

Highland Messenger.

LIFE IS ONLY TO BE VALUED AS IT IS USEFULLY EMPLOYED.

ASHEVILLE, NORTH CAROLINA, FRIDAY MORNING, AUGUST 7, 1840.

NUMBER 10.

VOLUME I.

A. S. FANALY & J. ROBERTS, EDITORS.
PUBLISHED WEEKLY, BY J. H. CHRISTY.

The "MESSENGER" is published at Two Dollars and Fifty Cents for an advance, or Three Dollars at the end of the year. No subscription discontinued, (except at the option of the publisher) until all arrearages are paid. Advertisements will be inserted at One Dollar per square for the first, and Twenty-Five Cents for each subsequent insertion. All communications must be post paid.

MISCELLANEOUS.

THE PROMISE.

How often dost thou pledge and vow
That wouldst for me be mine;
And my fond heart itself so true;
It never mistrusts thee—
Diana.

Just seventeen summers ago Eliza M. was in the prime of youth and maiden purity, as fair as the rose that blooms in the cultivated garden of art, as gentle as the lily of the meadow that bends its head to the summer zephyr; and yet at times, as wild and reckless as the playful school-boy sports on the edge of the rocky precipice. She was just such a being as youth alone has seen her in the midst of joyousness, with a dimple on her cheek, and a softness in her manner, which infused into all around her a bright and happy influence. At such times was turned upon her the eyes of all eyes, and she was a memory frequently called up to mind the smile that shone upon her countenance when directed towards him. She was at such times in her proper sphere, for the whole cast of her character then beamed forth; it spoke in her playful throw of a well turned arm; in the graceful movement of a sylph like form; in the merry step of a pretty foot. Yet, with a natural volubility, she possessed a free and generous heart. In her intercourse with society it was her intention to pursue a correct and honorable course, and she knew no other.

The winning grace of beauty, the smile and the power of fashion, never failed to draw admiring eyes around the form of youth. Eliza Murray knew the truth of this; she felt the full force of her attractions; she could read them in the pleasure which she could give; in the many eyes which looked with delight upon her; and in the ebullience of conquest which she won by the shining out of that joy and merriment so suited with early youth. Dancing alone, then in the hey-day of her conquest, she had still felt at times the pang which passion is ever exerting for its gratification. Among the many suitors which appeared before her, Henry England was all that a young maiden could desire. He saw in Eliza Murray, gay, beautiful and attractive, possessing with all her volatility, gentleness in her manner, a sweetness of temper, and ease in conversation, which he admired. He offered himself among the list of suitors for her hand. In the true spirit of an honorable courtship, he unfolded to her his circumstances, prospects and his future hopes; desired intimate knowledge, willing that acquaintance should blossom to friendship, and ripen into love. She, with the ardent fervor which female fancy ever gives to man, she stands before her in the beauty of youth, sketched to herself the character of a suitor—dwelt upon the candid manner which he had unfolded his purposes, saw her rainbow over the future, pledged herself to him, and his alone; and promised as a separation from all society but his.

Thus far all was right. But in youth we are the beings of fancy; and more especially the children of volatility, live in the delirium of the moment. The gay and lively scene in the theatre on which they live. This the reader always has known is too much the characteristic of Eliza Murray. A card for a ball was handed her by one who had always professed himself an admirer, and she forgot, in the moment of her reception, her promise to Henry. When alone, her situation was viewed in its proper light. The card had been taken—she went—she went—and yet it might possibly break off the connection with England. He knew it was wrong, but he will forgive, and moving at a moment before a mirror, she smiled with satisfaction; then putting on an arch look, danced merrily away with the exclamation, he cannot withstand me. But her beauty possessed not the power she imagined. He visited her the evening after the ball, talked over the fortunes of her word coolly, and asked her if she had acted correctly. Instead of freely acknowledging her error, she dwelt with parental delight, upon the gay scene of the ball; told of the merry company present, the politeness of her partner, and in the endeavor to ridicule the idea of his having offended. It was enough; they parted. Years rolled on—they mingled together the merry scene—surrounded by the social fireside—but the delight which affection each other had thrown over the silvery moments they had spent together had ceased. Cold familiarity, and distant politeness assumed its place. I saw both, at length however married.

