

SOUTHERN CITIZEN.

BY BENJAMIN SWAIN.

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

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[OF \$3 AFTER 3 MONTHS.]

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IGNORANCE OF THE LAW EXCUSES NO MAN.

ASHBOROUGH, N. C.

Saturday, Feb. 18, 1837.

QUESTIONS BY A SUBSCRIBER.

1st. Is a Constable bound to work the public Roads? and do military duty?"

2nd Can a Constable recover Execution Cost, when he does not levy the Execution?"

3d. B was owner of a Cow, and C stood security to S for B; who gave K a mortgage on the Cow. S obtained Judgment against B and C; and B being insolvent, C caused D the Constable to levy the Execution on the Cow that was in mortgage to K; but had never been in K's possession. This Execution was levied three days before the mortgage was out. (We suppose this means, three days before the mortgage became absolute, the condition being forfeited.) D advertised ten days, and then sold the Cow. Neither party attended the sale: nor was there any objection started from any quarter. D had at the same time an older judgment in his hands, than S's; and the proceeds of the sale were sufficient to satisfy both judgments. Is not D bound to satisfy both judgments? and is B, C or D under any obligation to K for the mortgage? Insert the answers in the next "Citizen" after this comes to hand if convenient.

Yours with due Respect,
D. N. B."

Answer 1st. A Constable is exempt from working the Public Roads, and also from military duty.

Answer 2nd. A Constable is entitled to Execution Cost without actually levying the Execution. He may demand his Execution Cost of the plaintiff even before he goes to hunt for property. Or if he has an Execution in his hands, and the defendant pays the debt before he levies, the cost is due to the officer from the defendant.

We are aware that the profession are not universally agreed on this point; but we have here stated what we conceive to be the better opinion. The point has never been decided by the Supreme Court. And, considering the small amount in controversy, to carry it up, is so very small, we think it likely the point will not soon be thus decided.

Answer 3d. When an officer makes a levy on property, it injures to all the Executions he has then in his hands equally—that is, in proportion to their respective amounts, although some of the Executions may be much older than others. If an officer makes a levy by virtue of one or more Executions, they are to be satisfied, no matter how many judgments he may have in hand, on which no Execution has been levied, they are entitled to nothing.

As to the mortgage, in the case stated, we think clearly it has the preference in satisfaction out of the proceeds of the Cow sold. If the mortgage had a good mortgage, it was not

necessary for him to attend the sale, and put up his claim. For the public registration of the mortgage on the Records of the County (without which it was no mortgage) is presumed to give notice to all persons, of the ownership of the property.

We have not now sufficient leisure to go into the minute distinctions which exist in law between mortgages and deeds of trust; nor can we enter into a detailed statement of the nature and effect of a Sale of an Equity of Redemption, either before or after the trust or mortgage becomes absolute. But we hope what we have said will suffice for the present, to show satisfactorily and correctly, the practical solution of the question proposed. Mortgages and deeds of trust, in their practical effect, embrace many difficult questions, which we intend to spare no pains in simplifying, and rendering more familiar to the people, when we have sufficient leisure. The subject will be treated, if in reference to what is already said in the 1st vol. of the "Man of Business," page 30, 31, 73, 74, (380.) 389. (381.) 390.

DAVIDSON COLLEGE.

The friends of education and religion in the Western part of North Carolina and the adjoining districts of South Carolina, have long felt and acknowledged the necessity of an Institution of learning under the control of Christian principles, and accessible in its privileges to that large and deserving part of Society who are not able to reap the advantages of expensive Colleges. In the Spring of 1835, the Presbytery of Concord, resolved with confident reliance upon the blessing of God to undertake the establishment of a Manual Labor Seminary. In this noble attempt the Presbyterians of Morganton and Bethel have since manifested the most cordial co-operation.

After due investigation, a farm was selected in the upper part of Mecklenburg County, distinguished for its healthy and central location. 469 acres of Land were procured of sufficient fertility in the estimation of many wise and practical men to justify the erection of the necessary buildings. Agents were immediately appointed to lay before the public the claims of this benevolent enterprise. The cordial and generous liberality manifested in all directions, proved that the expectation was well founded, that such a plan of education would be highly approved and cheerfully sustained by an intelligent and pious community. In a few months over thirty thousand dollars were subscribed.

