

HIGHLAND MESSENGER.

VOL VI—NO. 26.

ASHEVILLE, N. C., FRIDAY, FEBRUARY 13, 1846.

WHOLE NO. 286

THOS. W. ATKIN,
EDITOR AND PROPRIETOR.

TERMS OF THE MESSENGER:

Two Dollars and Five 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 Two Dollars for each continuation—The number of insertions desired must be marked on the margin, or the advertisement will be continued till finished, and charged accordingly. Court Orders will be charged six dollars, invariably.

The charge for announcing the name of a candidate for office is \$2.50 in advance, or \$3 if payment be delayed.

Letters to the Editor must come free of postage.

STATE OF NORTH CAROLINA,

BURKE COUNTY.

Superior Court of Law—Fall Term, 1845.

Summons & Form to the use of J. J. Summey,

James Upton, Thomas Upton, James Godwin and wife Elizabeth, Lavel Weaver and wife, Jane, his next of kin of Job Upton, dec'd.

SUPERIOR FACIAS.

Whereas, it appears to the Court that Lemuel Warren, a negro defendant in this case, has at law of Job Upton, dec'd, and is non-resident of this state, and local process cannot be served on him; it is therefore ordered and adjudged that publication be made in the Highland Messenger for six successive weeks, naming the said negro defendant to appear at the next Superior Court of Law to be opened and held for the county of Burke, at the Court-house in Morganton on the 1st Monday after the 4th Monday in March, in the year next, and there to plead to said Suits of action, judgment pro confesso, so will be rendered against them.

Witness, WILLIAMS, Deacon, Clerk of said Court, at the 1st Monday in September A. D. 1845.

W. S. PEARSON, C. S. C. L.

Dec. 12, 1845. [Per fee \$6] five 27.

BOOTS & SHOES.

Just received a large assortment of Gentlemen's dress and boots.

Gentleman's winter do do

Hay's and Youth's do

Men's hand and bound Boots,

Men's heavy coarse moccasin Boots, an excellent article.

Woman's leather sewed and pieced shoes,

Gentleman's and Ladies' over shock (several kinds) and nearly every other variety. For valiant small advances by

PATTON & OSBORN.

Nov. 11, 1845.

JAMES M. SMITH

Is now receiving at his old stand a new and ample stock of

MASONIC GOODS,

which he offers at the lowest prices.

He is now in full and unusually high, and those who want FIRST RATE hardware are invited to the old stand.

As the Goods were laid in with much care, and every facility for purchasing cheap used, he flatters himself that his old customers will give him a call the will not go away disappointed.

The usual articles of hardware taken in exchange for Goods.

Don't forget the old stand.

Asheville, Oct. 2, 1845.—16.

BOOKS OF SALE,

Just received and for sale, encyclopedias,

RANKIN & PURPLE,

Nov. 14, 1845.

NOTICE.

The subscriber has taken charge of the Eagle Hotel in Asheville, N. C., formerly kept by James W. PATTON, Esq. In taking in charge this large and commodious Establishment, he assures the public that he will give his whole attention to the Home, where he will be provided with good servants, and boarders, and well stocked with provisions of all kinds common in the country. GRAN AND GOOD DRY LOTS FOR DROVERS, &c.

In making this announcement, he does not flatter himself with the prospect of interesting the already large patronage the house has, but hopes to keep pace with his predecessor, if he can do this he will be satisfied. In the summer season there will be kept in the Basement of the building, and entirely private, A WELL REGULATED BAR for the accommodation of Travellers and Boarders.

M. W. ALEXANDER.

Asheville, N. C., Jan. 31, 1845.

COLLINS' AXES,

A first rate article, just received and for sale at the cheap cash store of

JESSE S. & J. P. SMITH.

Feb. 6, 1845.—tf

CANCER, SCROFULA AND GOITRE.

