

# THE LITERARY TRANSCRIPT,

## AND GENERAL INTELLIGENCER.

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QUEBEC, SATURDAY, 26TH MAY, 1838.

[PRICE ONE PENNY.

### POETRY.

#### THE SLAVE.

"Who shall avenge the slave?" I stood and cried,  
"The earth, the earth," the echoing sea replied.  
I turned to the ocean, but each wave  
Declined to be the avenger of the slave.  
"Who shall avenge the slave?" My species cry,  
"The winds, the rain, the lightnings of the sky."  
I turned to these; from them one echo ran—  
"The right avenger of the slave is man."  
Man was my fellow; in his sight I stood,—  
Wept and besought him by the voice of blood.  
Sternly he looked, as proud on earth he stood,  
Then said, "Thy avenger of the slave is God.  
I looked to Heaven in prayer; awhile 'twas still—  
And then methought God's voice replied "I WILL."

ELLEN DUNCAN.  
BY DENIS O'DONOVAN.

#### [CONTINUED.]

"Ellen," said he, "since I saw you last,  
I went through a date of hardship; an' I  
little the bit, on my return, that I'd be accused  
of a black sin."  
"Och, shure enough, Owen dartin'; but I  
hope it'll be all for the best. A little thought  
I'd see the day that you'd be suspected of  
murder."

"Well, Ellen aron, all's in it is, it can't  
be helped. Bad as I was sayin'—whin I left  
this, I cut across by Shemus Doo's, an' so  
up into the mountain, where I knew the bars  
were cooin' about in plenty. I shot two or  
three or thim; an' as night began to fall, I  
was thinking ov cooin' home, whin I heard  
the barkin' of a dog a little farther up, in  
the wild part, where I never ventured afore. I  
dunna what prompted me to follow it; but,  
any how, I did, an' wint on farther an' farther.  
Well, Ellen agra, I at last come to a deep  
valley, full up an' most ov fuzze an' brambles,  
an' I seen a black thing runnin' down the  
edge ov it. It was so far off, I thought it was  
a hare, an' so I let fly, an' it roved over an' over.  
Whin I drew near, what was it but  
a barty black spaniel; an' you may be shure  
I was sorry for shootin' it, an' makin' such a  
mistake. I lays down the gun, an' takes it  
in my arms, an' the poor cratur licked the  
hand that shot it. Thim suddenly there comes  
up three straggle men, an' sezin' me as if I  
wor a child, they carried me down wid thim  
cursin' an' abusin' me all the way. As they  
made me take a solemn oath not to revile  
what I saw there, I can't tell you any more;  
but they thrated me badly, an' it was only  
yesterday I escaped."

"Well Owen a hazur, we ought to be  
thankful that you're safe here back; but do  
you think the magistrate will be satisfied  
with this story—they are always anxious to  
do justice, but they must be satisfied."

"In throb, they are, machree; but shure  
I'll swear to it; an' besides, you know, the  
real murder may be discovered—for God  
never lets it, or all other crimes, go a-  
punchment. An' now I'll just go to the bars  
at onst, an' be out ov respinne."

Ellen Duncan had concluded this sentence,  
the tramp of feet was heard outside, and in a few  
seconds the cabin was full of armed men, who  
came to take him prisoner. He had been seen  
entering his cabin; and they immediately,  
after mustering a party, set out to make him  
captive. As he was known to most of them,  
and did not make the slightest resistance, they  
treated him gently, but bound his hands firmly  
behind his back, and took every necessary  
precaution. Though Ellen, while it seemed  
at a distance, had conversed calmly about his  
surrender, she was violently agitated at the  
appearance of the armed force. She clung to  
her husband's knees, and refused to part from  
him, wildly screaming, "He's innocent! My  
husband's innocent!" and when all was  
prepared, she walked by his side to the mag-  
istrate's house, (a distance of three miles)  
her choking sobs and burning tears attested  
the violence of her uncontrolled feelings. A  
short examination was gone through there;

and the circumstantial evidence that was ad-  
duced, made the case look very serious. One  
man positively swore, that he had seen Dun-  
can pass by in the morning, in the direction  
where the body was found, and that he was  
armed with a gun. Another that in about an  
hour afterwards he had heard a shot, but sup-  
posed it was some person coursing, and that  
the report was just where the body was found  
and where Owen had been seen proceeding to.  
His only cow having been sold by Daly,  
a threat that he was heard uttering, and his  
absence from home, was duly commented on,  
and finally, he was committed to prison to  
abide his trial at the Ennis Assizes. While  
all this was going forward, Ellen's emotions  
were most agonizing. She stared wildly at  
the magistrate and the two witnesses; and as  
the evidence was proceeded with, she some-  
times hastily put back her hair, as if she  
were under the influence of a dream. But  
when his final committal was made out, and  
her mind glanced rapidly at the concurrent  
testimony, and the danger of Owen, she rushed  
forward, and flinging her arms round him,  
wildly exclaimed—

"They shan't part us—they shan't fear  
us asunder! No, no, Owen, I will go wid  
you to prison! Oh, is it some of this wild  
us I—you to be dragged from me, accused  
or murdered—and I—!—Father of mercies,  
how is it in my sinness—I'm goin' mad—wid,  
wid mad!"

