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WHOLE NO. 229.

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EDITOR AND PROPRIETOR.

## TERMS OF THE MESSENGER.

Two Dollars and Fifty Cents per annum in advance, or Three Dollars within the year. No paper will be discontinued, except at the option of the Editor, until all arrears are paid. Advertisements will be inserted at One Dollar per square of ten lines or less, for the first insertion, and Twenty-five Cents for each continuance. The number of insertions desired must be marked on the margin, or the advertisement will be continued till ordered, and charged accordingly. Court Officers will be charged twenty-five per cent extra. The charge for announcing the name of a candidate for office is \$2 50, in advance, or \$3 00 if payment be delayed.

## MISCELLANEOUS.

From Graham's Magazine.  
Sketches.

### Of the Revolutionary War in North Carolina.

I was usually occupied one summer's morning in my garden, when I was saluted by an old fashioned farmer, on his way to mill. He rode a stout, well-limbed, active young horse, with the manner of one early accustomed to the saddle, and managed him, in his humor, with the tact and address of a man fond of a pet animal.

The old man's hat was low-crowned and slouched, but looked as if it had once been looped, or cocked up—a style which some may recollect as incidental to many a revolutionary veteran.

The weather invited to rest; we both seemed willing to enjoy shade and conversation; and by observations casually made—in which probably the old man's appearance assisted—we talked of the times of the Revolution, he sitting on his horse (for, like many good talkers, he had no time to slight) and I standing on the other side of my fence, in the garden, both of us shaded by some fine oaks which refreshed the road by which he was passing.

In this way I picked up the following narrative of

### "THE SURPRISE AT MINTIRE'S."

The inhabitants of a large plantation, on the road leading from the town of Charlotte to Battle's Ford, on the Catawba, were alarmed one morning in early autumn, by the report of a country lad, that a detachment of British light-horse with a line of empty baggage waggon were on their march, in procure forage for the English troops under the command of Lord Cornwallis, who had his headquarters in the county town of Mecklenburg, North Carolina.

As the boy passed the farm-house he gave the alarm and galloped on. The women were soon seen struggling after him—some loaded with the rifles and accoutrements of the men who were at work in the fields—while others, assisted by the negroes, led forth horses from the stables, and hastily added them for the service.

The men were promptly armed, the women and children, with such necessities as could be snatched up, were mounted by two and three upon the horses, and accompanied by the servants, directed their course through the woods to such neighbors as were most retired from the main road.

Although the boy who gave the alarm had used every exertion, and mounted upon a jaded colt just taken from the plough, had dashed through the most direct by-path, the men had scarcely time to conceal themselves in a deep thicket and swamp, which bordered one extremity of the plantation, before the British videttes were in sight. They halted upon the brow of a hill, above the branch of a creek, for the approach of the main body, and then, in complete order, advanced to the plantation.

After reconnoitering the premises, and finding no one present, but all appearances of the hasty flight of the inhabitants, the dragoons dismounted, the horses were tethered, and a guard detailed. Some sumpter horses were harnessed to the farm waggon, and parties began to load them with the various products of the fields; while military baggage waggon under the charge of a rear guard, gradually arrived, and were employed in gathering the new corn, and carrying stacks of it and of the freshly pulled corn-fodder.

It was the practice with our countrymen, in precaution by their early contacts with the aborigines, to form associations with their neighbors, for mutual support in case of danger, and in their visits of friendship, or business, they always bore arms. There were now men now lying in close ambush on the sides of the plantation. They had all acted as fighting parties, were expert in the use of the rifle, and perfectly acquainted with all the peculiarities of the country. They were divided into regular distances, into couples, companies, or parties, each of which they could readily communicate and have aid in their concerted action; for it had been agreed among them to await the retreat of the British, and hope that they might recover some portion of their plundered crops, and avenge their losses upon the invaders, with the greatest effect of success.

