

# SOUTHERN CITIZEN.

BY BENJAMIN SWAIN.

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

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ASHBOROUGH, N. C. SATURDAY, FEBRUARY 4, 1837.

[OF \$3 AFTER 3 MONTHS.]

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

### TERMS.

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### Legal Department.

OFFICE OF THE LAW EXECUTIVE NO. 241.

ASHBOROUGH, N. C.

Saturday, Feb. 4, 1837.

### EXECUTIONS.

1. A growing crop is subject to execution: But it must be sold on the premises. A sale made at the Court House, two miles off was void.

2. The purchaser of a growing crop, acquires by his purchase, a right of ingress and egress, to gather, and carry it away, when ripe.

3. When the officer sells a growing crop, he ought to execute to the purchaser a Bill of Sale, which may be as follows:

STATE OF NORTH CAROLINA,  
Randolph County.

Know all men by these presents, that whereas, I, A. B., Constable, (Sheriff or Coroner, as the case may be,) by virtue of an Execution in my hands, in favor of C. D., against E. F., levied on one third part of a certain field of growing Oats, supposed to contain twelve acres, to be more or less, on the premises of G. H.; (the remaining two thirds belonging to the said G. H.) this one third being the interest of the defendant E. F.; did on this day expose the same to public sale on the premises, according to law, when and where J. K. became the purchaser at the price of ——— dollars. Now therefore know ye, that for and in consideration of the said sum of ——— dollars to me in hand paid by the said J. K. the receipt whereof is hereby duly acknowledged, I, the said A. B. have granted, bargained, sold and assigned, and by these presents do grant, bargain, sell, and assign to the said J. K. the aforesaid one third part of the said growing oats; to have and to hold the same as the interest of the said E. F., in as full and ample a manner as he, the said E. F. has heretofore held the same, together with like privileges of ingress and egress, and all other rights and privileges thereunto belonging. And I the said A. B., Constable (or Sheriff, as the case may be,) have covenanted, and by these presents do covenant, to warrant and defend the right and title hereby conveyed, to him the said J. K., his executors and administrators, so far as my office requires, and no farther.

In testimony whereof, I herewith set my hand and seal this 4th day of February, A. D. 1837.

A. B., Const. [SEAL]

Done in presence of  
J. M.

4. The most usual way is to levy the Execution, and then wait till the grain comes to maturity, and is gathered, before it is sold. And indeed it had been considered the only way of proceeding according to law, until the decision of a late case (Jacob Smith vs. Henry Tritt, from the County of Haywood;) Wherein the Supreme Court decided that a defendant's interest in a crop of growing grain might be seized and sold under execution before it was gathered.

We consider it however the better way, to wait till the crop is gathered, unless there is great apparent danger of a fraudulent transfer, or some other prospect of loss to the plaintiff.— See 1 Devereaux & Hottle 241.

### EXECUTION OF CIVIL PROCESS

1. A Sheriff, Coroner or Constable, cannot lawfully break open a dwelling house in the execution of civil process; unless the circumstances of the case come within one of the following exceptions: viz: 1st. If the goods of A. be in the house of another person, it may be broke to get them, provided the officer first request the door to be opened, and is refused entrance. But even then, he runs the risk of consequences; for if the goods of the defendant, which he supposed to be in the house, turn out not to be there, he is a trespasser in breaking the door. 2d. He may break the house to deliv. possession to the plaintiff, after a recovery, or an action of ejectment, under a writ of possession, provided he cannot otherwise execute the writ. 3rd. If an officer, having entered the house peaceably to execute process, is afterwards locked in, he may lawfully break the house to get out.

2. A man's dwelling house is called in law, "his castle;" and the same privilege extends to all out-houses adjoining to the dwelling house.

3. A Barn at an ordinary distance from the dwelling, is not thus protected. It may be broke open to execute civil process; but if the property or the person that the officer is in pursuit of, happens not to be within, as he supposed, the breaking is a trespass on the owner.

4. When the officer is once peaceably within the house, he may break Chamber doors, trunks &c. (after request and refusal) and is justified, provided he find the person or property on which to do execution.

Query for the Profession.—Suppose an officer transcend his authority in any of the foregoing particulars, and thereby becomes liable as a trespasser on the owner of the premises.—Does it vitiate the execution of the process? or is that valid as an official act? See the conflicting authorities in 2. Bacon's Abridgments, 737—738.