England had chosen one who had no other recommendation but mind and person. Wealth did not throw her wretch of splendor and power around her brow. But sweet and simple, innocent in person and mind, she in the variety of youth gave to her arms a more alluring influence than all splendor that wealth brings in its train. They commenced the world—in

dustry their reliance, economy its helpmate. The gallant who had been the partner of Eliza Murray to the ball became in time her husband. He was one calculated to please amid the gaiety of youthful society, but unfit for the more serious and substantial affairs of life. Such was the hasty idea I formed as I witnessed their wedding ceremonies. But Eliza Murray then wore the same gay and smiling countenance, and the same laughing lip spoke of present happiness, when she bid the wedding party-welcome, as she used to wear, when she could claim protection from Henry England.

I waited upon England and his bride a short time previous to my leaving the village. I had seen Helen Gray often before marriage, but never did she appear so interesting as after wishing me success when far away, in the character of Mrs. England, she took her husband's arm, and they wandered away together over the meadows, to their cottage residence. I also gave a friendly shake of the hand, and bade farewell to Eliza Green and her husband, with an earnest but secret wish, that he who was to be the protector of one as fair as Eliza Murray might be all that husband should be. I left two happy young couples then—as happy as hope and fancy can make the first silvery moon of matrimony.

Twelve years had passed away, when curiosity and inclination led me back again to the sweet village of Mid-Gotham. As I wound my way down the road into the village, the recollections of those days came up before me—I thought of those I had left revelling in the joys of "life's loveliest period." I rode leisurely along, marking the alterations that time and enterprise had made. One neat and elegant mansion had risen, on a spot singularly beautiful, to which the hands of industry and art had given all their aid—that spot was the residence of Henry England.

Different, very different, had been the course of the other couple. Eliza Murray, poor girl, she wove for herself a cruel destiny. The duty she was called upon to perform was of no ordinary cast—a dissipated husband to win back to her, and happiness, if possible. Little ones to watch over and provide for with a mother's anxiety. It was too much—she sunk beneath the weight of it, and left two orphan children. Henry England stepped forward and became their parent. I saw them both on my first visit at England's sitting on the green.

To those who have perused this crude and simple tale, I have but a word to drop. To all, I would say, in matters of courtship, let promises, however trifling, be adhered to with the strictest punctuality. A confidence placed by lovers then, in each other, and not betrayed, will never be forgotten.—*Pough. Tel.*

STATISTICS OF THE UNITED STATES.
Literary and Religious Institutions.
There are 95 colleges in the U. States,
27 Medical Schools,
37 Theological Schools,
8 Law Schools.
Religious Denominations in the U. States.
Baptists (of diff. denominations) 4,300,000
Methodists, 3,000,000
Congregationalists, 1,400,000
Universalists, 600,000
Episcopalians, 600,000
Roman Catholics, 800,000
Presbyterians, 2,175,000
Lutherans, 540,000
Dutch Reformed, 450,000
Christians, 800,000

Congress.

The New Jersey contested Election.

[From the National Intelligencer.]
HOUSE OF REPRESENTATIVES.
THURSDAY, July 16.

The Report of the Committee of Elections on the New Jersey case, and also the counter report from a minority of that committee having been read at the Clerk's table—and the question being on the motion of Mr. Campbell, of South Carolina, chairman of the committee, to print both reports, together with the Journal of the committee, and on the motion the yeas and nays having been ordered, and the question being about to be put, Mr. Campbell inquired of the Chair whether it would be in order for him to modify his motion?