It was with much restraint, however, that they refrained from their industry thus suddenly withdrawn; while the soldiers, enjoying the prospect of free living, shouted joyously amidst their plunder. Separate parties, regularly ordered, shot down and butchered the hogs and calves—hunted and caught the

poultry of different descriptions, which, on a large plantation, form the luxury of a farmer, and are the pride and favorites of the good wife and little ones.

In full view of this active scene stood the commander of the British forces—a portly, florid, cheerful Englishman—one hand on each side of the doorway of the farm-house, where the officers were enjoying the abundant provisions prepared for the owners of the plantation and their friends.

The soldiery, assisted by dogs, in eager chase of the poultry, had struck down some bee-hives, formed of hollow gum logs, ranged near the garden fence. The irritable insects dashed after the men, and, at once, the scene became one of uproar, confusion, and lively excitement. The officer laughed heartily at the gestures and outcries of the routed soldiers—the attention of the guard was drawn to this single point, while at a distance in the fields, the waggon were seen slowly approaching with their cumbersome loads.

The owner of the plantation had cautiously approached, under cover, within gun-shot of his house; the rest of the party, his neighbors, with equal care, advanced sufficiently near for the action of their rifles. The distress and anger of these men were raised to the highest pitch by the reckless merriment of their enemies, and, in the midst of the tumult, their feelings overcame all the bounds of preconcerted prudence.

"Boys!" cried one of the sturdy farmers, "I can't stand this—I take the captain—Every one choose his man, and look to yourselves."

The words were scarcely uttered in a suppressed tone, but with an appropriate decision of action, when the sight of his rifle was thrown upon the full breast of the laughing Englishman, who suddenly fell prostrate from the door-post.

As the smoke from the rifles rose, after their sharp and quickly repeated reports, the commander, nine men and two horses lay dead or wounded on the ground.

The trumpets immediately sounded a recall. But by the time the scattered dragoons had collected, mounted, and formed, a struggling fire, from a different direction, into which the concealed scouts had extended, showed the unerring aim of each American marksmen, and increased the confusion of the surprise.

Perfectly acquainted with every foot of the ground, the Americans constantly changed their position, giving in their fire as they loaded, so that it appeared to the British they were surrounded by a large force.

Every preparation for defence, attack, and retreat was made with the discipline of soldiers, but the alternate hilly and swamp land, and thickets, set on the bounds against a foe scarcely visible, except from their deadly effects.

The dogs, at first, seemed to take the track, and were followed by the soldiers. The foremost hound ran close upon the heels of one of the scouts, who had just discharged his rifle, and was in full retreat after his companions. But as the dog closed with open mouth, he was shot dead with a pistol drawn from the rifleman's breast.

The next hound stopped at the dead dog, smelt at the body, gave a whining howl, and the whole pack retreated from the contest.

A large number of the dragoons were shot down. The leading horses in the waggon were killed before they could ascend the hill. The road was blocked up. The soldiers in charge of the waggon cut loose some of the surviving animals and galloped after their retreating comrades.

The country people, early advised of the advance of the foraging party, mounted their horses, rifle in hand, from every direction; and, occupying well protected positions along the main road, precipitated the retreat of the British into Charlotte—the survivors swearing "there was not a bush on the road that did not contain a rebel."

In the graveyard at Charlotte, a large marble monument is inscribed as

### "SACRED"

"To the memory of Gen. GEORGE GRAHAM, who died on the 28th of March, 1826, in the sixty-eighth year of his age."

"He lived more than half a century in the vicinity of this place, and was a zealous and active defender of his country's rights in the Revolutionary war, and one of the gallant twelve who dared to attack and actually drove four hundred British troops at McIntire's, seven miles north of Charlotte, on the 3rd of October, 1780."

"George Graham filled many high and responsible public trusts, the duties of which he discharged with fidelity. He was the people's friend, not their flatterer, and uniformly enjoyed the unlimited confidence and respect of his fellow citizens."

Two tea-spoons full of finely powdered charcoal, (says the N. Y. Herald,) drank in a half tumbler of water, will, in less than fifteen minutes, give a relief to the sick headache, when caused, as in most cases it is, by superabundance of acid on the stomach.

