

SOUTHERN CITIZEN.

BY BENAH SWAIN. ASHBOROUGH, N. C. SATURDAY, DEC. 30, 1837. [Or \$3 AFTER 3 MONTHS.]

SOUTHERN CITIZEN,
By B. Swain
Every Saturday Morning.

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LEGAL DEPARTMENT

INDEPENDENT LAW EXERCISE NO. 2.
ASHBOROUGH, N. C.

Saturday, Dec. 30, 1837.

HOW TO TAKE COUNSEL.

Nothing would more improve the administration of justice in this State, than a strict observance, on the part of the people, of some uniform rules and precepts in taking counsel. Some practice and much observation, have induced us to lay down the following suggestions, as proper to be invariably observed by every one who may be under the necessity of asking legal advice.

1. If you are a Justice of the Peace, and be at a loss how to proceed officially in a matter pending or likely to be pending before you—never be backward in asking the opinion of a lawyer. Not a member of the Profession will be backward in aiding you, without any charge, provided he has no interest in the matter, and if he is interested he will tell you so. The correct administration of the law by this branch of the magistracy, is vastly important to the well-being of society. And the profession always take pleasure in promoting this object.

2. If you have no interest in a question of law, never ask the opinion of a Lawyer. If however, you cannot suppress your curiosity to know what he would say, then present him with the regular counsel fee—\$2.00, as an inviolable pre-requisite. This direction applies only to matters of common occurrence, such as the counsellor can answer promptly, without the labor of research.

3. If you have a question of weight, in which you are interested, call on a Lawyer in whom you have confidence, and for a counsel fee, he will take a memorandum of your case, and will then inform you what he will charge, to investigate the points fully, and give you a written opinion at some future time. If you think him extravagant, you have nothing to do but ask him for the memorandum just taken, and present it to another, which you will be considered at liberty to do without offering a counsel fee in addition to the one you have just paid. In this way, by giving from \$5 to \$20, you may generally obtain a deliberate professional opinion, in writing, that will be likely to adjust the matter of controversy, without the delay, the perplexity, the ill feeling, and the ruinous expense of an ambitious Law-Suit.

4. You are much mistaken when you suppose that the most expert Lawyer can, from the impulse of the moment, always answer correctly every question even of apparent ordinary occurrence. And there is but little reliance to be placed on such opinions as are hastily given at a glance of the subject. If you would never ask an opinion, except a written one, and pay mainly for that, you would soon find that professional advice might be safely depended on.—And this would be so much better for all parties—Lawyer, Client, and the public at large.

5. Never call a Lawyer for the smallest piece of Professional service—not even to fill up a warrant, without offering a Counsel fee. For although the actual labor and time be small, he, in serving you, incurs a professional responsibility, for which he ought to be paid. If the subject matter be so trivial that you cannot afford to pay for being right, it cannot injure you much to throw it away, and not proceed at all.

6. In order that Attorneys' fees may be better understood, you are here reminded that the fees laid down in our Acts of Assembly, are nothing more than *Docket-fees*. The Attorney is entitled to them for merely trying the cause in Court. All extra services, rendered out of Court, or at any other time than on the trial, form a proper subject of separate and distinct charge, which the client and Attorney are at liberty to regulate as they please by special agreement.

7. The collection of witness-tickets ought to be considered as not embraced in any thing above suggested. For the compensation to a witness is so inadequate, that this class of claims should be attended to on more favorable terms than any other, and should be left as you can agree.

8. In all cases of poverty—where the applicant has nothing to pay with, and really stands in need of professional service, the profession, without exception, are always ready to protect and sustain the rights of the poor against the encroachments of the rich and powerful. This charitable trait is not confined to the Legal profession: it characterizes no less the medical gentlemen of this country. Let it be cultivated and fostered, rather than discouraged.

We have taken the liberty to throw out the above hints, without consulting any individual on the subject. We know not how far they may be recognized by the Profession generally. But we know of one who intends to practice on them (or else not practice at all) after the commencement of the ensuing year.

INFANCY—ENTRIES.

(Question by a Subscriber.)
We understand the matter of this enquiry to be as follows: A enters a piece of land, and before clearing it out of the office, transfers his entry to B, who is under age. B procures a grant, can he hold it? If not, what becomes of the land?
Answer.
It is unnecessary to say any thing as to the latter branch of the enquiry; for there is no doubt that B is capable of holding the title if he wishes to do so.

