

Imperfect Copy

CONGRESSIONAL

February 15, 1845.

POETRY.

Things that are done in haste...

When the calm was over...

subject, and urged a more industrious prosecution of the debate.

Laws of North Carolina.

AN ACT

Concerning a Penitentiary.

Whereas it is deemed proper and expedient to have a decisive expression of public opinion concerning the establishment of a Penitentiary in this State;

and whereas such expression of public opinion should be based upon a knowledge that the fund for such purpose must be raised by a direct tax; therefore,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That at the next election for members of the General Assembly of this State, the Sheriff or proper officer, in every County in the State, shall prepare a box for the reception of votes on the subject of a Penitentiary, under the same rules and regulations governing other elections; and every person entitled to vote for a member in the House of Commons shall be at liberty to vote for or against a Penitentiary.

Those voting for it shall deposit a ticket with the word "Penitentiary" thereon; and those voting against it, with the words "no Penitentiary" thereon; and the said Sheriff, or proper returning officer, shall make out two statements of the votes taken in this County for and against a Penitentiary; one of which he shall deposit in the office of the Clerk of the County Court, and the other he shall, on or before the first day of October following, deliver to the Secretary of State, sealed up and endorsed thereon, "a statement of the votes taken in the County of _____ at the election held on the _____ day of _____ for and against a Penitentiary;" which returns the said Secretary of State shall lay before the ensuing General Assembly.

Sec. II. Be it further enacted, That the Clerk of the County Court, in every County, shall put up, in some conspicuous place in the Court House, a fair copy of this act.

Sec. III. Be it further enacted, That if any Sheriff or other returning officer shall neglect to make the returns aforesaid, he shall forfeit and pay the sum of fifty dollars, to be recovered in the name and to the use of the State, on motion in the Superior Court of Law of the County of _____, ten days previous notice, in writing, of such intended motion, being given to such officer by the Secretary of State, which motion it shall be the duty of the Attorney General to make; and proceedings thereon shall be summary; and if any matter of fact shall be in issue, the same shall be tried at the first term; and on such trial, the certificate of the Secretary of State, of the particular default on which said motion shall be received as competent prima facie evidence to prove the same.

Sec. IV. Be it further enacted, &c. That the Governor of this State shall open a correspondence with the Executives of the several States, in which Penitentiaries are now established, and obtain such statistical information in relation to the expenditures and profits of such institutions, since the year 1839, as may in his view be necessary for the information of the people, and cause the same to be published in the newspapers of the State previous to the election.

Also obtain the different plans upon which Penitentiaries of other States have been constructed, the comparative cost of the cells under different plans, and submit the same to the next General Assembly.

Enacted this 8th day of January, 1845.

AN ACT

To amend an act, entitled "an act to keep open the French Broad river, in the County of Buncombe, and the Tennessee river, in the County of Haywood, for the passage of fish," passed in the year 1835, chapter _____.

That if any person or persons shall fell timber in the French Broad river, from the three forks thereof to the Henderson County line, where said line crosses the French Broad river, they shall incur the same penalty prescribed in the first section of the before recited act; provided, that nothing herein contained shall be construed to affect owners of land who shall fell timber in said river in clearing and improving their lands, provided he, she or they shall remove the same within ten days.

Enacted this 24th day of December, 1844.

Supreme Court.

Opinions in the following cases have been delivered since our last notice:

By RUFFIN, C. J. In the case of Simpson v. Boswell, from Caldwell; judgment reversed and judgment of nonsuit. Also, in Smith v. McLeod, in equity, from Wake; affirming the decree appealed from. Also, in Boie v. Kelly, from Moore; affirming the judgment below. Also, in State v. Patterson, from Surry; affirming the judgment below. Also, in State v. Lytle, from Davidson; declaring that there is no error in the judgment. Also, in State v. Woodfin, from Yancey; declaring the writ was properly refused.

By DANIEL, J. In the case of Doe v. Smith v. Lowe, from Guilford; affirming the judgment below. Also, in State v. Armfield, et al. from Davis; affirming the judgment below. Also, in Womble v. Check, in equity, from Moore.

By NASH, J. In Freeman v. Lewis, from Franklin; directing a venire de novo. Also, in McMurray v. McMurray, in equity, from Caswell; directing the bill to be dismissed. Also, in Crump v. Setzer, in equity, from Caldwell; directing the bill to be dismissed.

