

SOUTHERN CITIZEN.

BY BENJAMIN SWAIN.

WHAT DO WE LIVE FOR, BUT TO IMPROVE OURSELVES AND BE USEFUL TO ONE ANOTHER?

VOLUME I—NUMBER 4.

TERMS—\$2 IN ADVANCE.]

ASHBOROUGH, N. C. SATURDAY, JANUARY 21, 1837.

[Or \$3 AFTER 8 MONTHS.]

SOUTHERN CITIZEN,
By B. Swain.
Every Saturday Morning.

TERMS.

Two dollars per annum in advance; or Three dollars, if not paid within three months from the date of the 1st No. received.

Any subscriber may discontinue within the first 3 months of the publication.

No subscription to be discontinued till all arrears are paid unless at the discretion of the Editor.

All letters, communications &c. to come post paid.

ADVERTISEMENTS, inserted on the usual terms.

Legal Department.

OPINIONS OF THE LAW EXPRESSED BY ME.

ASHBOROUGH, N. C.

Saturday, Jan. 21, 1837.

REVISED STATUTES.

We hear various opinions expressed on the probable utility of the revival of our statute law, that has been going on in the Legislature this session, and possibly is completed by this time. How far it will be useful, depends entirely on the care and attention that have been bestowed on the subject; for we doubt not the competence of the committee that prepared it for the action of the Legislature; nor do we suspect the legislative ability that has been passing on it. The only fears we entertain are, that the language of some of the old acts, & indeed many of recent date, has, from hurry of business or something less excusable, been not sufficiently scrutinized and corrected. For really the instances are of frequent occurrence, wherein it is extremely difficult to arrive at the intent and meaning of the Legislature, from the wording of the Acts; which occasions great delay and uncertainty in the administration of justice, as it leaves no alternative to the parties litigant, but to abandon their supposed rights, without knowing whether they are on the right or the wrong side, or else incurring the risk and the tedious suspense of obtaining, by a succession of appeals, the construction of the higher branches of the Judiciary. We suppose the Legislature will carefully, and indeed very specially guard against any and all difficulties in determining in future what Acts and parts of Acts are to be in force.

If all this is done (which we consider entirely practicable,) there can be no doubt of the incalculable utility of the work. It will be worth to the civil polity of the State many times its cost to the people, even supposing the present session to continue much longer than it is likely to do.

We shall in this department of the "Citizen," hasten to advise our readers of all the changes made in the laws since the publication of the 1st and 3rd vols. of the "Man of Business," by carefully inserting summary notices and practical directions for easily applying the new Revised Code.

Question by a Subscriber.—Inasmuch as a contract to convey land, since the act of 1819, is void, unless it be committed to writing as

the act requires.—Suppose I make a parol contract of this kind, and give my bond absolutely for the payment of the purchase money, am I bound to pay it?

ANSWER.—You are bound. This may appear to be a hard case; but it was the folly of the obligor to enter into such an obligation. The bond is complete within its life and consequently forms no part of the contract. The seal of itself imports a consideration, and it is not permitted in law to contradict it, by alleging there was no consideration. For parol testimony cannot be introduced to vary or contradict a sealed instrument. Now if a bond be given on a gambling or usurious contract, or any other consideration that has been forbidden by law, it might be inquired into; and if sufficiently proved would render the instrument void. But a contract to sell or convey land without writing is not forbidden by law, but only rendered void, and of no effect. It is however clear, that if, in the case above mentioned, the obligor had, instead of giving a bond, only provided by parol agreement to pay the purchase money, it would form no *assumpsit*, for want of consideration.

EXTRACT FROM A LECTURE ON PRINTING.

Delivered before the Portsmouth Lyceum.

The first *Metropolitan* published at regular intervals, was issued monthly at Venice in Italy, about two hundred and fifty years since. It was called the *Gazette*—signifying a little treasury of news. The number of copies issued of this first paper must have been very limited—for the jealousy of the Venetian government would not allow of the circulation of a printed sheet—so that the *Gazette* continued to be distributed in manuscript for more than thirty years. Files of this paper are now extant.

