

Highland Messenger.

A Weekly Family Newspaper, devoted to Religion, Morality, Politics, Science, Agriculture and General Intelligence.

VOL. III.....NUMBER 33.

ASHEVILLE, N. C., MARCH 10, 1843.

WHOLE NUMBER 137.

Published weekly.
BY J. H. CHRISTY & CO.

TERMS.
This paper is published at Two Dollars a year, in advance—Two Dollars and Fifty Cents in six months—Three Dollars at the end of the year. (See prospectus.)
Advertisements inserted at One Dollar per square for the first, and Twenty-Five Cents for each continuation. Court Orders will be charged twenty-five per cent. extra.

HIGHLAND MESSENGER.

ASHEVILLE:

Friday, March 10, 1843.

Mr. ARNOLD's bill for reducing the pay and mileage of the members of Congress, passed the House of Representatives—we have not learned its fate in the Senate, but hope it passed, as it certainly should have done.

The Washington Globe says, that all Democrats, who accept office under Mr. Tyler, are "renegades." Some of the Whig paper talk pretty much after the same fashion about the Whigs accepting office under him, and if all parties were to adhere to these doctrines, the President would be left in a sad predicament as to filling offices, as he is unable to create a party of his own—but for a man in these times, either Whig or Democrat to refuse a good fat office when offered to him, would be a prodigy indeed. The old philosophers had a notion that there was, somewhere, a stone that would turn every thing it touched into gold. But now, things are changed, touch a man with gold and he will turn to anything you wish.

THE OREGON TERRITORY.

One of the principal subjects occupied the attention of the Senate at the last session of our national Legislature, was the proposed occupation of the Oregon Territory. A bill was introduced by Mr. LINN, of Missouri, requiring the President of the United States, to cause to be erected Military Posts from some point on the Missouri and Arkansas Rivers, into the best pass for entering the Oregon, and also at the mouth of the Columbia River, and directed that grants should be made of six hundred and forty acres of land to every white male inhabitant of the Territory, of the age of eighteen and upwards, who shall use the same for five years, and that one hundred and sixty acres be granted to his wife, and one hundred and sixty to each child under eighteen or which may be born within the five years aforesaid. The bill further provided that two additional agents be appointed by the President to superintend the interests of the United States with every Indian tribe west of the agency now established. It still further provided that the jurisdiction of the Courts of Iowa Territory, should be extended over that part of the Indian territory lying west of the limits of said territory—South of the forty-ninth degree of north latitude, east of the Rocky Mountains and north of the boundary line between the United States and Texas, and over the Indian territories comprising the Rocky Mountains, and the country between them and the Ocean, south of fifty-four degrees and forty minutes of north latitude, and north of the fifty-second degree; and that justices of the peace should be appointed for said territory with the same power as now provided in relation to the territory of Iowa.

This bill contained a provision that any subject of Great Britain, who might be arrested under this law, in the said territory, should be delivered up to be tried by the laws of England under certain stipulations between the two Governments.

This bill was advocated by Mr. Linn and others, and opposed by Mr. Calhoun, of S. C., Choate, of Mass., and others. The debate elicited some very interesting and important facts in relation to the history of the country in question, but up to the present writing, we have not seen any account of any final action of the Senate on the subject.

"Masonic Mirror."—This is the title of a periodical devoted to Masonry, Literature, and the diffusion of Useful Knowledge,—published at Columbia, Ten.—Charles A. Fuller, editor and proprietor. It is a semi-monthly—very neatly printed, sixteen large pages, with cover; price \$2 00 a year, in advance.

It is said that upwards of one thousand persons are preparing to emigrate to Oregon Territory. They will rendezvous at Fort Leavenworth, Mo., about the 1st of May next.

We are authorized to announce T. L. CLINGMAN, Esq., as a candidate to represent this District in the next Congress.

Henderson County Temperance Society.—On last Saturday, we had the pleasure of attending a meeting of this Society, and of hearing a sensible and well-timed address from Rev. Mr. TAYLOR. Through much opposition, the temperance cause seems to be prospering in Henderson county as in almost every other place. A mild, vigorous action on the part of its friends, cannot fail to ensure its success.

