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Capital Story.

DEAD OPEN AND SHUT; Or, the way they play in Arkansas.

Few who have travelled much on the broad Mississippi at an early day but what have heard with dread the name of Gen. Williams Montgomery, and none, but know of the landing called "Montgomery's Point," which, for its location and peculiar advantages, was hard to be excelled; Montgomery himself was a shrewd, quick witted, low bred fellow, who in rough exploits was seldom if ever, equalled. He was the terror of the South, to all who knew him, and as a sportsman, gambler, &c., was as notorious as was the celebrated Captain Kidd as a pirate. The General was said to have many redeeming qualities in his gaming transactions, which might be classed as follows:—

First—If he found a man asked, he clothed him. If he was hungry he fed him. Second—If he was thirsty and poor, he gave him to drink, and advised him to leave for some more salubrious clime. And last, though not least, if he was thirsty and rich, he made him drink and then robbed him.

His notorious life was the occasion of all gamblers yielding to his nefarious designs, who chanced to fall in with him; and whatever the General said must, of course be right, as none dared to gainsay him. It was about the time when his notoriety had gained its height that a French gentleman accompanied by a huge Yankee, arrived at the "Point," on their way to the head waters of the Arkansas river; and as there was no other hotel in the place, put up with the General.

Applications being made to him for conveyance, he advised them to defer their journey for a few days, as he thought the prospect of high water was in their favor. This proposition was by no means a welcome one to Jonathan, who heard more than once, of the desperate character of their host; and he declared he would rather walk and make a pack horse of himself than remain. The Frenchman assured him, likewise, that his business was very urgent, that he must go on at once, if there was no other conveyance. The General was not pleased with the obstinacy of the two, but could not well hit upon a plan whereby to detain them with their own consent, so he finally agreed to take them through on horseback, as far as Fort Smith. The horses were accordingly equipped, and the General, with his negro, the Frenchman and the Yankee, at length set out, making quite a respectable looking caravan, for the Arkansas wilderness.

Here they mounted however, the General began running his "soft sawder," on the Yankee, about the many advantages he possessed over multitudes of the Southern people, which were no other, than being sufficient in strength to answer as his own pack horse, and though he might have bushels of wooden nummies, and horn gun-flints, to pack through the state, he could always accommodate himself.

The Yankee felt somewhat chagrined at the insinuation for fear that the Frenchman might consider him a man of that character. After their leaving, the General still caused Jonathan no small uneasiness, by his continual attacks upon his nativity, &c. The Frenchman soon discovered the annoyance the General was giving the Yankee, and insisted that he was too hard in accusing his honest friend of having to do with anything of so base a character. At this the General laughed, and told him his accusations were no ways erroneous. The Yankee ground his teeth and remarked—

"It's t'arnal well for you that I aint at hum for if I was, I'd give it to ye, darn quick."

"Don't you see, said the General turning to the Frenchman, with an insinuating glance, Monsieur believes it too true to be a joke."

At this the Frenchman assumed the six feet down Easter that the General only jested.

"You are much mistaken, replied the General, as if you had burnt your finger. I never accuse a man but what I am willing to back my accusation with my money; and I will bet you a hundred dollars that to search the Yankee's saddle bags you will find at least one or two horn gun-flints, and as many nummies."

"I will bette you five hundred dollars, said the Frenchman, that my friend carry no wooden nummies, nor no horn gun-flint in his von little saddle bag."

"I take all such bets," replied the General turning to cutty—who was showing his ivory and placing the above named sum in his hand. This was immediately covered by the Frenchman, while the Yankee dismounted and prepared to settle the matter by unloading his saddle bag.

For some moments all pattered around in breathless silence, when the Yankee to his

great astonishment, drew forth the above named articles.

"Well, you see I have won," continued the General, while Cutty roared and capered about with delight, showing the whole breadth of his whites, his eyes opening to an extraordinary magnitude, and his nose flattened like a viper, crying—

"You didn't catch de General dis ar time, gosh a mighty! wid dem ar horn gun flints."

"What have you to do with it, you t'arnal black nigger?" cried Jonathan, turning to him with a furious look.

"Why, you see, I is de General's aid de camp, in holding de stakes, in dis ar special game; at de same time he handed them over to his master with a chuckling laugh."

The losing party saw the deception of the trick, and were anxious to facilitate their journey.

The General was none the less merry for having won their money, and occasionally laughed over it, saying he had merely made his expenses, whereas he had thought to have made several thousand dollars.

The Frenchman smiled and said he thought it you were extensive country."

The General, however, assured him that he should have a chance to win back his money, as soon as he should feel disposed, by any other game he or his Down East friend should see proper to select.

Monsieur said he only knew one, which was the French game "vingtan," or twenty-one.

