

The North Carolina Whig

"Be true to God, to your Country, and to your Duty."

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EDITOR & PROPRIETOR.

TERMS:

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Advertisers are authorized to act as agents.

Poetry.



LADIES' STOCKINGS.

A clothes-line in yonder garden
Goes wandering among the trees,
And in two very long stockings
Are kicking the evening breeze;
A bit of fancy dry goods;
A white muslin lace doily;
An old silk dress—
About that same old line.

And a very sly young lady,
At the corner window sees;
And I rather conceive, if you tried it,
You'd find she had it in them hose;
She's only a half-length picture;
Tucked back in the corner;
But the dry goods which dance on the tight rope,
Out yonder, just make up the rest.

Sadness like her seems so gentle,
You'd think her big good for earth;
And I feel that a bolder spirit
Is vanishing vulgar myth;
To its worldly home—by Jingo!
What a Burrah that musta throws,
And how uncommonly t-palatable.
Those stocking go off at the toes.

Opp! The sky when it's blust'ry!
O'er乎 the night without stars!
O'er乎 and here! Can't help it!
Ye still draw my thoughts over yon-thar?
The lady above is substantial;
Yet somehow or other—concluded it—
I'm mixed up the sham and the real,
And thrown some confusion around it.
Knickerbocker.

Miscellaneous.

THE BLACKSMITH'S TRIAL.

SCENE IN A WESTERN COURT.

BY AUSTIN C. BURDICK.

In the fall of 1849, I was travelling in the West on business. I left the Mississippi steamboat at Columbia, Kentucky, having made up my mind to travel by land as far as Muhlenberg county, where I should strike the Green river far enough northward to take one of the small flat boats for the Ohio.

One evening I arrived at the town of M—, intending to take the stage from there on the next morning. The bar-room of the tavern was crowded with people, and I noticed that large numbers of the citizens were collected about the street corners, appearing to be discussing some matter of more than usual interest.

Of course I became curious to know the cause of all this, and at the first favorable opportunity I asked the question of the landlord. He gazed at me a moment in silence, he gave me to understand that a most dreadful thing had happened; but before he had explained to me what it was, he was called away to attend to other business.

I soon found however, that the "dreadful thing" was the subject of conversation all around me; and by stupidly listening I gained an insight into the mystery. It seemed that there was to be a trial for murder there on the next day, and that the criminal was a young blacksmith, who had been born and brought up in the town, and who, until the present time, had borne a character above reproach.

I endeavored to find out the particulars, but I could ascertain little upon which to depend, for different people gave different accounts, and all who knew anything of the matter were too much excited to speak calmly. The murder had transpired only about a week before, and consequently the crest was fresh in the minds of the people.

The only facts that came to me, upon which I could rely, were that a middle-aged man, named Matthew Hampton, had been murdered and robbed, and that Abel Adams, the young blacksmith, had been arrested for the crime, and would be tried on the morrow. Some said that the murdered man's money, to the amount of over two thousand dollars, had been found upon the young man's person, but others denied this statement. He was beloved by all his townspeople, and but few of them could believe anything of the reports that had crept into circulation.

As I was in no particular haste, I resolved to remain in M— until the trial came off; so I went and erased my name from the stage book, where I had placed it, and then informed my host of my determination.

On the following morning, at an early hour, the people began to flock toward the court house, and I saw that if I could secure a place I must join in the crowd. I did so, and at length found myself within the building, and, as good fortune would have it, I made a stand near the prisoner's box. Ten o'clock was the

hour fixed for opening the court, and before that time every conceivable standing place outside the dock was filled. Stagings were erected outside the windows, and these, too, were crowded.

At the appointed time the Court came in, and the prisoner was conducted to the box. Said prisoner was not more than five and twenty years of age. He possessed one of the most pleasing countenances I ever saw. It was one of those bold, frank faces, full of courage and good nature—just such an one as is unfortunately taken as the index to a pure and generous soul. He was a stout and athletic man, and carried the palm at every wrestling match in the country.

I thought within myself, this was no murderer. And yet we know not what extremities a man may sometimes be driven to. Young Adams was quite pale, and his manner quivered as he found the gaze of the multitude fixed upon him; but his eye was bright and quick, but not defiant, yet bold and hopeful in its deep blue light.

The trial commenced. The indictment was clear and distinct, setting forth the fact that the prisoner, Abel Adams "did, with malice aforethought," kill, &c., on such a day, one Matthew Hampton—in the first place by striking him on the head with some very blunt weapon—and in the second place by stabbing him in the breast, &c.

