HIGHLAND MESSENGER.

VOL. VI—NO. 14. ASHEVILLE, N. C., FRIDAY, NOVEMBER 14, 1845. WHOLE NO. 274.

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EDITOR AND PROPRIETOR.

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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 arrearages are paid.

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From Neal's Saturday Gazette.

The Pre-Emption Right!

OR,

Dick Kelsey's Signature to a Land Claim.

A TALE OF THE FAR WEST.

BY SOLITAIRE,

AUTHOR OF "SWALLOWING OYSTERS ALIVE," &c.

DICK KELSEY was one of the earliest settlers in the Upper Missouri country, and a more open hearted or careless son of Kentucky, never squatted in the "Far West." He had wandered from his parent State more for a change of location than any desire to improve his condition, and if a spot offered easy hunting facilities, it mattered not what contingencies were added. Dick "sot himself down thar." Tall, raw-boned, good-natured and fearless, he indulged no ambition to excel except with his rifle, and the settlers generally conceded that his "shooting iron" was particularly *certain!* A spot upon one of the tributaries of the Missouri won Dick's heart at first sight—it bordered upon a beautiful stream;—had a far spreading prairie, skirted by a fine growth of timber, for a landscape, and abounded with all sorts of game, from a prairie fowl to an *Indian*. Here Dick built his cabin, beneath a brown *cotton tree*, and he used to tell his neighbors that nature had, after practising on the rest of creation, spread her finishing touches on his claim. Its wild beauty deserved his lavish praise.

In this western habitation our hero held undisturbed sway; his only companion being a negro slave, who was at once his master's attendant and friend. Kelsey and the negro had been raised together, and from association, although so opposite their position, had imbibed a lasting affection for each other,—each would have freely shed blood in the other's defence. The bonds of servitude, were consequently moulded into links of friendship and affection, securing to them a feeling of confidence, in their lonely habitation in the wilderness. Their nearest neighbors were situated at a small trading settlement, some ten miles distant, where Dick always repaired to exchange his furs for ammunition and other essentials. Here he also learned the news from the far off seat of government; but the busy world beyond little interested these roving sons of the western forests,—a brush with the *red skins*, or a challenge shooting match, possessed much more interest for them. At length, however, these western pioneers were aroused from their quietude and inactivity by the news that Congress had passed the famous *Pre emption Law*. As yet, few in the region we write of knew its provisions, or, distinctly, what rights it conferred; each squatter, therefore, laid out the bounds of his claim in accordance with his own desire, and stood ready to defend the title against all encroachment. The fever of emigration became an epidemic, and soon that speculating mania, which, in imagination, built fortunes in a day, spread even to the confines of civilization. The axe of the pioneer soon began to startle the wild denizens of the forest, where for ages the hunter alone had disturbed their repose.

One bright morning a *ripple* of the advancing tide, in the persons of two strangers, was discovered by Dick, about a quarter of a mile from his cabin, where, apparently, they had rested for the night. The first was a man of about middle stature, of a dark swarthy complexion, with an uneasy eye, prominent teeth, and clad in a dilapidated suit of Kentucky jean;—an old cloth hat surmounted his figure, and in his right hand he held the sceptre of the pioneer—a *rifle!* His companion was a pale, sickly-looking little woman, clad in a coarse linsey-woolsey gown, and in her hand she held a faded calico sun bonnet; close by stood a small wagon with a quilt cover, to which was harnessed a horse bearing evident marks of long travel and hard fare.

"How are you strangers?" was Dick's first query. "Judgin' from appearances you're lookin' out a location."

"Yes," replied the man, in a surley tone, "I've been lookin' all along; but I ain't found any yet fit for a white man."

"Well, you've just got to the place now," said Dick. "Creation ain't laid out any place prettier, and after takin a view of it, you'll say so. You and the missus had better go up to my cabin and rest, till you can take a good look of the best plots, and I predicate you'll come to a conclusion."

"[illegible], I guess, I'll stay a spell," was the stranger's [illegible], and [illegible] Dick, he [illegible] [illegible] [illegible] which had been [illegible] terrible than it was comfortably. On his arrival the whole conversation at the settlement was the pre emption act, and during the debate on its bearing, he mentioned the "new arrival" in his neighborhood, of the strangers. They had passed through the settlement, and as all new comers are a subject of interest, various opinions were expressed in regard to them.