In the whole Chinese empire, although printing has been so long practised there, but one regular newspaper is published at the present time. It is a sort of Court Journal, issued at Peking, and called *Kingpaou*, or the Messengers of the Capital.

The press had been in operation in England nearly a century before a regular periodical was published. In November, 1665, the *London Gazette* was issued weekly, and has been published to the present time.

The first newspaper in the British American Colonies—the *Boston News Letter*—was commenced in 1704. The *Boston Gazette* was commenced in 1719; and the third paper in the Colonies was commenced the same year in Philadelphia, called the *American Weekly Mercury*. The first paper in New York was published in 1725—in Maryland, in 1728—Rhode Island and South Carolina, in 1732—Virginia, in 1739—Connecticut and North Carolina, in 1745—New Hampshire, in 1750—Delaware, in 1761—and in Georgia, in 1763.

In 1775, there had been seventy-eight different newspapers printed—thirty-nine of which had been discontinued previous to that time—so that at the commencement of the Revolution, there were but thirty-nine papers published in the United States—and of the number then printed, but eight establishments are now in existence.

In 1810, the whole number of newspapers was three hundred and

fifty. There are now about one thousand two hundred newspaper establishments in the United States, from which are issued, at a moderate calculation, one hundred million printed sheets annually—which in one continuous sheet, would reach four times from pole to pole—and if embodied in a book form, would be equal to issuing six volumes as large as a Bible, every minute in the year.

The advancement in newspapers has not only been in numbers but also in size. The largest papers published about fifty years since were of the *demij* size. In about twenty years, some had increased to the *super royal*. Within a few years, some have grown to the *elephant* size—and last month a New York publisher presented the public with a full grown *mammoth*. It is the largest sheet ever printed, and contains as much reading as in common book type would occupy one thousand octavo pages. The publisher has mercifully promised his subscribers that he shall only issue a sheet of this size occasionally.

Archimedes, in vain glory, boasted that if he had a spot on which to place a fulcrum, he could move the earth! What that ancient son of science proposed in sport to do to the material universe, is now fast doing to the political, scientific and moral world. A *fulcrum* has been found, based on the sunbeams, already has half the world been elevated by its agency; and ere another century, should its influence continue to extend in the ratio of the last twenty years, wisdom will run to and fro throughout the earth—knowledge will everywhere be increased—and the ennobling principles of *Liberty and Equality* will be every where inculcated.

If it be true that "KNOWLEDGE IS POWER," it requires no extraordinary vision to discern this *fulcrum* in THE PRESS.

LEGISLATURE.

REPORT OF THE COMMITTEE OF TWENTY-SIX ON THE SURPLUS REVENUE.

The joint select Committee of twenty-six, who were appointed to inquire into the best investment of that portion of the Surplus Revenue which will be received by North Carolina, under the provisions of the deposit act of last session of Congress, and to whom were referred various propositions relative to such investment by both Houses of the General Assembly, have attentively considered the same, and

REPORT.

That the thirteenth section of the act of Congress "to regulate the deposits of the public money," declares, in substance, that such deposits, in the treasury of the different states, shall be by way of loan, and not as absolute gifts. This provision, your committee believe, should not be wholly overlooked by the General Assembly, in any disposition it may make of that portion of the public Treasury which is allotted to this State. They are persuaded, nevertheless, that it should be considered and treated as a loan, of a most liberal character, which the State may never be required to repay; and which it would be most unreasonable to suppose, will be demanded by any exigency of the Federal Treasury for many years to come. Viewed in this aspect, it is a talent committed to the Legislature, for the proper use of which, its members will justly be held accountable to their constituents and country; unless, in

their hands, it shall be made productive of great and lasting benefits to the people. How it can be most advantageously applied to the accomplishment of such ends, your committee have experienced much difficulty in determining. The wisdom of statesmen in former times and in other countries have been exhibited in devising schemes for raising the revenues actually necessary for the real or imaginary wants of Government; and so novel is the spectacle of a people, not only freed from debt, but with an income vastly exceeding the necessities of Government, the excess of which it is desired to invest for public benefit, that but little light on the subject of this reference, can be derived from the history of the past.