To all, the prisoner plead "not guilty." From the testimony called up, I learned the following facts:

Near sundown, one afternoon, about a week previous, Matthew Hampton stopped at the shop of the prisoner to get his horse-hod. This Hampton was a wealthy farmer, and his estate lay on the southward near the Tennessee line, and only about fifty miles distant from M—. He was known to have some two thousand dollars with him at the time—money which he had received at Columbus for corn. It was nearly dusk when he started from the prisoner's shop. He took out his pocket book to pay for the job of shoeing his horse. This he did without the shop and two persons were now present who testified to that fact, and also that, when the pocket book was opened, a large bunch of hawk notes was exposed. About an hour after Hampton left, the prisoner came out of his shop and went to his stable, and having saddled his fleetest horse, he mounted and started off, at full gallop, in the direction which Hampton had taken.

Next came two witnesses, Mr. Simple and Mr. Jordan, both of them respectable citizens of M—, who testified as follows:

They had been to the edge of Tennessee, on business, and were returning home. At about nine o'clock, on the evening in the road where a high bank overlooked the way, and while passing this point they were startled by seeing something in the moonlight that looked like a man. They at once dismounted, and found that what they had seen was the body of Matthew Hampton—not dead but alive. True, he is pale and ghastly, but his eyes are open and his lips move. At length the chair is set down before the bench, and the old physician M— asks permission to speak. As shown as this fact becomes known, all is quiet once more.

The physician says that neither of the wounds which Mr. Hampton has received are mortal, though he had at first thought they were. The blow upon the head, and the stab in the breast combined to produce a state of catalepsy, which resembled death so nearly that many an experienced person might have been deceived. When he gave out that Mr. Hampton was dead, he thought that it was so. But when he found that Mr. Hampton was living, he kept the secret to himself, for fear that a certain man whose presence was much needed, might be missing.

At this juncture, Henry Bigler made a savage attempt to break away from the sheriff, but it did not avail him. The jury were directed to return to their box, and then Matthew Hampton was requested to speak. He was too weak to rise, but spoke plainly, and in a manner that showed his mind to be clear.

He stated that when he reached the bluff on the night of the disaster, he discovered that his pocket book was gone. He stopped his horse and was trying to think where he could have lost it, when some one came up from the roadside. He had just time to see that it was Henry Bigler, when he received a blow upon the head from a club which knocked him from his horse. Then he felt a sharp, stinging, burning pain in his bosom, and with a momentary starting of the muscles he opened his eyes. He saw that Bigler was stooping over him and ransacking his pockets. He could remember hearing the distant gallop of a horse—that he thought that he was dragged to the roadside—and after that he could remember nothing till he woke in his own house, and found the doctor by his bed-side.

For a little while longer the multitude had to restrain themselves. I remember that the judge said something to the jury, and that the jury whispered together for a moment. Then the prisoner stood up once more and the foreman of the jury said—"Not Guilty."

Then burst forth a hearty shout of the people. He said he was coming down the road toward M—, on foot, and when near the bluff he heard the sound of a struggle, accompanied by loud groans and entreaties. He sprang forward, and arrived in season to see the prisoner leap into his saddle and ride off. The moon was shining at the time, so he could not be mistaken. As soon as he found that Mr. Hampton was, as he supposed, dead, he started to go after him. The murdered man's horse fled toward home, so he could gain no assistance in that way. He had not gone far, however, when he heard the sound of horses' feet, and on turning to the slope he found Simple and Jordan there.

Bigler was cross-questioned very severely, but his testimony was not to be flawed. He was explicit in all his statements, and at the same time he professed to feel a deep respect that he was called upon to testify against a man for whom he felt so much respect as he did for the prisoner.

At length young Adams arose to tell his story. He spoke clearly, and with the tone of a man who tells the truth. He said about an hour after Matthew Hampton had left his shop, on the evening in question, he went to the sink and washed his hands, and while there he trod on something that attracted his attention. He stooped and picked it up and found it to be a pocket book, and on turning it to the light it was proved to be Mr. Hampton's. He remembered

that after Mr. Hampton had paid him determined to make the young blacksmith accept a thousand dollars whether he was willing or not.

Two weeks afterwards, while sitting in the office of a hotel in Cincinnati, the young blacksmith's first idea, he said, was to keep the horse until Mr. Hampton came back, but upon a second thought, he resolved to saddle his horse and overtake him, and restore the money. Accordingly he set off, and when he reached the bluff, his horse stopped, and began to rear and snort. He discovered something lying in the roadside, and upon dismounting and going to it he found it to be the body of Mr. Hampton, still warm and bleeding. He first satisfied himself that he could do nothing alone, and then started back toward M— for assistance. When he was overtaken by Jordan and Bigler, the idea of having Hampton's money with him, broke upon him with stunning force, and hence his strange and incoherent manner.

When the prisoner sat down there was a low murmur, which told that his story was believed. But the judge shook his head, and the lawyer did the same, and the jury looked troubled and anxious. The prisoner's council did all he could to establish his client's good character, and also to impeach the character of Bigler, but he could not refute the testimony given in.

When the judge came to charge the jury, he spoke of the testimony against the prisoner, and of the corroborative circumstances. With regard to the prisoner's story, he said it was very much like the truth, but he would have the jury remember how easily such stories could be made.

