TOR AND PROPRIET

IS OF THE MESSENGER. Sonnans and Firer Curre per er o, or Tourse Dotasses within the year.

sper will be discontinued, except at the
he Editor, until all archarages are paid.

tilements will be inserted at Orea Dos

tree of ten lines or less, for the first insert

ber of exertions desired must be

harge for announcing the name of a ca office is \$2.50 in advance, or \$3.60 if to to the Editor must

ON STREET, A

to Lond and Window Glass, just received a

Spun Thread.

J. S. & J. P. SMITH. Feb. 12, 1846, -16 State of North Carolina.

COURT OF PLEAS 4 QUARTER SESS Petition for prevenent of Logaries, &c. Nimrod Matrell and others,

Jonathan Merrell and others.

In this case, it appearing to the Court that Levi Marrell, En Merrell, David Marrell, Nancy Cruns, and Jane Morrow, defendants in this case, are non residents of this state, it is ordered that publication be made in the Highland Measurger for six weeks notifying them that they appear at our next Court of Pleas and Quarter Seasons for the admit y of Buscombe, at the Court Hume in Asbeyilla on the 2m Monday after the 4th Monday in March next, the and there to unswer, or judgment will be awarde against them according to the prayer of the petition gainst them according to the prayer of the petition witness, AL-XANDER HENRY, Clerk of our st Court, at office in Asheville the first Monday after the 4th Monday in December 1745, and in the 70s year of our Lad pendence.

A. HENRY, CPA.
Feb. 13, 1846.—6w Printer's fee \$6. 266

For further in

State of North Carolina. BUNCOMBE COUNTY.

Superior Court of Law-Fall Term, 1845. On motion it is ordered and decreed by the Court that hereafter the State Docket of this Court be ta sen up and the business proceeded with on Monday of the Term. Further ordered by the Court, that publication of the same be made in the Highland Messenger published at Asheville, at the Court.

J. H. COLEMAN, Clirk. Dun. 19, 1845. [Prs. fcc 86] if 279

NEW GOODS! NEW GOODS!! THE subscriber has just reneived a splendid stock of New and Scasonalie Goods, of every description His stock embraces, among other things, Broad Cloths, Cassimeres, Sattinetts, Kerseys

Tweed, Jones, Cassinett, Hats, Caps, Boots, Shaes, Bonnets, Prints of all descriptions, Sharels, Pocket-handkerchiefs, Domestics, Linens, &c.,

IN PACT EVERY ARTICLE IN THE DRY GOODS LINE Also, Hardware, Queensware, Glass Ware, Ceockery, Sugar, COFFEE, SPICES, &c. &c.

As it is impossible to enumerate all the articles on hand, those who wish to buy will of course call and examine for themselves. I would say to those who want Good Bargaris, call at my store, and you shan't be disappointed.

HUGH JOHNSTON. Asheville, Dec. 5, 1845.

TAILORING

In All Its Various Branches. WINTER FASHIONS JUST RECEIVED.

THE undersigned is truly grateful for the verberal patronage he has received, and feeling de-mined to give agaisfaction, he again offers his pro-sional services to the citizens of Asheville and surrounding country, no time lost nor pains spare affect this object, our work shall be as fashion and tasty as work from the North, cheap in this place and our work low t to the interest of the people her o have their work done with us. I. Mc. DUNN.

Nov. 21, 1845.

DISSOLUTION.

His Copartnership heretofore existing between the subscribers, under the firm of Turner & Hughes, is this day dissolved by mutual consent. Henry D. Torner is alone authorized to close the vo-uil persons indebted to the late firm are requests make immediate payment to him. HENRY D. TURNER,

Raleigh, Jan. 1, 1846 .- 41

Plain and Fancy BOOK AND JOB PRINTING Reduced Prices, and at very Reduced Prices.
AT THE OFFICE OF THE MESSENGER, TERR EVERY VARIETY

Wetter-Ibress Ibrinition WILL BE DONE AT THE SHORTEST ACCOMMODATING TERMS.