In the course of his remarks on the Texas Resolutions, Mr. Barrow said of Gen. Jackson: "I do not consider that name as entitled to any particular respect from me. The influence of that man has been invoked too often for the good of this country; and if it shall be successfully invoked on this occasion, the evils which have resulted from his civil administration will dwindle into comparatively nothing, compared to the evil that will result from the influences of his name on this subject. I consider his influence as poisonous as the upas tree—striking its roots deep into the earth, spreading its pestiferous branches far and wide, and destroying, by its baneful effects, every thing that falls within its shade. It has already poisoned every vein and artery of the body politic."

A disease called the "Cold Plague" is raging in the vicinity of Alton, Illinois.

HIGHLAND MESSENGER.

Friday, March 7, 1845.

We have received another interesting letter from Dr. Mitchell, which we will lay before our readers next week.

The Hon. Mr. Barringer has our thanks for a copy of the speech of Mr. Bayard, of New York, on the Texas question.

There will be a meeting of the Buncombe County Agricultural Society at the Court House, on Tuesday evening of April Court. A full attendance of the members is desired.

Hard Times.

We hear the complaint of "hard times" made so often of late, in addition to feeling oneself the pressure in money matters, that we have been led seriously to reflect on the subject, and have come to the conclusion that we can give some advice that might be of service to those who complain so much.

In the first place, then, be sure not to buy quite as much as you sell, adopt that as a maxim never to be departed from in any event. If you are only able to sell 25 cents worth, only buy 18-3-4 cts. worth, and you are then certain of 6 1-4 cents to lay up, and as this course rigidly followed will certainly cut down the amount of your purchases very considerably, we advise in the next place that you pay down for what you do buy, as you will be certain to get it at least one fourth cheaper by so doing, than if you buy on credit to give your note at January, be sued at April, and then stay it until September, and at October have your property sold at half price, or less, to pay it. You may rest assured your creditor takes the probability of all this into account when you are purchasing of him, and charges you accordingly; besides every man who does much business in the credit line knows that he will inevitably make some bad debts, and to cover his losses in that way he must add on a little greater per cent, so that when you buy on credit you have frequently to help pay for articles some other man got—besides, there is a very clever, respectable portion of our fellow-citizens, ye old Constables, to whose support you mainly contribute by dealing on credit.

Having taken upon yourself the responsible task of advising you, we would by no means omit the wholesome and salutary advice of Industry, without which no people can be prosperous or happy. While we would urge industry as indispensable to success in any and every pursuit, we would not omit that industry and exertion, to secure the most complete success, must be properly directed.

There is not that diversity of occupation in this section of the country that there should be. Too many follow the same calling, or in other words, too many engage in the same branch of the same profession. Take Agriculture, for example—in this country corn is made the staple; almost every farmer raises all the corn he can, to the exclusion of almost every thing else, as well as to the impoverishment of the soil.

It is raised in beyond the demand, and has to be sold at a sacrifice and the money obtained for it paid out for Tennessee flour, Kentucky pork, and Virginia tobacco, all of which might be raised here sufficient not only to meet the demand, but to leave a surplus for a Southern market. This we think is unwise policy, when we reflect on the amount of money taken out of the country by that means, that would otherwise remain in circulation here. We get only pay out money for these articles in considerable amounts, but a great deal of money is also paid away every year for horses and mules from abroad, which could be supplied at home if the right sort of enterprise existed among us.

There is yet another matter connected with this train of reasoning, that has contributed greatly to produce the cry of "hard times"—that is, our great want of Manufactories. Blessed with a "water power equal to any in the world, and possessing almost interminable forests of Timber, properly directed enterprise might make the Western counties of North Carolina the greatest manufacturing district in the Southern country. Our mountains abound with iron ore and other minerals, that might be manufactured into various articles for which we now send abroad, the purchase of which helps to drain the country of money; besides the cotton and woolen goods, with a great variety of other articles that we will not take time now to enumerate, might be manufactured as cheap here as in any part of the United States, and when manufactured we have them among us, and the labor employed would be withdrawn from agriculture, and consequently suppress the ruinous competition that now exists in the sale of the products of the earth, and at the same time furnish a market at the door of every farmer for all his surplus produce, giving him in exchange either the money or such manufactured articles as he is now compelled to pay the money for, and purchase them, too, after half a dozen have made a profit on them.

We think these things are worthy of consideration. Times are hard, we admit; yet

they are hard, we feel and know, but what are we to do, sit down and repine, will that mend the matter? No. Let us rather redouble our exertions, and if we only receive half the price for our labor that we once did, let us work more and spend less. If we do this, and diversify our labor a little more, we shall survive the "hard times," and if we do not restore to ourselves and the country that high state of prosperity we could desire, we can and will live free from want, free from debt and care, and free from the fear of them.