Another experience has proved that on combination of medicine has ever been so efficacious in removing the above diseases, as Dr. JAYNE'S ALTERATIVE, or Life Preserver. It has effected a truly astonishing, not only of Cancer, and other diseases of that class, but has removed the most stubborn Diseases of the Skin, Dyspepsia, &c. &c. This medicine enters into the circulation, and eradicates diseases wherever located. It purifies the blood and other fluids of the body, removes obstruction in the pores of the skin, and reduces enlargements of the glands or bones. It increases the appetite, removes headache and drowsiness, and invigorates the whole system, and imparts animation to the diseased and debilitated constitution. There is nothing superior to it in the whole materia medica. It is perfectly safe and extremely pleasant, and has nothing of the disgusting nature accompanying the idea of swallowing medicine.

Prepared and sold at No. 8 South Third Street, near Market, Philadelphia.

These Medicines are for sale in Asheville by

PATTON & OSBORN.

In Hendersonville by REUBEN CLAYTON.

Oct. 10, 1845.

Popular Remedies.

The most popular remedies of the present day are those which cleanse and purify the blood; and which are known to be innocent in their qualities. Such remedies as Antimony, Mercury, Zinc, and Saltpeter, in various forms, are, it is hoped, going out of fashion, and Vegetable Remedies will be soon the chief remedies. Then Breda's Vegetable Universal Pill will be used and appreciated. They are known to act beneficially on every part of the body, being taken up by the chyle, then pass into the blood, which they purify, and should be remembered that they only remove those parts from the blood which were the cause of inflammation or disease of any kind. Nothing is equal to ridding the vitiated humors with a vegetable medicine of this kind, which eighty-four years have proved never to do injury, but always good.

These Pills are for sale in every country in this state, at 25 cents per box, and may be had by the following agents:

PATTON & OSBORN, French Broad, N. C.

JAS. G. SMYTH, Morganton, N. C.

W. L. GILL & CO., Marion, N. C.

M. P. PENLAND, Burnsville, N. C.

KELSEY & MAXWELL, Little Italy, N. C.

Sept. 15, 1845.

MISCELLANEOUS.

From the Raleigh Register.

Remarks on the Penitentiary Question.

No. III.

PUNISHMENTS.

The object of punishment is fourfold. 1. To retribute. 2. To expiate. 3. To reform. 4. To deter. In the state of nature, or the savage state, every man redresses his own grievances, if inflicted by one of his own tribe. But in civilized communities, in which individuals consider as part of their natural right, inferior to a curse, the right, the office of redressing grievances devolves upon society. Let us, as a fine writer observes, "wrongly retaliated according to the exorbitant desires of the legislator, would render the injured, the aggrieved, ill wrongs and retaliations would fill the earth with violence and blood." The violence done to the law, the outrage committed against society, must be atoned; and retribution must be made for this insult, outrage, or injury, done to person, at rights and feelings.

As, when an honest and upright public servant is desired to be superseded, to make room for an aspiring successor, the attack is made by heapings on the good man all sorts of vicious, opprobrious and slanderous epithets; so, when our code of punishments, which has operated well, and proved itself amply efficient in performing what punishments can be expected to perform, is desired to be rendered abominous to public opinion, to pave the way for an innovation, the attack is made with the same weapons. The punishments now in use are stigmatized as "cruel," "degrading," "demoralizing," "infamous," "diabolical," "bloody," "Draconian," and the laws that inflict them are denominated as "sanguinary." Now, is this all true? If it is, then it is a withering reproach upon past legislation, a deep crimination of the legislators who have sanctioned those laws, and permitted them to remain in force. But if they are false and libelous; words used merely to reflect discredit on the modes of punishment necessary to be discarded in order to make way for the introduction of a change, then the public should, and will, estimate them at their worth.

But let us see further. Is it the punishments that are degrading and infamous? I had thought it was the crimes. But if these qualities are properly applicable to punishments, are the Penitentiary punishments less degrading? Can imprisonment in the Penitentiary take out crime-dyed stains? It erases "the red like crimson," will confinement at hard labor for term of years, cause them to be "as white as lily?" If the Penitentiary can do this, criminals at least would feel interested in the change.

