

SOUTHERN CITIZEN.

BY BENJAMIN SWAIM.

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

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By B. Swaim
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THE EDITOR

LEGAL DEPARTMENT

ISSUANCE OF THE LAW RECEIPTS TO HAS.

ASHBOROUGH, N. C.

Saturday, Oct. 14, 1837.

TRUSTS.

(Question by a Subscriber.)

"Suppose a Deed of Trust be taken on A's land and personal property. The time given in the Trust is 18 months. At the end of 12 months, B levies an Execution on all the property, real and personal. The bond for which the Trust was given is due about the expiration of the time given in the Trust. Can the officer sell any or all of said property, or have the Trust closed before it is out, or the notes due, and satisfy the Trust? Also, what is the limited time that may lawfully be given in a Trust, or are they unlimited?"

ANSWER.

1. The time to be given in a Trust is not limited by law. It depends altogether on the agreement of the parties.
2. In the case above stated, B may at any time sell the property real and personal, by virtue of his Execution—first satisfying the debt secured by the Trust. Deeds of Trust are presumed in law never to be made for the benefit of the debtor; but always for the benefit of the creditor. And consequently, whenever he is satisfied (whether the debt be due or not) the Trust is no longer of any binding force.

MILLERS.

(Question by a Subscriber.)

"Is a Miller under the same legal obligation to grind according to turn, for a man that lives out of the range of his custom, but happens to bring a grist, that he is for a regular customer?"

ANSWER.

He is clearly under equal obligation to grind for both according to turn. If a man bring or send but one grist to a public mill in the whole course of his life, it constitutes him as much a customer, for the time being, as though his custom was habitual and regular.

HUNTING.

(Question by a Subscriber.)

"Is it lawful for a man, or set of men, to come from a distance, with their dogs and guns, and drive for deer, &c. on my premises, without my leave?"

And if it is not lawful, what method must I resort to, to prevent them?

ANSWER.

Be it enacted, &c. "That it shall not be lawful for any person or persons on the east side of the Appalachian mountains, to hunt with a gun or with dogs on the lands of any other person without leave obtained from the owner of the said land, under the penalty of forfeiting five pounds for every offence, to be recovered by the owner before any justice of the peace of the county where such offence is committed or the offender resides, and applied one half to his own use, the other half to the use of the county: *Provided*, That no such recovery shall be had for the offence aforesaid, unless the owner of the land shall, by advertisement posted up in two or more public places, have forbid the persons so hunting by name, or all persons generally to hunt on his land previous to the offence. *Provided also*, That recovery shall not be had in any case whatever unless the prosecution is commenced within one month after the offence is committed."—*Acts of 1784, chap. 212, sec. 5.*

From the New York Express.

MAJOR DOWNING.

We regret to notice that our types did injustice to the Major's last. The most glaring of the errors committed, however—such as "four days ago," for "four years ago"—we presume would be immediately noted by the reader as an error in print,—for the Major never makes mistakes as to dates and facts, (unless they be wilful ones.) All we can say about it is, if any future oversight on our part should draw from the Major as good a story, by way of episode, as is contained in the following letter, we shan't regret it.

Nigh the wreck of the Two Pollies.
Rockaway, L. I. Sept. 16, 1837.

To the Editors of the New York Daily Express:

I got one of your papers in which you printed my last letter to "Uncle Sam," and when readin' on't, it was fortunate for you that you was twenty miles off,—for I never did see such 'tarnal work as you made of some parts of my letter. However, all I've got to say about it is, if folks who read my letters in print, find any thing in 'em that don't read smooth, and ain't correct as to dates and facts; they may set it down agin the printers. It was just so once with a young Doctor, a friend of mine, in the *Coleridge* times. He writ a long letter once, about how he cured folks by giving Calomel,—he writ "Calomel in doses very minute,"—and the printers put it in print "Calomel in doses every minute." Up went Calomel among the Apothecarys—and down went the poor sick folks. It wasn't the Doctor's fault,—for it was all owing to the printers, and a little "e."