HANDBILLS, INVITATION CARDS, NAMES I TICKETS, BLANK NOTES OF HARD, HAT WATCH AND SADDLE TICKETS, GOS BILLS, OF ALL SIZES, WAY BULLS HORSE AND JACK BULLS, C.C., PRINTED WITH NEATNESS AND DESPATE oks, Catalogues, Utresdars, A utes, Cards, Labes and Bau

Printed in superior style

little orange juice mixed with cas make that nauscous mentality that "children will cry for it."

For the Righland M. TO MISS M. R. Assess When the bright rays of sunlight are fading at even. And deckn in its grandour the blue-vaulted sky— When the last runio of sunset if sets back into box-

And grite for a moment the gold clouds on high-when mirr'd in full sparking dew drops the reduc-Tent floats like a mantle o'er mountain and gles And the sture, one by one, faintly smile in their

Fair M.—foot M.—I think of thee then. the lune, quiet shadows of midnight are

the moth in its gloom, y faintly is pealing sweet melody

When the bright feative hall, with its mirth and its

Resound with the shouts of the gay and the free When the joys of the moment are banishing sadness
And drawning each care in the soulstirring gleeWhen the heart-waking sung of affection is sounding Its impressioned strains on the spirits of men-Fair M .-- fond M .-- I think of thee then. EGO SUM HOMO.

MISCELLANEOUS.

From the New York Weekly Times. A FEARFUL TALE OF A TREE.

BY THADDEDS W. MEIGHAN.

which every body who reads at all is perfectly familiar,) is not more remarkable than the one we are about to relate.

Near the village of White Plains, and within a mile of the battle ground, stands a peculiar looking remnant of what was, at own coin." one time, a very singular oak tree. It stood. like a giant, alove, in a clear enclosure used has shape. A branch had, when the oak was quietly, though more like a spectre than a expressively termed "a crotch." In this moodily watched the movem Measuringer published at Asheville, at the Court, truder. The other branches grew straight bhouse door, and at three places in the county.

Witness, J. H. Coleman, Clerk of said Court, at officer, on the 2nd Monday after the 4th Monday of the compass, and bearing foilage, which, "Well, gentlemen, you find that my house Brownson and his wife were buried at the unusually plentiful, formed a beautiful shelter. The "oak ring" grew, as we have already intimated, below these branches or arms, and consequently was completely canopied. It

was a secure and comfortable resting place, of which the young people residing in the vicinity made good use. Lovers met there. Public meetings were held there.-May day festivities and other sports were celchrated at this celebrated spot; and, to be brief, the residence of the Squire and the little frame school-house were objects of se condary consideration compared with this oak Perhaps until this day that tree would have been associated with pleasure, had it not been for a mournful occurrence which shadowed its memory with the idea of death, and cted with its name terrible thoughts of the attributes of another world. This mournful occurrence may be briefly related.

A short time previous to the battle of White Plains, the British soldiery were accustomed to scour the country daily for whatever good fortune might cast in their way. They plundered the houses of all the valuables they contained, stripped the larders, desolated the hen-roosts, drave off the tenants of the stables, and left the country thereabouts as bare as it must have been shortly after the deluge, in all things save human beings Hunger, compelled by the want of food wrongfully withheld, will make any man irrascible and destructive. The matural consequence of the foregoing was a feeling of hatred, as wild and ungovernable as the north. ern tempest, against every man who wore a red cost -If it were possible, there were others who were hated more cordially than the British soldiers-and these were the "to. ry" inhabitants, many of whom also formed themselves into marauding bands, and followed the occupation of "robbing in the kine's name," at the expense of those who were eighbors, and had been friends. The chief know, I speak no falscho of the tory bands was a young man of "Perhaps we are wrong," suggested one

talent and great personal beauty, name of the band. ed Brownson, who owned the Oak Tree, the "Wrong!" said another, "nonsense! Do and upon which it grew, and a neat little you suppose he would tell her what he had house about fifty rods distant. By foraging, done with his plunder?" he amused in a few weeks a large sum of ""Once more and for the last time," said money, and the fact became as notorious as Lent, "Lask you to disclose where you have the Scriptures. He had a young and pretty wife, whose amiability and patriotism shielded him for a long time from any extreme de- ing." monstration of hatred; but the ravages his band made at length were carried to such an eracking in the flames? In a moment it will strayagant pitch, then a meeting of his full. As that falls you will be sus ishmeat of the leaders of the tories. A black- entially, as they all ejeculated the prayer. smith named Lent headed the meeting. He

tee to select sub- Heaven!"