The Chair replying in the affirmative—Mr. Campbell said that though he had at first moved to print both reports, yet now, after hearing the minority report read and knowing what it contained, he could not include that report in his motion to print; and he, therefore, would modify his motion so as to include only the report of the majority and the journal of the committee.

Great confusion instantly arose, many gentlemen rising and simultaneously addressing the Chair on the point of order, insisting that after the previous question had been demanded and answered, on any motion submitted, the mover could not change or modify that motion without leave of the House, because the ordering of the previous question had direct reference to the motion made, and to that alone.

The Chair replied that, according to the rules of the House, a member had the right to withdraw any motion he had made at any time previous to a vote upon it, and of course to modify it.

Mr. Botts, Mr. Fillmore, Mr. Triplett, and Mr. Andrews, warmly remonstrated against the unfairness of presenting one proposition to the House, and demanding the previous question upon it, and when the House waiving its right to discuss, supported that call, the substituting a different proposition, after all debate was cut off. The right to withdraw, and the right to modify, were different things, and one did not necessarily follow the other.

[The noise and confusion in the House was very great.] Mr. Campbell repeatedly rose to make a suggestion, but he was called to order, on the ground that all discussion was prevented by the previous question.

Mr. Everett inquired whether the gentleman's original motion, and his modification of it, would appear on the Journal? The Chair replied in the affirmative.

Mr. Clark, of New York, warmly remonstrated, pronounced the proceeding a base trick, by which the House had been entrapped, and inquired whether the Chair adhered to its decision that the modification was in order?

The Chair replying in the affirmative—Mr. Clark took an appeal from the decision. Mr. Medill, amidst loud cries of order, made a reply to Mr. Clark, in which the Reporter understood him to say that in the whole course of the Opposition on the pretended claim of the returned members from New Jersey was an attempt to entrap the House. [The din and uproar were, however, so great that although at no great distance from Mr. M. who was speaking very loudly, the reporter could not distinguish his words.]

The question was put on the appeal; when the decision of the Chair was sustained without a count.

Mr. Campbell again rose to make a suggestion, but Mr. Profit strenuously objected, and insisted he should take his seat.

Mr. Andrews now inquired of the Chair whether it would be in order to move a reconsideration of the vote by which the previous question had been ordered?

The Chair said it would, if the gentleman had voted with the majority.

Mr. Andrews said he believed he had, but was not quite certain.

Mr. Davis, of Ky. said he had voted with the majority, and he would move the reconsideration and demand the yeas and nays.

The Chair said that whenever a reconsideration of the previous question was moved, the question was always first put on the seconding of the previous question, and never on the previous question itself; and on the seconding the yeas and nays could not be taken, as it was not a vote of the House, but merely the sustaining of a proposal to vote.

On this dictum of the Chair a question of order arose, and Messrs. Fillmore and R. Garland protested with warmth against thus being deprived of their constitutional privilege of having the yeas and nays recorded. Mr. G. observed that the tyranny practised by the Majority in this whole New Jersey case had been such as was enough to drive freemen into open rebellion. Had it come to this, that a fifth part of the House were to be deprived, by a mere say-so of the Speaker, of a certain right guaranteed to them by the Constitution? He demanded a case to be produced where such a decision has been made. He never had seen or heard of such a decision.

Mr. Turney called Mr. Garland to order. The Chair turned Mr. G. to a very recent decision on a case precisely like the present.

Mr. Briggs inquired whether, after the House had voted on reconsidering the seconding of the previous question, if that vote should be in the negative, another question could not then be put on the previous question itself, and whether on this yeas and nays could not be had?

The Chair replying that it could, Mr. Fillmore said, that this was all he asked for, and he thereupon withdrew his appeal.

The question was then put on reconsidering the seconding of the previous question, and decided in the negative.

Mr. Chinn, of Louisiana, inquired of the Chair whether, after the House had seconded the previous question on one motion, the mover could then alter his motion so as to make it quite a different proposition, and the previous question remain still in force?

The Chair replied that, according to the rules of the House, he might.