"Judgin' from that stranger's frontispiece," said one, "I shouldn't like him for a near neighbour."

"He's rather a sour lookin' customer," added another, "and how dreadfully poorly his wife looks."

"I've invited him to locate near *me*," remarked Kelsey; "and I can't say he's got a very pleasin' look; but the rough shell may have a good kernel, boys."

After providing necessaries, Dick gave the settlers an invitation to come up and help the stranger raise a cabin. All agreed to be *thar* on the next Saturday, and homeward he started. On his arrival, Sam was cooking the evening meal of wild game and corn bread, all the time expatiating to the guests what a good man "Massa Dick" was, and particularly impressing upon their minds that he, (Sam,) was "Massa Dick's 'stordinary nigger!" Sam's efforts at amusement failed upon the strangers, for one was quietly weeping, while the other wore a scowl of anger.—Dick noticed their looks on entering and endeavored to cheer them—

"Don't look down hearted strangers," said he, "you ain't *among* Ingins of *you* are *near* 'em—thar ain't a spot in the universal yearth calkilated to make you feel better than whar you are now. Sam and me never felt bad since we located here,—only when the Ingins penned us in the cabin for three days, while all our *bar meat* was hangin' on the outside."

"It's this cussed woman," answered the stranger, "that makes me feel so bad—she's etarnally whimperin' about bein' so far from home—I wish she was in h—ll!"

"Stop that, stranger," said Dick, in a determined tone; "the love I have for an old Kentucky mother won't permit me to see or hear one of her sex abused beneath my cabin roof, ef it is in the wilderness;—I don't like red skins, none of 'em, but even a *squaw* shouldn't be abused here!"

"Well, I'm done," was the reply, "I'll get a cabin of my own, and then I guess I'll do as I please."

"No you wont," said Dick; "if you stay in these diggins and abuse her, you're in a hotter place than whar you just now wished her."

It may be supposed that the host and his guest retired, the first night of their meeting, with no favorable impression of each other; and while Sam and his master were making all right for the night, the former ventured to remark:—

"Dar not much good in *dat* white man, Massa Dick."

"Not a *heap*, Sam," was his master's reply; "but he shan't pisin us long with his company," and with this comfortable resolve they turned in for the night.

At daylight Dick started out with his rifle on his arm, to observe the foot-prints around his dwelling, and note whether they were biped or quadruped, the close proximity of the Indian tribes and their frequent thefts, making caution and care necessary to preserve, not only property, but life. As he was starting to his cabin a *scream* startled him from his careless gait—it was a new sound in that wilderness; and many a day had passed since Dick heard anything akin to it. He started forward with a bound, convulsively clutching his rifle, while his blood urged into rapid action by the movement, was again forced back to his heart, chilled by another fearful scream of a woman in distress. In a moment he emerged from the strip of woods, within view of his cabin, and there beheld the stranger with his arm raised to strike; fronting him stood Sam, poising a large hunting knife in defence, while upon the other arm of the muscular negro, hung the trembling form of the stranger's sickly wife. A few moments and Dick was beside the combatants inquiring the cause of their hostile attitude. When Sam informed him that the stranger had twice, with his fist, felled the woman to the earth, his rifle raised instinctively to his shoulder, as if justice demanded instant and dreadful punishment for such a dastard act. Dick slowly remarked, as he directed his aim:—

"I'll [illegible] you out, you infernal *savage!*"

The stricken wife observing the action, threw herself before the weapon, imploring the enraged host to spare her husband's life.

"Well, woman is woman," soliloquized Dick; "for they'll stick to the devil, ef they ever take a notion to him. If you have the least hankerin' arter the mean varmint, in course I'll let him *slide*; but he must clar out of my region—I can't be near whar anything of the breed grows—so arter breakfast we'll separate."

When the morning meal was ended, the stranger drew up his wagon, placed his companion in it, and sullenly departed, muttering a threatening farewell.

"God help the poor woman," said Dick, [illegible] [illegible] serpent [illegible] any tracks. I should be mightily pleased to search his carcass to see if he had a heart in it.—Sam," continued he, "you're a nigger, but thar's more real white man under your black skin than could be found in an acre of such varmints as that sucker. Give me your fist, old feller; while Dick Kelsey's got anythin' in this world, you shall share it!"