The committee reported that Brownson The committee reported that Brownson go unavenged."

should be first taken in hand. His life was A crash announced that the burning rather to be spared—but they decided that he should have fallen. Lent lifted his band, and in a wards Brownson's house. They halled be- ly to speak and listen. neath the Oak Tree and reconnaitered.

"Now," said Lent, who had gone to the a indows of the dwelling and inspected every the sake of your wife." part around, "advance, every man. There will call him out and demand his money."

wice com nanded Brownson to come forth. and you shall know all." "Who calls?" demanded Brownson,

"I, Peter Lent."

usiness with me. Leave my premises!"

about your ears."

gold, I have none." "We'll search for it!" shouted Lent, as he pushed Brownson aside and rushed into the "Fire!" yelled Lent. "Fire, he has brohouse, followed by his companions,

They were met by the wife, who pathetic-The tale of the "grouning tree," (with ally implored them to spare her house from the desecration of a search.

"We would do snything for you, m but your husband is a marked man, and must be punished. He has searched and robbed our houses-we will now pay him in his

Thus spoke one of the committee who had proposed the punishment. As if convinced one thing ere I die." for pasturage, and was spared by the axe, as of the right of retributive justice, the woman it is said, because of its uncouth and unmatch! offered no further argument for mercy, but young, been bent in the farm of a circle, so thing of flesh and blood, glided to a seat in hat the end rested in what is elegantly and a corner of the apartment. Her husband ens of his enemanner it grew, the "crotch" closing up mies, as they ransacked every nook and crevas the trunk expanded, and securing the in- ice. When they had done, and still were

> contains only what a poor man should po-Are you satisfied?"

"No!" spoke one of the num you have gold. It is a pity that it should be melted in the flames which will consume you dwelling. Speak, then, and tell us where you have hoarded it."

41 have spoken," said Brownson, "and tell you again I have none."

"Take him to the tree and hang him, i e does not tell," cried Lent: "and if he is obstinate, let him swing to death."

"Ay! to the tree!" chorussed the others. Despite the screams of his wife, he wa dragged to the tree and preparations were at once made for putting the threat into exe cution. A rope was thrown over a limb and one end placed in the hands of two stout men -the other end fashioned into a slip-knot noose, was placed about the doomed man's neck. Not a muscle moved as he passively allowed his coptors to make these preparations. Neither did the sobs of his swooning wife appear to make any visible impression. His face was blanched, his eyes were glassy. and his lips were bloodless; but his perves were firm, and his heart undaunted. He had lead a during life, and was determined to meet a bold and remorseless end.

"Now," said Lent as his companions form ed a circle around the tree, "open your stubborn mouth, and disclose the hiding-place you have selected for the money of which every honest man here can claim a portion. You have fifteen minutes to decide. Remember! disclosure or death!"

At this moment flames burst from the roo of the house. It was, according to the decision of the committee, fired!
"See," marmured the faint female, "you

have deprived us of home-spare; at least, our wretched lives. That for which you ask, my husband has not. On my soul, as far as 1

secreted your money?" "For the last time, I reply, I will tell noth

"Then mark me. You see the rafter nded bed and oppressed neighbors was at last tween the heaven and earth. Your fute is tronged and oppressed neighbors was at last tween the heaven and earth. I cor late is ting political topics.—Hillsboro' Recorder. Eeach man uncovered, and bowed rever-"Hasband!" shricked the wife-"Hos ery.

