

OUR COUNTRY—AND

OUR COUNTRY'S FLAG.

BY C. N. B. EVANS.]

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From the New York Spirit of Times.
LETTER FROM MAJ. JONES.
PINEVILLE, April 5th, 1844.

To Mr Porter:

DEAR SIR—Ever since I red that piece in your paper whar you said you would walk a hundred miles jest to shake hands with me, I've been monstrous anxious to git 'quainted with you. But it's sich a terrible long way to New York, and cotton's down so low, I don't much think I'll ever have the pleasure of seein you in this world. But there's one consolation we literary men's got over common people, and that is, we can form 'quaintances and friendships by our writins without ever seein one another, and bein as some of us aint no great beauties, perhaps it's as good a way as enny. I'm told you'r a monstrous grate long gander-legged feller, and you may be 'bomination ugly for all I know; but this one thing I'm certain off—you must be a smart man, and a man of first rate taste, or you wouldn't like my ritins so much. I would o' rit you a letter before, but the fact is, sense last February, I haiait had much time for nothin. The baby's been cross as the mischief with the hives, and Mary, she's been ailin a good deal, and then you know this time of year we planters is all bissy fixin for the crop.

Nothing uncommon haiait tuck place down here lately, only tother day a catastrophe happened in our family that come monstrous nigh in puttin a end to the whole generation of us. I never was so near skeered out of my senses afore in all my born days, and I don't believe old Miss Stallions ever will git over it, if she was to live a thousand years. But I'll tell you all about it.

Last Monday mornin all of us got up well and hearty as could be, and I sot in our room with Mary, and played with the baby till breakfast time, little thinkin whar was gwine to happen so soon. The little feller was jumpin and crowin so I couldn't hardly hold him in my arms, and spreadin his little mouth and laughin just like he know'd every thing we sed to him. Bime-by aunt Frissy came to tell us breakfast was ready, and we all went into tother room to eat, 'cept sister Kesiah, whar sed she would stay and take care of little Henry Clay, till we was done. Mary's so careful she won't trust the baby with none of the niggers a single minit, and she's all ways dreadful uneasy when Kesiah's got it, she's so wild and so careless.

Well, we all got down to breakfast, and Kesiah, she scampered up stairs to her room with the baby, jumpin it up, and kissin it, and talkin to it as hard as she could.

"Now, sis, do be careful of my precious little darlin," ses Mary, loof as she could to her, when she was goin up stairs.

"Oh, eat your breakfast, child, and don't be so terrified 'bout the baby," ses old Miss Stallions—"you don't 'low yourself a minit's peace when it's out of your sight."

"That's a fact," ses sister Calline, "she won't let nobody do nothin for little Henry but herself. I know I wouldn't be so crazy 'bout no child of mine."

"Well, but you know sister Kiz is so careless, I'm always so fraid she'd let it swallow something, or git a fall, some way."

"Tut, tut," ses the old woman, "ther aint no sene in bein all the time scared to deth 'bout nothin. People's got enough to do in this world to bear their trouble when it comes, 'thout stoddyn it up. Take some of them good hot corn muffins," ses she, "they's mighty nice."

► We was all eaten along—the old woman was talkin 'bout her garden and the frost, and I was jest raisin my coffee cup to my mouth when I heard Kesiah's scream out—"Oh my Lord! the baby! the baby!" and whap it come rite down stairs into the floor. Thunder and lightnin couldn't knocked me off my seat quicker—down went the coffee, and over went the table with all the vittles—Mary screamed and Miss Stallions fainted rite away in her cheer—I was so blind I couldn't hardly see, but I never breathed a breath til I grabbed it up in my arms and ran round the house two or three times, 'fore I had the hart to look at the poor little thing to see if it was dead.

By this time the galls was holt of me hollering, "April Fool! April Fool!" as hard as they could, and when I come to look, I had nothin in my arms but a bundle of rags with little Henry Clay's clothes on.

I shuck all over like I had a ager, and felt a monstrous sight more like cussin than laughin. "April Fool, dingnation!"

ses I—"fun a fun, but I'm dad blamed if there's any fun in any sich doins;" and I was jest gwine to blow out a little, when I heard Mary scream for me to come to her mother.

When we got in the dinin room, ther the old woman was keeled over in her cheer, with her eyes sot in her head and a corn muffin stickin out of her mouth. Mary was takin on at a terrible rate, and all she could do was jest to clap her hands and holler—"Oh mother's dyin! mother's dyin! whar's the baby! Oh, my good mother! Oh, my darling baby!"