While this bond of closer friendship was being formed between master and slave, malice was holding her revel in the heart of their late guest. He had observed Dick's love for the spot where he had squatted, and judging rightly that he had neglected to file his claim in the Land Office, he stopped a short distance below him, intending to remain, and if possible gain possession of it. Kelsey had his dislike for the stranger increased by finding him remain on his section, and ordered him to leave forthwith. The stranger gave as an excuse, that his wife was so sick she couldn't travel, and ended with the request that he would let him erect a hut to shelter her, while he went in search of a permanent location. In pity for *her*, Dick consented, and the stranger proceeded to prepare timber for a small cabin. The following Saturday the neighbors gathered, and by nightfall placed a roof over their heads, kindly supplied them with some necessaries, and left, each one confirmed in his dislike for the stranger. Next morning he started off, as many supposed, never to return; the natural kindness of the settlers was immediately manifested to his wife, and nothing which could be spared, that would conduce to her comfort, was lacking in the cabin of this heart-broken woman.

After the lapse of several days, contrary to expectation, the stranger returned, and a visible change was manifested in his manner—his surliness assumed a more impudent and offensive character, and on receiving a further intimation that it was time he was *moping*, he insolently told Dick to "clear out," himself, for that he, (the stranger,) was the rightful owner of the claim. Dick laughed at him, and told him to be off quietly, that his carcase was safe while the woman clung to him.

Kelsy was laughing next day down at the settlement, as he related the stranger's words, and described his insolent bearing; but his smile of scorn was turned to a frown of wrath, when the Land Agent, who happened to hear him, informed the unsuspecting squatter, that the stranger had, indeed, entered the claim his cabin was upon. Dick, on hearing this news, shivered the bottle in his hand to atoms, and drawing his breath through his teeth until it fairly whistled, he remarked:—

"That stranger may have *some* of my claim; but his share shall be my *signature to the title.*"

The sun was fast sinking when Dick started home, rather limber from the effects of wrath and liquor. Having resigned himself to the care of his horse, he swung from side to side in a state of dozing unconsciousness. When he neared his cabin, it had become pitch dark, to which, if possible, the woods bordering his claim, added a gloomier shade. The instant his horse entered beneath the foliage, a sharp pain shot through the side of the rider, so acute as to wake his powers suddenly into full consciousness. The spring he made in the saddle started his horse forward into a rapid gait, and in an instant more, a sickly sensation robbed him of all consciousness. When he opened his eyes with returning animation, they fell upon his faithful slave, who was bending with an anxious countenance over the rude couch of his master.

"Bress God! Massa Dick, you knows Sam, your ole nigga—I sees you does—dars life in you yet, massa,—dar is, but dis poor nigga had amost gib you up, for sartain!"

An unseen hand had, in the darkness, plunged a knife into Dick's body, as he entered the wood; he had clung to his horse's mane, until the animal stopped at his cabin door, where Sam, waiting for his master, had caught his bleeding and unconscious body in his arms as it fell reeling from the saddle. The faithful negro had stanched the blood, and applied every restorative his rude knowledge could devise; but it was long ere the eyes he so loved opened to the recollection of past events and present injury.

"That was a foul dig in the ribs, Sam," murmured his exhausted master; "but ef I don't trail up the sarpint and pull his sting out, it'll be because I and that ar old rifle of mine has to part company!"

The natural strength of the patient, together with Sam's careful nursing, soon restored him to his legs, and a few days' gentle exercise imparted strength enough to his frame to support the weight of his rifle. A fixed resolve to trace the assassin added a severe cast to Dick's pale features—Sam, as he observed him, quietly shook his head with the remark—

"Ah, dat Massa Dick's soon goin' Ingin huntin'—*sure!*"

One morning, early, Kelsy ordered Sam to saddle his horse, and proceeded himself to clean his rifle; with more than usual care he adjusted each particular of his accoutrements, and started off to the settlement, passing the road leading by his neighbor's cabin. On his arrival, he gathered a few of his cronies together, who all knew of the hostility [illegible] on his life, and imparted to them a scheme he had been maturing, for discovering if the stranger was the "stabber in the dark,"—which few seemed to doubt, but of which he wished to be certain.