jects for punishment, and to originate the "Never! I have no gold, If they kill one method of its administration.

be stripped of all his earthly pessessions, and moment Brownson's body awang clear off the that his dwellings should be given to the ground. The wife fell insensible. Lent raised flames. Twenty strong men immediately his hand again, and Brownson was immediate. armed themselves, and bent their steps to- ly lowered. He was soon recovered sufficient. to arbitration. How any one, protending

determined. Save yourself, if possible, for

The hitherto strong resolves of the dor s no one there but Brownson himself. We man seemed shaken. He motioned them to remove the rope from his neck. They did All assented. With noisless steps they as he desired. Drawing near to Lent he reached the house and posted themselves at faintly articulated: "I must recover my the door. Lent advanced, and, in a loud strength. Grant me a few minutes respite,

"Look to the woman," said Lent: "see that (meaning Great Britain,) be the consequenshe revives." She was then raised upon an ces what they may, have one square inch South "We are not for ads--you can have no elevated knowl about five rods from the tree. of that paraallel!" This settles the question They chafed her temples, yet she recovered and Great Britain might as well cave in continued Brownson, as he opened the door. not. Brownson's eye glanced uneasily a. Notwithstanding, in 1841, the "Democratic

"We will leave the premises," exclaimed round. A close observer could have detected Lent, as he watched the gaze of his astonish- the fact that the embryo hanging had not that Great Britain had the whole of "Oreed enemy, "but that will be after we have ta. much disordered him. Suddenly his vision gon on the West," the puissant Editor of ken your gold and burnt your nest of treason rested upon a musket which one of the men. attending upon the female, had left upon the "Peter Lent, I know you, and I know ev- ground. Quick as a flush of lightning he South of that parallel!-Raleigh Register. ery man with you. Let have come to me, seized the weapon, and with the butt felled and you shall all pay dearly for it? As for Lent to the ground. He then ran to his wife raised her form eavily as he could that of a child, and essayed to escape.

ken my arm."

The sharp report of a dozen muskets pier ced the air and awoke the surrounding echoes. formerly of this city, and who is now a mer--Brownson staggered, fell, rose again, and chant of Buenos Ayres, thys that on his way blindly attempted to pursue his way. mistook his direction, and, going towards the tree, reached it, and fell with his burthen. The woman was dead, but the man, though vessel was seized and he taken prisoner, as shot through the vital parts, still lived.

"Butchers!" grouned he, "promise a

"What is it?" -

"That we may be buried at the root of this "Your request shall be fulfilled."

"Enough! The gold you have slain us gain is buried here: BUT YOU SHALL NEVER TOUCH A PIECE! Curse you all! accur-Two lifeless bodies lay bathed in blood, and

foot of the oak tree. As may reasonably be supposed, tales of supernatural appearances the advertiser must pay his share. The in connection with the tree were freely cir- only question, therefore, to be asked by the culated among the ignorant and credulous. and the spot was, for a long period, shunned the labor, is what ground has this party or by young and old. The dreadful manner of individual to require me to pay for the promothe death of the forager and his bosom com. tion of its or his objects? panion, and the impossibility of finding gold where it was said to be, are excuses for these nonsensical rumors.

The scathed and blighted remnant has all the curious attributes described as belonging Washington about the same number. Saint to the flourishing oak.

No dwelling was erected on the sight the burned tenement. The only punishment awarded Brownson's murderers was the ago ny of conscience-in those lawless times of war a triffing infliction.

The Penitentiary Question.

The Editor of the Raleigh Independent who is himself in favor of a Penitentiary, says that he is satisfied from the tone of the Press of the State, and the silence observed on the subject at the various meetings lately held, that the public mind is settled down in opposition to a Penitentiary .-- We confess that we are surprised at this conclusion, as well as a: the strange premises taken by the Editor from which he derives it. It is our opinion that a majority of the Presses in the State and that no partisan bias shall be given to it; and the People, we infer, acquiesce in the passed a \$100 bill on the Northern Bank wisdom of this course, and hence they have not thought proper to express an opinion on the question in their public meetings Nevertheless, the subject is occupying the minds of the people, and they are preparing themselves for intelligent action when the time for voting shall arrive; and as the weight of argument is evidently in favor of the meas. ure we think the people will so decide. The "tone of the press," therefore, as well as "the silence observed on the subject at the various (political) meetings lately held," we view in a very different light to that in which the editor of the Independent sees itwe think them decidedly favorable to a Penitentiary.