I tuck Mary in my lap and 'plained it all to her and tried to quiet the poor galls, and the galls got at the old woman; but it took all sorts of rubbin, and ever so much assafedity and campfire and hartshorn and burnt hen's feathers to bring her too, and then she wouldn't stay brung too more'n a minit 'fore she'd keel over agin, and I do 'believe if they hadn't brung little Henry Clay to her so she could see him and feel him and hear him squall, she never would got her senses agin.—She aint more'n half at herself yit. All the galls kia do they can't make her understand the April Fool business, and she won't let no body else but herself nurse the baby ever sene.

As soon as I had time to think a little, I was monstrous glad that it wasn't no worse, I couldnt stay mad with the galls. But I tell you whar, I was terrible rahy for a few minits. I don't believe in this April foolin.—Last year the galls devil'd me almost to deth with their nosease, sowin up the legs of my trousers, borein holes in the weger-gourd, so I wet my shirt bosom all over when I went to drink, and heatin the handle of the toogs, and cuttin the cowhide, bottoms of the cheers loose so I fell through 'em when I went to set down, and all sich devilment. I know the bible ses there's time for all things; but I think the least a body has to do with fool business at any time the better for 'em. I'm monstrous tired of sich doins myself, and if I didn't think the galls had got their fill of April foolin this time, I'd try to git a whynack next year, whar didn't have the first day of April in it. No more from your friend til deth, JOS. JONES.

P. S. I seed in your paper tother day whar some of the everlastin eternal John Smiths has been castin some insinewations on my wife's character. I red it to Mary, and she's been puttin 'bout it ever sene. She ses he's a good for nothin nasty mean wretch, to be pesterin himself 'bout whar don't concern him, and castin slurs on decent people, and if she only know'd who it was, she'd scald his 'bominable ugly eyes for him.—I told her it wasn't no use to try to do that, for the Mississippi wouldn't begin to drown all the mean scamps that go by that name. I wish you would jest tell your Petersburg correspondent that we're decent christian white people out here in Georgia, and he mustn't wonder if we is a little smarter than his people, who live way up thar in the fork whar they swallow more coal smoke in a year than would bust a balloon, and whar they're so black and dirty that it would take six months bleachin in a New Jersey paper-mill to make 'em pass for white folks. J. J.

From the Wilmington Chronicle, Sih inst.
IMPORTANT DECISION.

Before the Superior Court for the County of Northampton, in session last week, Judge Pearson presiding, the case of the Northampton and Roanoke Rail Road vs. Francis E. Rives, was tried. This case grew out of the fact that Mr. Rives had some portion of the superstructure of the Rail Road taken up in January last, he having purchased a part of the road at Sheriff's sale.

Superior Court of Law for Northampton County, Spring Term, 1844.
STATE VS. RIVES.

This case turns upon the question whether the Rail Road which has been obstructed is a public highway, for if it be a public highway it is indictable to obstruct it, as well when the obstruction is made by the Company or by one succeeding by purchase to the rights of the Company, as when it is made by a third person. That the Road is a public highway I consider settled by the case of the Ral. R. R. Company vs Davis. The right of the legislature to condemn private property for the purposes of the road, as the land over which it runs, the wood, stone, gravel, and earth, required for its construction and repair can only be derived from the fact that the road is for the public benefit, and is to be used as a public highway. To consider the road as mere private property, is to suppose the Legislature has taken the

property of certain citizens without their consent, and vested that property in certain other citizens for their individual benefit whereas to consider it as a public highway with certain incidental private interests, fully sustains the authority of the Legislature to make the condemnation. It is a principle of the common law which expands and adapts itself to new cases as they arise, that whenever the public has a right and that right is invaded, the offender is liable to indictment, and in the case of a railroad company, and like the one under consideration by the stock Company, although the Company has a private interest, that interest is incidental—is secondary, and must be enjoyed so as not to defeat the paramount object, and one which is essential to the creation and existence of the road—the public right. If therefore the Company should take up the whole or a part of the road, not with a view to repair or to replace it with better materials, but with a view to obstruct and hinder the public in the use of it, it would fall within the principle, and the individuals offending would be liable to indictment. This broad proposition is decisive of the question. To advert to the several counts. The third count is at common law for obstructing a public highway; upon this the court decides against the defendant. The second count is under the statute of 1833, which provides a remedy for a wilful and malicious injury to the road. The facts do not show that the defendant acted maliciously in the sense in which the term is used in the statute; the court upon this count decides in favor of the defendant.—The first count is under a clause in the charter which provides a remedy for wilful injury to the road, by giving the company the right to recover a penalty, and also making the offender liable to indictment. This remedy will not reach the Company, or on acting under the authority of the Company, and it is insisted that the Defendant having succeeded to the rights of the Company by purchasing at Sheriff's sale, is not liable as a third person. Waving all objections to the mode in which the same was done, the Court is of opinion that no title passed, because the superstructure then in use and constituting the Road was not subject to execution sale. It is clear that nothing can be sold under execution, which the debtor himself cannot sell. The company may sell the materials before they are laid down, but as soon as they become a part of the Road, the public right attaches, and neither the Company nor a purchaser can tear up and remove that part of a public highway without violating the law. Admitting that the President and Directors, if they see proper to violate their charter and subject themselves to indictment, have power to tear up the Road and can then pass title to the materials, it by no means follows that the title can pass upon the severance, still less that the law will lend its aid, and pass title by a judicial sale to property which the debtor cannot sell with out being liable to indictment, and which in this instance the Company cannot sell without violating its duty to its creator, and thereby forfeiting its existence.

