

# SOUTHERN CITIZEN.

BY BENJAMIN SWAIN.

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

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

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THE EDITOR.

### Legal Department

FORNANCE OF THE LAW SECURED TO ME.

ASHBOROUGH, N. C.

Saturday, August 19, 1837.

### TO A CORRESPONDENT

The Question about the Poll-tax of L. are too obscurely stated, for us to undertake any opinion.

### SHERIFFS—DEPUTIES.

(Questions by a Subscriber.)

"Is it lawful for a deputy-Sheriff to hang a man, when the Judge has said the High-Sheriff shall do it? Or is it lawful for a deputy to lay off a Road, or a widow's dower, when the court has directed the High-Sheriff to do the act? In all these cases, I think it the duty of the Sheriff to perform. You will please give an opinion in your next paper."

### ANSWER.

"Any act to be done by virtue of the Sheriff's office, which is purely ministerial, may be done by a deputy. But if the office of Sheriff should require an act to be done that is partly judicial, the Sheriff must perform it himself in person. The Execution of a criminal is of the former kind—(purely ministerial) and therefore may be done by a deputy. See "Martin's Sheriff" 161.

As to attending a Jury in laying off a Road, or a widow's dower, we are inclined to think that the act partakes of a judicial nature in some degree: and if so, the Sheriff cannot act by deputy. See 1 Blackstone 344. It is expressly laid down in Bacon's Abridgement, Vol. 2, page 154, that in making partition of land, the Sheriff must attend in person. But according to our acts of Assembly, partition may be made by commissioners appointed for the purpose, without either Sheriff or deputy.

There is no doubt that the court may at any time, for special reasons, require even a ministerial act to be done by the High-Sheriff in person; and then he is bound to do the act in person, and cannot act by deputy.

### LAWFUL TENDER.

(Question by a Subscriber.)

"Mr. Editor:

I wish to know your opinion as respects collecting Specie, where the debt is of long or short standing, and the collection is forced, and the officer is ordered by the plaintiff to receive no other kind of money in payment; and also what number of copper

cents we are bound to receive, whether any, &c." W. M.

### ANSWER.

1. As to the first branch of the enquiry, we know no distinction, whether the debt be of long or short standing. The plaintiff may exact Specie in all cases, unless restrained by special agreement.

2. Whether copper cents are a lawful tender, and if so, to what amount, are questions heretofore much debated in the Country. Some say they are a lawful tender to any amount; others, to the amount of \$10, or \$10 in every \$1000. But we cannot find that they are a lawful tender at all. They were certainly not made so by any Act of Congress previous to 1820, as appears from an examination of Ingersoll's Digest, which brings down the Acts of Congress to its period. And we feel confident that they have not since been legalised as a tender in the payment of debts.

Some of the opinions above mentioned, may possibly have arisen from an erroneous conception of the 9th Section of an Act of Congress, passed in 1800, which reads as follows:

"It shall be the duty of the treasurer of the United States, from time to time, as often as he shall receive copper cents and half cents from the treasurer of the mint, to send them to the bank, or branch banks, of the United States, in each of the States where such bank is established; and where there is no bank established, then to the collector of the principal town in such State (in the proportion of the number of inhabitants of such State) to be, by such bank or collector, paid out to the citizens of the State for cash, in sums not less than ten dollars value; and the same shall be none at the risk and expense of the United States, under such regulations as shall be prescribed by the department of the treasury."

### THE ILLITERATE ROBBER.

A gentleman, one evening pretty late—passing over Point Neuf, new bridge in Paris, with a lantern in his hand, was accosted by a strange man, in a manner rather polite and seemingly suppliant, who requested him to read a paper which, he said, he had that moment picked up, and did not know but what it might be of consequence; the gentleman in holding up his lantern, in order to read the paper, had likewise an opportunity of surveying the person, and features of the person who had accosted him, which he did with some attention.

In the paper he found a few lines, which I have translated as literally as the idiom of the two languages would admit.

Speak not a word when this you've read,  
Or in an instant you'll be dead,  
Give up your money, watch and rings  
Or other valuable things,  
Depart then quickly as you will,  
Only remember silence still.

The gentleman considering his situation and the purport of the threat contained in the paper, thought it most prudent to continue silent, and act as directed; he accordingly delivered his watch, rings, money, &c., but at the same time renewed his survey of the person to whom he gave them; and was so minute in his scrutiny, that he fancied he could at any time swear to him.