A Pen.—What a luxury in time of need a good pen is! Here are we, having jumped out of our warm bed at 2 o'clock this morning, to get our editorial ready by day-break, (for you must know, gentle reader, that the times are too hard to allow us to burn much day light in writing editorials,) and have lost almost a full half hour, in trying to get a good pen, and all because of these abominable, patented, warranted, superior steel pens and clarified quills. If we had tried a plain quill, dropped from the wing of some squalling, quacking grey goose, or hissing old gander, we would have had no trouble. A pen made of one of these, after trying one of steel, is like putting on a soft pair of pumps, after thumping about in a pair of stiff, heavy boots with a pair of over-shoes. Depend upon it there is nothing like the pinions of one goose with which to spread the opinions of another.

An editor "out west," says, that a man who would cheat the printer, would steal a meeting house and would rob a grave yard, and that if he has a soul ten thousand such would have more room in a musquito's eye, than a bull-frog has in the Pacific Ocean!

In Virginia, among the numerous applicants for the benefit of the Bankrupt Law, we notice one by the name of *Ready Cash*. Truly the times must be hard when ready cash has become bankrupt.

In the same list with Mr. Cash, is the name of *Adam Fix*, who we suppose wishes to get *Fixed* so as to leave his creditors in rather a *bad Fix*.

[From the October Knickerbocker.]

Life's Memories.

I remember, I remember
When my life was in its prime,
Yet untouched and uncorrupted
By the blighting hand of Time;
When the flow'rs and the sunshine
Were companions of each scene,
And Hope was in its vigor then,
And Pleasure in its green.

I remember, I remember,
When the storm of sorrow came,
And extinguished, and forever,
All the glory of life's flame;
When one by one the blossoms
Of Affection dropped away,
And Despair came with the darkness,
And Affliction with the day.

I remember, I remember!
But 'tis vain to mourn
For the bright hours and the loved ones,
That will never more return!
Let the Present have its torture,
And the Past its store of ill;
To the Future, to the future,
We will look with gladness still!

[From the Boston Miscellany.]

Rural Bliss.

BY WILLIAM CUTLER.
Wild Woods! wild woods! I love ye well—
Your calm retreats, your cooling shades,
These voices of sweet song that swell
From every bough, through all your glades;
This still dark stream, that far below,
Unconscious of its power, is straying,
Seeming to linger in its flow,
Among the reeds and lilies playing.

I love the varying shades and hues
That make this canopy so sweet,
Where tall dark pines and sombre yews,
With birch and oak and maple meet.

I love this cool, meandering walk
Along the bank, so still and shady,
The very place for private talk
With one's own self—or with a lady.

I love that rude and dark ravine,
And brooks that madly through them sweep,
And on these moss-beds, soft and green,
I love to lay me down to sleep;
I love this fresh delicious gale
That comes o'er yonder hills to greet us,
All, all, wild woods! I love ye well,
All—but these villainous mosquitoes.

Ballston, Spa., August, 18—.

PRIDE OF WENDELL.—An anecdote is told of Mr. Rogers, of Wendell, in Hamamthshire, which exhibits the pride of ancestry in a striking point of view.—His house was in such a state of dilapidation that the proprietor was in danger of perishing under the ruins of the ancient mansion, which he renovated even in decay. A stranger, whom he accidentally met at the foot of the Skyridd, made various inquiries respecting the country, the prospects, and the neighboring towns, and among others, "Whose is this antique mansion before us?" "That, sir, is Wendell, a very ancient house; for out of it came the Earls of Pembroke of the first line, and the Earls of Pembroke of the second line; the Lords Herbert of Chesham, the Herberts of Coldbrook, Ramsey, Cardiff and York; the Morgans of Acton; The Earl Hudson; the houses of Ircroon and Lasarth, and all the Powells. Out of this house also, by the female line, came the Duke of Beaufort." "And, pray, sir, who lives here now?" "I do, sir." "Then pardon me and accept a piece of advice; come out of it yourself, or you'll soon be buried in the ruins of it."—*Welsh Paper.*

LIFE OF HENRY CLAY.

[Continued from last week's paper.]

