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MISCELLANY.

(From the *Maux Liberal*.)

The Pirate.

By the time that the several dispositions ordered by the captain had been made, a stranger, a beautiful brig, had approached within gunshot. We (that is, officers and passengers) were congregated upon the poop deck, in anticipation of momentarily receiving an iron summons to round to.— This, however, did not appear to be a part of the unknown's policy; and whilst he was fast drawing ahead, Macawney, who carried on the duties of the ship as if she floated unquestioned mistress of the blue expanse, ordered eight bells (having taken the sun) to be struck, and invited his passengers to partake their customary meridian. They were in the act of descending, when Bony, reported that the brig, having given a broad yaw to leeward, showed Spanish colors at her peak. These were scarcely set ere they were dipped, an indication that it was their wish to speak to us. The atrocities which have degraded Spain's once imperial banner, coupled with the rakish loom of the Cape de Verd Islands, the favorite resort of the lawless, caused us to survey him with a curiosity in which apprehension was not slightly mingled.

Our doubts and fears were in course of speedy solution, for the self-styled Spaniard had now lessened his distance to a couple of miles. A more exquisite hull it was impossible to look upon—bow round as an apple, with a cut-water sharp as a wedge, from which projected a female figure head of the most graceful proportions. Every line was symmetry itself—her bottom beautifully moulded, her copper bright as burnished gold, and her run clean and fine as the heels of a racer; in short the very model of what an English noble's yacht should be. The capacity might amount to some three hundred tons. The beauty of the hull was equalled by the gear aloft, which was taut, tapering, and well set up; the lower mast was clean scraped and bright varnished, with long heads painted white. He carried courses, topsails, with a slab reef to make them stand better; top gallant sails, fore-top-mast staysails, jibboom main sail, a thundering ringail, fore-topmast and fore-top-gallant studding sails; his royal yard were sent down, and his flying jibboom hoisted. All his yards were remarkably square, his canvass well cut, and it was impossible to surpass the light airy tracery of his taper masts, with their mazy lines of superincumbent cordage. As we approached, we gave our meteor flag to the breeze—his Spanish ensign still floating at its peak. His lovely craft was in perfect command, and having drawn a little before our lee beam, he immediately hailed.

"Ship, ahoy!"
"Hallo!" responded Macawney.
"What ship's that?"
"The Saucy Sally; what brig's that?"
"The Vomito Pietro; was the answer."
"Where are you from?"
"The Cape of Good Hope."

"Heave to! I have intelligence to communicate."
"Ay, ay," sung out Mac. "Cheerily my lads—round in the weather main and top-sail braces. Foretop there! down top-gallant stunn' sail! down! That's it—with a will men. So—o! Man the royal and skytail clue lines!"

In a surprising short space the Saucy Sally was reduced to top and top-gallant sails, jib and spanker, the fore and main courses hanging in the brails. The Vomito Pietro was still under sail, and although while our ship was obeying the injunctions, she had hauled up so sharp in the wind as not only to denude her way, but to drop a short distance astern. Perceiving her main topsail to the mast, he once more ranged within hailing distance.

"Ship ahoy! send a boat aboard of me, d'ye hear?"
"Brig ahoy!" shouted Mac. "No boat of mine leaves the ship. If you have any thing to communicate send your own boat."
"Send your boat this instant, sir, or I'll fire into you."

"Blaze away," sang out the imperturbable Scotsman. "Down on the deck lads—you shall pepper him by and bye."
A pause ensued—the vessels gradually separated—the Vomito Pietro hove to some sixty yards forward of the Sally's lee beam; without further ceremony, exchanged the Spanish ensign for the skull and marrow-bones. At this moment both vessels had lost steerage way, the wind having fallen a dead calm.

"We must be guided by circumstances," said the captain, addressing us, "but in no case must we allow them to obtain a footing upon our decks. Better go to the bottom like men than to be flung into it like dogs. He will, no doubt, seek to board under cover of his long guns. Let him try; but do not I implore you, throw away a shot until each of you is sure of his man; every one they lose adds to our chance of escape."