Now afore I trust you with other matters, I'll give you the printin of a story I've got to tell,—and you may stick as many E's and O's and P's into it as you please, and I don't care what you make on't so long as folks take the mother wit and barin on't. It is a story about Uncle Sam, and some of his capers among the women folks.

Uncle Sam, you know, always was a sociable kind of crittur, and from his first comin into life, never could git along well without havin his hull family about him, all on 'em givin him "a hoost up the tree;" but Uncle Sam found, as most folks do, afore they git gray, that unless he took a wife to take care of his buttons and keep things slick'd up about house, he would git into trouble and so forth. Well, after tryin various plans and seein a good deal of trouble one way and another, he took advice some twenty years ago, and got married to a smooth quiet quaker Lady, worth 28 millions of dollars,—and as Uncle Sam was considerable liberal in his way, he put into the family stock 7 millions of dollars; (not in the "rale grit," however, but what he said then was just as good as "grit,") and so together they had 35 millions. Well, 35 millions was

no trifle, and things went on smooth and slick for nigh upon 20 years, and every body said, at home and abroad, there never was a happier couple. Uncle Sam's wife did all a wife could do, and the Uncle Sam would once and a while, swell up and talk big, his wife said nothing, but kept stichin up his breeches when he'd split 'em, and sew on buttons when he twitch'd 'em off. But by and by Uncle Sam got mixed up with odd company, and among other things, got a kink in his head out of Fanny Wright's doctrines, that a man of so much importance hadn't ought to stick to one wife, but have as many as the great Mogul.

"I swear," says Uncle Sam, "I'm a good mind to try it; and so he talk'd to other folks about it, and to rights the galls got the notion too; and Uncle Sam got one Amos Kindle to go round and sound about, and see if the galls would stand the racket,—and he come back, and says he, "Uncle Sam, there's no mistake about it; the galls are all ready, and more than you can shake a stick at;"—and sure enough, just then the galls all havin got the notion, set, to,—they praised up Uncle Sam, and abused his good old quaker wife—O shocking! there's no tellin what they didn't say; and among other things they said, that Uncle Sam's Wife was—
Pshaw! you don't say so! and—
marcy on us!!! Well, the next thing we see of Uncle Sam was, he look'd as fine as a fiddle—ruffles round both ends of his shirt, and sich a caparin as he cut among his new wives for a spell, never was seen afore—and sich frolics!!! and all his old cronies as busy as he was among 'em, till some folks begun to wink and whisper "that Uncle Sam was so liberal he had wives enuf for himself and friends!"

Things went on thus for about three years, when Uncle Sam began (as most folks do, when they get too much of a good thing) to smell and feel trouble; and jest then I got back from foreign parts, and I met Uncle Sam, and if it had not ben for his bein my own blood relation and knowin him and lovin him, in any shape, as I do my own father and mother, I never would have known him at all. "Why," says I, "Uncle Sam, is this you?" says I, "I don't know, Major," says he; but why do you ask—don't I look as natral as ever?" says he. And there he stood, holdin his breeches up with both hands, and his elbows both torn out and a dirty shirt-sleeve peepin through, and holes in his stockings, and his shins all plastered over. "Why," says I, "Uncle Sam, what on airth ails your come," says I, "give me your hand, my old friend, and let us talk it all over together." "I am sorry, Major," says he, "I can't shake hands with you jest now—my hands are busy," says he. "What," says I, "holdin the money aye, Uncle Sam—both hands full, as usual," says I. "Not exactly, Major," says he; and with that he cum up close to me, and whispered in my ear, "I am in a bad box, Major," says he, "I have got so many wives, I ain't got a button left for my suspenders—they are all off." "Do tell now," says I, "I want to know!!" "It's true," says he, "and you may see for yourself." And with that I look'd—and sure enuf, there never was a man in sich a pickle.