As the sun inclined to the west, Kelsy made preparation for return, and changing his dress for a suit belonging to one of his friends, he stuffed his own with straw, surmounted the figure with his fur cap, and mounted it upon his horse before him, where it was secured to the saddle; four of his friends accompanied him, and thus prepared, they bent their course towards Dick's cabin. Night set in while they were on their march, and soon the moon rose, casting her soft light over a prairie landscape, as beautiful as ever the eye of man rested upon. It was a western scene of wild and picturesque loveliness, grand in its vastness of extent, and rich in its yet hidden resources. Its lonely quietude was calculated to subdue the wild passions which throbbed in the hearts of those who now broke its stillness; but a glance at the firm features of the party, proved that its beauty was unheeded by them as they swept onward to the dread business of their march. When within a mile of Dick's habitation, they halted, in a secluded hollow, where they resigned their horses to the care of one of the party, with instructions to turn Kelsy's horse loose about the time he supposed they, by a circuitous route, on foot, had reached the woods, and when he heard a shot, to follow with their other horses. Dick and his companions stole unperceived beneath the shadow of the wood, and cautiously approached the trail leading to his cabin; ere they had reached the spot, however, one of the party descried the horse leisurely wending his way across a strip of prairie, the figure seated upon his back swaying from side to side, so like his owner when "half sprung," that they could with difficulty suppress a laugh. The sound of the horse's hoofs brought from concealment another figure, whose form was indistinctly visible, emerging from behind a thick covert, and the excitement of the moment, at thus having securely trapped the offender, had almost discovered them—their game, however, was too intent on his purpose, or he would have heard the slight exclamation which burst from the lips of one of the party. Moving stealthily to a good position he awaited horse and rider, and taking deliberate aim, *fired*. No movement of the figure indicated a *hit*, and the party could hear his exclamation of disappointment. The horse sauntered along undisturbed by the report, perceiving which, the assassin hastily reloaded, while Dick and his friends crept up unperceived almost to his side. Raising his rifle again, he steadily poised his arm and pulled the trigger—erect the figure held its place, and resting his rifle upon the ground, he exclaimed,

"I've *hit* him, or he's the *devil himself*."

"I guess its the old gentleman come for you, stranger," said Dick, as he snatched the rifle from his hand, and the whole party closed in a circle round him.

The detected squatter looked paralyzed—his tongue refused its office, while his form, quivering with apprehension, could scarcely keep erect, his usually cold, uneasy eyes seemed fixed balls of light, so dreadful were they in their expression of coward fear. The party proposed to settle his business at once, and this movement loosened his tongue—he broke forth in piteous accents of supplication—

"Oh, God! oh, God!" cried he, "you won't kill me—will you?"

"Well," said one of the party, "*we won't do anything else!*"

Kelsy interposed, and suggested that his death be deferred until daylight, in order that the stranger might see how it was done, and be put to sleep respectably. They immediately adjourned to Dick's cabin, where they found Sam holding the straw figure in his arms, and looking in a state of stupor at his horse; he thought his master was "done for;" but great was his joy when the well-known sounds of Kelsy's voice assured him of his safety.