The Captain was right in his conjecture, for scarcely had he ceased speaking ere the Vomito, apparently satisfied with reconnoitering, launched both her boats full of men. No sooner had they touched the water, than they sent forth a wild yell, to which as a fitting accompaniment, the roar of their long eighteen pounder opened its deadly throat—happily without any material injury resulting. Emboldened by the no return of fire, the boats after a brief conference under the Vomito's stern, commenced pulling, making somewhat of a sweep, apparently with the design of assailing the Saucy Sally on either quarter.

"Divide yourselves," continued the valiant and indefatigable Mac; "but above all be cool—be steady. Ah!" he exclaimed, rubbing his hands with gretat delight, "it would be a noble chance. I'll try it, by George! at the worst it can but fail. Look aloft, a hand or two; ease off the weather and haul in the lee main braces; there's a catspaw aloft; the ship already feels it, and there will be more ere long. Jump aft, O'Donoghue; take the wheel; run the pirate alongside; and, d'ye mind me, let every mother's son of ye, as he wishes to see kith and kin again, pay the strictest attention to my command!"

Circumstances had indeed altered the Scotchman's plans. At the very moment he was endeavoring to give a warm reception to the five-and-twenty or thirty wretches, armed to the teeth, fast approaching to the pirate's cutters—at that very moment a light air swelled the Saucy Sally's sails. Like other tropical flaws, this air was extremely partial, and did not yet extend to the Vomito, which lay a motionless log on the water. Freshing in its course, at length it struck the guilty brig, but too to save her from the grapple of the Saucy Sally, who was already speeding under its influence.

Two minutes sufficed to lay her alongside, but few more to pour her resistless crew upon the corsair's decks; and whilst the main body battled the astonished ruffians one by two secured the helm, and got the brig before the wind—Saucy Sally bearing her company, her passenger riflemen picking up the banditti with surprising accuracy. Discomfited on every hand the survivors hurried below, leaving their trophy in Sally's power. The boats meanwhile, foiled almost in the moment of possession, rowed with all the energy of despair; but the breeze had once more set in strong and steady, and both the Saucy Sally and the Vomito were dropping their mast.

The maniac yells rent the air—the water flashed under the fury of their strokes, and the boats were urged onward with a strength almost superhuman. At the moment when hope must have been all but dead within them, the Vomito suddenly hove up in the wind's eye. Could it be? Had the merchantman failed, and were their comrades victors? They paused upon their oars, joining company, as if to ponder upon the course proper to be pursued.

Brief was the space permitted for consideration. A splash, a stunning report, and an iron shower sped its fatal flight, scattering with one crash, the dying and dead, with the skulls that bore them, in ruffled fragments upon the devouring deep. Their own trusted weapons had been turned upon themselves; and O'Donoghue, by the mouth of their boasted Long Tom, had sped them unannounced to their account.

Patmos.

We were close in with "the isle that is called Patmos," several hours; and I had a good opportunity of examining its appearance, so far as is possible, from the sea. It is about twenty miles in circumference, and its aspect is forbidding and cheerless. The shores are in most places steep and precipitate, and from our vessel it appeared as if the inhabitants would be in constant danger of rolling down into the sea. The highest part of the island is surmounted by a monastery, dedicated to St. John, round which are built the houses of a respectable town. We could discover very few trees. The sailors were lavish in their praises of the inhabitants.

It was with unutterable feelings I gazed upon this dreary rock. The situation of the weeping exiles was before me, who were banished from the pleasures and applauses of Imperial Rome, and were sent to inhabit this dull and distant region, with none to converse with but sufferers in the same calamities, whose very attempts at consolation would only still deepen sorrow. What must they have felt, and how must they have wept, when they beheld from the horizon the little speck that was to constitute their world? There was one among these exiles whose brow was calm, whose eye was bedimmed by no tear, and from whose countenance seemed to beam the serenity of a spirit in bliss. It was the beloved disciple of the Lord. The banishment of the venerable apostle was from a cause perhaps different from that of any of the exiles who had preceded him, as it was "for the word of God and for the testimony of Jesus Christ;" Rev. i. 9.

