrich's conversation; believed in being punished. Never heard Aldrich say a Giddins.

Joseph Adams—Knows a little conversation with Giddins was rejected; he saw preached Giddins they was of the same opinion. Punishments be would as things as another. Witness said and don't recollect in might have said much more; not charge his mind with it. Mr. Griffin urged that supported the objection to Mr. Spencer addressed length, and very ably, upon of excluding witnesses for religious sentiments.

Judge Howell stated great and increasing difficulties. The Court said the rule by which Giddins but the majority doubt testimony against Aldrich under that rule. He (Judge) sent from his colleagues and Rawson, but he chose to their decision, and wouldness to be sworn.

The counsel then called the of the court on the 2 That a witness must believe wards and punishments.

Judge Howell now stated in the opinion of G worth, disagreeing with Spencer. The present has adopted the opinion Walworth.

Aldrich was sworn—L 1826, at Dr. Beache's tavern Morgan's being carried carriage in Victor the night carried off. It went tow Did not see it stop. Saw about the carriage. Thot ving up to the door, got t ing. It was towards mi positively whether it was he saw Giddins that the car was near the time. Gidd bar room and got some t some body knocked, he g said he wanted to come have enquired for Dr. Be sons stood out of the d down and both of them bar room; one of them c which witness gave to t ter. They drank. The center of gin which he g his handed him a \$3 bill not change. Giddins said t the next morning and re er. Don't know that t ever returned. They v not see them again that ni

ostler to put out a horse—
—on his return saw a
on the steps. The man
th Gillis was Whitney.—
him in Rochester. Whit-
went to the barn after the
on had arrived with a sul-
t was a sulky. The horse
it before he got out.—
n who came in the sulky,
who used to keep the
change in Rochester and
Canandaigua. Dyes said
a time after breakfast.
ed by Defence—Mr. Dyer
went to bed. Thinks he
half an hour before the
l. Thinks it was Smith,
Dyer, who were standing
Somebody got a horse to
r. It came back the next
age. The horse was har-
e the sulky. Thinks he
e the next day. Thinks
15 minutes. Thinks it
n hour before he was cal-
ot go to sleep. Can gen-
ether he is asleep or as
Gillis came in a little
for something to drink.
o'clock at night. Means
f Rochester. Dr. Beach's
the next morning. She
the stage from Rochester
Thinks it was after he
door the carriage pas-
be positive. It was just
fer. He could only see
few steps west of Beach's
itney had both gone east
e Canandaigua stage.—
nd Whitney came in he
faces and knew them well.
riapo from the chamber

Colier—Witness is wife
lier. Resided in Victor
Lived opposite Enos
r. Saw a carriage stop
e night that Morgan
e taken away. It was
member the precise time
to bed. It drove into
the curtains were closed.
es. The carriage turned
house and disappeared
l. Saw the carriage a-
e time it came out. It
een 20 or 30 minutes.—
west. Not far from the
riage came out of the
ae persons there on hor-
semen came out.
It was a still time of the
ight singular that the
d drive into the yard.
did not come from the
know that Gillis was on
horses. Did not see any
ne recognized to be Gil-
ined—There was a gate
yard. It was nearly op-
es house. No other per-
Mr. Colier was in bed.
zed in the same house.—
as also in bed. In going
age passed witness house.
were not fairly through
en she saw it. Cannot
y persons were on horse-
all the horsemen at one

ne—Lived in Victor, Mr.
in Sept. 1826. Saw a
out the time Morgan was
Enos Gillis' yard. The
l. Enos west of the house.
arriage was in the barn
gate. Witness was pas-
se lot back of the barn
house. It was as late as
People were generally a-
ne or two persons about
ore. One of the men he
llis; tho't at the time it
e was standing near the
The horses faced to the
men were standing on the
the road. Knew Gillis
Witness said next day
the night before with a
he yard. Thinks there
Mrs. Colier's when he
aw horses attached to the