Well, says I, Uncle Sam, this comes from folks given you bad advice—or rather by your not taking good advice. You forgot, says I, one fact,—and that is, that it was intended that your family matters should be regulated on the same plan of every other well regulated family,—and that tho' yours is the *General Government* family, it was intended to be regulated jest on the same plan as the family of the humblest of "your masters," and there, says I, was the mother wit of the thing in the beginnin'. What "masters?" says he, spunkin up and tryin to swell—(but takin care to hold on to his breeches)—"who are my 'masters?'" says he—"Your masters?" says I—"Why the people—and I am one on 'em, Uncle Sam—and if you had stuck to the rule they made for the regulatin of your family, you would not now be in your present condition."

"Now," says I, "Uncle Sam, there is but one way that I can see for you to take—and that is for you to call all your young women about you and tell 'em that you can't have but one wife—and they must git husbands each in their own States. Here Uncle Sam shook his head and looked considerable sad;

"I am afraid, Major," says he, "its too late—it was an easy job to git rid of one wife, but to git rid of so many all at once, I am afraid I shall git spunk'd as red as a cherry." "Never mind that," says I, "you'll git no more than you deserve if you do; folks that dance must pay the fiddler," says I, "Uncle Sam." "But," says he, "Major, must I divorce them all?" "No," says I, "there is no divorce in the matter, you can't do that unless you can prove crim. con.; that's the law," says I. "Well I can," says he, "I can prove that the Post Office, the Land Office, and Amos—"
"Hush," says I, "Uncle Sam, dont talk so, for it is an old story in all countries, that a man who has more than one wife is a bigger fool than his friends, and has more friends than buttons. Now dont say any thing more about it. You have got into a scrape, and the best way is to git out on't. You'll find that your young wives will be as glad to git rid of you, as you will to git rid of them. But you musn't talk of divorce, or they'll bring you to the proof, and show that you first came a courtin. And the time you prove guilt on any on 'em, they'll git you 'on the hip,' and keep you there too," says I. "Now look at your courtin, and compare it with what it was—its a sad change!" says I, "Uncle Sam, aint it?"—however, says I, my old friend, you have had a rare frolic, and this is the end on't—and pritty much the end of all frolics. Now, says I, we must go and see what can be done with the old Wife. I'll be bound, says I, she is as sound as ever she was, and not the worse for havin taken shelter in her old native State of Pennsylvania. I'll go on first, says I, Uncle Sam, and tell her to git her buttons and sope ready for you, and if I don't miss my guess, you will in a few weeks look as cherk agin as a boy—and as she is a good natur'd crittur and likes to see all happy about her, she will do all she can to provide for the young women you have been galavanin with of late, for she thinks you more to blame than they be. And then, says I, Uncle Sam, when all gits slick'd up, and you git all your buttons sew'd on, you will have a spare hand to welcome a friend or knock down an enemy. At present, says I, Uncle Sam, you are "humbug'd."—And with that Uncle Sam he twitched up his breeches, and spunk'd 'up considerable, and we moved on together.

I'll tell the balance of this story another time. Your Friend,

J. DOWNING, Major.
Downingville Militia 2d Brigade.

"We never knew exactly before the actual meaning of that word 'Humbug'd.'"—*Eds.*

GOLD FOR THE GOVERNMENT! RAGS FOR THE PEOPLE!!