Two or three spoonful of strong ley, made of oak ashes, and mixed with molasses, are recommended as a positive cure for croup.

## The Election of President.

Mr. DUNCAN'S BILL.—The following is the Bill that has been introduced in the House at Washington by Mr. Duncan:

A Bill to establish a uniform time for holding elections of President and Vice President in all the States of the Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all regular stated elections for the choice of Electors of President and Vice President of the United States shall be held on the same day, and on one single day, in all the States of the Union.

Sec. 2. And be it further enacted, That the next regular stated election for the choice of Electors of President and Vice President of the United States shall be held in each state on the first Tuesday in the month of November, in the year of our Lord one thousand eight hundred and forty-eight; and on the first Tuesday in the month of November in every fourth year thereafter, a regular stated election shall be held in each state for the choice of Electors of President and Vice President for the next regular Presidential election under the Constitution of the United States; and in case any special election for the choice of President and Vice President by the people shall, according to the provisions of the Constitution, intervene between the regular stated periods for the election of those officers, every such special election shall be held in each state on the first Tuesday in the month of November of the year in which such special election of President and Vice President is to be made.

Sec. 3. And be it further enacted, That the places and manner of holding the elections, as mentioned in the two preceding sections of the act, in the several states in the Union, together with the notifications that the same are to be held, and the returns of the votes taken at the election shall be specified, regulated and governed by the laws of the respective states in force at the time of the holding of each such election. And all the laws and parts of laws heretofore passed by Congress inconsistent with the provisions of this act shall be and the same are hereby repealed.

## Vulgaritys Refined.

Vulgar—"Take the rag off the bush."

Refined—"Removing the dilapidated linen from off the infantile tree."

Vulgar—"Money makes the pot boil."

Refined—"The precious metal causes the cauldron to effervesce."

Vulgar—"Money makes the mare go."

Refined—"The circulating medium compels the female nag to abasquatulate."

Vulgar—"A fool and his money is soon parted."

Refined—"The partnership existing between a simple one and his small change is speedily dissolved."

Vulgar—"What is bred in the bone can't come out of the flesh."

Refined—"That which is matured in the osified substance, cannot emanate from the carnosus man."

Vulgar—"Tell the truth and shame the devil."

Refined—"Proclaim what is veracious and cause Diabolus to blush."

Vulgar—"Each dog has his day."

Refined—"Each masculine of the canine species is entitled to the possession of one diurnal revolution of the earth."

Vulgar—"Does your anxious mother know you are out?"

Refined—"Is your solicitous maternal guardian aware that her offspring is abroad?"

The reasons and motives to fear God and keep his commandments are fully as strong as they could be, if we knew the earth and things that are therein would be burned up on the first day of January, 1845. The certainty of such an event would not add one grain to their strength. If it should be revealed to an individual, that he would certainly die on a given day within six months, or one month even, there would exist no better or stronger reasons for repenting, than already exists. The very uncertainty of the event, is the circumstance urged by Christ himself as a reason for immediate repentance. He would have us attend to this duty, because we know not when the time is. He would have us watchful and prayerful, because such an hour as we think not the Son of man cometh. Shall man set up his opinion above the Saviour's? Who thus reproves God, let him answer it.

PATROS.—A new paper just published at Naples, Illinois, has the following sentence in its editor's salutatory address: "With fearless footsteps we tread the billows beneath the sky of truth, our balliards tipped with fire—carrying with us a tongue of thunder—and none shall conquer until the last armed man has deserted, or fallen in the conflict." Of gracious, don't.

Mr. Benjamin Elwell, of Bladen county, was instantly killed a few days ago by the falling of a tree, near which he was standing whilst some hands were engaged in cutting it down.

"Millions for de-fence!" as the nigger said when a bull chased him across a tea acre lot.

## Tennessee.

Proud, noble sister of an ungrateful family! We hail thee brightest and most beautiful—transcendent in thy purity! over any state in the Union. She, the home of the hero of New Orleans, who tyrannized over her for years, no longer obeys his lordly bidding.