"Ellen," said Owen, gently naving  
her arms, and kissing her forehead, while a  
scalding tear fell from his eye on her cheek—  
"Ellen, an' thore machree! I don't be over-  
come. There's a good girl, chy'er eyes.  
That God that knows I'm guiltless, 'll bring  
me safe through all. May his blessin' be on  
you, my poor colleen, till we meet again! You  
know you can come an' see me. Heaven  
protect you, Ellen, a lamma!—Heaven protect  
you!"

When he was finally removed, she seemed  
to lose all power, and but for the arms of a  
stander would have fallen to the ground. It  
was not without assistance that she was at  
length enabled to reach her cabin. Her  
It is strange how man's feelings and powers  
are swayed by outward circumstances, and  
how his guide and strength may be entirely  
overcome by dishastening appearances. So  
it was with Owen; although constantly  
visited in prison by his faithful wife—al-  
though conscious of his own innocence—and  
although daily receiving assurances of hope  
from a numerous circle of friends—yet still  
his spirit drooped; the gloom of imprisonment  
the idea of danger, the ignominy of public  
execution, and all the horrors of innocent  
conviction, gradually wore away his mental  
strength; and when the assize time approach-  
ed, he was but a thin shadow of the former  
bluff, healthy Owen Duncan. In so short a  
time as this, can care and harrowing thought  
exhibit its influence on the human frame!

Never was there a finer or more heavenly  
morning than that which ushered in the day  
of trial. The court house was crowded to  
suffocation, the mob outside fearfully nume-  
rous, and never before perhaps, was Ennis in  
such a state of feverish excitement. Daly's  
murder was a thought in the minds of all, in  
comparison with Duncan's accusation. Alas,  
the former was an occurrence of too frequent  
repetition, to be very much thought of; but  
the latter—namely Owen's being suspected—  
was a subject of the extremest wonder. His  
former high character—his sobriety—his quiet-  
ness, and his being a native of the town, in  
some measure accounted for this latter feeling,  
and there was an inward conviction in most  
men's minds, that he was guiltless of the  
crime for which he was accused. Although  
the court-house was crowded, yet when the  
prisoner was called to the bar, a pin could be  
heard to drop in any part of the place. There  
was a single female figure leaning on the arm  
of an aged and silver-haired, though hale and  
healthy countryman, within a few feet of the  
dock; and as the prisoner advanced, and lay-  
ing his hand on the iron railing, confronted  
judges and the court, she slowly raised the  
hood of the cloak, in which she was comple-

tely muffled, and gazed long and earnestly on  
his face. There was in that wistful look a  
fear,—a hope—an undying tenderness, and  
when his eye met hers, there was a proud,  
yet soft and warm expression in its glance,  
that reassured her sinking heart. As she  
looked round on the court, and the many  
strange faces, and all the striking parapher-  
nalia of justice, a slight shudder crept silently  
over her frame, and she clung closer to her  
companion, as if to ask for all the protection  
he could afford. It was Ellen and her father,  
who came, the former summoned as a witness,  
and the latter to accompany and support the  
daughter of his aged head.

Duncan was arraigned: and on being asked  
the usual question of "guilty, or not guilty?"  
he answered in a clear, calm voice, "Not  
guilty, my Lord!" and the trial proceeded.  
The same evidence that was given, at the  
magistrate's house was a second time repeated;  
and, evidently, its train of circumstances made  
a deep impression on the court. While the  
first part of the examination was going for-  
ward, Ellen remained as motionless as a statue,  
scarcely daring to move or breathe; but  
when the questions went more against Owen,  
her respirations became quick, short, and  
gasping; and when the cries desired her to  
get up on the table, it was with difficulty that  
she obeyed him. When seated, she gazed  
timidly round on the crowd of counsellors and  
the judges, as though to bespeak their  
sympathy; but then, not meeting a single  
glance from which to glean even the shadow  
of hope, she covered her face with her hands.  
A moment or two elapsed, and she grew more  
assured, and the counsel for the Crown pro-  
ceeded with the examination.

"Ellen Duncan, is not that your name?"  
was the first question.

"It is, Sir," she strikingly answered,  
without raising her eyes.

"Do you know the prisoner at the bar?"

"Do I know the prisoner at the bar?" she  
reiterated; "do I know Owen Duncan?"

"Do you recollect the night of the twenty-  
first of September?"

"I do, Sir."

"Can you swear to whether your husband  
was at home on that night or not?"

Her voice faltered a little as she answered  
in the negative; and on the presiding judge  
repeating the question, with the addition of,

"Did he return at all next day?" it seemed  
as if she first thought that her answers might  
criminate him still farther, and clasping her  
hands convulsively together, and raising her  
face to the bench, while the scalding tears  
chased each other down her sunken cheek,  
she passionately exclaimed—

"Oh, for the love of heaven, don't ask me  
any thing that 'll be worse for him! Don't,  
counsellor jewel, don't—don't ask me to  
swear any thing that 'll do him harm; for I  
can't know what I'm sayin' now, as the heart  
within me is growin' wike."