But it is most apparent, that, if the degradation incident to crime could by this mode of punishment, or any other means, be effaced, it would not be at all desirable or safe it should be done. It would open wide the floodgates of crimes. The dread of dishonor and infamy operate on minds, influenced by the value of a reputation, with tenfold more force in deterring from crimes, than the dread of any corporal punishment, short of death. The perpetration of misdeeds would be but holiday amusements, were it not for this eternal stigma. Flippantly as superficial statesmen may talk of restoring atrocious felonies to a respectable "position in society," if it could be done it would take away the highest incentive from virtue; the surest means of preventing crime would be destroyed; the greatest safeguard would be removed from person and property; and the distinction between vice and virtue would be annihilated. Certainly we should retain the humble, repentant, and reformed criminal within the pale of sympathy, and Christian charity; and this is all he can expect, or the well-being of society admit. There is a narrow-minded, false humanity, that would sacrifice the good of the whole community besides, for the benefit of a few lost characters.

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It, therefore, being neither possible nor desirable that such men should be restored to their position in society, "the brand of Cain" can do them no injury. It cannot be entailed upon their posterity and it may be of the greatest use to the rest of mankind. When the Devil creates, he sets a mark upon him, "Lest any finding him, should kill him." Then his mark was his sanctuary, his city of refuge, and it possessed the additional use, it warned those whom he might find, to beware, lest he should kill them. Thus then is the use and first institution of marks and brands, which modern smiters imprudently characterize as cruel and diabolical.

About the time of the French revolution, a set of pretended philosophers sought to subvert all the ancient, long established usages of society. Attacking first some things that were really reprehensible, they advanced, step by step, apparently ambitious of showing how far they could succeed in imposing on the credulity of mankind. Then it was that whipping, a punishment that is perhaps coeval with the first exercise of parental authority over a delinquent child, was assailed as a cruel punishment, the remnant of a bar-

barous age. It was in use in Moses' time, and Solomon's; and so it was among the Romans in the earlier and later times. In spite of philosophical writers it will continue to be used. It is better in its application; but when infliction is applied, it is good for refractory children at home and at school; "the rod of reprobate wisdom." It is good for refractory servants, and for rogueish men; "the rod for the fool's back;" and even refractory convicts in Penitentiaries cannot escape it.

Punishment of every kind, from its very nature, is painful and torturing; and, therefore, if inflicted in excess, or on the innocent, it is unjust and cruel. Then it follows

that graduating punishments to crimes is the

most difficult, the most important, and the

most responsible act that a legislator has to perform. My object here is to call attention to a

Penitentiary, that the graduating of punishments under our present code is very difficult;

but, if we had a Penitentiary, the difficulty would be lessened.

Can any one show how the difficulty would be diminished?

Is there a graduated machine, which will indicate

the exact quantity of Penitentiary punishment

adequate for every shade and variation of

crime, at the hands of a clock show the hour

and minute of the day?

No. Then it must depend, as it does under our present code, on the imperfect and fallible judgment of man.

Does the Penitentiary afford an ample range

for graduating punishments to crimes?

No; quite the contrary.

The only change almost that it admits, consists

in prolonging or shortening the time.

The intensity cannot be greatly modified.

Our present system affords the amplest field

for graduating punishments; so that, with proper effort, every species of crime might

have its most appropriate penalty, so far as

human imperfection will permit; and every

variety its equitable proportion. Thus it is evident, that the lawgiver will have to encounter

fully as great difficulties in graduating

punishments under the proposed system, as under our present system; and thus vanishes

out all pretext for a Penitentiary.

SYLVANUS.

ASHES.

As a manure, ashes, on certain soils are invaluable. We have frequently experienced the beneficial effects resulting from their application, but never more convincingly than during the present year. On a piece of land containing about two statute acres, we applied about twenty bushels of ashes and a little quantity of gypsum, or plasters of Paris—the ashes being applied on every other row in order that the comparative value of the two articles might be accurately ascertained.

The result of this experiment was perfectly in accordance with our previous observations.

Through the entire season, the rows on which the ashes were applied, took the lead, and at harvest produced one-third more corn than those which had the gypsum.

We would commend to every one to save all the house ashes he possibly can. Even leached ashes are two valuable to be thrown away. Applied as top-dressing to grass lands, they produce important effects.

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