Glorious Tennessee! She spurns his stern mandate, and bows her neck no more to the one man power. She fixed her eye upon Henry Clay, the highest star in the intellectual firmament—glazes with a steady glare upon that sun of patriotism upon whose luminous pathway an admiring world has looked.

Tennessee is the residence of James A. Polk, and if he had been worthy to be her Governor, she would not have rejected him twice. He was not worthy. She knew him. He was once her idol, because the favorite of Gen. Jackson. But she has learned his character—it is vacillating and treacherous, and though state pride, it was thought, would cause her to give him her vote for President, she sacrificed that to save her own honor, with the national honor and prosperity.

She has voted for Henry Clay in preference to "Gen. Jackson's favorite son." Glory and honor attend her through all time, for this one act of noble patriotism. In times gone by, ere she new how to appreciate the old eagle of Ashland, she reft a feather from his soaring wing; but ever honest, ever repentant when in error; no longer worked and wheeled about; by Gen. Jackson, she has built an eyrie for him she has injured, in her heart of hearts, and proclaimed it to the world.—Jackson, (Mr.) Southern.

MURDER AT MILLEDGEVILLE.—The Record of the 12th Inst. contains the particulars of the death of Mr. Thomas B. Fuller, of Bibb county, who was shot in Milledgeville, on the day of the Presidential election, by a man named William Seary. Governor Crawford offers a reward of \$150 for the apprehension of the murderer, to which the father of the deceased adds \$200. SEARY is represented to be about 5 feet 11 inches to 6 feet in height—will weigh from 170 to 180 pounds—sandy hair and complexion—sullen and ferocious countenance—about 28 or 29 years old—had on when he escaped, a fur cap, and a black or blue frock or bus coat, with outside pockets.

Madison J. Mullen, lately convicted in the parish of Union, Louisiana, for using language to slaves calculated to excite insubordination among them, was sentenced to 21 years hard labor in the Penitentiary at Baton Rouge.

## LEGISLATIVE.

### SENATE.—WEDNESDAY, Dec. 11.

Messrs. Bogie and Boyden were appointed the Committee on Enrolled Bills.

Mr. Boyden, from the Judiciary Committee, reported the bill to prohibit the levying of Executions on growing crops until said crops are matured, with an amendment.

Mr. Worth, from the Committee to whom the subject was referred, reported a resolution urging Congress to make an appropriation to rebuild the Mint at Charlotte, which passed its three several readings, and was ordered to be engrossed.

### HOUSE OF COMMONS.

Mr. COWELL presented a bill to establish a Superior Court in the county of McDowell. Referred to the Committee on Private Bills.

Mr. Moore, from the same Committee reported the bill on forms of criminal pleading, with an amendment. The amendment was concurred in and the bill as amended read the second time and passed.

Mr. Washington, from the Committee on Internal Improvements, reported the bill to establish a public road in the county of Buncombe, and to make an appropriation therefor, with an amendment. The amendment was concurred in, and the bill passed its second reading.

Mr. D. A. Barnes, from the Committee on Private Bills, reported the bill to authorize Samuel Chunn to establish a toll bridge over French Broad river in the county of Buncombe, with an amendment. The bill as amended passed its second reading.

Mr. Bond, from the Committee on Agriculture, reported unfavorably on the bill for the establishment of a Board of Agriculture; when said bill was, on motion of Mr. T. H. Robinson, laid on the table.

Mr. T. R. Caldwell called up for consideration the report of the Committee on Privileges and Elections, in the case of John McNeill, one of the members from the county of Robeson. The House sustained the Report in finding no just grounds for contesting his seat.

Mr. Mills presented a bill extending the time for perfecting titles to lands heretofore entitled.

### SENATE.—THURSDAY, Dec. 12th.

Mr. Gwynn, from the Committee on Propositions, to whom was referred a bill to confirm a rule made by James W. Guin, late Agent for the State, reported the same to the Senate, and recommended its passage. The bill was then read the second and third time, passed and ordered to be engrossed.