After a few cheering expressions from the  
bench, who evidently were much moved by  
her simply energetic language and action, she  
was asked whether she could tell the  
Court where her husband spent that and the  
following nights; and with all the eagerness  
that an instantaneously formed idea of serving  
him could give, she answered—

"Oh, yis! yis! my Lord, I can. He was  
in the mountains shootin' wid Phil Duran's  
gun, an' he was sazed by some men, that  
made him stop wid thim, an' take an oath not  
to revile who they wor, an' they thrated him  
badly; so after three days he made his es-  
cape, an' come home to the cabin, whin he  
was taken by the polis."

"One word more, an' you may go down—  
What was done with that gun?"

The judge's hard and unmoved tone of voice  
seemed to bring misgiving to her mind, and she  
trembled from head to foot as she feebly  
answered—

"The wild boys in the mountain kept it,  
my Lord, an' so he couldn't bring it home  
wid him. But indeed, my Lord, indeed he's  
innocent—I'll swear he never done it! Fur,  
oh! iv you knew the tinderness or his heart

—he that never hurt a fly! Don't be hard on  
him, for the love ov mercy, an' I'll pray for  
you night an' day."

This was the last question she was asked;  
and having left the table, and regained her  
former position by her father's side, she listen-  
ed with motionless, motionless intensity to the  
judge's "charge." He recapitulated the evi-  
dence—dwelt on the strong circumstances that  
seemed to bespeak his guilt—spoke of the  
mournful increase of crime—of law, and life,  
and property being at stake—and finally closed  
his address with a sentence expressive of the  
extreme improbability of the prisoner's de-  
fence; for he, on being asked if he had any  
thing further to say, replied in the negative,  
only asserting, in the most solemn manner,  
his innocence of the charge.

[To be concluded in our next.]

### LATEST EUROPEAN INTELLIGENCE.

The Morning Chronicle says the report  
of Queen Victoria's being about to visit  
Ireland, is without foundation. Marshal Sout  
had been appointed to attend her Coronation,  
as a Special Representative of the French  
government.

O'Connell has denounced all Irish members  
who will not be at their post in London, on  
the 25th instant.

The London Times of April 23d, states that  
a prospectus of a new banking company, with  
a capital of two millions of pounds sterling,  
the shares to consist of £100 each, is circu-  
lating in the city. "One of the leading ob-  
jects of this bank," says the Times, "is to  
supply to the trading interest that regular and  
systematic support which the Bank of England,  
in theory, is supposed to afford, but which, in  
periods of distress and difficulty, when it is  
most wanted, is never forthcoming."

The new military commission will be ap-  
pointed immediately after the recess.

The departure of the Earl of Durham has  
been delayed in consequence of the tem-  
pestuous weather. Throughout the whole of  
Saturday the numerous domestics of the noble  
earl were busy in Cleveland-row packing up  
his lordship's effects, which were sent off  
yesterday to Portsmouth; but, up to last even-  
ing, we believe his lordship had not quitted  
town for Portsmouth to embark. Mr. Turton,  
who accompanies his lordship in the Hastings  
as legal adviser, is the son of Sir Thomas  
Turton, Bart. and lately arrived from Calcutta,  
where he was a practising barrister in the  
supreme court.

On Wednesday a grand farewell dinner was  
given by his Grace the Duke of Cleveland to  
the Earl of Durham, previously to the Noble  
Earl's departure for Canada. His Royal High-  
ness the Duke of Sussex honoured the party  
with his presence.

The Duke of Norfolk has disposed of the  
Workshop Manor and estate to the Duke of  
Newcastle for £370,000.

THE CORONATION.—A committee meeting  
of the Lords of Her Majesty's Most Hon.  
Privy Council was held on Saturday at the  
Council-office, on the subject of Her Majesty's  
Coronation. On Sunday the Proclamation  
relative to Her Majesty's Coronation was read  
in the various churches and chapels through-  
out the metropolis.

MONUMENT TO THE MEMORY OF LORD NEL-  
SON.—A meeting of the committee appointed  
to carry this undertaking into effect was held  
on Wednesday last, at the Thatched House  
Tavern. There were present, among others,  
the Duke of Wellington, the Marquis of  
Anglesea, Lords A. Fitzclarence, Byron, and  
Minto, the Chancellor of the Exchequer, and  
J. W. Croker, Esq. Sir G. Cockburn in the  
chair. The Chancellor of the Exchequer  
stated that the government were extremely  
desirous that a site should be reserved for the  
purpose in Trafalgar square, and that every  
assistance would be given to the undertaking  
by the government. The committee have  
already got £6000 in hand, and reckon con-  
fidently upon that amount being increased in  
the course of another six weeks, to £25,000.  
It was agreed that the invitation to artists