We gave notice last week that the Magnetic Telegraph would be suspended its operations, in consequence of the exhaustion of the fund appropriated Congress for carrying it on. The House Representatives since, has made an appropriation for carrying it on another year.

The Raleigh Register speaking of the case of Mr. Tyler's official life: "he will go out like the snuff of a low candle, that leaves nothing behind, an insufferable stretch."

JUDGE McLEAN.—The Washington correspondent of the U. S. Gazette says, that a circumstance worthy of a occurred in the Senate, on Saturday last, Mr. McDuffie was speaking upon the postage, and of the immense patronage that had belonged to the Post Office Department, as he took occasion to pass a very high eulogium upon Judge McLean—whose ability, a public officer, he declared to be unsurpassed—and whom he pronounced one of the best men that had ever filled a public station. Judge McLean happened then, by mere chance, to be sitting upon one of the sofas in lobby, unseen by Mr. McDuffie. Hearing himself thus eulogized, his face crimsoned, he looked extremely embarrassed, looking, however, probably, that this strain could cease with a few complimentary expressions, he remained in his seat; but Mr. McDuffie, continuing it, even in warmer language, the Judge was fairly put to flight, and made a rapid retreat out at a private door, under a hot fire of deserved praise.

Good.—A correspondent of the New York Mirror, writing from Cumberland, under date of Feb. 13, speaking of a reception of Mr. Polk at that place, says, "A ludicrous incident occurred during the evening, which I must venture to narrate. A fat and rough Irish matron insisted on shaking the President's hand, and, unknown to the proprietors of the house, made her way to the drawing room—before any one was aware of her fondness, and certainly to the great horror of Mr. Polk, she actually kissed him! She was, however, soon hurried from the audience, under cover of a good humored laugh from all present."

Last Tuesday was the day for the Inauguration of James K. Polk as President of the United States. Something will be known in a few days as to who will compose Mr. Polk's Cabinet. Although a thousand rumors, in reference to this matter, have been about for a few weeks past, nothing definite is yet ascertained.

Our Village.

That our friends at a distance may know and understand our whereabouts, we give the following statistics of the town of Asheville:

- 7 Dry Goods Stores.
2 Groceries and Confectionaries.
3 Hotels.

MECHANICS.

- 1 Wagon and Carriage maker's shop.
4 Blacksmith shops.
1 Cabinet maker's shop.
2 Tinners shops.
2 Tailor shops.
3 Tan Yards.
2 Boot and Shoe shops.

PROFESSIONAL MEN.

- 1 Saddle and Harness maker's shop.
1 Plasterer.
1 Sign and House Painter.
1 Printing Office.
4 Physicians.
5 Lawyers.

PUBLIC BUILDINGS.

- 2 Churches.
1 Female Academy, with a Boarding House.
A Court House, with the offices of the Clerk of the County and Superior Court in the Basement Story, with a Jail, Stocks, and Whipping Post.

In addition to the foregoing, we are pleased to be able to say that our village is looking up, several new buildings are to be put up the approaching spring and summer. Among them we name a Male Academy, which we hope will give us a permanent male school, of a character that will not only secure to the youth of the village and the surrounding country the advantages of a liberal education, but will also attract students from a distance.

One thing that has tended to retard the growth of the village has been a want of mechanics, which we hope will soon be remedied. Although property brings a high price here, there are a good many lots for sale, which we would rejoice to see purchased and improved by good, industrious mechanics, and no village within the range of our acquaintance presents more inducements to such to settle, than does Asheville. Almost any sort of mechanic, who is industrious and attentive to business, would do well here, and as far from injuring those now here, would be an advantage to them, by keeping out of the place many articles manufactured abroad that might and should be made at home.

MAYOR OF NEW YORK.—The American Republican party in New York, have nominated the Hon. James Harper, as their candidate for re-election to the office of Mayor of that city.

The rumor that Great Britain has instructed her minister here to ask explanations for Mr. Calhoun's famous despatch to Mr. King at the French Court, is contradicted.

would no doubt be the result. Great confidence is felt by the present Government, which in my opinion proves to be a good one, and the first republican one this

Respecting Texas. It is useless ever to expound say that it is Government to its own consent in the United States. If it should be so, it will make a great deal of noise here, but it will make than talk will result from nothing further.

I send you a few papers, which I refer you for Santa Anna's position in Congress, paying for citizenship—a magnificent, humiliating document, and just as one as might be expected from such a worthy dog.

From the New York Herald. Late from France. Opinions of the French on Calhoun's Letter.