In 1814 Mr. Clay was appointed, by Mr. Madison, one of the commissioners to negotiate a treaty with England. His colleagues were John Quincy Adams, James A. Bayard, Albert Gallatin, and Jonathan Russell. They met the British commissioners, Lord Gambier, Henry Goulburn, and William Adams, at Ghent, where the treaty which bears that name was concluded. On completing this important negotiation, and in so happy a manner, he proceeded to London, where, in conjunction with two of his colleagues, Messrs. Adams and Gallatin, he entered on another of great importance, which resulted in a commercial convention, since made the basis of our commercial arrangements with many foreign powers.

On his return to the United States, he was received with distinguished marks of respect wherever he went; but in no part of the country with more affectionate regard than in his own Kentucky, whose people were not less proud of their adopted son, than they were devotedly attached to him. He was re-elected to the House of Representatives, and again, almost unanimously, appointed Speaker, continuing to be re-elected and to fill the Speaker's chair until March, 1825, when he accepted the office of Secretary of State, tendered him by Mr. Adams.

During this period of his public service, questions of great moment came before Congress, and agitated the nation. The war had left the country burdened with a heavy debt; the currency was deranged, and in a sad condition. The bills of non-specie-paying banks, and the small bills issued by irresponsible corporations and individuals, constituted the whole circulating medium south and west of New England. The manufactures which had sprung up during the war, were now to be protected or suffered to fall under European competition, capital, and skill. The payment of the public debt was to be provided for; the currency restored; confidence in the national faith re-established; and, in short, order was to be brought out of chaos, and prosperity out of the utmost depression.—The two great and leading measures to bring about this were the establishment of a National Bank, and the passage of such a Tariff bill as should answer the two-fold purpose of raising revenue and giving protection to our infant, but rapidly growing manufactures. Both these measures were sustained with all the energy and resources of his genius; and both were accomplished. He had opposed the re-charter of the United States Bank in 1811; his prejudices had been enlisted against it, the party to which he belonged opposed it as a party measure, and he deemed it unnecessary. But time and experience had convinced him of the necessity of such an institution, and his magnanimity would not permit him to adhere to an error of judgment merely through pride of opinion or apparent consistency, as if he were not consistent who frankly acknowledges his error, and does all in his power to retrieve it.

Among the most honorable and praiseworthy acts of Mr. Clay's life, and which exhibits him in the high and enviable character of the friend of liberty and the rights of man, is the part he took in urging the government of the United States to recognize the independence of the Republics of South America, which had thrown off the yoke of Spain, and maintained their independence with such gallant bravery. His various speeches in behalf of these Republics, and in support of the policy he proposed, were among the most eloquent and spirit-stirring he ever delivered: every sentence was replete with the burning sentiments of patriotism, and the generous enthusiasm which the struggles of an oppressed people, determined to shake off the yoke of tyranny, and resolved to be free, cannot fail to inspire every lover of civil liberty. So inspiring was the eloquence of Mr. Clay, in advocating the recognition of South American independence, that his speeches were translated into Spanish, read at the head of the patriot armies, and drew, some years after, a letter from Bolivar, expressing his admiration for his brilliant talents and ardent love of liberty. "All America, Columbia, and myself," said Bolivar, "owe your excellency our purest gratitude for the incomparable services you have rendered to us, by sustaining our course with a sublime enthusiasm."

In 1818 came up the question of internal improvement by national means, which was supported by Mr. Clay with his accustomed energy and ability. To his unwearied efforts and unceasing eloquence, the continuation of the Cumberland, or national road over the Alleghany mountains, through Ohio, &c., was mainly owing, and his labors in favour of this valuable improvement are commemorated by a stone monument erected on the road, surmounted by the genius of liberty, and inscribed with the name of "HENRY CLAY." He was in favour of a general system of internal improvements by means of roads and canals; but the south-arrayed itself against the principle, and the states having undertaken these works, each within its own limits, it was finally abandoned, or at least not pressed.

During the winter of 1818-19, was agitated in Congress the celebrated Missouri question, and was, for many weeks, debated with great heat and acrimony of feeling on both sides: at one time it seemed to threaten the most disastrous consequences. On

this occasion Mr. Clay stepped in, when all hope of compromise seemed to be gone, and, by his judicious mediation, inducing the two parties to adopt a middle course, averted the terrible catastrophe which all had reason to fear would follow, and brought the matter to a peaceful termination. It was on this occasion that he won the proud title of "the great pacificator."