Among the numerous plans of investment referred to them, your committee first considered the propositions of certain banking and canal companies in New York and New Jersey, to borrow the fund due this State, and are unanimous in the opinion, that these propositions should not be accepted. The great advantages to the States, which were contemplated by the passage of the deposit act, consisted not in the receipts of interest on the sums entrusted to them; but in the renewed life and vigor which would be imparted to their industry and enterprise—their physical and mental improvement, by adding so much to the active capital within their limits. Every thousand dollars of such deposits, if used as active capital, will furnish employment to one thousand dollars worth of industry in the country where it is used. That encouragement should be given to the industry of the citizens of our own State, in preference to those of other States, so far as it can be done with the public funds, under the control of the Legislature; and that this may be done even without a diminution of the annual profits on such funds, if invested abroad, your committee suppose, can hardly admit of question. They take this occasion to remark, that in their opinion, no one cause has militated so much against the prosperity of North Carolina, as the drain upon her capital and productive labor, which has been in progress for a series of years, and which has been much accelerated within a short time. To say nothing of our contributions to the Federal Government; but a pittance of which has ever been expended within our limits; the large sums of money which are periodically sent to the North to seek permanent employment in stocks, merchandize, city property, and otherwise; and to the South and South West, to be laid out in lands and slaves, have had a like disastrous effect upon her condition, though not to the same ruinous extent with the *absenteeism* of the landed proprietors of Ireland, so much complained of in that country. By a judicious use of the means now in our hands, this course of impoverishment may, in some degree, be arrested; and the ardent and enterprising of our own people, may find at home, a field for their zeal and energy.

Another objection to such loans is, that the proposed borrowers are not under the control of our Legislature, nor amenable to the jurisdiction of our courts. Your committee believe that the boon conferred by the act of Congress, was poorly worthy of our acceptance, if its only effect shall be to make North Carolina's a surety to the Federal Treasury for the Banks of other

States, she receiving for such insurance, only the interest on the sum thus secured, while all the advantages of the use of this vast treasure, are to be enjoyed by the citizens of other States.

Your committee are also of opinion, that no portion of the public deposits should be applied in aid of the ordinary revenues either for the support of the State Government, or for county purposes. The ordinary taxes levied for these uses, are far from being burthensome to the people; and by a proper adjustment of the valuation of taxable property, will yield a sum quite as great as ought to be desired. It should, moreover, be borne in mind, that those Governments have been distinguished by the greatest purity of administration and have longest preserved the blessings of liberty, in which the governing power, no matter how constituted, has been dependent for its support on annual pecuniary levies from the people. To exhaust the surplus revenue in maintaining the current expenses of Government, or to fritter it away, by a division among the several counties, to replenish their treasuries, in the manner proposed by a bill referred by the House of Commons, would be not merely to compromise the dignity of the State, but to interrupt, for a time, only the regular operation of the system of State taxation, and disappoint the just expectations of our constituents. Your committee, therefore, return said bill to the House, and recommend its rejection.

Your committee have also been instructed to inquire into the propriety of devoting the fund in question, to the establishment of a new Bank, to be owned wholly by the State. A portion of them are confident in the belief, that the establishment of such an institution, would contravene that provision of the Constitution of the U. States, which declares that "no State shall emit bills of credit;" and which they are informed, has been judicially expounded, to extend to any paper medium issued by a State, for the purposes of common circulation. Independently of the arguments against the expediency of such a Bank which have been often urged in the discussions of this subject heretofore, your committee believe that no financial skill could successfully manage a Bank founded entirely on a borrowed capital, demandable in certain proportions, at the pleasure of the lender; which must regulate its business according to the necessities of the Federal Government; the fluctuations of party politics—the appropriations made by Congress; and even the movements of individuals of that body, from motives either partizan or patriotic.

The only remaining objects of appropriation, to which the attention of your committee has been called by the direction of the Legislature, are common schools and Internal Improvements. These, your committee recognize as first in importance among all the objects which now claim the patronage of the public; and but for the fiduciary character of the means in their possession, they would meet less difficulty in dedicating the whole fund immediately and irrevocably to these purposes. They, however, propose to devote it to them, while, at the same time, it shall be so invested for the present, as to be capable of recall without great inconvenience, should the State be required to refund any part of the loan. They are aware that public