It was determined to call it Davidson College, in commemoration of Gen. W. L. Davidson, a brave, intelligent and generous officer, who was killed in 1780, at Cowan's ford, 7 miles from its site, opposing Lord Cornwallis, in crossing the Catawba river.

Three buildings for students, two Houses for professors and a Steward's House, with the necessary out buildings will soon be completed. A Chapel to contain recitation rooms on the first floor, and a place of worship on the second, has been contracted for, and will it is expected, be finished during the next summer.

It has been determined to commence the exercises of the College on the 1st day of March, 1837. The year will be divided into two Sessions of five months each. August and February will be the vacation months.

All the Students will be required to perform labor, Agricultural or Mechanical, three hours each working day. A Steward and Farmer has been engaged whose business it will be, to manage the Boarding House, and to accompany and direct the Students in their hours of labor.

The price of boarding has been

fixed at six dollars a month, or thirty dollars a Session. The students will be divided into three classes for labor. The strongest and most sufficient laborers will compose the 1st class. The 2nd class will embrace those whose labor may be of less value. The 3rd class will contain the youngest and weakest boys.

The 1st class of laborers will be allowed a reduction on their board \$15 by the session, or \$30 by the year.

The 2nd class will be allowed a reduction of \$12 by the session, or \$24 by the year.

The 3rd class a reduction of \$9 by the session, or \$18 by the year.

Those who labor in the 1st class will be required to pay only \$15 by the session for their board.

Those in the 2nd class \$18

Those in the 3rd class \$21

Price of tuition to Students in the Languages and Sciences will be 15 dollars by the session.

Price of tuition to those who may enter to study English Grammar, Geography and other branches of an English Education, will be 10 dollars by the session.

Payments for Board and Tuition to be made in advance by the session. Money for Board to be paid to the Steward—Fees for Tuition to be paid to the President.

Nothing will be required for room rent or fuel.

It is believed that most of the Students may be supplied with their Candles and procure their own washing with very little expense. Many active and benevolent Ladies have already made provisions to supply part of the rooms with Bedding and other necessary furniture. Others it is understood are making similar preparations. By a united effort all the rooms might be furnished, such to the honor of the most interesting and untiring agents of Christian benevolence.

All the ladies who may engage in this good work, are respectfully requested to make choice of the Students whom they wish to occupy the rooms furnished by their liberality. While such a selection would confer a tribute of respect, it would remove from the officers the necessity of making any distinction among Students equally deserving. Those who may have articles for this purpose, are requested to forward them if opportunity occurs, between the 15th of February and 1st of March, to Abel Graham, Esq. with the names of the Students for whom they were intended.

If Students, who come from Congregations where no such provisions may be made, could unite and bring with them the articles they need, it might prevent both trouble and expense after they arrive at College.

Particulars are thus minutely given, to afford all necessary information to prevent as far as possible, every unwarranted apprehension.

From these facts, it must be apparent, that the expenses of enterprising and economical youth, at this institution will not be half so great as at most Colleges in our country, and even much less than at the majority of good Academies.

That Students should be afforded an opportunity of reducing their board from 18 to 30 dollars each year without interfering with their advancement in mental improvement, should commend this College to the most favorable regard of the public.

Many promising and enterprising

youths may receive the benefits of a Liberal Education in this way, whose circumstances prevent them from encountering heavy expenses. Every effort has been made to redeem the pledge given, that the expenses should be as small as they could be made. A strict and uniform regard to economy has marked all the improvements and stipulations thus far made.