It was long after dark when the jury retired to make up the verdict. They were gone half an hour, and when they returned the foreman showed by the very hue of his countenance that the verdict was fatal! All say it, and I could hear the throbbing of his heart.

"Gentlemen of the jury, have you made a verdict?"

"We have."

"Shall your foreman speak for you?"

"Yes."

"Abel Adams, stand up and look the foreman in the face."

"Now, sir, is Abel Adams, prisoner at the bar, guilty of murder or not?"

Hampton's first syllable of the word "guilty" is upon the foreman's lips, but he speaks not. Those who yet crowd about the windows shout with all their might, and in a moment more a man crowds his way into the court room. He hurries up and whispers to the adjoining pier; two of the slaves at least, if not all three, struggling to release themselves, and proteting their wish to remain with their master; two of the negroes in the mean time grasping Colonel Wheeler by the collar, and threatening to cut his throat if he made any resistance.

The slaves were borne along to a hackney coach that was waiting, and were conveyed to some place of concealment; Mr. Williamson following and urging forward the mob; and giving his name and address to Colonel Wheeler, with the declaration that he held himself responsible to him for whatever might be his legal rights; but

the slaves, who by muscular strength carried the slaves to the adjoining pier; two of the slaves at least, if not all three, struggling to release themselves, and proteting their wish to remain with their master; two of the negroes in the mean time grasping Colonel Wheeler by the collar, and threatening to cut his throat if he made any resistance.

That action can have no alternative. It is one too clearly defined by ancient and honored precedent, too indispensable to the administration of social justice and the protection of human right, and too potentially invoked by the special exigency of the case now before the Court to excuse even a doubt of my duty or an apology for its immediate performance.

The case was submitted to me by the learned counsel for the respondent, without argument, and I have therefore found myself at some loss to understand the grounds on which, if there be any such, they would claim the discharge of their client. One only has occurred to me, perhaps, within my view; and on this I think it right to express my opinion. I will frankly recollect, however, if any future aspect of the case shall invite the review.

It is this: that the persons named in this writ as detained by the respondent, were not legally slaves, inasmuch as they are within the territory of Pennsylvania when they were aduced.

Waiving the inquiry, whether for the purposes of this question they were within the territorial jurisdiction of Pennsylvania,

while passing from one state to another upon the navigable waters of the United States, a point on which my first impressions are adverse to the argument, I have to say,

1. That I know of no statute, either of the United States, or of Pennsylvania, or of New Jersey, the only other state that has a qualified jurisdiction over this part of the Delaware, that authorizes the forcible abduction of any person or any thing whatsoever, without claim of property, unless in aid of legal process.

2. That I know of no statute of Pennsylvania, which affects to divest the rights of property of a citizen of North Carolina, acquired and asserted under the laws of that State, because he has found it needful or convenient to pass through the territory of Pennsylvania.

3. That I am not aware of any such statute, if such a one were shown, could be recognized as valid in a Court of the United States.

4. That it seems to me altogether unimportant whether they were slaves or not. It would be the mockery of philanthropy to assert, that, because man had become free, they might therefore be forcibly abducted.

I have said nothing of the motives by which the respondent has been governed. I have nothing to do with them; they may give him support and comfort before an infinitely higher tribunal; I do not impugn them here.

Nor do I allude on the other hand to those special claims upon our hospitable courtesy, which the respondent might assert for himself.

On motion of Mr. Fisher, a Committee consisting of one delegate from each county was appointed by the Chair to nominate permanent officers of the Convention, viz.: W. W. Avery of Burke, Charles F. Fisher of Rowan, M. McCorkle of Catawba, A. M. Boggs of Alexander, S. R. Bell of Iredell, W. A. Lenoir of Caldwell.

This Committee soon reported through their Chairman, Mr. Avery, that they had agreed to nominate

the writ of *habeas corpus* could not compel the truth, full, direct, and unequivocal, in answer to its mandate.

Will not do no say to the man, whose wife or whose daughter has been abducted; "I do not abduct her;" "she is not in my possession;" I do not detain her, inasmuch as the assault was made by the hand of my subordinates, and I have forbore to ask where they propose consummating the wrong."

It is clear, then, as it seems to me, in legal acceptance, the parties whose this writ called on Mr. Williamson to produce, were at one time within his power and control; and his answer, so far as it relates to his power over them, makes no distinction between that time and the present. I can give a different interpretation to his language from that which he has practically given himself, and cannot regard him as denying his power over the prisoners now, when he does not aver that he has lost power which he formerly had.

He has thus refused, or at least he has failed, to answer to the command of the law. He has chosen to decide for himself upon the lawfulness as well as the moral propriety of his act, and to withhold the ascertainment and vindication of the rights of others from that same forum of arbitration on which all his own rights repose. In a word, he has put himself in contempt of the process of this Court, and challenges its action.

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