ss underwent a long, but
cross examination.
H. Boughton—Lived in
6. It is said that Mor-
ed off on the 12th Sept.
Sept. Gillis called on wit-
rop & Potter's store in
Witness was not ready to
started; Witness over-
mile east of Pittsford.
ie had been 7 or 8 miles
ester. Gillis said he had
ndaigua the night before.
ng of the 12th Gillis as-
go to Canandaigua.—
ned. Gillis said he was
ndaigua; witness saw him
id he came out of Can-
an extra late at night.—
brother's at Victor and
He was then on a black
a Gillis. Said he had

come from Rochester that forenoon.
Said he had been 7 or 8 miles beyond
Rochester.
William Charles—Has known John
Whitney several years. Before Whit-
ney went away he was darker com-
plexioned, and heavier than he is now.
He then worked hard, and dressed
more like a laboring man. This
change was apparent as soon as he
returned. Whitney is a stone cutter.
Was an industrious man.
Levi W. Sibley—Whitney is not as
fleshy now and has not the same ap-
pearance of being a laboring man as
he had before he went away.
The defendant's counsel then called
Eli Bruce—On the evening of the
13th Sept. witness was first informed
of Morgan's being on the ridge road.
Two gentlemen came and gave me
this information. One of them was
Smith, the name of the other he de-
clines mentioning. It was not Whit-
ney. Did not, till that time, know
that Morgan had been taken to Can-
andaigua. Six or eight days before
this time, a gentleman called witness
to go to Batavia and get Morgan a-
way. He stated that there was diffi-
culty between Morgan and Miller, and
that Morgan would go away willingly.
Witness declined of having any thing
to do with it. Orasmus Turner, of
Lockport, called on witness about
this time and requested him to fix up
an apartment in the jail for Morgan's
temporary reception. And stated that
Morgan would be there that night on
his way to Canada. Witness saw
Smith at the Cottage Inn in Lockport.
There was no strangers with him.—
He did not know Whitney at that
time. The two gentlemen referred to
requested me to go to Wright's taver-
n, on the ridge. They stated that
Morgan was there, on his way to
Canada. Witness enquired if there
was difficulty or trouble. Stated that
he was sheriff of the county, and did
not wish to get into a scrape. They
assured him Morgan had consented to
go away, that he was to be put upon
a farm in Canada. Witness went to
Wright's where he found the carriage
in which Morgan had been conveyed.
Witness says, a man who is now dead,
and Morgan, were the only persons
who rode in the carriage from Wright's
to Lewiston. They changed horses
at Lewiston, and proceeded to the bu-
rying ground near Fort Niagara.—
They then crossed the ferry near the
Fort, over to Canada. Morgan did
not get out of the boat. The ar-
rangements on the Canada side, for
Morgan's reception, were not com-
pleted, and he was bro't back. It
was thought best to bring him back a
few days till the people on the other
side were ready to receive him. They
then went up to the Fort and lodged
Morgan in the Magazine, to await the
preparations on the other side of the
river. Has never seen Morgan since
he left him in the magazine. Does
not know what was done with him.—
He left the Fort before day light.—
Hague and Morgan conversed togeth-
er. Morgan supposed he was going
with friends, and appeared perfectly
easy. Some liquor was handed in to
Morgan at Molineux's tavern. He
sat erect in the carriage, and did not
appear enfeebled. When they got
out of the carriage, Morgan locked
arms with the two men, (Hague and
the man who got in at Youngtown),
and walked towards the Fort. Wit-
ness supposed Morgan had consented
to go off. There was no liquor in the
carriage.
Cross examined.—The man who
was with Smith is 500 miles from this
place. He then lived in Lockport.—
Witness got to Wright's between 9 and
10 o'clock at night. He rode back
to Lockport, the next day in a sulky.
Dont know how Smith got to Lock-
port. Dont know how the sulky got
to Lewiston. Understood that the
sulky was sent home. He left it at
the mansion house in charge of a per-
son who was to send it home. Did
not see any person start with it. The
sulky was to be forwarded on east.—
The horse, he understood was owned
somewhere on the ridge. Might have
had directions where to send the sulky
and horse, but dont recollect particu-
lars. Witness saw several persons at
Wright's—perhaps half a dozen, be-
sides those who resided there. Some
of them were strangers. Wright lived
at the point where the Lockport
road intersects the ridge. It is about
3 miles from Lockport. Saw three
persons whom he knew, at Wright's.
He knew the person who drove the
carriage. A person whom he knows
overtook them on horseback, at Molineux's. Took another carriage a-
way. The curtains of both