The man was soon apprehended for a riot, and on his way to justice, was perceived by the gentleman to whom he had presented the paper, who accompanied him to the magistrate, and exhibited an account of the before mentioned occurrences against him; he was far want of proof, respecting the riot, acquitted of the affair, but was sent to prison on account of the gentleman's accusation.

When he was brought to the bar to take his trial, he appeared quite unconcerned, and plead not guilty, with the greatest confidence; the gentleman, who was the only evidence that could be produced, swore positively to the fact, and to the identity of his person.

When he came to make his defence, he thus addressed the bench:

"My lords, I confess on the evening specified, I did meet this gentleman on Point Neuf, and the transaction as he has related it very exactly, passed between us; but in the affair, I am very far from being guilty of any ill intention. It is my misfortune not to be able to read; I picked up the paper just before I met the gentleman; I thought perhaps it might be of consequence.—Seeing the gentleman, and judging from his appearance that he might be able to read; observing likewise the convenience of his having a lantern in his hand, I requested that he would do me the favor to read the paper—he complied—and after reading it to himself, to my great surprise he puts his rings, watch and money into my hands; I was so astonished that I had not power to enquire into the contents of the paper, or to follow him for an explanation of his actions—afterwards on reflection, I imagined the paper must have been of great value, and that he had given me his rings and money, in order to get rid of me, and to keep to himself what was far more considerable in worth. Thus, if any one hath been wronged, I think it is myself, and I trust that justice will be done me."

By this bold and artful defence, and the notoriety of his not having made any formal demand on the gentleman he got off, for he was acquitted, though the whole court was conscious of his being the guilty person.

### A LETTER FROM MR. ADAMS.

The Boston Daily Advocate of the 28th July contained a correspondence between Messrs. WILLIAM FOSTER and JOHN Q. ADAMS. Mr. FOSTER requests Mr. ADAMS to favor the public with his views on the appropriate policy of the Government in relation to the revenue. Mr. Adam's reply is as follows:

QUINCY, July 1, 1837.

William Foster Esq. Boston:

Dear Sir: Your friendly letter of the 21st ult. has perhaps, remained already too long unanswered; but when I received it, I had expressed opinions respecting the present condition of our public affairs, in answer to inquiries from some of my constituents of the twelfth Congressional district, which have since been published, and which I presume are as explicit as you may think they ought to be at this time, and which will pass for what they are worth in the community.

I still believe it the duty of every good citizen to contribute, according to his ability, toward the forming and modifying of public opinion, because she is more than ever the queen of the world; but for the regulating of my own conduct, a long and trying experience has taught me two lessons, though not always to square my conduct by them. The first is, to distrust the correctness of my own opinions upon every thing prospective and conjectural; the second, never to flatter myself that my opinions will have any influence upon the action of any other human being.

Thus, in the present condition of our country, I have very decided opinions upon the past; differing, perhaps, considerably from yours; certainly differing from those of a large majority of the people of the United States. And as our views of the expedient action for the future, might, in a great degree, depend upon the conclusion to which we have come upon the past, it is impossible that the measure which I should deem the only effective remedies for our complainants should be acceptable to the ruling power of the country. I am, and during a great part of my life have been, in a minority. It is the business of the majority to propose and accomplish measures. It is too much the practice of minorities to

expend all their energies upon devices to defeat the measures of the majority. The question of right and wrong, so far as my experience goes, is of use to either party only for the purpose of making professions.

We are now in the midst of a national bankruptcy—occasioned by the insolvency of multitudes of individuals. We are now told that all the banks in the United States have suspended specie payments—and what is the suspension of specie payments but setting the laws of property at defiance? If the President and Directors of a bank have issued a million of bills, promising to pay five dollars to the holder of each and every one of them, the suspension of specie payments is, by one act, the breach of one million of promises. What is this but fraud upon every holder of their bills?—And what difference is there between the president and directors of such a bank, and the skilful artist who engraves a bank bill, a facsimile of the bill signed by the president and directors, and save them the trouble of signing it, by doing it for them! The only difference that I can see in the two operations is, that the artist gives evidence of superior skill and superior modesty. It requires more talent to sign another man's name, than one's own; and the counterfeiter does at least his work in the dark, while the suspenders of specie payments brazen it in the face of day, and laugh at the victims and dupes, who have put faith in their promises.

