

LAW REGISTER

LIST OF CASES

Decided in the Constitutional Court of S. Carolina, at Columbia, Nov. Term, 1815.

FROM ADSEVILLE DISTRICT.

Joseph Hearst vs. James Findley—Motion for nonsuit or new trial granted.
John Spence vs. Benjamin Houston—Motion to reverse decree discharged.
Wilson Kennedy vs. John Campbell—New trial granted.
Benjamin Glover vs. Charles Goodwin—Postponed for consideration.

FROM BARNWELL.

Charles C. Ashdus vs. Jacob Gray—Motion for nonsuit withdrawn.

FROM CHESTER.

William Jenkins vs. John Thomas—Motion for new trial discharged.
Executor of Benjamin Boyd vs. Jos. Boyd—New trial refused.

FROM EDGEMOND.

William Cotney vs. Obadiah Johns and others—New trial refused.
Samuel Duvall vs. Samuel Tomkins—New trial refused.
Thomas P. Martin vs. George M'Murphy—Motion refused.
G. and S. Lindaberger vs. Henry Rousseau—Motion to set aside judgment & reinstate cause discharged.

FROM FAIRFIELD.

The Treasurer vs. Samuel W. Yonque—nonsuit refused.
Reuben S. Sanders vs. Daniel Palmer and F. Nance—Motion for new trial discharged.
Alexander Kincaid vs. Wm. Raiford—Settled.
Sheppard Pucket and wife vs. Austin F. Peay—New trial granted.

FROM LAURENS.

John Craddock vs. Joseph Reynolds—Motion for new trial refused.
Ann Steele vs. Wm. Ward, et al.—Motion to set aside nonsuit refused.

FROM LEXINGTON.

Micajah Martin vs. Adm'r. Bowers—Motion in arrest of judgment refused.
Samuel Hoffman vs. David Sharp—New trial not granted.

FROM MARION.

Ex'r. of Frances Port vs. Benjamin Davis—Motion for new trial discharged.
James Crosby, by his next friend, vs. James Bostwick—Motion for new trial and an arrest of judgment discharged.

FROM NARLBOROUGH.

John Harper vs. John Miles—Motion for new trial discharged.

FROM NEWBERRY.

Frederick Counts vs. John Harman—Former decision confirmed.

FROM ORANGEBURG.

George M'Michael vs. Margaret Inabnit—Motion to reverse decree refused.
Tim. Barton vs. Graves—Nonsuit ordered.
George M'Michael vs. Margaret Inabnit—Motion to set aside granted.

FROM PENDELTON.

Burtson vs. Emun Miller—Motion for new trial refused.

FROM RICHLAND.

Eliza Dinkins, administratrix of John Dinkins vs. Wade Hampton—Motion for new trial discharged.
John Hughes vs. Wade Hampton—New trial granted.

FROM SUMPTER.

William Mayrant vs. Luther Smith—Motion for new trial discharged.
Daniel Norton vs. Micajah Ward—Motion for new trial discharged.
Commissioners of the Treasury vs. Isham Moore—New trial granted.

FROM SPARTANBURG.

Lewis Brown vs. Wm. Rush, jun.—Motion to set aside verdict and for a new trial discharged.

FROM UNION.

Titus G. Farr vs. Wm. Hummingway—Motion to reverse decree granted.
Ezekiel Farmer vs. Baker and Leach—New trial granted.
J. W. Darley, commissioner in equity, vs. executors of Thomas B. Hunt—Motion to set aside nonsuit, discharged.

FROM YORK.

James Martin vs. Wm. Howie—Motion to set aside nonsuit, granted.
Sarah Evans vs. Adm'r. of Thomas Knox—Party to take nothing by his motion to reverse decision.
Lemuel Steel vs. Adm'r. James Steel—New trial refused.

Cases decided in the S. C. COURT of APPEALS, at Columbia, Nov. Term, 1815.

FROM CAMDEN.

