

SOUTHERN CITIZEN.

BY BENJAMIN SWAIN.

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

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By B. Swain.
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Legal Department.

PROBANCE OF THE LAW EXCERPTS NO. XXV.

ASHBOROUGH, N. C.

Saturday, April 22, 1837.

QUESTION BY A SUBSCRIBER— TIME.

A contracts with B, that he will serve him for *twelve months* in some specific occupation. B is to pay him for his services \$50 at the end of every *three months*; and the contract is reduced to writing, in the form of an indenture under the seals of the parties. Now, what is the length of time? Is the time to be computed in Calendar months, or Lunar months? And must A bring separate actions on the several payments, or one consolidated action for the whole amount of his wages after the term has expired?

ANSWER.

The word "months," used without any qualification, means in *Law*, *Lunar* months. So that "twelve months" are not a year, according to legal computation; it requires about *thirteen*. If, in stating the time, you use the phrase, "a twelve month," (instead of "twelve months") it is construed to be a whole year. Wherever the contract is intended to embrace a whole year, it ought to be expressed,—"a whole year," or "twelve calendar months." This will always put the matter, as to length of time, out of dispute.—2 Bl. Com. 141. And many other authorities might be referred to.

The other question, as to the manner of bringing suit, may be referred to the discretion of A, the plaintiff. He may bring separate suits on each payment; or he may bring one suit for the whole amount, after the whole becomes due. No matter how many causes of action you have, you may join them in one and the same suit, provided they all arise on the same subject matter, supported by the same form of declaration, to be met by the same pleas, &c.

But it must here be remarked, that it would be otherwise in a contract made to pay \$200 divided off into sundry instalments. In this case, you must wait till the whole falls due, and sue for the whole at once as an entire debt.

For the distinction to be taken between sundry payments at different times, and an entire debt due in sundry instalments—see the Legal department of the 5th No. of the "Citizen," dated 28th Jan. last.

QUESTION BY A SUBSCRIBER. GUARDIANSHIP.

"If a man dies intestate, leaving land and other property, and this property be sold for money, and put into the hands of a guardian, together with the land, and the widow removes with her children to another State—Can they appoint a guardian in that State, and come back and sell the land, and collect all their money, before the youngest child comes of age?"

ANSWER.

They can have a guardian appointed

who has power to come here and demand from the guardian in this country all the money and personal property that belongs to his wards, of every description. The land, however, cannot be sold till the youngest heir comes of age, without petitioning the Court of Equity. But this may be done, and the land sold &c. For the Powers and duties of a Guardian appointed in another State, see Acts of Assembly, 1820 Old Revisal, chap. 1044—New Revised Code no. 64—sec. 93—24.

THE LAW.

The following beautiful eulogy on "the Law" is extracted from an article in the Southern Literary Messenger, for January, 1837:

"The spirit of the law is all equity and justice. In a government based on true principles, the law is the sole sovereign of the nation. It watches over its subjects in their business, in their recreation, and their sleep. It guards their fortunes, their lives, and their honors. In the broad noonday and the dark midnight it ministers to their security. It accompanies them to the altar and the festal board. It watches over the ship of the merchant, though a thousand leagues intervene, over the seed of the husbandman abandoned for a season to the earth, over the studies of the student, the labors of the mechanic, the opinion of every man. None are high enough to offend it with impunity, none so low that it scorns to protect them. It is throned with the King, and sits in the seat of the republican magistrate; but it also hovers over the couch of the lonely, and stands sentinel at the prison, scrupulously preserving to the felon whatever rights he has not forfeited.

The light of the law surrounds the cradle and the bier. The strength of the law laughs fortresses to scorn, and spurns the entrenchments of iniquity. The power of the law crushes the power of men, and strips wealth of every unrighteous immunity. It is the thread of Dædalus to guide us through the labyrinths of cunning. It is the spear of Ithuriel to detect falsehood and deceit. It is the faith of the martyr to shield us from the fires of persecution. It is the good man's reliance—the bulwark of piety—the upholder of morality—the guardian of right—the distributor of justice. Its power irresistible, its dominion indisputable. It is above us, and around us, and within us; we cannot fly from its protection, we cannot avert its vengeance.

Such is the law in its essence, such it should be in its enactments; such too, it would be, if none aspired to its administration but those with pure hearts, enlarged views, and cultivated minds."