(Published by request.)
An ACT prohibiting Lotteries.
Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any person shall open, set on foot, carry on, pro-

vide, make, or sell, any Lottery, or name, style or title, the same may be confiscated or known; or if any person shall by such ways and means, expose or set to sale any house or houses, lands, or real estate, or any goods or chattels, cash, or written evidences of debt, or certificates of claims, or any thing or things of value whatever; every person, so offending, shall on conviction thereof, be fined in any sum not exceeding two thousand dollars, or be imprisoned not exceeding six months, or both, at the discretion of the Court.

II. Be it further enacted, That if any person or persons shall vend, sell, barter, or dispose of, any lottery ticket or tickets, order or orders, for any lottery, or shall in any wise be concerned in such lottery, by acting as Agent in this State, for, or on behalf of any such lottery, to be drawn or sold either out of or within this State; every person shall upon conviction hereof be fined in any sum not exceeding one thousand dollars, or be imprisoned not exceeding six months, or both, at the discretion of the Court.

III. And be it further enacted, That this act shall be in force until from and after the first day of April next.—1831.

ADAM'S FALL OR THE FIRST MARRIAGE.

By Rev. Peter Stonebridge.
Adam was first created
A happy bachelor—
Nor wish'd he to be mated,
Or thought of "her" or "her."
Women had not
Been then invented;
But all consented
Was Adam's lot.
Joyous and free he was,
He pass'd his life—
And thus he still he chose,
Had he not met a wife.
Had he not sinned,
He ne'er had been
Thus taken in—
But single kept.

He did not want of food
A thing so false and frail,
More than a load of lead,
Requires or wants a tail.
Duly had he
The cherub,
And seraph
For company.
But wedding angels soon,
To spoil his peaceful life,
Set all their wits to work
To "pick him out a wife."
As, with us here,
Our "angels" do
Where'er they view
A bachelor.

When Mrs. Adam came,
She hinted, with a smile,
That they might be, "I gave
A little more in style."
"My dear, we're able
Better to dress
And keep, I guess,
A better time."
That day she made a feast
Of rare and costly fruit;
The next, they both appear'd
Dress'd in a brand-new suit.
And, every day,
Did female pride
Decoy them wide
From wisdom's way.

What was, d'ye think, the end
Of this new course of life?
Adam was bankrupt made,
By his ambitious wife.
The tipstaff's came,
And made a rout,
And torn them out
Of house and home.
Adam, now forced to work,
To eke out his scanty wage
And lady live, so gay,
Was glad to take sewing.
Then, as time pass'd,
The brats she had,
Torn'd out s' bad,
One kill'd his bother.
Had he not, while he kept,
Been satisfied with "one,"
Would Adam not have kept?

Without a mother,
Could wicked Cain,
Think ye, have slain,
His pious brother?
This mischief all arose,
And more than I have stated,
From Adam's first faux pas,
Submitting to be mated.
Then let us all
His folly see:—
And thus shall we
Escape his fall.

PULPIT ELOQUENCE.

By J. N. Moore.
"I have been young, and now I am old—yet I never have seen the righteous forsaken, nor his seed begging bread."

"My friends, as I look down from this advantageous eminence, upon the different mortal ages that appear before me—on cheeks painted with the bloom of childhood, and lips redolent with the fragrance of youth—when I contrast them with the careworn lineaments and snow sprinkled temples of age, my mind labors with a fearful comparison. I contrast the full veins and fair moulded features of childhood with the thin and shrivelled aspect of declining years; and I liken them all to the scenes which we meet with, on the broad ocean of existence. In our better days, we have the pleasant land of youth in a fairy banner; the sunbeams laugh upon the pennon, and trembles on the sail; the sweet winds refresh our nostrils from the flowery shore, the blue vistas delight our eyes, the waves dance in brightness beneath our keel; the sky smiles above us, and the land behind us, as it recedes; and before a tract of golden brightness seems to bar our way. Time wears on; and the shore fades to the view.—The banner and its inmates are alone on the ocean. The sky becomes clouded—the invisible wind sweeps with a hollow murmur along the deep, the sun sinks like a mass of blood over the waters, which rise and tumble in mad confusion through a wide radius of storm—the clouds like gloomy curtains, are lifting from afar. The sails are rent, the tackle dispart; broken cordage stream and whistle to the tempest; the waves burst like molten mountains upon the half submerged and shuddering decks; masts are rent in splinters; the sea men are washed from the wheel. Cries of terror and anguish mingled with the remorseless dash of billows, and the howling of thunder and storm. The foundered boat sinks as she launches—the deck is breaking—God of Mercy! He shall appear for the rescue! Where fold the arms that are mighty to save! Men and brethren—aid is near at hand.—Through the rills of the tempest, beaming over the tumultuous waters, moves a pavilion of golden light. The midnight is waning; gusts of radiance sprinkle the foam; a towering form smiles on the eyes of the despairing voyagers, encircled with a halo of glory. It is the Saviour of Man—it is the Ark of the Covenant! It moves onward—the waves rush back on either hand—and over a tract of calm expanse, the ark is borne.—Who steps from its side, and walks over the deep as if upon the land! It is the great Captain of our Salvation—the Mighty to save! He rescues the drowning from death, the hopeless from gloom. He stills the fury of the tempest; and for the spirit of mourning, he gives the song of rejoicing and the garments of praise. Ark of the covenant! how this way we are sinking in deep waters—and there is none to deliver! Let the prayer be offered, and it will save us all. Let not this speech be deemed the dream of a fanciful mind. We are the voyagers, ours is the danger, and God is the Power who guides the Ark of Deliverance. These things are not visible to the naked mortal eye, but their truth is the same.—The things which are seen are temporal; from them depend these momentary things, which are transient and eternal.—How shall I illustrate the boundless difference between the glories of spiritual and temporal world? Some years ago, I remember, I was in a town in a neighboring State, when there came an eclipse of the sun. I had forgotten the anticipated event, and was reading in my room, unmindful of the pale and sickly twilight that had gradually stolen over my page. A friend came in and said—"Brother are you aware that the