Presly Garner vs. Lewis Ballard—Decree affirmed.
Executors of Joseph High vs. John Pyland—Decree affirmed.
Eleanor Lee vs. Reuben Stark—Decree affirmed.
Hurtwell Macon, administrator of Wm. Capers, and others, vs. Wm. P. Brown—Decretal order of Circuit Court reversed.

FROM WASHINGTON.

John Ellis vs. Stephen Shell and wife—Decree affirmed.

FROM COLUMBIA.

Claiborne Clifton, administrator of Jane Anne Campbell vs. Executors of Haig, Executors of Wise, and Charles Williamson and others—Decree affirmed.
Catharine Threewits vs. Llewelling Threewits—Decree affirmed.
James Alexander and Frederick Walker vs. Executors of Joseph Walker—Decree affirmed. [Case ordered to be sent down to the Court below, to determine the question of interest accruing since the decree of the Circuit Court.]

AGRICULTURE

ON THE EMPLOYMENTS OF AGRICULTURE.

BY AN ANONYMOUS WRITER.

"Happy the man, whose wish and care
A few paternal acres bound,
Content to breathe his native air,
In his own ground.
Whose herds with milk, whose fields with bread,
Whose flocks supply him with attire;
Whose trees in summer yield him shade,
In Winter fire.".....*corn.*

In the United States the great body of the people are cultivators of the ground; all the other citizens bear but a very small proportion in number to these. This too will probably be the state of things for many ages to come; for the cheapness and inexhaustible plenty of land and the consequent dearth of labor, will in all likelihood, prevent for a long time the extensive establishment of manufactures. The inhabitants of the eastern and middle states generally cultivate their own land, and are lords of the soil; and no circumstance can be more favorable to the support of freedom and independence. Idleness, with its train of destructive vices, can never contaminate this body of men; generally; extravagance and dissipation can never poison the great mass of them. Some farmers will be idle, extravagant and dissipated, but these will bear a very small proportion to the whole number. In the common course of things there will always be among them tenfold more industry than idleness, tenfold more instances of saving economy than of waste and ruinous extravagance.

The daily occupations of farmers give them a peculiar hardness of body, and mind, and render them more capable than others of sustaining the fatigues and braving the dangers of warfare. Being owners of the soil, they have much more interest at stake in time of invasion, than those whose property is moveable, and can be easily transported from one country to another. At the same time they are led by their interest to wish for peace with all foreign nations, and for quietness and order at home. It can never be for their interest to leave their farms and turn soldiers, unless imperious necessity should call; and it would be equally contrary to their inclinations. Therefore, they would be unwilling to engage in any but a necessary war; and in such a war, a war of invasion on the part of the enemy, they would not fail to bear a hand, they would be the first to engage and the last to yield. For these reasons, together with others that are obvious, the farmers are the great bulwark of the country; and if our national independence and republican institutions should be preserved and perpetuated (and God grant they may be!) it would be principally by means of the substantial yeomanry, a body of men the most incorruptible, the most brave and hardy, the most attached to their country, and infinitely the most numerous.

Our farmers at the present day have advantages much superior to those enjoyed in preceding ages. Great improvements have been made in agriculture, and these improvements are still progressing. Great improvements have also been made in roads; so that it is much easier carrying produce to market than it was formerly. Public worship and village schools are attended with more ease, social intercourse is promoted, and friends and neighbours are brought, as it were, nigher to one another; for if by reason of better roads, the travel of 10 miles is as easy now as that of 5 miles was formerly, it is in effect the same as if the local distance were shortened in this proportion.

As "agriculture has been ranked among the most useful and honorable employments by every civilized nation," and has been encouraged by every wise government; so it ordinarily affords a greater share of contentment and happiness than, perhaps, any other calling of life. As it is favorable to morals, so is it also favorable to health and strength of body. Exercise in the open air gives an appetite and makes food delicious. The labouring farmer has more pleasure in food, as well as more enjoyment from sleep, than any idle epicure ever yet tasted. He inhales from his fields pleasant, salubrious and invigorating perfumes. His eyes are delighted while beholding his flocks and herds, and the progressive growth of his plants and vegetables. When he has rendered a barren soil fertile, by industry and skill, or when he has made a portion of wilderness "blossom like the rose," he rejoices in the works of his hands; his heart is cheered with an innocent and rational satisfaction.