You ask what is to be the remedy for this state of things? There are two remedies, both of which may be practical. One is, that the Congress of the United States should exercise its powers to regulate the currency; but they must do this (which they will not) without consulting Banks, their Presidents, and Directors. The Legislators of New York and Virginia have already shown what the Presidents and directors of Banks will advise. And the proposal of the President of a broken Bank in Charleston, South Carolina, to begin with an amendment to the Constitution granting powers to Congress, which have already been granted to them, and which they have twice exercised to the great benefit of the nation, is an insult at once to our understanding and upon our misfortunes.

As little do I relish his other proposal of a general convention of broken Bank Presidents and Directors to enlighten Congress with their advice—a convention of bankrupts to teach Congress reverence for the obligation of contracts, and how to make nothing but gold and silver a tender for the payment of debts!—of all remedies for existing evils, the last I would resort to would be a spurious coin from the mint of nullification.

The other remedy which I believe practicable is that of Solon—a sponge upon the account of debtor and creditor—wipe out all old scores and begin again. This is the hard money system, and so far as I can judge, it is the essential system of the present Administration—it is to detach the Government from all banking, and deal in nothing but the precious metals. If Mr. Van Buren is made of stuff to go through with this operation, I wish him well out of it; but he will want other co-operators than the Legislatures of New York and Virginia; and other advisers than presidents or directors of broken

banks, or land jobbers upon loans from deposit banks.

I think of this as I thought of the dry-dock, gun-boat, restrictive anti-navy system of Mr. Jefferson. It cost the nation a terrible war to be delivered of that, but the nation was effectually cured of its hydrophobia. The war was a drastic purge, but it effectually worked its cure. I fear that our present bankruptcy will need a still more violent course of alternatives; but the cure will come when the People are prepared to receive it. They are certainly not so now—they will most probably not be so during the remnant of my term of life. I hope you will live to witness and enjoy the convalescence.

Forgive the freedom with which I have answered your letter, and believe me to be, with great respect, your friend and servant.

J. Q. ADAMS.

### New Salem Temperance Society.

The annual meeting of this Society took place on the 6th of the present month, in this place. After the meeting was called to order by the President—the Secretary rose and stated briefly the subjects which were to be considered—&c. And added—that as there were some erroneous opinions entertained by many of the people, with regard to our motive, course &c. That satisfactory explanation should be given. He moved that

Rev. B. York, give the necessary explanation, which he did in his usual style of delivery, addressing in behalf of the Temperance cause.

Afterwards the Secretary made a few remarks, in which he stated, the principal evils that arise from the use of Ardent Spirits and also, the happy effect the Temperance reformation has had on the community in general &c. &c.

He then read a letter to the meeting which he had previously received from an esteemed friend in Granville county—urging the necessity of employing an agent to travel in as many as 10 counties, (to be named hereafter) for the purpose of establishing Temperance Societies, and he, the agent, to be allowed a reasonable salary for his services.

This resolution was passed without a dissenting voice.

The propriety of organizing a county Temperance Society at this place was also duly considered—and the first Saturday in September is appointed for that purpose, at 2 o'clock P. M.

The meeting then proceeded to take into consideration the object of calling a Temperance convention of the State. After a few discussionary remarks from the members, it was agreed to call a State convention during the present season. The place named for the convention to meet, is Pittsborough N. C. and to be on the 25th October next.

Jesse Hinshaw was chosen, a delegate to attend said convention.

Considerable business of less note was attended to, after which the meeting adjourned till the first Sunday in September next at Providence meeting house, at 1 o'clock P. M. Wesley D. Wilson and Jesse Hinshaw were appointed to address the meeting on that day.

The following was also adopted.

Be it resolved that the proceedings of this meeting be published in the "Southern Citizen," "Temperance Advocate" and all other papers friendly to our cause.

WESLEY D. WILSON, Sec.  
New Salem, August 8, 1837.

### One Mug of Toddy reward.—

Lost a few nights since, about the middle of the night, somewhere between the grog shop and Poverty valley, or Poverty valley and the grog shop, my old large neck'd pint bottle—(a pocket companion for a great many years)—the stopple out, round the nose of which is written, in blazing capitals, "INTEMPERANCE, with the word DESTRUCTION on the bottom; on the body of the same may be seen in large italics, RUM, which letters, besides giving a clue to the contents, have several mystical significations, viz

1st. R. reckoning—U. unpaid—M. moneyless.