It is said that the Company having incurred debts, will no by the principles of our Law be permitted to hold property which creditors cannot reach. The Company, at the time of its creation, agreed to perform certain services to the public after its creation; it incurred liabilities to individuals; as both cannot be discharged, the right of the public must be preferred, because it is first in time and first in importance, and because the individuals who gave credit did so with a full knowledge that the Company had this public duty to perform, and one claiming under a creditor has no right to complain because he is not permitted to do that which would prevent the performance of this public duty. The Court, therefore, upon the first count, also decides against the defendant.

The defendant is fined the sum of twenty-five dollars, and will be in custody until the fine and costs are paid. A small fine is imposed because I am satisfied Mr. Rives acted with the advice of counsel in the assertion of what he believed a right, and I have no reason to apprehend a repetition of the offence.

RICHARD M. PEARSON.

A LETTER FROM WILDCAT.
FROM THE ARKANSAS INTELLIGENCER,
March 30, 1844.

Nothing will afford us greater gratification than to publish WILDCAT's letter to General WORTH, (referred to below;) and no one sympathizes with him more than we do for the pitiable condition to which he and his people are reduced by their invincible conquerers and by false friends:

DEAR SIR: In your paper of the 2d instat you have noticed me as intend to be a member of a political convention of the white people of the United States. This I beg you will correct. I do not design mixing or being present at the time and place alluded to. You can do me and my people a much more acceptable service by hearing and speaking our grievances through your columns than by placing my name so conspicuously to ridicule. A brave man yourself, I know you would not wantonly insult a conquered or fallen adversary.

It is true, I design visiting Washington city on business of myself and my people, and of infinitely more consequence to us than the political frolics of the white people. The object of my intended visit is good. I wish the world to know in advance, and I wish you to state it.

I have been at war with the U. States: I defended the soil of my birthplace with my blood. It was dear to me and my people as our homes and as the country of our fathers. But that war is now ended. My people were overcome by a stronger party. What the sword did not destroy your money bought. Like the rain that falls upon the earth from the heavens, the memory of that war is absorbed and forgotten. We emigrated to this country upon the faith of your people; promises were made us of another home, a separate and distinct soil, where we could gather again the fragments of a distracted and unhappy people. The hand that could conquer should possess the heart to fulfil the promises made to a subdued people. None knows our condition better than you do. Look at us! a distracted people, alone, without a home, without annuities: destitute of provisions, and without a shelter for our women and children; strangers in a foreign land, dependant upon the mercy and tolerance of our red brothers, (the Cherokees;) transported to a cold climate, naked, without game to hunt or fields to plant, or huts to cover our poor little children: they are crying like wolves, hungry for food.

I wish to write a letter to General Worth; and, if you allow me, will send it through your paper. No more now.

Your friend,
CO. A. COO CHEE.
CHEROKEE NATION, MARCH, 1844.

A TRIBE OF SAVAGE DWARFE.

In Harris' "Highlands of Ethiopia" is the following account of a singular race of beings.