We are surprised that the Press has not more generally denounced the conduct of the Government, for its recent attempt to corrupt the Members of Congress, at the expense of their masters—the sovereign people. On the opening of Congress, Mr. Woodbury, Secretary of the Treasury, addressed a note to the Clerks of the two Houses, informing them that the Government was prepared to pay Members of Congress for their services in *Gold and Silver!* Yes, the poor laborer, who earns his pittance by the sweat of his brow, is paid in depreciated paper—the widows and orphans of our gallant heroes, who are pensioners on the bounty of the Government, have to receive their mite in worthless Bank rags—but members of Congress, forsooth, are to be paid in *Specie!* And they are so paid; or, if they are not, they were a few days since. While in Washington, we understood that a single Broker had purchased of Members of Congress \$50,000 in Gold and Silver, for which he paid them a premium of nine per cent; and to many of them, sold in exchange depreciated Bank paper at a discount of from 5 to 25 per cent—thus making money worth more to a member of Congress, by from 15 to 35 per cent, than to any other class of citizens! And how was this Specie obtained by the Government? Why, collected in duties and postages from the people, they having had to pay, doubtless, a heavy premium for it. Now it is given to Members of Congress, the servants of the people, to influence their counsels, to be by them again sold to

Brokers at a profit, to be again bought up by the people at a premium! Can any thing exceed the profligacy of this Government transaction! It could hardly be believed that the Government, if corrupt enough, was so stupid as to countenance this barefaced attempt at bribery, and a Resolution was accordingly adopted, calling upon the Secretary of the Treasury to know if the letter to the Clerks was genuine. That functionary has replied, admitting the authenticity of the letter, but states that it was not intended for publication!—Now, we ask, what object was expected to be accomplished by this letter?—On what principle of honor, or decency, is it, that the Government selects Members of Congress as the only public creditors who are to be exempted from the pressure of a common calamity! Was not the object to persuade Members of Congress that the longer the country was afflicted with a depreciated Currency, the better it would be for them?—To show them, that they had a direct pecuniary interest in perpetuating the evils they were called to remedy! This was either the motive, or it was a worse one, and, from this specimen, the people may form an idea of the corruption which now openly stalks forth at Washington, in the face of day.—*R. Aster.*

Session of the Nullifiers.—It is evident from the tone of "The Merchant," a paper published in Baltimore and Washington, and in the confidence of Mr. Calhoun, that our correspondent's statements in regard to the union of Nullification and Van Burenism is perfectly correct. The "Merchant" boasts that the whole of Mr. Van Buren's Message may be said to have been formed out of materials furnished by Mr. Calhoun in his speech on the currency in 1834.

This new combination of parties is not altogether a subject of surprise to us—neither do we regard it as inauspicious to the cause of the Whigs. Nullification has thus far been a millstone about the neck of the party—and it is a matter of congratulation that we are well rid of it. The Whigs of the South may now stand erect, and maintain their due ascendancy.—*Boston Atlas.*

FOR THE SOUTHERN CITIZEN.

Mr. Editor:

The following I copy from the Indiana Journal of April last. I think it would be an interesting narrative for your readers:

"A NIGHT BY THE PO-CO-NO."

The road leading from the Wyoming Valley on the Susquehanna, to the East, on the Delaware, crosses one of the most rugged, wild and gloomy mountains in Pennsylvania, and is called Pocono.

There is even at this day, few inhabitants upon it; and they live a life of solitude—hunting and trapping form the principal occupations. Wild and ferocious beasts of nature roam the forest and fix their habitations in the high rocks & coves with which the mountain abounds. For thirty or forty miles along this turnpike road, the traveler is greeted by 2 or 3 dwellings which have the appearance of human habitations. It was in the autumn of 1820 that I was passing over this dreary mountain alone, and on horse back—the road at that time being almost impassable for carriages. The sun had just peeped over the tall pines of the Susquehanna, as I found myself at the bottom of the Pocono, on the way to Philadelphia, intending to reach a house kept by Wm. Fox, where travellers sometimes found accommodations.

I rode all day without any company, and endeavored to chase away the feelings of solitude which were occasionally creeping over me, by talking to my horse, whistling or singing some favorite tune of by-gone days. The curtains of night began to fall around me, and my horse appeared restless and impatient to attain the end of his journey. Now and then the rustling of the wolf fell humbly on my ear, and caused my horse to perk up his ears, snort and press on with renewed vigor. All at once I fancied I heard a human voice—looked around and listened, but all was silent. A faint low plaintive wail, like that of a person in distress, would reach