The General replied, that that was one of the strongest games; and that as soon as they could make themselves comfortably situated, as to their lodgings, they would have a friendly touch of it.

Arriving at a hotel where they intended to pass the night, the Frenchman and his companion having determined not to proceed any further with the General, made their intentions known to him; stating as a reason, that a friend whom they sought was on a tour to the South, and that on the first opportunity they should embark on a boat for Natchez.

The General said he thought he would have a very pleasant trip, and that he would despatch his servant home with his horses and accompany them. This was certainly any thing but agreeable, but as there was no help for it, our travelling friends thought proper to assent.

The water at this time being low, it was proposed by the General that a small flatboat should be procured which would be very advantageous, as he and the Frenchman could play at their favorite game of twenty-one, while the Down Easter and the landlord, whom the General persuaded to go along, should manage the boat.

This, accordingly, being acceded to, the boat was soon away. Scarcely had they left the shore, ere the General, eager for the game, gave the French gentleman a hint to that effect, and they were soon in full blast—the Frenchman taking the deal, the General betting high and losing. Night setting in, they concluded to lay to and dispense with the game until morning.

The next day, while lying at the shore, they resumed their play—the General still losing the most important bets. At last he proposed a new change of deal. Monsieur assured him he could only play his game one way, and that was to deal. Again they played on for a time, when the General appearing to get out of patience, insisted the game should be changed, as he was over one thousand dollars the loser.

Monsieur said, that he thought it an unfair request, as he had frequently said he knew no other game.

The General still pressed his suit, and said he was willing to leave it to their host, whether or no it was not right that he should give him a chance to win back his money.

The host being a staunch friend of the General, of course decided in his favor.

By this time all was ready for the morning departure, and Monsieur, thinking he might come out second best, was anxious to leave; but the General declared that his must be played without any further delay.

Well, then, monsieur, whined the Frenchman, you shall propose your game—vot is it?

"My game," replied the General, "is dead open and shut."

"Vot you say, General? Me no understand you, s'ave. Is von dead open and shut with one card, eh?"

"Open and shut with everything else but cards, said the General, with a coarse laugh—I will give you an example."

He placed himself in an attitude to explain his game, which was done, by placing his hands behind him, and requiring the Frenchman to say whether they were open or shut. Monsieur, hardly knowing what to make of it, said "Open."

"How much will you bet me?" inquired the General. Suppose me bette you von bette hundred dollars.

Done, said the General, at the same time

showing the astonished Frenchman his closed hands. I am sorry to inform you that you have lost, and a smile of peculiar meaning played around his mouth.

"Ah! sacre me shall no understand von such game, General."

"Must understand it, by Jupiter!" thundered the General, once more placing his hands behind him.

The Frenchman guessed again, and lost, of course. This was repeated several times until Monsieur declared he could no longer play.

"Produce a substitute, then, cried the General—by thunder! this must be played!"

Monsieur then referred him to his worthy friend the Yankee—who being called upon, proposed that he should be alternately entitled to the privilege of secreting hands.—But the General soon gave him to understand that this game could only be played one way—

—at the same time telling the landlord he might as well station himself on shore, with his rifle, as he intended there should be very little equivocation in his gaming transactions.

The Yankee—finding that he was determined not to give him a fair chance—proposed that the General should bet two to his one. The General laughed at this simple proposition, and readily consented, provided, the Yankee would agree to let him fix the amount which was also conceded.

To a northern traveller, this scene would have been highly interesting. About thirty yards from the boat, perched upon a stump, with a long rifle in his hand, was their host, ready to obey the slightest command of the General. At the stern of the boat stood Monsieur, with a pale cheek, and feelings that can better be imagined than described, as he thought of the termination of the game which would in all probability end by leaving him and his several thousands ruined. A little in advance in front of him stood the General and the Yankee the former cool and collected the latter exhibiting much uneasiness; which was particularly perceptible in his bloodless, quivering lips and he seemed half inclined to "back out."

A few oaths, however, from his dread antagonist, finally nerved him to the "sticking point" which was made manifest by his saying—

"I guess I'm just about as ready as you ever will be, General—so how much do I ever I ought to bet? Don't be gettin' it too high now, 'cause you see General you'll have to bet me two to one."

On that matter not my dear fellow said the General, we Arkansas Generals play only for amusement, so, merely to make the game interesting my larkie, I will try you with two thousand dollars.

Wal, General, said his only and only for amusement, dew just lay down them ar four thousand of yours, and I'll try and raise the half on t'

The General accordingly laid down his four thousand dollars on the boat, while the Yankee placed his two thousand in companionship.

Now Mr. General, said Jonathan, just hide them ar hand' o' yours, and speak it out plain so I shant make no mistake.