The party seated themselves in a circle in the cabin, with the culprit in the centre, and his shrinking form, trembling with fear, and pallid, imploring countenance, looked most pitiful. As Kelsy gazed upon him the form of his sickly wife seemed to twine her arms around his neck, beseeching as when she before interposed herself between him and death, and the vision of his mind searched out a tender spot in Dick's heart. He resolved to give him a chance of escape, and, therefore, proposed to the party that they should decide by a *game of cards*, whether the stranger should die or be permitted to leave the country. Dick's friends protested against such mercy; but after an earnest appeal from him, in behalf of the woman, they yielded—cards were produced, and one of the party selected to play against the culprit. By Kelsy's entreaty, also, he was allowed the choice of his own game, and he selected euchre. All seated themselves closer around the players—breathing seemed almost suspended—a beam of hope lent a slight glow to the pallid countenance of the stranger, while the compressed lips and frowning brow of his antagonist [illegible] that no mercy would temper his play for the [illegible] stake. The rest of the party shared his dislike for the culprit, who was looked upon as a murderer, and their flashing eyes were bent upon his [illegible] countenance with an expression of deadly hate, which forced out the cold drops of perspiration upon his sickly brow, and sunk his heart with fear. The cards were cut, and the stranger won the deal—he breathed with hope, he dealt and turned up the *right bower*—his antagonist passed, and the stranger taking the *bower*, led his play.—The hand was soon finished and the stranger counted *two!* His visage lighted up, and he wiped his brow with a feeling of confidence in his luck. The next hand the stranger ordered the card up and was *euchered*—they now stood *even*, and he again looked anxious. In the next two hands they successively won, each a single count, and it was the stranger's deal again—he turned up a *king*, and held in his hand the *queen* and *ten* of trumps, together with the eight of *diamonds* and the king and ten of *clubs*. His antagonist ordered the *king* up, and as the stranger discarded his diamond, a gleam of certain success overspread his visage—the rigid face of his antagonist betrayed no sign of exultation, but his brow, on the contrary, became closer knit into a scowl, which, by his party, was looked upon as a presage of defeat. Dick's friend led the *jack of clubs*—the stranger followed suit with his *ten of clubs*—then came the *ace of trumps*—the stranger paused a moment, and played his *ten spot*—out came the *right bower*, and he yielded his queen—the *left* fell before his eyes, and his last trump the *king*, was swept away! At each play his countenance grew more and more ashy in its expression of despair and dread; his lips had lost their color, and his eyes had gained an intenseness of expression that seemed as if they could look into the very soul of the frowning figure before him, and read there his impending doom.—For the first time a slight smile played upon the features of Dick's friend as slowly he spread before him the *ace of clubs!* The stranger crushed his *king* within his trembling hands and threw it from him, as he sunk into a state of stupor, the very counterpart of death.

"Your game's up, stranger," coolly remarked the winner; "yes, it's *up*—played very neat—but it's up! And you've jest won a *small* patch of Kelsey's claim—about six foot by two, or thereabouts."

The sun had begun to tip the tops of the forest trees, when this exciting contest was ended, and all the party adjourned to the outside, with the doomed stranger in their midst. They moved with silence, for a deed of blood was to be enacted. The law of the wilderness was about to offer up a victim for common safety—the midnight assassin to expiate his guilt upon the spot, and by the hand that he had there endeavored to consign to death. The music of the morning songsters met no harmonious accord in the hearts of those who now strode amid their melodies—the sweet morning air kissed brows fevered with passion, and the light breeze that played amid the forest grove and skipped innocently across the far spread prairie, was about to bear upon its pinions the shriek of agony. Having arrived at a suitable spot, they bound the culprit to a sapling, and he hung in his bonds *already, apparently, bereft of life.*

"Stick him up at a hundred yards, boys," said Dick; "if he is a *snake*, give him a 'small show' for life, and if I miss him at the first fire we'll let him *slip*."

The culprit aroused on hearing this, and plead for the smallest chance in the world.

"Don't shoot me like a *mad dog!*" he exclaimed, in most piteous accents.

"You're worse, you hound," said his late antagonist; "and if Dick don't wind up your business for you, *I* will."

"Come, boys," continued Dick, "you all know that this old iron's *certain*, so give the varmint this chance—it'll please him, and he'll die off all the easier!"

After some persuasion, Dick's request was acceded to, and the parties took their positions. Life hung, for the culprit, by but a thread, and that thread the will of Kelsy.—Slowly the latter raised his rifle, while the party, breathless, intently fixed their eyes upon the victim. Dick's hand began to tremble, and his aim became unsteady, for the sickly form of the stranger's wife again seemed to rise and plead for mercy—he rested his rifle on the ground, without the heart to fire; but, in an instant the vision fled, and his eye fell clear upon the countenance of *the stranger*; a morning ray lighting up his features, exhibited a gleam of mingled triumph, hatred, hope, and revenge—there was no mistaking its dark expression of contending passion. The pity that had almost unnerved Kelsy and saved his foe, vanished, and raising his rifle sudden as thought, the weapon rang out the stranger's knell. As the ball from its muzzle sped through his brain, he fell forward with a shriek, and all was again still—they loosened his bonds, and he fell forward, *dead!*

His remains were consigned to the earth without a tear, even from his companion, to whom the tragedy had been imparted. His cruelties had long since obliterated from her heart the last spark of early fondness, [illegible] she requested, when the grave had closed over him, was to be sent to her [illegible], which was kindly done by the settlers—Dick bestowing upon her his whole stock of [illegible] to defray her expenses.