The country suffered very greatly by a stagnation in all the various departments of business during several years about this period. The Tariff of 1816 not giving adequate protection to our infant manufactures to enable them to maintain themselves against the competition of Europe, a new Tariff bill was brought forward in the House in 1819-20, which was supported by all the strength of Mr. Clay's great powers, and upon which he delivered a speech replete with principles of the soundest political philosophy, and sentiments of the most ardent patriotism. A single sentence in this speech embodied the great maxim of his whole public course in reference to this great and vastly important subject. "Mr. Chairman," said he, "I frankly own I feel great solicitude for the success of this bill. [The Tariff bill then under consideration in committee of the whole.] THE ENTIRE INDEPENDENCE OF MY COUNTRY ON ALL FOREIGN STATES, AS IT RESPECTS A SUPPLY OF OUR ESSENTIAL WANTS, HAS EVER BEEN WITH ME AS A FAVOURITE OBJECT. The war of our Revolution effected our political emancipation. The last war contributed greatly towards accomplishing our commercial freedom. But our complete independence will only be consummated after the policy of this bill shall be recognized and adopted." The bill passed the House of Representatives, but failed in the Senate.

The depressed state of the various branches of business, agricultural, commercial, and manufacturing, continued unrelieved till 1824, when the Tariff question was again agitated in Congress, and a remedy for the evils the country was suffering under, was sought in the enactment of a new Tariff law. The debate upon this measure was conducted with extraordinary ability on both sides. The friends of the bill, and of the protective system, were led by Mr. Clay, who on this occasion seemed to throw his whole energies into the contest, and to become more than ever eloquent in favour of his favourite system of national policy. In rising to deliver his masterly speech on this occasion, he appeared deeply sensible of the immense responsibility that rested upon him; and impressed with this feeling, he solemnly invoked the aid of the MOST HIGH, and fervently implored His divine assistance; that He would be graciously pleased to shower on the country His richest blessings; and that He would sustain, on this interesting occasion, the individual who stood before Him, and lend him the power, moral and physical, to perform the solemn duties which belonged to his public station.

Mr. Clay's efforts, and those who acted with him, were now crowned with success, and prosperity soon began to shed her invigorating beams upon the land, and to warm the industry of the country once more into life and activity. From the passage of this bill to the removal of the deposits, in 1833, no country ever witnessed more palmy days, in all that concerned business and advancement in wealth.

It was at this period that Greece, having thrown off the shackles of Turkish slavery, was maintaining a noble, but apparently a hopeless, struggle for freedom and independence. No one then old enough to take an interest in the affairs of the world, can forget with what warm-hearted sympathy the Americans viewed this contest, nor what ardent prayers went up to the God of battles to nerve the arm of the Christian against the Moslem host, and to crown the efforts of Greece, ancient, classic, Christian Greece, with victory. No one can forget with what generous zeal even our fair country-women undertook the benevolent and philanthropic labour of collecting food and clothing for the starving and naked Greeks, driven from their smouldering homes by their ruthless enemies, and compelled to flee to the mountains and live in caves, and upon roots and berries. The tale of the barbarities committed upon the women and children harrowed every bosom, and drew tears from every eye; while the heroic deeds of a Marco Bozzaris, and his companions in arms, fired the American soul with unbounded admiration.

It was during the session of 1823-4, that Mr. Webster brought forward a proposition to make provision to defray the expense of deputation a commissioner or agent to Greece, whenever the President should deem it proper. In support of his proposition Mr. Webster delivered a masterly speech; but the proposition was opposed by those who thought such an act on our part might be construed by the Grand Sultan as evincing an unfriendly feeling towards the Sublime Porte, and involve us in trouble. Some were understood to oppose the resolution on account of the source whence it originated, Mr. Webster having been a federalist. Mr. Clay, ever above any such ungenerous feeling and unworthy motive, rebuked them in a dignified and eloquent manner. "I have long had the pleasure," he said, "of knowing the honourable gentleman from Massachusetts, and sometimes that of acting with him; and I have much satisfaction in expressing my high admiration of his great talents. But I would appeal to my republican friends, those faithful sentinels of civil liberty with whom I have ever acted, shall we reject a proposition, consonant to our