### SPECIMEN OF INDIAN HYMNS

Cherokee translation of "Jesus my all to Heaven is gone."

- 1. U-ne-la-no-hi u-we-tae,  
Tuo-ny-r-hna-quo wu-lo-ny;  
Tse-ya-li nga-so-di nah-nyi,  
Wu-lo-ny wu-da-tai-lo-si.
- 2. A-ya-do-li wi-ga-ny-ny,  
U-na-da; ny-ti-wu-ai-lo-ny;  
U-neda-ny-hi tse-wo-le,  
Hna-quo ase-wi-tai-ga-li.

The Cherokee alphabet was invented by George Guess, a Cherokee, who is wholly unacquainted with the English language. The

circumstances which led him to attempt its invention was the following: viz.—Guess was conversing with an Indian friend upon the superior knowledge of the white people, and his friend remarked to him that the reason of this was, that the white people could make *talks on paper*, and send them any distance to one another. The information produced such effect upon the mind of Guess that he continued for some time buried in deep thoughts; and then said, that he could do so as well as the whites, and immediately made some marks upon a stone and read them to the person that was with him. After this, he set to work in earnest to invent some method to write his own language, and commenced making a character for every word. He soon found that this method would be impracticable, from the number of characters it would require. This method was abandoned, but from his effort to accomplish it, he found that by combining the characters in various ways he could form different words, and this suggested the idea of forming his syllabic alphabet.— He applied himself to this work so assiduously that he neglected every thing else for many months, and his friends thought he was deranged, from his being constantly by himself making marks. An old spelling book, in the English language, furnished him with some characters; he invented others, and at length completed his alphabet of eighty-four characters, which is purely syllabic. After having accomplished his great work, he soon taught his daughter to read and write the language, who was able, in a few hours' instruction, to read and write, as all that is necessary for a Cherokee to do so, is to become acquainted with the names and sounds of the characters of their alphabet. No sooner did he test the success of his invention, than he was desirous to impart it to his whole nation. In this noble design he met with great opposition, as those to whom he spoke of his invention considered him a mad-man or a conjurer. He asked some of them to dictate any thing they pleased, and assured them that he would put their *talk on paper*, and that they might take it to his daughter, and she would read their *talk* to them from the paper. They complied with his request, and they were perfectly astonished at the result. Guess, soon after this, went to Arkansas, and took back with him to the old Cherokee nation, a talk from the western to the eastern branch of their nation. This was read and it produced astonishing effect in favor of the invention.— "Why," they said, "here is a talk brought so far from persons we know, just as if they were here and spoke it themselves." The consequence was that many were desirous of instruction, and, in a short time, a great part of the Cherokee nation could read and write their own language.

The Cherokee alphabet has six vowels, *a e i o u* and *v*. The *a* sounds as *a* in *father*, *e* as *e* in *hate*, *i* as *i* in *pike*, *o* as *o* in *law*, *u* as *oo* in *fool*, and *v* as *u* in *but*, nasalized. The consonants with few exceptions, sound as in English.

George Guess, the inventor of the Cherokee alphabet, deserves to rank high among the truly great men of the earth. He deserves a place next to Cadmus, the supposed inventor of letters; but whilst the fabled Cadmus has been lauded by historians and poets, Guess, the Cherokee Indian, who invented an alphabet, which, perhaps, surpas-

sed that of any other language in consequence of its being wholly syllabic, and, as such, requiring so few characters, is almost unknown to the world even by name.

Mr. Guess was urged, during the last winter, by "The Young Wolf," a Cherokee preacher and interpreter of the M. E. Church, to write an account of his life, which he promised to do. Brother Wolf promised to assist in translating it into English, that he might have it printed. I hope that we shall be able to obtain this interesting memoir written, as it will be, by the distinguished individual himself.

P. M. M'GOWAN.  
Pittsburg, Nov. 13, 1836.

### NAPOLION'S ADVICE TO A YOUNG AMERICAN.

"You soon depart for the West ern, and I for the Eastern hemisphere. A new career of action is now open before me, and I hope to unite my name with new and great events, and with the unrivalled greatness of the republic; you go to unite yourself once more with a people among whom I beheld at once the simple manners of the first ages of Rome, and the luxury of her decline, where I see the taste, the sensibility and science of Athens with her factions; and the valor of Sparta without her decline.