Industrious, thriving farmers are more independent than almost any other men. The merchant lies at the mercy of the winds and waves, the trader depends upon his customers, the lawyer upon his clients, the physician and mechanic on their employers. But the substantial farmer can supply most of his real wants from his land; and whilst he is less dependent upon men than others are, his circumstances of life lead him to feel an immediate dependence on that Being "who giveth rain from heaven and fruitful seasons."

All these circumstances put together, there is good reason to conclude that the condition of the thriving farmers is more free from disquietude and more favorable to the enjoyment of contentment and happiness, than that of almost any other class of people. Indeed many have been glad to exchange high rank and power for the retired and peaceful occupation of agriculture. Dioclesian, the Roman emperor, was one illustrious instance, who, after he had voluntarily left the throne, employed himself in planting & gardening, when being urged by Maximilian to resume the reins of government and the imperial purple, he remarked "that he could shew Maximilian the cabbage which he had planted with his own hands at Solon, he should no longer be urged by him to relinquish the enjoyment of happiness for the pursuit of power."

SEASONABLE HINT TO GARDENERS.

To preserve Vegetables from the effect of frost.—Next morning after a night's frost, at day break or soon after, sprinkle every thing liable to injury, with water from a watering-pot. The quantity of water required will bear some proportion to the intensity of the frost. This will generally secure vegetables from injury, even

though the frost should appear for several successive nights.

Every person the least conversant in culinary affairs, knows that frozen meat or frozen vegetables, should, before cooking, be immersed in cold water, by which the frost is extracted, and the original qualities of the articles retained; but if immersed in warm or hot water, or if suffered to thaw by the milder effects of temperature, they are essentially injured.

Frozen limbs, too, if warmed by the fire, mortify, but if immersed in cold water no injury follows, except a slight inflammation, and that not always. In this, as in many other cases, animal and vegetable life are subject to the same rules of pathology.

LITERARY.

FROM THE ECLECTIC REVIEW.

LORD BYRON'S "HEBREW MELODIES."

Here, certainly, his lordship has failed: instead of rising above his subject, as he has been accustomed to do, he has sunk under it. Not that the failure is of a kind likely to injure his reputation as a poet; these songs, by the help of the melodies for which they were written, and under the sanction of their author's name, stand a fair chance of rivalling in popularity the compositions of his friend Moore, of which indeed they often reminded us. The failure to which we allude, is one that respects taste and judgment, and consists in attempting to accommodate subjects selected from the Hebrew Scriptures to the light measures of a love song, at the expense of every thing characteristic of the scope and purpose of the original. The following specimen is taken at random.

JEPHTHA'S DAUGHTER.

"Since our country, our God—Oh my Sire!
Demand that thy daughter expire!
Once thy triumph was bought by thy vow—
Strike the bosom that's bared for thee now.
"And the voice of my mourning is o'er,
And the mountains behold me no more;
If the hand that I love lay me low
There cannot be pain in the blow!
"And of this, oh, my father! be sure—
That the blood of thy child is as pure
As the blessing I beg ere it flow,
And the last thought that soothe me below.
"Though the virgins of Salem lament,
Be the judge and the hero unbent!
I have won the great battle for thee,
And my father and country are free!
"When this blood of thy giving had gush'd,
When the voice that thou lovest is hush'd,
Let my memory still be thy pride,
And forget not I smiled as I died."