We have received by the Zurich, Calhoun Johnson, which arrived yesterday, accounts from France, five days later than our last counts by the steamer. Our dates are here to the 6th, and Paris to the 5th.

Cotton maintains its price firmly in the Havre market. The French papers are full of comments on the President's Message, and particularly on Calhoun's despatch to Mr. King, relative to England. The French press generally takes sides with the United States against England.

The following from the Journal de Havre, will serve to show the state of feeling in France in regard to the Texas question:

FRANCE, THE UNITED STATES AND TEXAS. Whatever be the result as far as concerns the U. States, the annexation of Texas to the American Union may be regarded as a settled matter. The consent of Texas is no longer certain; and if no foreign influence interferes to the contrary, hopes are entertained of securing the assent of Mexico. Here, however, begins the doubtful. In case of refusal, if the United States had nothing but the resistance of Mexico to combat, the struggle would be clearly too unequal to be for a moment doubtful. The Mexican government itself, in spite of its boasts, would not attempt it. It found itself abandoned to its own strength, its attitude, then, will entirely depend upon the support it may find from other sources.

It is here the question becomes European. For there is but one of the powers of Europe placed in a position to sustain Mexico in a war with the United States, and of these powers only one has any interest in the question. England is that power.

England, without doubt, sees with the greatest aversion the progressive aggrandizement of the American Union—and the policy which would give her Texas and its ports, and permanently establish her on the Gulf of Mexico is surely not made to please her. It is to be supposed, then, that England has made every effort, compatible with her political exigencies, to prevent the success of this treaty. Hitherto those efforts have not been open; their avowal would be equivalent to a declaration of war with the United States, and the sacrifices made by England to avoid that contingency are notorious. But she is no doubt that she has brought into play her resources of her policy to secure Britain, without provoking the danger she dreads.

Among the means to which she has resorted is an intervention of the European press, and the advantage accruing to her, she has succeeded in this project, it is admitted. She has but induce one or two of these press to enter into her views it would become common cause, and England would be her particular design, without incurring the consequences of a collision with the United States.

This project of an European intervention in the Texas question has really, and has formed the subject of an overture to France, on the part of England, it is now beyond doubt. It is not yet far, that some time ago the report was first France had intimated to the United States proposition to annexation. We did not refuse a word of it; and although the understanding had accustomed us to such things, such a step passed the bounds of civility. Nevertheless, the rumor circulated in the English press assumed such a persistence, that it obtained credence in the U. States, and formed the subject of a despatch from Mr. Calhoun to the American minister at Paris, who returned, in reference to this subject, satisfactory explanations.

The correspondence has not published, but among the documents communicated to Congress was the President's Message, letter of which we have spoken and in Mr. Calhoun congratulates Mr. King on the result of his proceedings. [Here the letter alluded to.]

From the despatch it clearly results that the report of the admission of France to a hostile attitude that England wishes to assume towards the United States was not only lively assent among our allies; but if France, in effect, has never had the right of committing such a fault, we must conclude that it has been charitably struck to last from some quarter whose interest was to compromise France with the United States.

To compromise our political relations with this power on account of the Texas question, which we regard as insignificant to aim a blow at the old friendship that binds us to a country whose independence we part our own work; to sustain the equal and labor for the interests of England, that, indeed, would be rather much of a pity.

DEAF, DUMB, AND BLIND.—The County Court of Guilford, last week, a tax of 2 cents on each Poll, and 5 on every \$100 valuation of land, for the education of the Deaf and Dumb and Blind of the county. This tax is stated to raise \$300—an amount amply sufficient to defray the expenses of that afflicted class persons in Guilford. The subject was brought to the notice of the Court by the County Star, and the intelligent Senator in that county, James Lindsay, Esq.—No Register.

NEVER SAY DIE.—D. MERRICK, Esq. of New Hanover, being nominated as a Whig candidate for Congress in the 1st District, by a Convention held at Warrenton, Duplin county, on July last, Mr. Merrick is a young gentleman of fine talents, and the right sort of a man for every way, the stump against the present Administration of the District, he hopes he will see some signs before summer ends.—No Register.

VERA CRUX, Feb. 3, 1845. I have only time to drop you a few lines. Nothing new. Santa Anna in confinement in Perote, while his cause before the Congress constituted a "Grand Jury" at Mexico. He must think occasionally of his friends, the Texans. Government no doubt regrets that he did not escape, as it is justly of being generous with him, but at the same time fears public opinion, which is very stormy against the wretch. Should Santa Anna not be punished with all the rigor of the laws, another revolution against the actual Government