Standing upon one of the eminences of the island, and turning towards the continent, St. John would be able to distinguish mountains that might also be seen from the whole of the seven churches in Asia, and as he had planted some of them with his own hand, and probably visited all of them, can we doubt he often would stand thus, and looking towards these interesting spots, lift up his hands to heaven, and pour out his soul in prayer, that He who walked among the golden candlesticks would continue to visit them in mercy, and save them

from the power of the Antichrist that was to come. It is one of those thoughts upon which the mind so much delights to dwell that from this rock, surrounded only by other and similar rocks, and looking out upon distant mountains, there should have been an insight given into futurity further and clearer than in any other place was ever afforded unto mere man.—Hardy's *Notices of the Holy Land*.

BURKE PUT TO FLIGHT.—Burke had once risen in the House of Commons, with some papers in his hand on the subject of which he intended to make a motion, when a rough hewn member rudely started up and said—Mr. Speaker, I hope the honorable gentleman does not mean to read that large bundle of papers, and to bore us with a long speech into the bargain. Mr. Burke had so swollen, or rather so nearly suffocated, with rage, as to be incapable of utterance, and absolutely ran out of the house. George Selwyn remarked it was the only time he had ever seen the noble realized.—A lion put to flight by the baying of an ass.

THE MESSENGER.

ASHEVILLE, N. C.

Friday, Jan. 20, 1843.

Reader, do you not remember well, the hue and cry raised last summer by the whole pack of Locofoco office seekers about "Whig extravagance," "Whig profligacy," the Governor's ice-house, his chicken-house, bedstead, &c. &c. Well, one of the leaders of this very same party recently made an effort in the Legislature to get fifty thousand dollars appropriated for enclosing the public square at Raleigh!—Yes, the very party which were so economical that they were almost horror struck at the idea of giving one thousand to help the large settlement on Spring Creek in this county make them a road—were ready to give fifty times that amount to enclose the public square at Raleigh. "KEEP IT BEFORE THE PEOPLE."

The eighth wonder of the world.

If we were called upon just now to say what we should be much disposed to say that it must be a Locofoco Legislature, a number of which have of late been in session. One in Ohio was engaged for some time in discussing a resolution introduced by a leader of the party against the General Post Office. The preamble to this famous document asserted that the construction put by the Postmaster General on the law concerning writing on the margin of papers sent by mail "is extremely puerile, imbecile and ridiculous, and at variance with the letter and spirit of such laws [post office laws] and with the plain dictates of common sense." The third resolution directs that a copy of the whole should be sent to the President, the Ohio members of Congress, and the Governors of each State except Rhode Island!! Here is a Legislature assuming the prerogative of Judges of law, and in place of making law for the State of Ohio, have undertaken, indirectly at least, to construe the laws which regulate the General Post Office Department!

This same Legislature repealed a law which had previously been in force, and under which a master might recover his fugitive slave in that State. Now, when a negro from Kentucky or elsewhere, runs away, or is run off, and gets into Ohio, the master may whistle for him! And this is the party so loud and long in their cry of "Whig abolitionism! Whig abolitionism!"

The Locofoco Legislature of Georgia succeeded in getting into power through the cry of RELIEF! RELIEF for the people! Well, "the people" elected them—they had a majority of about forty—held a long, long tedious session, and adjourned without transacting any business of general importance! They have made their own party—if we may judge from the tone of their papers, as "wrathful" as Fam O'Shanter's wife; and, like her, they are all now "Gathering their brows like gathering storm, And nursing their wrath to keep it warm."

They, however, made out to pass a resolution nominating J. C. Calhoun for the Presidency, but soon becoming scared at their own shadows, they wheeled about, reconsidered, and left the resolution lying on the table!