carriages were closed down. Has
seen Lawson in jail since, but did not
see him at Wright's. Is confident of
that. The same persons only who
came from Wright's, got into Fox's
carriage. Fox's testimony is correct.
A man got in near Youngstown. Wit-
ness met two or three strangers on the
way to Lockport, on foot. He met
them about 3-4 of a mile from W's.
Witness saw a stranger at the installa-
tion next day, whom he was informed
was Whitney, from Rochester. Mor-
gan was left in the magazine. [To
the question in whose charge Morgan
was left, the court interposed and said
that persons not on trial, must not be
implicated, and the question was not
answered. The court also refused to
permit the names of the persons who
were in the boat, to be mentioned.]—
Witness said they crossed the river in
the usual Ferry Boat. The subject
of Morgan's abduction was not agreed
upon at a regular meeting of the roy-
al arch chapter at Lockport two weeks
before it was done. There might
have been a desultory discussion about
it by the members of the chapter—
cannot tell the specific time—cannot
say that it was during the setting of
the court. Dont recollect that he told
a person that arrangements had been
made by himself and two other sher-
iffs to carry Morgan off. Witness
says upon his oath, that he believed
that he had consented to go away vol-
untarily. Morgan made no complaint
while witness was with him. Morgan
was not confined. He had a
handkerchief over his eyes. This was
to prevent his seeing the persons who
were with him. There was no pistol
either in the carriage or boat, to the
knowledge of witness. The regular
stages to Lewiston did not run thro'
Lockport. It was 6 or 8 days before
Morgan was at Wright's, that Turner
came and asked witness if there was
a cell at liberty. He stated that Mor-
gan would be brought that night from
Batavia, and a place was wanted for
him till he could be sent on to Cana-
da.
Jabez Felt—Knows Gillis. He now
resides in Pennsylvania. Gillis is a
thorough driving man, who starts on
a journey without regard to night or
day. Gillis went to Pennsylvania soon
after Morgan was carried off. He is
a man of fair character. Thomas M.
Boughton is not a mason.
Cross examined—Had some conversa-
tion with Gillis about going to Rochester,
dont recollect the particulars. Was
called up the night it was said Morgan
was carried off. Dont know that any
body enquired for him that night. Gillis
is a mason, Whitney is a mason, Ackly is
a mason. Dont know Coe to be a mason.
Levi W. Sibley—Whitney's character
always stood fair.
Here the defendants counsel rested.
Mr. Spencer called
Joseph Garlinghouse—Witness was
employed by the executive of this state
to pursue Smith and Whitney; started
with Mr. Bates, in August 1827 went to
Louisville, they had been gone from that
place about 4 weeks. It was said that
Whitney had gone to St. Louis and
Smith to New-Orleans. The authority
to arrest them did not extend beyond the
state of Kentucky, and witness was com-
pelled to abandon the pursuit. Has had
a conversation with Whitney since his
return, in which Whitney stated that he
was at St. Louis settling with a brother-
in-law who had left his wife, and that
his (witnesses) arrival there, prevented
his getting \$1000. The brother-in-law
heard that he was pursued and took ad-
vantage of this circumstance and refused
to pay the \$1000.
Mr. Spencer, rested and defendants
counsel called
Nicholas G. Chesebro—Witness did
know Whitney on the 12th Sept. 1826.
Has never and does not now recognize
him as one of the persons whom he saw
that day.
Cross examined—He made no commu-
nications to Whitney about Morgan.—
Supposes that some information of that
nature was given in that direction. Wit-
ness presumes that Lawson carried the in-
formation. Does not recollect seeing Gil-
lis at Canandaigua that evening.
Gen. Mathews addressed an eloquent
argument to the court, upon the laws re-
lating to conspiracies and misdemeanors.
Mr. Griffin went to the Jury, whose at-
tention he occupied nearly two hours ur-
ging, with much earnestness, that the tes-
timony was too circumstantial and slight,
to justify the conviction of either of the
defendants. Gen. Marvin addressed the
Jury for more than five hours, with great
power and ability. M. Spencer summed
up the cause for the People. He was ob-
liged to confine himself to a brief expla-
nation of the testimony, Judge Howell
pursuance of an intimation made early
that if counsel consumed the time till
late hour he should not charge the Jury.
gave the cause to them with a very few
remarks upon the law which related to
the question.
Whitney was sentenced to one year and three
months imprisonment in Ontario County jail.—