Mr. Gwynn, from the same Committee, reported a bill to lease a silver mine to George Southern, the discoverer, and for other purposes, which was read the first time and passed.

poes, which was read the first time and passed.

Mr. Dockery, from the Committee on Finance, reported the bill concerning arsenic, with sundry amendments.

### HOUSE OF COMMONS.

Mr. Polindexter presented a bill to provide for the distribution of the proceeds of land sold for partition in certain cases; which passed its first reading and was referred.

On motion of Mr. Guthrie, the Judiciary Committee were instructed to inquire into the propriety of exempting Justices of the Peace from working on public highways.

Mr. Nixon presented a resolution in favor of L. H. Marshall, which passed its first reading and was referred.

Mr. Ehringhaus presented a bill to incorporate the Phoenix Fire Company; Mr. Washington, a bill to amend the act for the establishment and better regulation of Common Schools; and Mr. Roane, a resolution in favor of Samuel Watters, which severally passed their first reading and were referred.

Mr. Lord presented a memorial, praying the passage of a law requiring all contracts and leases of land for mining operations to be made in writing. Referred.

The bill to establish a public road in the county of Buncombe, and to make an appropriation therefor of \$1000, passed its third reading, by the casting vote of the Speaker, and was ordered to be engrossed.

### SENATE.—FRIDAY, Dec. 13th.

Mr. Dockery, from the Committee on Finance, presented to the Senate the following Report, which was, on motion of Mr. Francis, sent to the House, together with the accompanying documents, with a proposition to print.

The Committee on Finance have proceeded according to the provisions of the 7th section of the 15th chapter of the Revised Statutes, to inspect the books and accounts of the Treasurer and Comptroller, and carefully to examine the exact condition of the statement and condition of the deposits made in the Banks by the Treasurer, and to ascertain the amount of money and funds of the state in the Treasury and Banks, and respectfully submit the following report, as the result of their investigation:

The condition of the books and vouchers of the Treasurer and Comptroller is generally such as the law requires. The books all balance with accuracy, and correspond with the printed Reports of the Treasurer and Comptroller, with the exception of an amount of six hundred and fifty dollars, which is credited to the Cape Fear Navigation Company; whereas it should have been to the Roanoke Navigation Company; that the amount of deposits in the Banks corresponds with the Treasurer's statement; that the amount of Treasury notes in the office of the Treasury was sixty-three dollars, three and half cents, which your Committee burnt by authority of a resolution of the General Assembly.

The Committee in the further progress of their labours, ascertained, what appeared to them at the time, a payment of eighty-one dollars to James Page, late door keeper to the House of Commons, more than he was entitled to. The Committee desiring to investigate this subject, and the General Assembly having given them power to send for persons and papers and to administer oaths, submit the following testimony, taken in pursuance of the resolution of the two branches of the Legislature, which testimony is intended as a part of this report. The Committee forbear the expression of any opinion as to the person to be held liable for the deficiency, further than to say that two certificates were found on file, one signed by the Principal Clerk of the late House of Commons, for eighty-one dollars, and paid by the Treasurer, Hinton, and the other for two hundred and twenty-eight dollars, and signed by the Speaker of the late House of Commons, both in favor of door keeper Page, and ordered by him; but the Committee are unanimous in the opinion that the state, as the matter now stands, has lost \$81. Deposition of Jas. Page, marked A; Deposition of Green Hall marked B; Deposition of Camillus Saunders, marked C; Deposition of W. F. Collins, marked D.

### A. DOCKERY, C. C. F.

DEPOSITION OF JAMES PAGE.  
Question 1. Did you receive eighty-one dollars on the certificate of L. H. Marshall, Clerk to the House of Commons, and if so, of whom?

Answer. I received it (\$81) from Col. Stephen Birdsell, Clerk to the late Treasurer, C. L. Hinton.

Question 2. Was this amount of eighty-one dollars deducted from the Speaker's warrant of \$225 presented by you at the close of the last session?

Answer. It was.

Question 3. By whom was the deduction made?

Answer. By Col. J. H. Wheeler, Treasurer.