In New Hampshire, where they are the true grit—the real Simon Pures—they did much; at least we suspect they thought so. They abused the tariff, the bankrupt law, the land distribution law, which were lately passed by Congress, and had like to have repealed the whole of them—but the climax was capped by the following, which was adopted:

1. Any person of good moral character, on application to the Supreme Court, shall be admitted to practice as an attorney.
2. Every party in a cause, prosecution, or suit, may appear, plead, pursue or de-

ferend in his proper person, or by any citizen of good moral character!

If they had just happened to have taken it in head to license every old free negro "of good moral character," to tell fortunes, and every person "of good moral character," who might be so disposed, either "in his own proper person, or by any citizen of good moral character," to practice the Thompsonian system of medicine, and every old woman "of good moral character" to preach the Gospel, they would have made a complete finish of it. But these latter they have reserved for a "future occasion."

The Democratic *alias* Locofoco Legislature of Virginia recently had before it a resolution to inquire into the expediency of punishing slaves, free negroes, and mulattoes for attempting to administer poison—which resolution, upon being introduced, was immediately followed by another instructing the committee on agriculture to inquire into the expediency of having all the pigs in the commonwealth to curl their tails to the left side, and report by bill or otherwise. We have not as yet heard of the fate of this latter measure—but should it pass, it will of course create in each county at least, the honorable office of *Pig-tail-twister*, which office we hope will in all cases be filled with good Locofocos, as their reward of the spoils!

But, in the history of our own Legislature "there hangs a tale." Among their first acts was the turning out of almost every Whig officer they had in their power. Secondly, they (the Locos) fell out among themselves and quarreled like Turks about who was to have the honor of representing them in the U. S. Senate—and thereby exercised themselves in a display of oratorical powers on a resolution to prevent the catching of terrapins in a drug-net! But, after all, we are inclined to think that it will be one of the most profitable Legislatures that has met in this State for many years. It will effect more towards the downfall, the destruction, the annihilation, the utter extinction of Locofocoism in this State, than any thing which has occurred for years.—Its leaders have been given rope, and they have used it well and sealed their own doom. So be it—so let it be!

Gen. Jackson's fine.

In another column of this paper we publish an article from the National Intelligencer, on the subject of the fine imposed upon Gen. Jackson by Judge Hall, about the time of the battle of New Orleans.—This subject, it will be recollected, was before Congress at its last session, and would have passed but for the refusal of the General's friends to admit in the Bill a clause which provided that nothing therein should be so construed as reflecting upon Judge Hall, or even expressing pro or con an opinion on any legal question growing out of the declaration of martial law on that occasion. The Whig members of Congress were, and still are, willing that the amount of the fine with interest should be refunded upon these conditions—and indeed any other conditions would be tantamount to an acknowledgement on the part of Congress of the supremacy of the sword above the civil law, than which no step could be more dangerous in a republican government.

TO THE LEGISLATURE OF NORTH CAROLINA.—A vessel arrived at Wilmington a few days ago, having, as part of her cargo, 50 kegs lard, 100 barrels flour, 20 hhs. bacon, and 1500 bushels of corn, the production of the State of Ohio! and brought to Wilmington for sale, because it is cheaper to convey such articles from Ohio to Wilmington, than from Rowan to Wilmington! Surely no North Carolinian can hear that Ohio is permitted to supply us with food, without blushing for the Legislatures which have gone before you, and which have left their highways in such a state, that 200 miles of transportation over them is more expensive than 2000 in another direction. Will you remedy this evil, or must those who succeed you, blush for you too?—Fay. Obs.

Yes—"The Legislature of North Carolina," particularly the last one—than the majority of whom a more nonsensical set of men never met in a State House. Here we are enjoying the unenviable reputation of having more persons over twenty years old unable to read or write than any other State in the Union—few if any good roads, and very little internal prosperity of any kind, and our wise legislators busying themselves upon a bill to lay a tariff upon oysters and prevent the catching of terrapins with a drug-net! Never was there, and we sincerely trust there never will be, a State in this Union that has pursued, and still pursues, such a pin's head policy as ours.