From the Baltimore American

Lord Chief Justice Denman, of England, is said to have decided that if reported proceedings in the House of Commons contained libellous matter, the fact that the publication was made by order of the House is no justification in an action against the publisher. The doctrine thus held forth has been objected to, notwithstanding the high authority from which it emanates. For our own parts, we feel inclined to sustain the views of the Lord Chief Justice. If he be not correct, what becomes of the legal rights of an individual who may belong to the minority in a legislative assembly, or may have rendered himself personally disagreeable to the greater portion of his colleagues. In either of these cases it would only be necessary for a member to utter libellous matters, and, in connexion with the majority to which he belongs, to order them to be published, and thus blacken private character before the world, without any possibility of redress. One of the most valued rights of a Briton, indeed of every freeman, is, that his fair fame shall not be attacked with impunity, and is a right which, if he be invested with it by the law of the land, the mere party vote or resolution of a body, often constituted on political grounds, and acting with reference to political objects, cannot deprive him. Admit the doctrine in opposition to that of Chief Justice Denman, and what is the result? The man of the purest and most exalted integrity, whose name may have previously stood unblem-

ished before the world, may be libelled and traduced and represented as every thing that is dishonorable and unprincipled, by any individual with impunity, provided the persons whose tool he is, will join in ordering the publication of expressions, the intent of which is to destroy their adversary.

From the Mississippi Christian Herald.

A SKETCH OF NATURAL HISTORY.

Profane swearers are only found among the first class of mammals, according to naturalists, and distinguished as two handed, two-footed unfeathered animals, characteristically eaters of all kinds of high seasoned meats and drinkers of all kinds of strong liquors, alcohols, vinous and fermented, and known by the name of man. Animals of this class are very numerous, and are to be found in every country, constituting a part of every nation, where the spoken language abounds in terms more or less adapted to the swearing. Such animals of this class as are pre-eminent in profane swearing, speak *English*, as that language is exceedingly copious in terms adapted to that habit and to which swearers add, from time to time, new and curious words, more expressive of profanity.

The inventors and teachers of profanity, are called *gentleman swearers*; are very numerous, and to be found every where. Their complexions are generally florid, sometimes tinged with purple, and sometimes corpse-like. These originators of swearing are so proficient in their habits, as generally to utter two or three curses in every five or six words spoken in common conversation. The young mammals of this original stock, are also exceedingly expert in profanity, as they are instructed from infancy to slip out oaths and curses, growing with their growth, and strengthening with their strength, until they, in time, become teachers of swearing to white children and negroes.

The originators of swearing are to be found in every state condition or situation, from the highest dignitary down to the black leg. Their dwellings are as various as their fashions of profanity, from the splendid mansions ornamented with paintings, silver and brass, down to a thick walled house with grated windows. Their modes of travelling are also as various from the costly chariot, bedizened with costly trappings and ornaments in imitation of gold and silver, down to a one horse carriage, in which the swearer rides backward, attended by a sheriff. Their haunts are hotels, coffee houses gaming rooms and race grounds.

There is a great variety of profane swearers, of different complexions, expertness and haunts.—The following varieties are indigenous in this state.

1. Dandy counter-hopper swearers.—This variety is not very numerous, neither is their proficiency great, as their intellectuality is generally low, and their bump of acquisitiveness rather flat. Their haunts are theatres, circuses, magic rooms, and —.

2. Cock-fighting, copper-tossing, three-card, thimble-selling, five-corn, pocket picking, gambling swearers. This variety abounds much more than is convenient, or safe for the well disposed citizens. Their haunts are brothels, cock-pits, dram-shop dens, shuffle-boards, nine pin alleys, and —.

3. Swaggering, bullying swearers. This variety is also too numerous for the peace of society, as

they are exceedingly proficient in profanity; are quarrelsome, meddlesome, and fighty. These generally are the originators of disputes, affrays, riots, street disturbances, and duels. Their haunts are billiard rooms, dance houses, race-grounds, and fields of honor. This variety is much addicted to brandy, champagne and cigars.

2. Bumpy-faced, bottle-nosed, bleare-eyed, bloated swearers.—This variety is numerous, and to be found in every place and situation. They are among the greatest pests of society, poking themselves in to every company, and blowing their poisonous tobacco-whiskey breath into every face. Their haunts are dram shops, steam boats, disorderly taverns, (trap-doors to hell,) commonly called hotels, and

5. Dirty-faced, bear-pawed, shoeless, shirtless, vagabond swearers.—This variety is also quite common, and are the dregs, and rag-end of the mammal class of animals, and are fit for no useful purpose, excepting stopping bullets, and sawing stone. Their haunts are gaming dens, negro-whiskey houses, where thieves and petty gamblers resort.