The jury, having retired very late on Saturday
evening, had not time to agree on a verdict, in
the case of Gillis. Bruce, who had his trial at
the same time, was sentenced to two years and
four months imprisonment in the same jail.]

THE FREEMAN.

TUESDAY, JUNE 15, 1829.

OUR APOLOGY.

In consequence of our having been detained at
Lyons for the greater part of the last week, we
are again compelled to issue a half sheet. Next
week our paper will be of its usual size.

11TH OF SEPTEMBER.

It will be seen by a resolution of the late an-
ti-masonic county convention, that the anti-
masonic inhabitants of this county are invited to at-
tend a meeting at Lyons, on Friday the 11th of
September next.—It will be recollected that the
11th of Sept. 1826, was the day on which Wm.
Morgan was torn from his family, at Batavia, by
masons, and afterwards suffered death through
masonic violence; and it is due to his memory,
and to the cause of civil liberty, that that day
should annually be celebrated by freemen, in a
becoming manner.

The 4th of July has long been celebrated as
the day on which our noble ancestors declared
themselves free and independent. But we have
greater reason for hailing with joy the 11th of
Sept. for on that day, or by the events of that
day, the veil was removed from before our eyes,
& we beheld the self-styled "ancient and honora-
ble" institution of free-masonry in all its native
deformity. Although it cost the life of one of
our citizens, and bereaved a wife and two help-
less children of their only supporter; yet it resur-
ed our country from soon becoming the theatre
of tyranny, despotism, and slavery.

The address that is to be delivered on the a-
bove mentioned day, may reasonably be expect-
ed to set forth the dangers of masonry, and the
benefits of anti masonry in their proper light.

TOWN COMMITTEES.

The resolution passed by the county convention
recommending to the anti-masons of each town
in the county forthwith to call town meetings,
appoint committees of safety, to ascertain and
report to the central county committee, the con-
dition of our cause, and of our enemy, we con-
sider as a very proper and judicious one. The
central county committee, it is expected, will
immediately address a circular to the anti-
masons of the different towns in our county, on the
subject; and we hope that their call may then
be attended to, without delay. The committee
should be appointed as early as the 1st of July.

DREADFUL EXPLOSION.

On the afternoon of the 4th, the Steam Frigate
Salton First, at the Navy Yard, Brooklyn, was
blown up, in consequence of fire, having been
communicated to the magazine, as is supposed,
by the name of Jack Haman, a de-
generate wretch who had been for some days un-
der guard, charged with robbing a trunk belong-
ing to one of the midshipmen, and who had been
informed by the Commodore, that as his term of
service had just expired, he could not be punish-
ed in the Navy Yard, but would be handed over
to the civil authority, and that perhaps his punish-
ment would be imprisonment in the states prison
for life. The particulars of this event we are
unable to detail. We can merely state, that as
nearly as can be ascertained, 30 were killed, or
since died; 18 or 20 wounded; and others slight-
ly injured.

MORE HELP.

We have received "The Tocsin," a large and
handsome anti-masonic paper, published at Co-
perstown, Otsego county, by Dutton & Hewes.
It is ably conducted.

A new anti-masonic paper, entitled the "Free
Press," has been established at Johnstown,
Montgomery county, by D. & W. McDonald.

The "Anti-Masonic Recorder," by J. C. John-
son, has appeared at Waterford, Saratoga co.