Our exchange papers seem to be beginning the year in very merry mood.—They abound in tales, anecdotes, news, prose, poetry, puns, etc. etc. Some of their items of news we believe and others we do not—for instance,

We don't believe the story told by the New Orleans Picayune about an old horse in that region that got so poor he was not able to die—that he used to lean against a barn without strength enough to wink the flies off his eyes—and finally, his master had to hire a northern horse to help him draw his last breath.

We don't believe that the young ladies out west brush their teeth with rat-tail files.

We don't believe the report of an old gentleman in Connecticut regularly flogging his old rooster for crowing on the Sabbath day.

We don't believe that the moon's made of green cheese.

We don't believe that a preacher will ever make his congregations any better by scolding them.

We don't believe that Queen Victoria designs to come to the United States next summer to see the Falls of Niagara.

We don't believe that Buncombe is altogether the worst place in the world.

We don't believe that John C. Calhoun would at all dislike to be President of the United States—but

We don't believe he will ever be gratified in that respect.

We don't believe every merchant who says he has the "cheapest goods ever sold," nor every political aspirant to office who affects to have more love for the "dear people" than any one else—nor yet every newspaper publisher who says his is the "best paper in the world."

We don't believe that the fellow who has been selling rats in Cincinnati for grey squirrels is altogether honest.

We don't believe that those sausages, in New Orleans, made when the dogs become scarce in proportion to the increase of the sausages, can be very good. And finally

We don't believe in the good taste of any man hereabouts who does not subscribe for the Messenger.

Gen. Jackson and the fine.

Upon the recommendation by the President of the United States, to refund to Gen. Jackson the amount of the fine imposed upon him at New Orleans, by a judicial tribunal, for contempt of court in imprisoning the Judge for issuing a writ of habeas corpus, we took occasion to express entire willingness that the fine should be remitted with interest in full, provided that in remitting the fine no attempt was made to punish (or pass sentence upon) the Court which imposed it. Against any such course from the great chart of civil liberty of one of its fundamental principles, if intended to be advised by the President, we protested then, and ever shall protest. The same sentiments which we have expressed appear to animate the Whigs in Congress. In the debate on the subject in the Senate on Thursday, Mr. Crittenden and Mr. Berrien intimated the same willingness that, though rather late in the day to be thought of, the money should be refunded to Gen. Jackson; that he should be indemnified for any pecuniary loss sustained by him in discharging what he believed to be his duty. Whilst all power beyond or above the Constitution of the United States was denied to any military commander, no imputation was cast by either of those gentlemen on the patriotism or motives of Gen. Jackson in the case referred to. They even admitted that, in a great emergency, an officer of the army might be under a necessity of transcending his authority, subjecting himself, however, to all legal responsibility for any such exercise of power. Such a transgression might be excusable, and excused, but not justifiable or justified.

But whilst the Whigs in Congress appear to be willing to do what General Jackson's political friends, when in power, would not do—that is, refund the money—the outdoor friends of General Jackson are not willing to have the money refunded without expunging the records of the Court. The Globe newspaper, indeed, with a determination that there shall be no mistake in regard to the question being in reality an issue, to be tried by Congress, between the law and the sword, publishes the following conclusive proof of the fact.

The mode in which he [Gen. Jackson] was prepared to treat their bill [the Senate's bill] with the proviso which his friends voted down at the last session, will let them see how futile and little lawyer-like chicanery is when brought to play upon such a man.

In a letter which he addressed to us, in consequence of some notice in the Globe, on the failure of the bill at the last session, he said:

"You judged rightly of my feelings when you say I would not touch one cent of the money under that odious and insulting amended bill; and those who proposed the amendment, if they possessed any honorable feeling, knew I would not. I would

starve before I would be fed on their special grace, at the expense of my honor and my fame. When I approach Congress, it is to ask justice—not to beg it—I only appeal to my God for acts of special grace—not to man. Through you I present my thanks to my friends for so promptly voting down this insulting amended bill. My gratitude is due to the Republican States for their efforts to have this unjust imputation upon my fame wiped from the records, by a law refunding the fine and costs so unjustly and tyrannically imposed by a vindictive judge sitting in his own cause."