It is confidently believed that these terms will fully meet the reasonable expectation of all who will inform themselves respecting those arrangements which are necessary to commence and sustain such a course of education. Some may have formed the unwarranted and unreasonable expectation, that no expense whatever would attend a course of Manual Labor Education. If a sufficient amount had been contributed by a generous community to render this College free of cost to all who might enter it, none would have rejoiced more than those who are its managers. But such is very far from being the fact. It should be remembered that only one fifth of the amount subscribed is payable each year. It should also be known that the cost of the land, buildings, stock, implements, &c. &c will consume the whole of the subscriptions paid for the first three years at least, and perhaps more. No other course was left to its managers, but to fix the Board and Tuition at a moderate price, and promise a very liberal compensation for the labor required. But the diminution of expense will not be the only advantage of the Manual Labor Department. The regular and cheerful exercise afforded by it, will preserve and promote the health of the Students.—This is a consideration of the first importance.—The great object of a good Education is, to train and cultivate a sound mind in a sound body. Neglect of health has led multitudes of the most promising young men in this country to a premature grave. Without health, men of the brightest talents and attainments must linger out a painful existence, and be cut off from distinguished usefulness. Perhaps no class in society are exposed to more danger in this respect than Students. It is natural for the mind in acquiring knowledge, to become engrossed with the employment, so far as to neglect exercise and recreation.

The most promising Scholars are in the most danger, from sedentary habits and immoderate study and often before danger is perceived, the seeds of death are sown and the Constitution ruined beyond recovery. Remedies come too late after the injury is inflicted. The evils to be avoided must be anticipated and guarded against by regular and appropriate exercise. The law of our nature demands activity to the body as well as the mind.—Suitable and uniform labor is essential to permanent vigor of the Constitution. The time thus spent in preserving the health will be amply repaid by the ease and vigor with which the mind will act when called to study.

It is very certain that exercise, to be healthful, should be taken at regular periods of time, and to uniform extent. If left to the discretion of youth, who are often governed more by feeling than reflection, it will be neglected when most needed, or taken in no salutary manner.

The deep solicitude and repeated warnings of parents and teachers will not avail, unless it be required

by the existing rules of the Institution and made honorable by its constitution. If expected of all, no odious distinctions can exist. Being required for the highest and most reputed purposes, the wisdom and good sense of those who reflect upon the demand, will justify its expediency.

Another salutary result from the Manual Labor Department, will be the cultivation of independence and good habits among the Students. A constant and strong temptation to those who are receiving an education is, to look with dread or contempt upon the labor which others perform. To this temptation multitudes so far yield, as to become fond of ease and indulgence. This is a mistake injurious to their own welfare, and at war with the best interests of society. The undivided and practical influence of all educated men should be given to render labor honorable, and the most efficient way to do this is, not to shrink from it themselves. No more direful calamity could settle upon our country, than for intelligent men to fix odium upon the labor which is essential to its prosperity. No youth should be trained to feel that proper attention to business is either disreputable or unnecessary. Habits of industry and economy constitute the best fortune.

True benevolence consists in providing the means of education so far as to render them accessible, and then in adopting those measures which will lead youth to put forth their own efforts, and as far as possible to rely upon their own resources. No doubt it is a noble part of Christian benevolence to aid indigent young men of talents and moral worth—but it is doubtless essential to its successful exercise to bring the sincerity of those who receive it to a practical test, or to develop their powers by teaching them their own strength.

The Presbytery of Concord, at its last meeting, passed the following resolution.

Resolved, That the Beneficiaries under the care of Presbytery be expected to prosecute their studies at Davidson College, if they receive aid from the Education Board."

At an early period it was resolved that the privileges of this College should be open to persons of all Religious Denominations, of good moral character. Its friends are known to be as far removed as any other class of society from motives to sectarianism, and as far from having any to gain by its exercise. The influence of party spirit has not been exerted in this great undertaking. The highest and purest interests of Learning and Religion have been honestly and exclusively aimed at.

Difficulties from various sources and of different kinds are to be expected. Sacrifices must be made. Nothing great can be accomplished without them. But let an enlightened and pious community sustain this enterprise by their prayers and their patronage, and with the blessing of God, success will be certain.

It is desirable that the names of those who may wish to enter the first session, should be forwarded as soon as convenient, either to the President at Charlott, or to the Rev. Mr. Sparrow at Salisbury. January 1st, 1837.

Hon. POWHATAN ELLIS, Charge d' Affairs of the U. States at Mexico, has returned to Washington.