Mr. Chinn then said that the rule ought to be altered.

Mr. Fillmore then moved to reconsider the vote ordering the previous question, i. e. the vote by which the House had this morning decided that the main question should then be put; and on this question he demanded the yeas and nays; which were ordered, and being taken, resulted as follows: Yeas 65, nays 80.

The question now recurring on Mr. Campbell's motion to print the majority report, Mr. Davis, of Kentucky, moved to be excused from voting, and was assigning his reasons, when he was remarked that, by the manoeuvre of Mr. Campbell, in modifying his motion, the House had been cheated out of the yeas and nays, Mr. C. with warmth, replied that, as he would not suffer such language to be applied to him out of the House, he could not submit to it in the House.

The Chair called Mr. D. to order. Mr. D. insisted that he was in order. Much confusion ensued; when Mr. D. said if he was not allowed to give his reasons he would withdraw his request.

The Chair said he might state his reasons, but in doing so must keep within the rules of order.

The question was now put on printing the report of the majority, and decided by yeas 172, nays 1. (Mr. Clark, of N. York, voting in the negative.)

So the report was ordered to be printed. When Mr. Monroe's name was called, he said he wished to be excused from voting in the House, but would not now detain the House by stating his reasons, because he intended to give his opinion most fully on this whole proceeding when out of the House.

Mr. Smith, of Conn. moved to print the report of the minority of the committee.

The Chair decided this motion to be not yet in order, as the motion of Mr. Campbell, on which the previous question had been demanded, included the printing of the journal of the committee, and the question must therefore first be put on printing the journal.

[A dispute here arose whether this was the fact, or whether Mr. C. had moved only to print the report of the majority without the journal. Messrs. Adams, Andrews and James Garland testified that they had heard the motion, and that it included the Journal; Mr. Botts had been under a different impression, and the entry so made. It was finally agreed, however, that the printing of the journal had been included, and the entry was altered.]

The question then recurring on ordering the journal of the Committee of Elections to be printed—Mr. Dromgoole demanded the yeas and nays, which were ordered and taken, and resulted as follows: Yeas 154, nays 18.

So the journal of the Committee on Elections was ordered to be printed.

Mr. Fillmore moved to print the report of the minority of the committee.

Mr. Ramsey demanded the previous question, which was seconded, put, and carried; and the main question being on ordering the printing, it was decided as follows: Yeas 102, nays 68.

So the House ordered the report of the minority to be printed.

Mr. Jameson, of Missouri moved that the report of the majority of the Committee of Elections be now adopted, and on that motion he demanded the yeas and nays.

Mr. Fillmore inquired of the Chair whether this motion, if carried, would not deprive the parties concerned from being heard in their own cause at the bar of the House, as was the invariable usage of the House in all cases of disputed election? The Chair replied in the affirmative. It would, if agreed to, bring the House to a direct vote on adopting the report.

Mr. Triplett inquired whether a majority could compel the House to vote on the report before they had heard either the parties or the evidence?

The Chair replied that, as to the power, of that the gentleman must judge; but should the previous question be ordered, it would bring the House at once to a direct vote on the resolution in the report.

Mr. Triplett demanded that the testimony be read; surely it was oppression—it was the very height of Tyranny to insist on his voting before he had heard the testimony in the case he was to judge. How could he know what he was voting about?

[The confusion in the House was great—many members on their feet remonstrating and disputing with each other.]

Mr. Briggs moved a call of the House, and made some remarks which could not be heard; they were, partly, as the Reporter

believed, a statement of what would be the effect of the vote, and a demand that, before such an act was done, the whole House should have time to be present and vote on so great a question.

Mr. Turney loudly called Mr. Briggs to order for debating.

Mr. Briggs denied that he was debating the question.

Mr. R. Garland demanded the yeas and nays.

Mr. Monroe asked of Mr. Jameson whether it was his intention to force through the House a vote on that report to-night? If it was—

Mr. Vanderpool here called Mr. Monroe to order.