Samuel Heron, formerly a proprietor of the
Anti-Masonic Enquirer, has purchased the office
of the "Niagara (U. C.) Gleaner," which now
appears on a large and neatly printed sheet.

The Lodi Pioneer, at Lodi, Erie county; the
Detroit Gazette, at Detroit, Michigan; the Erie
Gazette, at Erie, Pa.; and the Pennsylvanian, at
Williamsport, Pa. have lately been added to the
list of free and unshackled presses.

The "Le Roy Gazette" has been enlarged,
and improved greatly in its mechanical appear-
ance.

These are farther proofs that "anti-masonry
is on the decline!" The desperate efforts of
the fraternity of late, to check the progress of our
cause, by misrepresentation and falsehood, has
availed them nothing. The people have become
too much enlightened on the subject, to be du-
ped by the cry of "Federalism, Pioneering,
Church and State" and the like. It would of ad-
vantage to them to remain mute, without they
can raise a more consistent "hue and cry" than
this.

MORE DECEPTION.

The members of the Genesee Royal Arch
Chapter and Rising Star Lodge, have returned
their Charters to the Grand Lodge of this state.
The people are not to be deceived by the giving
up of charters, especially when it is declared that
the object is political, as it is in this case. Let
them give up the principles of the institution, and
then, and not till then, will their objects be con-
sidered pure.

"THE GEM," & C.

We have received the three first numbers of a
small quarto publication, entitled "The Gem of
Literature and Science," published in Roches-
ter, by Edwin Serantom. It is a beautifully prin-
ted sheet, and its matter principally original, and
interesting. We would recommend it to the pa-
trons of the literary and scientific public. Its
terms are One Dollar per annum, in advance.

COUNTY CONVENTION.

At a meeting of anti-masonic delegates from
most of the towns of Wayne county, held at
Price's Hotel, in Lyons, the 11th day of June,
1829, pursuant to public notice, Peter Valen-
tine was chosen Chairman, and Myron Holley
Secretary.

Several members having expressed their views
of the objects which the convention was called
to accomplish, and the manner of proceeding
best adapted to their accomplishment.

Voted—That a committee of five be appoint-
ed to consider that subject and report thereon,
and that Myron Holley, Isaac Durfee, Martin P.
Sweet, Jonathan Beadle and Luther Chapin, con-
stitute said committee.

After retiring a short time for the purpose of
conference and deliberation, the said committee
came into the convention and made the following
report, viz.

The committee appointed to consider and re-
duce to form the business of this convention
respectfully report; That they have devoted their
best faculties to the consideration of the subject,
and recommend that the convention express in
resolutions, their opinion of the importance of
the cause of anti-masonry, and indicate, in a
general way, the course of action best adapted
to promote it; and that they take measures to
organize the county, in the best manner practi-
cable, for the purpose of disseminating intelli-
gence and producing united and efficient exertion
among their friends; and the following resolu-
tions were offered, as in the judgment of the
committee, proper to be adopted, with a view to
these designs, viz.

Resolved, That the cause of liberty, which
under various names, has consecrated a small
portion of the history of man, in different ages
and nations, and which has selected our own
land, as we humbly trust, for its abiding heritage,
now takes the name of anti-masonry, under
which is included the advancement of all the
best possessions, rights, and hopes of man; and
that we will endeavor, by a fearless and perse-
vering exercise of our rights and duties, in all
emergencies, to secure to this name of freedom
the characters of consistency, firmness, disinter-
estedness, patriotism and beneficence, and there-
by hand it down to posterity with distinguished
honor.

Resolved, That the experience of every year
gives us new reason to venerate the wisdom of
those who established a government, for as, in
which the People are the sovereign; and that
every motive of interest, of gratitude, and of
patriotism, enjoins upon us constant vigilance
and exertion to secure its perpetuity.

Resolved, That there never was presented to
the contemplation of those who seek the good
of mankind, an earthly tribunal so comprehen-
sive in its jurisdiction, so trustworthy in its up-
rightness, and so majestic in its power, as that
presented by the entire people of the nation of
which we are citizens.