Though the Editors of the papers in the State observe so much silence on the subject their columns do not. Many well written communications have appeared, which have been extensively copied; and in this way, the question can be placed before the people, with g mixed up with exci-

The seat of Government of Alabama has been removed from Tuscaloosa to Montgon

"Never! I have no gold. If they kill me which is supposed to speak the sentu-ey will be murderers and my death will not its party, not only throwing cold at tion, our renders will recollect is to the or pany the "notice" to Great Britain, aboots to give with an offer to submit our con the slightest degree of patriotism, or love of "Brownson," said Lent, "you see we are country, to say nothing of the obligations of humanity or Christianity, can oppose this 'peaceful remedy," we are at a loss to divine, unless by supposing that, with some men, the behests of party have greater force,

than all other considerations combined In relation to the same subject, the "Stan dard," in speaking of the offer made by Mr. Polk to Mr. Packenham, of the 49th parallel, says-"Never with our consent, shall she, Committee" admitted under their own hands. the "Standard" now declares that she shall not have one inch-not one square inch-

Seigure of an American Vessel.—imprisonment of Mr. Lowry, of Bal-

The Philadelphia Ledger, says "We have been shewn a letter received in this city from Montevideo, dated 23rd of October last in which the writer, Mr. Naulty He from the Southern coast returning to Buenos Ayres, which, in his absence, had been blockaded by the British and French, his heattempted to enter by an English frigate, and sent into Montevideo along with Mr. Lowry, from Baltimore. He was there detained at the time the letter was written, no being allowed any communication with the

shore or to send to Buenos Aryes for his cloths.

Others of our countrymen are probably ex-

posed to the same danger."

"Gratuitous Printing."-There is no such thing as doing anything "gratuitously" in They appropriated 1500 dollars for this a printing office. - Somebody must pay for every thing that is done. Not a line can be Brownson and his wife were buried at the set that does not cost money for the setting. that England has been "thief and robber the Either the printer must pay the publisher, who has to pay the money for

> It is stated that Texas is divided into 3: counties. Galveston is the largest city, and Houston the next. Austin, the seat of gov. ernment, has a population of 1500, and Antonia is the oldest town in the State, with a population of 1500.

We understand that some of our business men have it in contemplation, perhaps have determined upon it, to apply at the next session of the State Legislature for a charter for a "Merchant's Bank" in Wilmington .- Wilmengton Chronicle.

There are nine hundred different kinds o

Counterfeiters .- We feel it to be our duty again to warn the public to be on their au on the subject of counterfeit money. There were two arrests in this place last week; the first for passing a counterfeit \$10 bill, on the Bank of the State of N. C., but the accused was discharged because the evidence was not are in favor of the measure; but with one con- deemed sufficient to establish the fact that the sent they seem to have determined that the individual knew it was counterfest when he question shall be freely discussed pro and con, passed the bill. The second person arrested was John M. Sharpe, charged with having Kentucky, payable at Louisville, which deemed counterleit. The note in question signed M. T. Scott, Cashier, John Tilford, Pres't.-1. Ware, payee,-dated May 1, 18 41-letter D. Mr. Sharpe was found at "Flint Hill," (the same place where that ve. ry worthy citizen, John Bulioch, was taken.) Cincinnati a few days since. The c when arrested. Miss Moore handed to the officer at the time he took Sharpe, a bundle, which she said he had given her for safe keeping; and which, when opened by the officer in presence of the magistrate, was found to contain \$440 spurious coin; 19 pieces intended to pass for American gold engles, and 50 half eagles. The counterfeit coin and bill were placed in the hands of the Sheriff, and in default of bail, Mr. Sharpe was committed to answer at our Superior Court in March.— Oreola, bound from Cheraw to Charleston, Salisbury Watchman