The General cast his eye towards the landlord, winked, placed his hands behind him, and then in a low, distinctive voice, said "open or shut?"

The Yankee looked at him steadily for some time, without moving a muscle of his face, as though, by some intuition, he was about to divine the certain position of his hands—when with a motion as quick as lightning, he drove his brawny fist slap between the eyes of the General, which laid him prostrate upon the deck.

"Open, by Gosh!" cried the Yankee as he saw the others hand flying through the air, at the same time snatching the money, cramming it into his pocket, and hiding the straightened body of the General on the shore, then giving the boat a sudden shove by means of a pole, he and his French companion, to the discomfiture of their enemies were soon gliding down the stream.

"Fire!" roared the General at the top of his lungs, as soon as he could regain his feet and turn to his host—fire! I tell you, you t'arnal feel, black away! blow out that infernal Yankee's brains—he's not fit for dogs meat!"

The frightened host endeavored to obey; but it was no go; the more he tried to shoot the more he couldn't while to complete their chasing, and to add to their vexation, the voice of the Yankee—in the real nasal twang—was heard calling out—

"I say, General, this ere's a pretty consider'able kind of a slick game of amuseme't, aint it?"

"Tell that ar chap in de strongest blow away—keep him, him, se, 'horn gun flints are real slick things to shoot with, aint they, General?"

"I give it up," said the General, with an oath, "that cussed Yankee has beat my gun dead open and shut by beatin' my gun with wooden nummies, and puttin' in a horn flint."

"I say, General," called out the Yankee again with a hearty laugh—placing his thumb to his nose, and giving his fingers a few extra flourishes—"I say, General, jest give my respects to that ar nigger of yours, and don't get playin' none of your 'dead open and shut' with a Yankee again!" and he added to the flourish of his fingers by giving his other arm the motion of turning a crank and keeping time by moving his right foot up and down, as long as he was in sight.

Until the day of the General's death, no severer chastisement could have been inflicted than to say to him—"horn gun flints"—"wooden nummies"—"big Yankee"—"French gentleman," or "dead open and shut!"

Clarks of Peace relating to Insolvent Debtors.

Likewise a petition against the extension of King Street, Carleton.

Mr. Williston's Bill relating to Insolvent Confessed Debtors negatived on third reading by House in Committee. Yeas: 9. Ollivier, Brown, Chandler, Tibbitts, Tilley, Hamington, McIntosh, McAdam, Tapley, Lawrence, Read, Williston, McMillan, Steadman, Allan, 15. Nays: C. Perley, Fisher, Wright, Cudlip, Gilbert, Wilmet, McLeod, Vail, Seovil, Ferris, Kerr, Gray, End, McClellan, Lewis, Rotsford, Smith, McPhelim, Desbrisay, 19.

Gray's Judicial Bill committed. Mr. Wright in chair. Gray explained at length the policy of an object of the Bill. The Province by the Government had assumed the position of a Common Carrier receiving and having a right to demand compensation and should be made responsible in the same way as Common Carriers. He desired the Bill to be discussed, not as a Government or opposition measure, but upon the broad principles of Sound Law and Justice. The Bill did not involve the appraisements on Railway Damage to Land, nor did it seek to encourage frivolous actions against the Province but to redress real wrongs by a jury of the people.

Hon. Speaker contended that if the Bill passed into Law property could not be touched after Judgement was obtained. At present there was a remedy provided for all wrongs in an appeal to the Legislature, that highest tribunal, a jury more responsible than any ordinary county one—a remedy instigated by the Bill of Rights. He thought the Bill would encourage litigation.

Wilmet said he would support the principle but not all the details of the Bill.

Progress was reported.

Allan asked if resignation of Hon. J. M. Johnson had been accepted?

Answer—yes, on the day it was tendered.

Copies of College despatches laid on table by Tilley. Despatch read gave reason for disallowance of Bill to be a fear that it involved the violation of an understood guarantee to officers of College before passing of Civil List.

March 9.

Mr. Gilbert moved for an address asking for information, papers, correspondence, &c., relating to any appointments to Legislative Council since 1st June last.

Hon. Attorney General distinctly denied that there had been any provision made or correspondence had of any matter or kind relating to the appointment of any gentleman to the Legislative Council.

It was argued that the answer was sufficient, but an address being insisted upon the House divided.

Yeas—Messrs. Gilbert, Cudlip, Wilmet, McPhelim, Lawrence, McMillan, Allen, Rotsford, Steadman, Gray, Seovil and Kerr—12.

Nays—Messrs. Chandler, Wright, Fisher, Tibbitts, C. Perley, Connell, Tilley, Hamington, Desbrisay, McAdam, W. E. Perley, Tapley, Ferris, Vail, Smith, Mitchell, End, Lewis, Williston, Read, and Gilmer—21.