Resolved, That before this great tribunal may
be safely carried, for determination, all those
causes arising among us, which affect the general
safety and prosperity, and which can be controlled
by human agency.

Resolved, That it is especially proper and an
imperative duty, to carry before this tribunal,
and obtain the great decree of the ballot-box up-
on all such causes as endanger the prosperity,
on all such causes as equal political rights, or
reputation, lives, and arise from wide spread,
powerful, and secret associations of men, bound
together by purposes, sympathies, and obli-
gations adverse to the general interests, and which
other decree of any earthly tribunal can ef-
fectually determine.

Resolved, That none fear a resort, for this de-
cree, to this great tribunal, but such as entertain
an anti-republican and criminal contempt of its
authority, or are conscious of the injustice of
their cause.

Resolved, That we highly approve of the pro-
ceedings of the State Convention of anti-masons
held at Albany, in February last, and that the
members of that body, together with the an-
ti-masonic members of both houses of our Legis-
lature recently adjourned, for the prudent un-
doubted, and able discharge of their high resposi-
bilities, deserve the thanks and lasting gratitude
of every patriotic citizen.

Resolved, That engaged as we are, in a con-
flict of vital importance to our highest temporal
interests, and not likely to terminate without a
long and arduous struggle, it becomes us, publicly
and openly, to take all suitable measures to se-
cure among our friends the advantages of zeal,
activity, and concert, and that, in order to effect
this object, it is expedient to appoint a central
county committee, who shall be authorized to
hold all such correspondence, with individuals
and bodies of men, as they may think adapted to
promote the proper objects of anti-masonry; and
to call county conventions hereafter; and that
we recommend to said committee specially, to
take all necessary measures to be prepared for
the next election.

Resolved, That we recommend to our friends,
in each of the towns in this county, forthwith
to call public meetings, and therein appoint three
discreet and intelligent men, of their number, to
act as a committee of safety, in their respective
towns, whose business it shall be, in imitation of
their predecessors in our Revolutionary struggle,
to collect and communicate intelligence of the
designs, means, and exertions, of our adversar-
ies, to correspond with the central county com-
mittee, and to make every effort in their power
to bring into fair and effective action all hono-
rable means of securing triumph to the great cause
in which we are engaged.

Resolved, That the interests of truth and free-
dom are promoted by the dissemination of facts,
the discussion of principles, and the awakening
of generous sympathies; and that the anti-
masonic inhabitants of the county of Wayne be in-
vited to attend a meeting, at Lyons, to be held
at 12 o'clock, on Friday the 11th of September
next, and that the county committee be request-
ed, as soon as may be convenient, to engage
one or more suitable persons to prepare, decorat-
edly and solemnly, to address the said meeting,
in illustration of the facts, principles and sym-
pathies of anti-masonry.

Voted unanimously, That the report of the
committee be accepted, and the resolutions a-
dopted.

Voted, That Myron Holley, Joseph Cole, and
William Voorhies, be appointed the central coun-
ty committee; and that these proceedings, after
being signed by the chairman and secretary, be
published under their direction; and then the
convention adjourned.

PETER VALENTINE, Ch'n.
MYRON HOLLEY, Sec'y.

Chesapeake and Ohio Canal.—This
great work is rapidly progressing. Upon
a line of 46 miles placed under contract,
but one death, and that by accident and
carelessness has occurred among 1500 a-
borders, since its commencement in Au-
gust last. 4,000 additional hands might
now find employment on it.

The Oswego Canal is now complete,
and is navigable its whole length.

The Cayuga and Seneca Canal is at
last rendered navigable, though not en-
tirely completed.

NEW Spring and Summer GOODS.

GILES S. ELY,
Is now receiving a large and "splen-
did assortment of fashionable GOODS,
suitable for the season; and shall of-
fer them for sale at very low prices. A be-
autiful assortment of

Broad Cloths

new and fashionable "Foulard Print
Ginghams, a splendid lot of Silk G-
laces, Gloves, Hosiery, Rouin Ken-
mere, Drilling, &c. &c. &c.