"Beyond the extensive wilderness that bounds Caffara on the South are the Doko, a pigmy and perfectly wild race, not exceeding four feet in height, of a dark olive complexion, and in habits even more closely approximated to the beasts that perish, than the bushmen of Southern Africa. They have neither idols, nor temples, nor sacred trees; but possess a glimmering idea of a Supreme Being, to whom in misfortune (such as any of their relatives being slain by the kidnapper,) they pray standing on their heads, with their feet resting against a tree. Yere, if, indeed, thou art, why dost thou suffer us to be killed? We are only eating ants, and ask neither food nor raiment. Thou hast raised us up. Why dost thou cast us down?"—The country inhabited by the Doko, is clothed with a dense forest of bamboo, in the depths of which, the people construct their rude wigwams of bent canes and grass. They have no king, no laws, no arts, no arms; possess neither flocks nor herds; are not hunters, do not cultivate the soil, but subsist entirely upon fruits, roots, mice, serpents, reptiles, ants, and honey; both of which latter they lick, like the bear, from off their arms and hands. They beguile serpents by whistling, and having torn them piecemeals with their long nails, devour them raw; but although the forests abound with elephants, buffaloes, lions and leopards, they have no means of destroying or entrapping them. A large tree, called Loko, is found, amongst many other species, attaining an extraordinary height, the roots of which, when scraped; are red, and serve for food. The yeho meytsee are the principal fruits, and to obtain these, women as well as men, ascend the trees like monkeys, and in their quarrels and scrambles, not unfrequently throw each other down from the branches. Both sexes go perfectly naked, and have thick pointing lips, diminutive eyes, and flat noses. The hair is not woolly, and in the female, reaches the shoulders. The men have no bread. The nails, never pared, grow both on the hands and feet like eagle's talons, and are employed in digging for ants. The people are ignorant of the use of fire. They per-

forate their ears in infancy with a pointed bamboo, so as to leave nothing save the external cartilage; but they neither tattoo nor pierce the nose; and the only ornament worn is a necklace composed of the spinal proces of a serpent.

THE HERMIT OF TROYES.

In the neighborhood of Troyes, in the village of Saint Pouange, France, is an estate well known under the name of the Little Chateau of St. Pouange. There, for upwards of twenty years, has resided in absolute seclusion, the Signor Garnier, in early life a printer. His manner, resembling in all respects a detached fort, is protected by a triple girdle of hedges, ditches, and barriers. The entrance gate is surmounted with the inscription, *Franc fief de droit naturel*, and should a traveler present himself for admission, up flies the drawbridge, and a powerful voice exclaims: "Staad, citizen! respect my domain. Who are you, and on what errand have you come?" Such is the salutation of the Signor Garnier, an old man of three score and ten, who, from revolving and cherishing those visionary and impracticable ideas in reference to religion, government, justice and social relations, designated in view of certain unimportant distinctive peculiarities by the various denominations of Transcendentalism, Socialism, Fourierism and Infidelity, has at length become a madman. A faithful worshipper of the Sun with all the venerations of a Peruvian, three times a day he offers to the source of light and heat his devout adorations, before an altar of green turf, erected with his own hands in the centre of his domaine. The sound of the village bell summoning the faithful to the sacrifice of the mass impels him to fury.

He not only abstains from animal food, but his horror extends to clothing fabricated of whatever animal products, and, alike in winter and in summer, he wears nothing but linen. At his side hangs a sabre, ready to strike down his imaginary enemies. No one is admitted to his presence, save his children and the laborers on one sole condition of seeming to approve all his aberrations, and of addressing him with the title of citizen, or with that which he still more affects, of hermit. His grandson alone is entitled to the privilege of entering his sleeping chamber. The furniture of this apartment consists of a plain bed and some moveables of no great value, while the seats are constructed of superb polyglott bibles.

Extract from MR. WEBSTER'S Speech at the Ratification Convention:

"I could not speak with personal disrespect of any gentleman whom a large portion of the people promise to make President. [A laugh.] But I must say, with great respect, in regard to Mr. Van Buren, that I have not yet made such proficiency in a knowledge of the English tongue; [laughter:] I have not studied so far its shades and varieties of meaning; I have not compassed all its broad and its narrow phrases, positive, negative, or equivocal, as always to be sure, or ever to be sure, that when he communicates his sentiments to the people I know what he means. [Excessive laughter and applause.] I hope it will not exceed the decorum of the occasion, I am sure it is consistent with the most perfect good nature, if I say that, in my opinion, that distinguished individual might save himself some considerable trouble in writing, and those who read a great deal of reading, [frequent laughter.] if he would adopt some settled, short formula in answering questions. [When two gentlemen meet in the morning, we know that each says to the other, "how do you do to day?" and the other answers by saying: "Thank you pretty much as usual." Or, if he be my countrymen, who makes the answer, he would say, "Well! I don't know, thank ye—pretty much as usual." (A laugh.) Now, I think this Yankee form of answering questions would be of great assistance in the political correspondence of the gentleman on a newly arising question of national concern, if he would, when asked his opinion, answer: "Well, I don't know, thank ye, pretty much as usual." [Great laughter and applause.]

Singular!—A clerk was much alarmed on Saturday evening by loud groans in the story above him. Thinking some assault had perhaps been committed, he took a pair of pistols and a light, and went up. After groping some time he found the groans proceeded from an old hussaw, which was cutting a new set of teeth!

David Baruum, proprietor of Baruum's hotel, Baltimore, is dead.