[The "amended bill," which was so odious in the eyes of Gen. Jackson, the reader perhaps will need be reminded, provided merely that nothing in the bill should be construed as an expression of the opinion of Congress (one way or the other) on any judicial proceeding or legal question growing out of the declaration of martial law during the defence of New Orleans. This was the insult so odious to Gen. Jackson.]

Here's another article on the subject of Gen. Jackson's fine. Read it, and form your own opinions. We believe it to be a plain statement of facts. We should pay but little attention to the subject, but for the recommendation of the President, and the effort of the Locofocos to make political capital out of it.

GEN. JACKSON'S FINE.

Great efforts for a year past have been made to excite popular feeling and procure legislative action against the sentence and execution of the law which in 1815 imposed upon Gen. Jackson, after the battle of New Orleans, a fine of \$1,000 for a gross contempt of Court in refusing obedience to a writ and in imprisoning a Judge to prevent a resort to ulterior process for enforcing obedience; and President Tyler has lately urged the matter upon the attention of Congress.—We find the circumstances of this case detailed with great precision in a pamphlet entitled "Martial Law, by a Kentuckian," from which extracts are made in the Intelligencer; and as we apprehend the knowledge which most of our readers possess upon the subject is but vague, we copy from it the following narrative.

The writer premises that there has been no instance of Martial Law in England for the last hundred and fifty years, and none in this country, not even during the Revolution, but that given by Gen. Jackson in New Orleans. In the difference of habits, &c., between the two classes of the population at New Orleans and the suspicion of the loyalty of the French, Gen. Jackson found ground for the proclamation of Martial Law, which he enforced upon the members of the Legislature by keeping or thrusting them out of their halls by an armed force. All classes, however, did their duty in the field; the enemy was beaten back, the country was evacuated, and every thing was quiet—yet Gen. Jackson still maintained Martial Law.

On the 18th January the enemy had re-embarked his troops. On the 12th February he was off Mobile, a distance of 150 miles, and never again approached nearer to Orleans. On the 20th, Mr. Livingston returned from the fleet with information, derived from the Admiral, of the treaty of peace. On the 13d it was confirmed from another quarter, and nobody but Gen. Jackson doubted its truth. A general discontent at the unnecessary keeping up of martial law and the exaction of constant military duty from the citizens began to manifest itself; but more particularly on the part of some two or three hundred domiciled, but unnaturalized Frenchmen, who though not compellable to serve against a nation then at amity with France, yet had volunteered their services, and rendered such gallant and valuable aid in obtaining the great victory, as to extort the special commendation of the General himself.—These men complained that they were unnecessarily kept in a disagreeable encampment some miles below the city, and away from their business and trades, upon which their families depended for support, whilst other Louisiana militia from a distance, who had neither families nor business there, were comfortably quartered in the city.—To relieve themselves, they claimed and obtained exemption from military duty on account of their allegiance; but the General immediately issued an order barring all who had or should obtain such exemption to Baton Rouge, 150 miles above the city.

On the 3d March there appeared in an Orleans newspaper a temperate and sufficiently decorous remonstrance against this order of banishment: first, because of the indignity and injury inflicted on men who deserved a very different requital of their gallantry; second, because it violated rights secured under the treaty of France; third, because it violated their right to protection as denizens under the Constitution of the United States; fourth, because the General could have no right so to treat alien friends, whilst the act of Congress only authorized the President himself so to treat alien enemies; fifth, because it was time that the civil law should resume its empire, that citizens should be restored to their constitutional rights, and no longer be dealt with before military tribunals. This was written by Mr. Louis Lullier, an intelligent and respectable member of the Louisiana Senate, who has heretofore rendered himself very obnoxious to the General by his active opposition to the General's request to have the writ of habeas corpus suspended by act of the Legislature. From