In this, and the greater part of these compositions, the reader will seek in vain to discover the author of the Corsair; there is neither depth of feeling, nor vigour of expression, nor play of fancy to redeem them from the condemnation to which, on the score of taste, putting aside all religious considerations, they are liable. A ballad, entitled "Vision of Belshazzar," begins in the following style:

"The king was on his throne,
The satraps throng'd the hall;
A thousand bright lamps alone
O'er that high festival
A thousand cups of gold,
In Judah deem'd a vine—
Jehovah's vessels hold
The goddess heathen's wine!
"In that same hour and hall," &c. &c.

Jam satis.—It is perhaps unnecessary to remark, that in these "Hebrew Melodies," though there may be some melody, there is nothing beyond the titles and the occasional introduction of a name, to support the designation of Hebrew; unless the fact of their having been written for Jewish airs is thought sufficient. One is at a loss to imagine how an admirer of the poetical beauties only of the Old Testament writings, could sit down to execute such a travesty of their genuine character.—"King Agrippa, believest thou the prophets?"—In one respect alone they are Jewish poems: We allude in particular to such as that "On the day of the destruction of Jerusalem by Titus." They are as Jewish, in opposition to every thing Christian, as Messrs. Nathan and Braham could have desired.

The following is one of the happiest efforts in the collection.

THE WILD GAZELLE.

"The wild Gazelle on Judah's hills
Exulting yet may bound,
And drink from all the living rills
That gush on holy ground!
Its airy step and glorious eye
May glance in timeless transport by—
"A step as fleet, an eye more bright,
Hath Judah witnessed there;
And o'er her scenes of lost delight
Inhabitants more fair,
The cedars wave on Lebanon,
But Judah's stately maids are gone.
"More blest each palm that shades those plains
Than Israel's scattered race!
For, taking root, it there remains
In solitary grace:
It cannot quit its place of birth,
It will not live in other earth.
"But we must wander wistfully,
In other lands we die;
And where our father's ashes be,
Our own may never lie:
Our temple hath not left a stone,
And mockery sits on Salem's throne."

Shall we be told Lord Byron has given us another instance of the impossibility of succeeding in Sacred Poetry?—We reply, that these specimens only afford a fresh proof, which was not wanted, that the Scriptures are not honored by the attempts of mere artists or poets to illustrate them;—that something beside genius is necessary in order to secure success; that devotional feeling and religious knowledge are no less indispensable requisites; that, in order to sweep the harp of David, a man needs be not only pre-eminently a poet, but emphatically a Christian. Although subjects relating to religion are, from their very sublimity, less susceptible of ornament than the ordinary themes of poetry, and the feelings connected with the sacred subjects, from their very elevation less easily combine with the materials of fancy, we can never consent to dissociate poetry from its noblest purpose. We trust that some Christian lyricist, gifted with genius equal to that of our noble author, may yet arise to vindicate the themes he has profaned. It ought to excite no surprise, that the hand of genius itself should become withered by an unallowed attempt to touch the Ark.

MISCELLANY.

GEN. PORLIER.