The Chair said the gentleman was not in order.

Mr. Monroe said then he would turn away from the gentleman from Missouri—he had done with him, and he would turn to the Chair, and ask of the Speaker whether his friend from South Carolina, (Mr. Campbell)—he believed he might call him his friend, for he believed, after all, that that gentleman did mean to act correctly—had not originally moved the printing of the reports and papers with a view of their being taken up and considered to-morrow? Yet now the House was called to vote at once, under the previous question. What was the meaning of the gag-law? He would not vote in that House under such coercion.

The yeas and nays were ordered on Mr. Briggs's motion for a call of the House.

Mr. Campbell asked Mr. Jameson to withdraw his motion.

[Here the noise was so great as to drown the voice of any individual member, and the reply of Mr. Jameson could not be heard; he was understood, however, as refusing.]

The question was put on the motion for a call of the House, and decided by yeas and nays as follows: Yeas 67, nays 75.

So the House refused to order a call.

Mr. Botts inquired whether the parties claiming seats from New Jersey could not now be heard at the bar of the House?

The Chair replied in the negative; it would not be in order after the previous question had been demanded on the report.

Mr. Underwood, who had just returned within the bar of the House, rose and asked the Speaker what the main question would be if the previous question was ordered?

The Speaker answered that the main question would be upon the adoption of the resolution reported by the committee.

Mr. Underwood said, What! take that question before the reports are printed!

"Yes, yes," was replied by several gentlemen.

Mr. Underwood said, surely it was impossible; and if that question was forced, he would not and could not conscientiously vote. The previous question was now put, viz: "Shall the main question be now put?"

And it was decided in the affirmative, by yeas and nays as follows: Yeas 101, nays 85. So the House decided that the main question on adopting the report of the committee should now be put.

Mr. Andrews, of Ky. asked to be excused by the House from voting upon the resolution of the majority of the Committee of Elections, because, he said, that resolution was based upon the report of the majority, and a state of evidence of which it was impossible for him or any member of this House (not of the committee) to know any thing. His vote upon this occasion would be as a sworn juror or juror; and as it had been (as every member of this House must know) impossible for him to know the extent of testimony and the weight that should be given to the great mass of conflicting evidence, he felt that he might subject himself to an act of injustice and violence to his conscience as an honest man by voting either way. He had hoped that the proposition to postpone the vote upon the resolution until Saturday would have prevailed, and thus have afforded him and all others desirous to know, as jurors called upon to render a verdict on so important a case, something of the testimony upon which that verdict is to be founded. He desired to do justice to all parties, and especially to his own conscience. He made this motion in all respect to the majority of this House, and to such as may feel that they are prepared to vote, and render a verdict upon so momentous a question as that of the right of sovereign States of this Republic; and as he hopes to return soon to his constituents, he desires to return to them, having nothing of which he would feel ashamed, or they justly complain. He, therefore, expressed the hope that the House would relieve him from so unpleasant a position as that of voting and rendering a judgment as a sworn juror in a case, of the testimony of which he could not by any industry on his part have acquired the slightest knowledge. The question being put, Mr. Andrews was excused.

Mr. Everett moved to be excused from voting on the question, because he had neither heard the evidence nor the parties, some of whom, he was informed, desired to be heard at the bar of the House.

Mr. Monroe said he should be glad if his name could be included with that of Mr. Everett.

Mr. Everett demanded the yeas and nays; which were ordered and taken, and resulted as follows: yeas 70, nays 100. So Mr. Everett was not excused.

When the name of Mr. Rariden, of Indiana, was called, he rose and inquired of the Speaker, if the previous question was sustained, if that would bring the House to a direct vote upon the question of the right to the seats in this House of the New Jersey claimants without affording the claimants the right to be heard, or the members of this House the opportunity to hear one word of the evidence upon which the right to the seats has been or is to be determined. The Speaker said that would be the effect of the previous question, if carried.