Persons wishing to purchase, are
respectfully invited to call and examine,
the expectation that Goods and pri-
ces will please.

Also—A PERCUSSION PO
WER," for Sportsmen
P. Mynra, May 19, 1829.

TRIAL, &c. of George Chapman
the murder of Daniel Wright,
the 20th day of July, 1828—who
Executed at Waterloo on the 28th M-
1829. With the remarks of Judge M-
previous to passing sentence. A
his subsequent confession. For sale
this office. Price 6d.

DEFAULT having been made in
payment of a certain sum of m-
ny, secured to be paid by an indenture
mortgage bearing date the twenty-sev-
en day of December, in the year of
Lord one thousand eight hundred
twenty six, executed by David S. J-
ways of the town of Palmyra, in the Co-
ty of Wayne, and State of New-York
Israel J. Richardson of the Town, C-
ty, and State aforesaid; and the said in-
gage having been duly assigned to
subscriber—Notice is hereby given,
by virtue of a power contained in
mortgage, and of the statute in such
made and provided, at that certain
parcel of land situated in the tow-
Palmyra aforesaid, and bound d-
as follows, to wit, beginning on the North
of Main-street, in the village of Pa-
ra, at the South-west corner of a lot
or lately owned by Jeremiah Har-
and running from thence North or
line of said lot to the Erie Canal; th-
West on said Canal to a lot now or-
ly owned by John Hurlbut; thence S-
on said last mentioned lot to Main-st-
and from thence East to the place of
beginning—the same being part of the
whereof John Hurlbut, late of the
of Palmyra aforesaid, died seized; also
an undivided seventh parts of the fol-
lowing parcels of land, situated in the tow-
Palmyra aforesaid, bounded as follow-
wit, one piece beginning on the N-
line of Main-street aforesaid, at the S-
east corner of a lot now or lately ow-
ed by Abraham Spear, and running
thence North, on the line of said Sp-
lot, to a lot claimed and occupied
William Jackways, called the Willson
thence East on the line of said Wil-
lot and on the Erie Canal, eight rods
a lot now or lately owned by Ch-
Hurlbut; thence South on the line of
last mentioned lot to Main-street;
from thence West on said street
rods to the place of beginning; also
other lot, beginning at the South east
corner of said Wills lot, and running
to mud creek, and bounded on the N-
by said creek, and on the South by
Canal, and running so far East as to
clude one third part of the lands N-
of said Canal, whereof the said J-
Hurlbut, deceased, died seized; and
one other lot beginning at the North
corner of a lot now or lately owned
John Hurlbut, and running from the
South on the line of said lot eight
rods, to a lot occupied and claimed by
said party of the first part, (to the
mortgage); thence West on the lin-
the last mentioned lot, eight rods;
lot owned by the heirs of Zebalon W-
jams, deceased; thence North on the
of the said last mentioned lot, eight
rods; and from thence East on the
of lots now or lately owned by H-
and Charles Hurlbut, eight rods; to
place of beginning—the above descri-
parcels of land being part of the
whereof the said John Hurlbut, de-
ed, died seized, and the dower of J-
Hurlbut, deceased, being charged of
same, except the piece first above de-
bed, will be sold at public auction, at
Hotel now kept by Horace Church,
the village of Palmyra, in the said Co-
ty of Wayn', on the twelfth day of
vember next, at twelve o'clock at noon
that day.—Dated May 19, 1829.

TRUMAN HART, Assignee
I. J. Richardson, Att'y.

BY order of Alexander R. Tibb-
Esquire, first Judge of Wayne Co-
mon pleas: Notice is hereby given to
the creditors of Elijah Burt, of Mac-
in said county, an insolvent debtor,
show cause if any they have, before
said Judge at his office in the village
Palmyra, in the county of Wayne, on
twenty-eighth day of July next, at
twelve o'clock in the afternoon, why an assign-
of the said insolvent's estate should
be made, and his person be ex-
empted from imprisonment, pursuant to an
entitled "An act to abolish imprison-
for debt in certain cases," passed at
1819. Dated this 7th day of May
1829.