A Bill has passed both Houses of the Legislat Alabama, authorizing the Governor to apply for Alabama's portion of the proceeds of the sales of public lands, under the distribution act.

tion of slaves into the State

m House is New York, in January, is less

When it freezes and blows, take care of our nose, that it n't get froze, and wrap The above, we suppose, was written in prose, by some one who knows the effect of

The Atlantic Mutual Insurance Company of New York, have declared a divides wenty-four per cent, on the mett carned

ums of 1845. Cure for Sure Eyes. -Runst four eggs. take the white and press the juice three a fine cloth, put in this liquid a piece of suga of leud and white vitrol, the size of a small shot, and of alum as much as of the two, and of loaf sugar the a of a chestput. A lads

An English lady of high fashion, at Bouogne, lately separated from her husband has changed her religion, being resolved, as she says, to avoid his company in this world and the next!

A convict, named Plumb, confined in the Auburn prison, was whipped to death a few days since by one of the keepers, who inflicted upon his person 420 lashes!

Dried Fruit-Kept in an old salt barrel will be saved from the depredations of insects. This fact is of great impurisness the present season, as next year we must depend on fruit kept over. These barrels will keep grain uninjured from insects.

Hinton, who killed Stallings in Cherokee county, Alabama, has been expelled from the Masonic Lodge, and notice is given to this effect to all Lodges throughout the

The receipts into the U. S. Treasury durng the 4th quarter of 1845 were \$4,998, 700. The expenditures of the Government during the same period were \$5,703,810,66.

The House of Representatives of Tennesee have passed resolutions providing for the placing in the State House two marble statues one of Washington the other of Jackson. It is the opinion of several respectable prints

A wag of an apotherary at Washington on being applied to for an emetic for a member of Congress, sent him a phial labelled-"Com-

pound extract of an Oregon speech." Dr. Campbell of Barbour County, (Ala.) a a dispute with Hiram Carter, of the same County, cut the two branches of the tempor. al arteries of the latter, by which he expired soon after. Dr. Campbell has fled.

C. T. Kimball, the keeper of a hotel at Covington, Louislann, was killed on the 281 ult., by J. M. Kirkland. The deceased charg. ed Kirkland with the reduction of his daughter, and sought to take his life. Kirkland shot him, and immediately surrendered himself. protesting that he acted in selfdefence.

Sugar of a very superior quality is manufactured in Portland, Maine, from Molasses. Queen Victoria, it is said by the papers of Paris, intends visiting that city in the course of the present year.

Clerical Sarcasm - In some parish church es it was the custom to separate the men from the women. A clergyman, being interrupted by load talking, stopped short, when a young woman, eager for the honor of her sex, arose and said, "Your Reverence, it is not among us." "So much the better answered the Clergyman, "it will be ove the sooner."

The population of Washington City estimated at 33,773. The ravages of small pox in New. York,

have been greatly reduced. Early in Jaousry, it carried off 23 victims in one week, but last week there were only seven deaths by it. The tide of emigration into Florida is said to be great-respecially around the hammock

lands in the vicinity of the water courses. A baby, three months old, was stole stolen from the cradle during the absence of its mother.

Bishop Miles, of Nashville, Tenn., bas made a purchase of 15 or 20,000 acres of land in Kentucky, with a view to its settlement by a large party of foreign emigrants who

(S. C.) burst her boiler near Georgetown on the 26.h ult. Three firemen were serio ly injured, two of whom have died. One belonged to Mrs. Hillen of Georgetown, the other to R. T. Powell of Cherow.

There are said to be six or seven camen lost annually on the American coust. Chief Justice Taney has recovered fro his recent indisposition, and has sent on the bench of the Supreme cat on the bench of the Supreme Court.

The work in the Navy Yard at Memphis, Tenn., is to be pushed forward rapidly.