Mr. Rariden then said he was against it, as he could not guess at a question of such magnitude.

Mr. Briggs said he most respectfully asked the House to excuse him from voting on the resolution now before them. His reasons were, first: if his mind was made up upon a full investigation of the case, he could not with his sense of propriety and justice, vote to give either set of claimants their seats finally without hearing the opposing claimants. But there was another higher and stronger reason; it was, that he had had no means of informing himself upon the merits of the question. He had not heard or read the evidence, and could not act with understanding and with safety. The evidence, consisting of a volume of near seven hundred pages, had not been placed before the members of the House. By voting either way he might do injustice to the party. He begged leave to say that, in this request, he was not actuated by capricious motives, but by a sincere wish to be relieved from the unfeigned embarrassment in which he found himself placed in relation to this important subject. This was the first time he had ever made such a request, and by granting it the House would confer upon him a favor, for which they would be entitled to his thanks.

The question being put, it was decided in the negative; so the House refused to excuse Mr. Briggs.

Mr. Rives moved to suspend the rule, in order to make way for a motion that the further consideration of the report be for the present suspended, and that it be made the special order for Monday next, but it was negatived.

The vote being taken by tellers, resulted as follows: Yeas 84, nays 94.

Mr. Adams asked that he might be excused from voting, for the same reasons for which Mr. Andrews had been excused, but the House refused to excuse him: Yeas 49, nays 91.

Mr. Lincoln asked to be excused. He said that, notwithstanding the votes which had just been given, he felt himself impelled by the strongest sense of duty to appeal to the indulgence of the House to relieve him from a call to vote, at this time, and under the circumstances, on the proposition of the committee. On taking his seat here, he had solemnly bound himself to respect and support the Constitution of his country. That Constitution made the House, and each member of it, as a component part of the body; "the judge of the elections, returns, and qualifications of its own members," and imposed high and sacred obligations in the discharge of this most important of all official functions. The report of the committee, by a bare majority, presented for the first time this morning, contains a long and elaborate investigation of the right of the sitting and the claims of the contesting members from the State of New Jersey, with reference to a mass of evidence which the committee alone have examined, and upon which they have raised arguments and deduced inferences tending to justify the conclusion to which they have arrived in the resolution offered to the House. On the other hand, the minority of the committee have laid before the House their dissent to this report, exhibiting an entirely different state of the case, and coming to a different conclusion thereon. Both these reports have, just now, been hastily read at the Clerk's table. They must have been read imperfectly heard, and can scarce have been understood. The evidence exhibited within the reports of the majority, which is now on the table of the Speaker, in a volume of several hundred pages, has not been seen by a single member out of the committee; nor has it been within the power of any, and especially did he speak for himself, to know its character, or to consider the effect it should have upon the issue, so deeply interesting to the rights of members, the sovereignty of the States, and the vital principle of a representative government.

I am now called upon, (said Mr. Lincoln) to decide upon the merits of this great question; to judge, to adjudicate, upon my conscience and my oath, upon facts which I do not know, upon evidence which I am told exists, but which I am not permitted even to see, whether the sitting members are, or are not, entitled to their seats. The alternative presented to me, by the resolution of the committee, is to declare, blindfold upon my oath as a judge, either that these members are duly and constitutionally elected to this House by the people of New Jersey, and this, too, against the official credentials, in the first instance, upon the canvass of the returns by the Governor and Privy Council of the State, given to others, or to show cause, here and before the country, why I resist the conclusion to which the committee have arrived in their resolution, upon a subsequent scrutiny by them of the votes and polls of that election. Sir, I can do neither, understandingly and conscientiously, without time and opportunity for examination. I cannot consent, under the solemn sanctions of duty, to substitute the opinions of a majority of one in a committee of nine members, (nor indeed of the whole number, if even such had been the fact) for the convictions in my own mind in the required exercise of my own judgment. To do so would be to yield my in-