Kelsy set himself down in undisturbed possession of his claim, and Sam, his faithful slave, often points to the small green mound at the edge of the grove, with the remark—

"Dar's Massa Dick's signature to dis land claim—dat is!"

Passion and Prayer.

Or, a Reason Why Parents Lose Their Influence.

One defect spoils the beauty of a piece of mechanism, and one fault cripples the influence of a parent. The most prominent reason we know of, why religious parents are often without successful moral influence over their children is, because they don't take care of their temper. They teach well, pray well, advise well, but a bad temper neutralizes all.

"Father's cross!" said a little girl to her eldest sister one day, after being corrected. That impression outweighed all consideration of her own fault in that child's mind. If she had committed one wrong, her father had done another, and why should she be punished!

Take another fact: A man of very sensitive feelings, prayed one morning with deep emotion in his family—emotion amounting to tears; for he was a very feeling man. Rising from his knees he went out at the back door, and lo! a sight which transformed his very pious feeling into passion. His boy Joe had left the swill pail at the door, and during breakfast the cow had kicked it over and broken it. Flying into a whirlwind of passion, he kicked poor brindle, cuffed his forgetful boy Joe, and fell into a most graceless frame of mind. Alas, for such a parent! Even poor Brindle herself would almost pronounce his religion a form, and as for the boy Joe, he could but fancy his father a hypocrite, while smarting under the strokes of his angry cuffs, with the echo of the morning prayer still lingering in his ears. What wonder if that boy should reject the gospel, despise his parents, and become a bad man? Better for the father not to pray than to follow his petitions with such passionate outbreaks. Let parents, we say again, especially religious parents, look well to their tempers.

Governor Owsley has appointed November 20, to be observed as a day of thanksgiving in Kentucky.

The English Ambassador at Constantinople, Sir Strafford Canning, has at length succeeded in obtaining a firman or permission to build a Protestant Church at Jerusalem.

Cock Fighting.—This is all the rage with the Chinese; they gamble whole fortunes on this amusement. It was Henry the Eighth who first built a cockpit in England.

The Mormons.—The Mormons have held a grand Convention at Nauvoo, and resolved unanimously to leave Illinois and settle at Vancouver's Island, on the Columbia river—the wealthy agreeing to devote their means to assist the poor to emigrate with them.

A proverb saith, "Labor while the day lasts, for the night cometh when no man can work." There were no *printers* when this was written!

A Gem.—The Charleston Courier, alluding to the poems by "Amelia," of the Louisville Journal, says that Moore himself never conceived a more exquisite fancy than the following:

"The twilight hours like birds flew by,
As lightly and as free;
Ten thousand stars were on the sky,
Ten thousand on the sea;
For every wave, with dimpled face,
That leaped up in the air,
Had caught a star in its embrace,
And held it trembling there."

Tartar Marriages.—A writer in the Cincinnati Commercial says: In describing the peculiarities of the marriage ceremony in Tartary, that the preliminaries being settled, the nuptials are celebrated in the following manner. The bride, covered with a veil, having hid herself for some time behind a screen in the room, comes forth and walks around with a grave and solemn gait, while some young girls bring her bread and honey; the bridegroom quickly enters, kisses her and exchanges rings after which she bears the name of *betrothed girl*. She then returns behind the screen, when the married women put on her the *cap of a matron*, which is much handsomer and is supposed to be more fascinating than that which she wore before the betrothal. In the evening, when the bride and bride groom are about retiring, the lady is obliged to pull off her *husband's boots* as a sign of her subjection to his will! If the husband becomes dissatisfied with his wife, he needs but tear off her *cap of a matron* and the sign is a complete divorce. The lady then immediately returns to her father's house, where she is received with kindness.

Vermont Butter again.—A Vermont merchant came to the city last week to sell his supply of butter—ninety tons! Pretty well for a single trader, in a small town among the mountains.—*Boston Times.*