Hon. Provincial Secretary stated that an enquiry had been put afloat in one of the public papers which he desired to answer. It was asked where is the £80,000 difference between expenditure shown by Railroad Commissioners, and the sum stated by the Provincial Secretary, Secretary's statements show the net proceeds of tickets sold for Railway purposes and not the expenditure. The difference is shown to be in Messrs. Barings hands, and in the hands of the Province Treasurer, to the credit of Railway Construction account.

Mr. Gray's Bill recommitted. Mr. Chandler first speaker in favor, followed on same side by Messrs. End, Gilmore, McMillan, Hamington, Wilmet, Allen, Rotsford and Seovil, who would extend it to Post Office department; most of whom contended that the bill novel as it was, was called for by the novel exigencies of the country; agreeing with general principles of bills only so far as applied to Government as common carrier on Railroads.

Mr. Smith led off in opposition, contending that the bill was unconstitutional, unprecedented and unnecessary. Other speakers against the bill were McAdam, Lewis and Fisher. Mr. Mitchell read a resolution embodying his views to the effect that justice required that the bill should be referred to the Commissioners of European and North American Railways as common carriers.

After some more discussion progress was reported; with the understanding that the bill would be modified to meet the views of hon. members. House adjourned at half past 6 o'clock.

"I wonder what makes my eyes so weak," said a lawyer to a gentleman.

"Why, they are in a weak place," said he.

Mr. Hamilton says that a gentleman has had so hard that the blood in his head has been turned out.

Provincial Parliament.

HOUSE OF ASSEMBLY.

FREDERICTON, March 7.

No business done in the House between the hours of 10 and 12 o'clock.

The Railway Committee sat two hours, and are making active progress with the work of investigation. Messrs. McMillan, McAdam, and other members of the Committee urged the necessity of having the Railway officials present for the purpose of eliciting from them information not found in the Railway Report and papers laid before the House.

The Chairman of the Board and Engineer will probably be telegraphed for this evening or to-morrow.

Mr. Seovil presented a petition from Nelson Price, Robert Keith, and 87 other inhabitants of King's County, praying for the passage of the Bill to incorporate the Grand and Subordinate Orange Lodges of the Province.

A few minutes past 12 o'clock, the House went into Committee of Supply, it being the order of the day, Mr. Steadman in the chair. The appropriation of £5685 as Legislative expenses, and large sums for other purposes, passed.

The House continued in supply during the afternoon. A long discussion took place on a motion to appropriate the usual amount for the collection and protection of the Revenue. Mr. Desbrisay strenuously contending that the expense for this service was too great. The motion was, however, finally sustained.

Another discussion took place on the motion to appropriate £35,350 for the public works. The item which gave rise to considerable debate was in reference to the maintenance of steamboat communication on the North Shore. The appropriation was generally approved of.

Mr. Wilmet complained that further information respecting the Grand Falls Bridge should be laid before the House ere any further progress was made in supply. A sharp debate followed, and a motion to report progress was carried. The debate was renewed with more determined warmth after the Speaker resumed the chair. The Secretary moved to resume supply at 12 to-morrow.

Messrs. Wilmet, McIntosh, McPhelim, and Gray complained that further accounts should be laid before the House before any progress was again made in supply. Messrs. Tilley, Mitchell, and Smith replied, and the debate was kept up until nearly half past 6, when Mr. Allen moved an adjournment, which was carried by a vote of 16 to 15. Messrs. Tibbitts, Chandler, Lewis, and McClellan voted with the majority.

March 8.

Lawrence from Committee to whom was referred Bill relating to imprisonment for debt, reported submitting three Bills—viz., one to give Sheriffs additional powers in executing writs, prima facie; one for the better protection and more effectual punishment of fraud and one to English imprisonment for debt, except in certain cases. The principal feature of this latter being that imprisonment for debt can only be based upon an affidavit that the debtor being so confined has privilege to show that he did not intend to leave, and thus obtain a discharge from imprisonment.

Tibbitts gave notice of motion of resolution on Friday next. It provides to read in resolution of June 28th '57, so far as relates to railway extension about: Protection; to commence active operations at some points between the Canadian boundary line and Woodstock, and that all reasonable assistance in money and lands be given to the St. Andrews and Quebec Company to enable them to extend their line to some point above Woodstock to be agreed upon between the Executive and Company.

Mr. McLeod presented a bill, with several amendments, to remove Shire Towns and parishes to a common centre.

Vail and Seovil presented several counter petitions, and Mr. Mitchell moved a resolution to divide the Parish of Upper and Lower Hammonds.

Prov. Secretary laid on table returns of

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