eclipse is now taking place. I have looked out; and lo! my eye is dazzled, and I have fallen into the long, broad street. It was full of people, and the houses of the town, on all sides were covered with the population. I took a small iron net-work glass and surveyed the sun. It was nearly obscured by the other sphere, and by the clouds, which clad in gloomy light, were sailing fitfully by. After a little while, I retired to my apartment, but for nearly an hour was totally blind.—Now my friends, that which you see, even when, as at this present, it is in unclouded majesty above us, throwing its rosy light upon the far-off mountain, the fired desert, the fertile valley, or the heaving main, that glorious orb is but a faint spark at the foot of the Omnipotent a dimly lighted lamp, feeble glimmering on the water-voice of a transcendent world whose glories are unseen and eternal."

The change effected by Death.—Meditate often on the change in our condition which death effects. It is by a transition that we are here seen, and by a transition that we are there seen. The spiritual world is a world of light, and the material world is a world of darkness. At the moment of death this partition is broken down, and we are introduced into a new and amazing state of things, which is not conscious in the world of spirits. What a wonderful and important transition! The very thought is almost overwhelming! The spiritual world is a world of light, and the material world is a world of darkness. At the moment of death this partition is broken down, and we are introduced into a new and amazing state of things, which is not conscious in the world of spirits. What a wonderful and important transition! The very thought is almost overwhelming! The spiritual world is a world of light, and the material world is a world of darkness. At the moment of death this partition is broken down, and we are introduced into a new and amazing state of things, which is not conscious in the world of spirits. What a wonderful and important transition!

FOREST READER.

The following anecdote the writer had from a venerable Kentonian, whose hoary locks were withered with the frosts of many winters, a person of acquaintance of the gallant hero, and who was an actor in some of the stirring scenes of the times.
There lived near Lexington a very poor widow, who, by dint of hard economy, amassed enough to purchase several pigs, which she put into the pen to fatten, for the support of herself and family. When her pigs were fattened and grown, one of her neighbors, upon a slight claim or pretence, went to the old lady's sty, and boldly asked to drive his hog off, and she, in anger, deposited them in his sty. The poor woman remonstrated, but in vain, and not being able to bear the expense of a legal prosecution, she was left without a remedy. One fine afternoon in November, a man, dressed in a blanket coat and leggings, with a rifle, called at her humble dwelling, and for a drink of water. She furnished him with a gourd, which, if it could not bear of delusion, did of cleanliness.—After he had refreshed himself with a draught from the homely cup, leaning on his rifle, he enquired where the widow lived who had been so basely robbed, relating the circumstances of the theft. The man that coursed down the injured widow's cheek, answered most devoutly.
"Droop your ears, good woman," said the stranger, "I have no doubt some one will assert your rights, and defend them." "O no," said she, wiping away her tears, "I know of no lawyer but Harry Clay, but will undertake a suit without a fee, and he is gone on to Congress." The stranger still endeavored to console her, and showed her the rifle, and followed by his faithful dog, was soon lost sight of in the woods. The case was duly tried, but by proper process was removed to a distant county by the defendant. When it was called for trial, a man in a blanket coat was seen to arise and address the assembly thus: "Your honors, and gentlemen of the jury, this is a cause