"As a citizen of the world, I would address your country in the following language: Every man and every nation is ambitious and ambition grows with power, as the blaze of a vertical sun is the most fierce. Cherish therefore a national strength—strengthen your political institutions—remember that armies and navies are of the same use in the world, as the police in London or Paris, and soldiers are not made like potter's vessels in a minute—cultivate union, or your empire will be like a colosse of gold, fallen on the earth, broken in pieces, and the prey of foreign and native Saracens. If you are wise, your republic will be permanent, and, perhaps, Washington will be hailed as the founder of a glorious and happy empire, when the name of Bonaparte shall be obscured by succeeding revolutions."

### From the Journal of Commerce. THE PROGRESS OF STEAM.

From the extent of our coast, the number of our navigable rivers and lakes, and the "go-ahead" character of our population, it is evident that steam-boats have a special adaptation to our wants; & as a matter of fact, we are, in this species of navigation, quite in advance of any other nation on the globe. Not only are our steam-boats as a general remark, larger and more elegant, but their aggregate tonnage is greater. Its increase, for some years past, has been surprisingly rapid. In 1823, the whole steam-boat tonnage of the United States was only 29,419 tons. At the end of 1834 beyond which the returns do not reach, it had increased to 122,374 tons, and is now doubtless at least 150,000 tons. This at an average of 300 tons to each boat, would give a total of five hundred steam-boats. Their speed has increased almost as rapidly as their number. If we suppose each boat to carry on an average 100 passengers, the aggregate number would be 50,000. About this number, we presume, are constantly afloat in these moving places. In the vicinity of navigable waters, they supply, to a great extent, the place formerly

occupied by stages, private vehicles, and even *legs*. It may literally be said that where steam-boat navigation is available, no man can afford to go on foot.—The speed of the boats has increased almost as rapidly as their number. Fifteen or sixteen miles an hour is now considered nothing extraordinary. Places which 25 years since were considered far distant, are brought so near by this wonderful invention, that they are almost parts of the same town. The revolutions which it has effected in business and property are very great. By the facility which it gives in the transportations of troops, ordinance, and supplies, it adds immensely to a nation's defensive power; and not less, perhaps, by the means it affords, of annoyance to the blockading squadron. It will, in fact, revolutionize the system of naval warfare.

If the progress of steam is to continue in the ratio of the past ten years, it will require a forest per day to supply the consumption of fuel. In short, we see not but the expense of wood and the difficulty of obtaining it, would ultimately become so great as to diminish essentially the value of the invention. But fortunately, in this dilemma, we have another recourse which is inexhaustible; the mountains of Anthracite coal with which our country abounds. In a few of our boats this article is already used with success; and from its power of producing heat, we have no doubt it will ere long be preferred to wood. If there are any inconveniences or drawbacks attending its use, the inventive genius of our people will find a way to remove them. Much has already been accomplished in this respect, and the rest will be achieved in due time.

### PUBLIC SCHOOLS.

A correspondent of a Southern paper speaks in the following terms of the Public School system of New England—of which above all her other admirable institutions, her people have just cause to be proud. "The school houses of New England have been called the fortresses of New England. You see them in the country every two miles or less, on almost every important road, and every body knows or ought to know that New England is cut up with roads—half roads—I was going to say These Free Schools, where the poor are educated at the expense of the rich. I verily believe, give that very peculiarity of which I have spoken to the whole Yankee nation. They arouse and stimulate whatever of intellect there is in a man. They foster enterprise and emulation. They educate to a certain extent all the people. Hence New England men have the benefit that education always gives, the ardent thirst for knowledge and for intellectual and moral achievement. They aim high and reach high. Work they must, or starve; for the soil is not the bountiful giver of the fruits of a soil under a Southern sun—the climate is cold—the summers are short—and the comes growling November, fiercely raging winter, with its winds and its storms, so that one cannot eat up from October to May, and may be gathered the rest of the time. Thus necessity demands the exercise of every faculty, and free schools teach all, how to them to the best advantage. "In the large towns and cities, every thing is done to stimulate and arouse the boy. The most equality exists in all schools, the poorest boy in the free school