principles, favouring the good and great cause, on account of the political character of its mover? Shall we not rather look to the intrinsic merits of the measure, and seek every fit occasion to strengthen and perpetuate liberal principles and noble sentiments? If it were possible for republicans to cease to be the champions of human freedom, and if federalists became its only supporters, I WOULD CEASE TO BE A REPUBLICAN; I WOULD BECOME A FEDERALIST. The preservation of the public confidence can only be secured, or merited, by a faithful adherence to the principles by which it has been acquired." At the close of his speech, the expectation of which had filled the galleries to overflowing, especially with ladies, he broke forth into the following burst of generous feeling and manly eloquence:—

"But, sir, it is not for Greece alone that I desire to see this measure adopted. It will give her but little support, and that purely of a moral kind. It is principally for America, for the credit and character of our common country, for our own unsullied name, that I hope to see this passed.—What appearance, Mr. Chairman, on the page of history would a record like this exhibit? In the month of January, in the year of our Lord and Saviour 1824, while all European Christendom beheld, with cold and unfeeling indifference, the unexampled wrongs and inexpressible misery of Christian Greece, a proposition was made in the Congress of the United States, almost the sole, the last, the greatest depository of human hope and human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising, and solemnly and anxiously supplicating and invoking high Heaven to spare and succour Greece, and to invigorate her arms, in her glorious cause; while temples and senate-houses were alike resounding with one burst of generous and holy sympathy;—In this year of our Lord and Saviour,—that Saviour of Greece and of us,—a proposition was offered in the American Congress to send a messenger to Greece, to inquire into her state and condition, with a kind expression of our good wishes and our sympathies—and it was rejected! Go home, if you can; go home, if you dare, to your constituents, and tell them that you voted it down; meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrink from the declaration of your own sentiments—that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, drove you from your purpose—that the spectres of scimitars, and crowns, and crescents gleamed before you, and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity. I cannot bring myself to believe that such will be the feeling of a majority of this committee. But, for myself, though every friend of the cause should desert it, and I be left to stand alone with the gentleman from Massachusetts, I will give to this resolution the post sanction of my unqualified approbation."

Here spoke the high-souled patriot, the apostle of Liberty, the friend of man; and his cheering voice rang along the shores of Salamis, through the pass of Thermopylae, over the plains of Marathon, and reverberated from the walls of the ruined Parthenon; inspired a million of bosoms with hope, and nerved a million arms with fresh energy. The names of CLAY and WEBSTER were pronounced with grateful accents by the lips of weeping beauty, and by the tongues of the brave as their hands struck for freedom. And they are still held in lively recollection by the freed inhabitants of that cradle of liberty, literature, science, and the arts.

We come now to an epoch, perhaps the most important, thus far, in Mr. Clay's public life. It will be remembered that five candidates were in the field for the office of President, to succeed Mr. Monroe, whose term of service expired on the 3d day of March, 1825; namely, Mr. Adams, Mr. Crawford, Gen. Jackson, Mr. Clay, and Mr. Calhoun: though the latter was withdrawn from the canvass for the Presidency, and was run by his friends as a candidate for Vice President.

The old federal party having already disbanded and dispersed, party organization no longer existed, and as all the candidates were prominent Republicans, and had been leaders of that party in its most trying days, they had to depend solely upon personal popularity, and the estimation in which the people held their public services, their experience, judgment, and capacity to discharge the duties of the station to which they aspired. The canvass was carried on generally without bitterness or animosity, except, perhaps, between the friends of Mr. Crawford and Mr. Calhoun, between whom a personal rivalry and hostility had long existed, though they were both, as well as Mr. Adams, members of Mr. Monroe's cabinet. Some hostility was also apparent between the friends of Mr. Crawford and Gen. Jackson; the former not looking upon the General as a sound Republican, and pronouncing his election, in advance, as "a curse to the country." According to the constitution, if one person does not receive a majority of the whole electoral votes, and two or more are voted for, the House of Representatives is required to elect a President from one of the three persons having the highest number of