6. Sheep-headed, dog-nosed bullet-eyed blubber lipped, baboon-faced, black swearers. This variety abounds in certain parts of the southern country, and are some of the greatest nuisances among us; more especially as they clumsily imitate the profane language of the original gentlemen swearers, and numbers two, three and five. Their haunts are at the back doors of dram shops on the Sabbath day, cotton yards, stables, hay lofts, and bayous.

H. T.

New Harness—We saw yesterday at the American Museum a splendid set of new Harness, beautifully ornamented and made without a single buckle. The new method—the ingenious invention of Mr. W. Hayden, patented in the U. S. and Great Britain—we think decidedly a great improvement, calculated to give more strength & durability to harness, as the fastening of the traces are not liable to the splitting of the leather, which is frequently the case, in the old style, wherever the tongue of the buckle rested. All the straps move in straight lines facilitated and made easy by small rollers.—The inventor gives the following advantages to it over the usual mode of manufacturing the article:

1. It is stronger and more safe.
2. It is more easily altered in size.
3. All the strips run in straight lines.
4. It is more easily cleaned.
5. If the horse gets entangled he can be freed without cutting.
6. It will admit of being ornamented to a higher degree than the old style of harness.

It is exhibited at the American Museum for the inspection of the public.

N. Y. Star.

Planing Machine—The New York planing machine, invented by Dr. Hull of Brooklyn, is one of the most important improvements of modern times. A machine of ten horse power, will do the work of one hundred and fifty men, and do it abundantly better than can be done by the hand plain. The rapidity with which the rough boards are turned out, and the beautiful surface presented, is really quite astonishing. To plain boards by

power, and make the rotary motion act with the grain, is a desideratum now for the first time accomplished; and it has in this instance been accomplished with perfect success.

It has two vertical wheels, with planes, or more properly speaking, planing irons, set at a proper angle on the surface of each wheel; one wheel acting as a common jack plane, to reduce the board, and the other giving a smooth and even surface, more perfect than can be produced by a hand plane. There is also a wheel which grooves boards intended for flooring; so that as fast as they pass through the machine, they are ready immediately to lay down in floors.

Curious experiment in Natural History.—A lady by the name of Ondon, particularly attached to the study of nature, had a fancy to hatch an egg by the natural heat of her bosom. Having selected a new one laid of a favorite breed, & put in a flannel bag, she placed it between her breasts, carefully attending at night to secure that portion of warmth necessary to perfect existence during incubation. At length the time came to relieve the nascent chick from the brittle cell of its confinement; the moment was perceptible by the appearance of its little beak through the end of the shell—but lest an injury should arise to the animal by too precipitate a wish to emancipate it from its prison, the lady frequently applied a drop of water to the bill of her nursling, till at last it had acquired strength to effect its own deliverance.

It appeared in every respect as perfect as if it had been reared by its natural mother; but its foster parent, not thinking her task finished, attended to its feeding with the utmost assiduity, vigilantly protected it from the cold; and in due time had the pleasure to find it a fine henbird, of perfect growth and beauty.

In the course of three years it has lain 800 eggs, and brought up several broods of chickens, and one of ducks; but its singular habits are yet to be remarked, and are well deserving the notice of the curious in natural history. Its domestic qualities are numerous. It constantly prefers the company of its protector to that of its own species and shows a desire to accompany her wherever she goes.

This extraordinary hen obtained the name of Fanny; she seems to understand its mistress' language, and by marks of affection shows it is not insensible to gratitude. In a word it appears to have lost many of the natural habits of its kind to have acquired some of the best qualities of the human race—a sense of attachment, and a desire to render itself agreeable.

Cheating Uncle Sam.—A gentleman sent a lad with a letter to the Baltimore Post Office, and money to pay the postage. When he returned, he said, "I guess I did the thing slick; I seed a good many folks puttin' letters into the office through a hole, so I watched my chance, and got mine in for nothing!"

Croup.—A "Mother" in the Montreal Transcript, gives as an effectual remedy for the croup—a teaspoon full of the solution of a piece of indigo, about the size of a pea, in a pint of milk-warm water.—V. H. Eagle.