The following illustrative particulars of General Porlier, the first Spaniard who has ventured to raise the Standard of Liberty, in favour of his oppressed country, will be read with interest:—His Excellency Don Juan Diaz Porlier is about 30 years of age, small in person, thin but of handsome appearance. He is nephew of the late minister Porlier, marquis de Boxamac. He served as midshipman in the battle of Trafalgar. He first became known in the late war against the troops of Bonaparte, by collecting a handful of deserters from the actions in Castile under General Cuesta, with which, only amounting to 30 men, he attacked 50 French advantageously posted near the city of Palencia, whom he killed or took, and presented to the junta of Asturias. The latter then gave him the rank of colonel, and he immediately formed a Guerilla corps, called *Guerrero Franco*, with which he did prodigies of valor against the enemy. This corps afterwards became a respectable division. What gave him most credit, in the time of the provincial juntas, was his retreat from St. Andero, surrounded by four times his number of enemies, from whom he escaped, and even took some of the French. This action covered Porlier with glory, and Ballasteros with shame, who made a disgraceful retreat to Dijon, in consequence of which that part of the country was abandoned. The other illustrious actions of Porlier are contained in the public papers of that day. He was lately made a Major-General, and his character is frank and noble. He is also a man of great energy and readiness, as is proved by what happened between him and the marchioness of Matarosa, to whose daughter he is now married. The marchioness was proud and haughty, and before she consented to the marriage of her daughter, she required Porlier to exhibit his titles of nobility. To the person sent to wait on him with this request, Porlier answered, "tell the marchioness for me, that my name is Juan Diaz Porlier, and I require to know whether her daughter is to be married to me or my parchments; if to the latter they may both go to the devil!" He, however, got his bride, and consequently is brother to count Toronto, who, before his father died, was called count de Matarosa, and one of the deputies from the province of Asturias, that came over to England in search of aid, when the Spanish revolution broke out. Porlier is of Canarian origin, and by his marriage acquired the title of marquis de Matarosa, in the right of his wife. He was arrested by Ferdinand, in consequence of the director of the post-office intercepting a letter, he was writing to a merchant in Bilbao, in which he gave him orders to supply money to a Spanish patriot, who had fled to France, in case he came to Bilbao. He also, in the same letter, made use of some harsh expressions against the governing system of Ferdinand, adding, "prenda aurodo que rebusa?"—he arrests every one who brays.

MR. WEST, THE PAINTER.

When Mr. West was painting his "Death of Wolfe," an heroic picture which he treated in a manner that drew the intended to conceal it till its completion, archbishop Drummond, for whom Mr. West had before painted his Agrippina, accidentally came into the room, and was so greatly struck with the boldness of innovation which dressed an heroic action in modern attire, that after some questions and expressions of doubt as to its success, he went for sir Joshua Reynolds, and in less than an hour, they were both in Mr. West's painting room. When sir Joshua came in, he expressed the greatest alarm for Mr. West's reputation, warned him of the hazardous nature of his attempt, and told him the people of England would never be reconciled to heroes in coats and waistcoats. However, Mr. West said that he would send for the archbishop and sir Joshua when the picture was completed, and if they condemned it then, it should go into the closet; but that he had determined to venture on a picture that would speak to the meanest intellects, in order to show some illiberal critics, who had before accused him of plagiarism from old basso relievos, that he could paint from himself. When the picture was completed, Mr. West brought his friends to view it, according to his engagement; sir Joshua stood silent before it about a quarter of an hour, and then very liberally told Mr. W. that the picture would not only succeed, but open a new era in painting.

Garrick offered to lie for Wolfe, but West refused his offer, upon the conviction that if the general were painted from the actor, the figure would inevitably be Garrick, and not Wolfe. Mr. West has always expressed himself thankful that his studies in painting were unknown and unregarded as they were, for by that means he went to them without any of those prejudices which schools impart. When he went to Italy, so far was he from relishing the style of painting which then prevailed in that country, that he saw and ridiculed its absurdities at once. At that time nothing was painted there but Madonnas and children, with perhaps two or three Cupids in the air; and in England, no characters in the heroic picture were represented in any thing else than Roman or Gothic armour. Even sir Joshua Reynolds, till after Mr. West's time, never painted a portrait but in fancy dress. At this was altered by Mr. West's death of Wolfe; and it was for this style of painting and not for his Regulus (the first picture Mr. West painted for the king) or his Agrippina, that France gave him that sumptuous entertainment upon admitting him a member of the National Institute.

MR. VANDERLYN.

In the list of passengers in a late arrival from France, is seen the name of Mr. Vanderlyn.—The arrival of this eminent artist is certainly a subject of congratulation, not only to the city of New-York, but to the citizens of the U. States. After an absence of twelve years, devoted to the study of the finest specimens of painting and sculpture in the various cities of Italy, and in Paris, he returns to enrich and embellish his native country by the powers of his pencil. His genius cannot slumber here, for the want of appropriate subjects; it is sincerely desired that it may not languish, for want of patronage.—*Col.*