Question 4. Are you certain that the deduction was made, and that you are not mistaken in supposing so?

Answer. I am very certain that I am not mistaken, for when I received the Speaker's warrant, the Clerk (Marsteller) reminded me of having been paid in part (including my mileage) by virtue of the certificate received from him, and on my presenting the Speaker's warrant to Col. Wheeler, he asked me how much I had received. I told him I had received \$81 by virtue of the Clerk (Marsteller's) certificate, and the deduction was then made by Col. Wheeler after he had made a calculation as to the amount.

He (Wheeler) then took the warrant away with other papers.

Question 5. How often have you been to Raleigh since your settlement with Col. Wheeler?

Answer. I came to Raleigh in April or May 1843, and received the Journals and Acts of the last Legislature, which I distributed in the western part of the state. I returned again (here) in July or August following to make my return to the Secretary of State of the receipts of the Clerks for the Acts etc. distributed as aforesaid, and received my compensation of Secretary's Hall.

I came to this city to week before the sitting of this Legislature, to make the returns of the Presidential election for Randolph county, and received fifty dollars for the same of Col. Wheeler.

Question 6. Do you know that Col. Wheeler was in Raleigh either of the times referred to above?

Answer. I don't know that he was, except the last.

Question 7. Have you received of Col. Wheeler any money as he paid you the \$15 above referred to?

Answer. I received 30 dollars of him (Wheeler) in or about ten days after the commencement of the present session, for services rendered as door keeper to the Senate.

Question 8. Had you information that there was a mistake, from Col. Wheeler or any other person, in your statement at the close of the last Legislature previous to its discovery by the present Committee of Finance?

Answer. I had not.

Question 9. When you first heard the mistake having been discovered, did you communicate that fact to Col. Wheeler, and if so, what did he say?

Answer. I did. He (Wheeler) replied "content yourself, they have told you of it to scare you, there will be nothing done about it."

Question. Do you know how much Col. Wheeler paid you when you handed him the Speaker's warrant at the close of the session?

Answer. I don't know the precise sum in cash that I received at that time. The reason why I can't state the precise sum received by me at that time is, that I don't recollect whether I had received any money from Col. Wheeler previous to our last settlement at the close of the session.

Question. Although you can't state the precise sum received of Col. Wheeler by virtue of the Speaker's warrant at the close of the session, are you certain that you accounted with Col. Wheeler for the \$81 paid by Mr. Birdsell at that time, and that that amount was deducted from your pay?

Answer. I am certain that \$81 was deducted from the \$225, the amount of the Speaker's warrant.

Question. Did you have Marshall's certificate present at your settlement with Col. Wheeler?

Answer. I did not have it.

Question. Did you receive more than one sum of money of Mr. Hinton or his Clerk?

Answer. I received \$81 of Mr. Hinton or his Clerk, but am not certain that I received it all at one payment.

Question. Are you in the habit of receiving money without counting it at the hands of the person from whom it is received?

Answer. I am not.

Question. Are you certain that you received no more than \$81 of Mr. Hinton or his Clerk for your services during the last Legislature?

Answer. I think I did not; but can't say positively.

JAMES PAGE.

Test, A. DOCKERY, Ch'm.

### DEPOSITION OF GREEN HILL.

Question. Did you hear Col. Wheeler say any thing in regard to his having paid Mr. Page too much money, and if so, at what time?

Answer. A short time after the adjournment of the last Legislature, Col. Wheeler told me he had paid Mr. Page too much, and asked me the name of Page's Post Office, as he (Wheeler) wished to write to Page on the subject; he also asked me if Page was a responsible man, and able to pay that much money. I replied, that I thought he was a responsible man, and that I had always regarded him (Page) as an honest man, and that I believed if he (Wheeler) could make him (Page) sensible of the mistake, he would return him (Wheeler) the money.

At a subsequent time, very nearly the same conversation occurred between Col. Wheeler and myself.

Question. Do you know of Mr. Page's having been in Raleigh at any time shortly after your first conversation with Col. Wheeler, and if so, when?