electoral votes. It was very probable that no one of the candidates would receive a majority of the electoral votes, and that the election would be carried to the House of Representatives, of which Mr. Clay was a member; in which case, if not one of the three highest returned, the duty would devolve on him to give his vote to one or other of his rivals. This anticipated contingency occurred. Occupying a high position, and being known to possess great influence with his friends, especially the Kentucky and Ohio delegations, he was treated with distinguished consideration by the friends of the various candidates, and seemed in his own language, addressed to a friend at the time, to be "enjoying, while alive, the posthumous honours usually awarded to the deceased dead." But this was only the fattening of the ox for the slaughter. Mr. Clay preserved a strict reserve as to the vote he should give, which of itself was the cause of newspaper conjectures and criticism.

The election came on, and a most solemn and imposing scene, gentlemen present and partaking in it, describe it to have been. Mr. Clay and the Kentucky and Ohio delegation voted for Mr. Adams, who was unexpectedly elected on the first ballot. Slander began at once to be busy with his name; those who a short time before courted, now vituperated him; at first only in whispers, but at length openly. A member of Congress from Pennsylvania made the mouth-piece of Mr. Clay's vilifiers, who had not the courage to assume the responsibility of the vile imputations they induced their tool to utter, against his wishes and better feelings.

The charge of "bargain and corruption" was uttered from an irresponsible quarter; the cry was taken up by the press; in the interest of the candidates who had been defeated, and the changes were rung upon it with every possible variation, exaggeration, and expression of holy horror. It was in vain to deny the charge; it had been made by no responsible person, and no one could therefore be called upon to substantiate it. The country rang with this cry of "mad dog," until a considerable portion of the American people fully, and doubtless honestly, believed it.

Conscious of his own innocence, firm in the rectitude of his own course, and sustained by a clear and approving conscience, Mr. Clay bore the opprobrium attempted to be cast upon him, with becoming fortitude and dignity, confident that the time would come when truth must again make her voice heard, and relying on the people, in whose intelligence and honest intentions he had always great confidence, to do him justice, whenever the excitement of the times had died away, the mists of prejudice been dispelled, and they should become convinced that they had brought in a verdict of guilty against one as innocent as themselves.

Time has cleared away much of the mist that then blinded the eyes of a portion of the people, and assuaged the prejudices then excited: they can now look back calmly to the subject, and weigh the evidence in the well-balanced and impartial scale of Justice; and I beg of them to do so, and then to reconsider, and either reverse or confirm their verdict, as their deliberate judgment shall dictate.

The first tangible shape in which this charge of "bargain and corruption" appeared, was in a letter published in Fayetteville, N. C., and dated Nashville, 9th March, 1827. It was subsequently ascertained that this was written by Mr. CARTER BEVERLY. In that letter he said,

"He (Gen. Jackson) told me this morning, before all his company, in reply to a question I put to him concerning the election of J. Q. Adams for the presidency, that Mr. Clay's friends made a proposition to his friends, that, if they would promise for him, not to put Mr. Adams in the seat of Secretary of State, Clay and his friends would, in an hour, make him, Jackson, president. He most indignantly rejected the proposition, and declared he would not compromise himself; and unless most openly and fairly made the President by Congress, he would see the whole earth sink under him, before he would bargain or intrigue for it."

Mr. Carter Beverly not being known, many were disposed to doubt whether Gen. Jackson had ever made such an assertion as the above extract contains, and "before all his company." This induced Mr. Beverly to address a note to Gen. Jackson, who replied.—His letter was dated Hermitage, June 5, 1827, and stated that he had been "informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying, if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be Secretary of State. That the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that if I was elected president, Mr. Adams would be continued Secretary of State, (namely, there would be no room for Kentucky.) That the friends of Mr. Clay stated, the west did not wish to separate from the west; and if I would say, or permit any of my confidential friends to say, that in case I was elected president, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends, they would put an end to the presidential contest in an hour. And that he [the member of Congress who called on Gen. Jackson] was of opinion it was right to fight such intrigues with their own weapons."

Here, then, for the first time, was an assertion of the fact that there was an at-