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SELECT MISCELLANEOUS.

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NO. 23.

Burlingame on Doughfaces.

We are indebted to Hon A Burlingame, of Massachusetts, for a copy of his Kansas speech.

"We shall beat you like a threshing floor. We shall have a majority in this House. We shall strengthen ourselves in the Senate, and we are to-day filling all the land with the portents of your doom in 1860."

He thus honors and lauds the anti-Lecompton Democrats:

"I think it the first duty of Republicans to extinguish the doughfaces; but I hold it also their duty to bear testimony as to the manner in which the Douglas men—and they will pardon me for giving them the name of their gallant and gifted leader—to bear testimony to the manner in which they have borne themselves."

THE RETIRED PHYSICIAN'S SWINDLES.—Multitudes of newspaper readers have been caught reading the advertisements of the Retired Physician, whose Sands of Life have nearly run out.

The New York Commissioners are about to build a State Inebriate Asylum at Binghamton, to cost \$100,000; \$50,000 are already subscribed and 250 acres of land offered for the purpose.

Bristol's Sarsaparilla derives its established celebrity from its wonderful power of extinguishing the morbid principle of disease in the bile and the blood.

Judge Loring's Appointment.

While we have expressed our disapproval of the manner of Judge Loring's removal from a judicial position, we confess our inability to see anything in the circumstances of his recent appointment to a federal office, worthy of commendation.

"This act was too plainly intended as a rebuke to Gov. Banks and the Massachusetts Legislature, for an act which was strictly within the limits of their own State jurisdiction and authority. It was not even an interference of the National Executive in the State quarrels of his own party."

This appointment clearly involves the further principle, that the chief recommendation to executive favor, under this Democratic Administration, (setting aside altogether the question of capacity and fitness for a given place), is not fidelity and devotion to the old-fashioned doctrines of the party, or activity in its service, but a readiness, an alacrity in doing the menial work required by the fire eaters and by the interests of the peculiar institution of the South.

This act was clearly impolitic. It has tended greatly to avert sympathy from a man, originally thought to have had just claims upon the public regard.

Civilization.

Whithersoever we go we meet with the sniveller. He stops at the corner of the street to entrust us with his opinion.—He fears that the morals and intelligence of the people are destroyed by the election of some rascal to office.

We object to the sniveller because he presents the anomaly of a being who has the power of motion without possessing life. His insipid language is worse than timid strength. Better that a man should rant than whine.

The greatest natural ornament to the "human form divine" is unquestionably a fine, luxuriant, healthy, growth of hair. It has been so esteemed in all ages of the world, and among all nations, savage and civilized.

LAWS OF OHIO.

Published by Authority.

AN ACT

Concerning the Relation of Guardian and Ward.

SECTION 1. Be it enacted by the General Assembly of the State of Ohio, That the probate court in each county of this state shall, when necessary, appoint guardians of minors resident in such county.

Sec. 2. A guardian may be appointed to take charge only of the estate of a minor; and at the time of, or subsequently to the appointment of such guardian to any office having neither father or mother, or whose father and mother are both ascertained persons to have the custody and tuition of such minor, or whose interests will, for any other cause in the opinion of the court, be promoted thereby, the court may also appoint a guardian to have the custody and provide for the maintenance and education of such minor; provided, however, that if the powers of the person appointed guardian be not limited by the order of appointment, the person so appointed shall be guardian both of the person and estate of the ward, and the court shall in every instance appoint a guardian both of the person and estate of the ward, unless the interests of the minor within the opinion of the court, be promoted by the appointment of separate guardians as hereinafter provided.

Sec. 3. No person who may have been, or shall be, an administrator on an estate, or executor of a last will and testament, shall be appointed a guardian of the person and estate, or of the estate only, of any minor who shall be interested in the estate administered upon, or who shall be entitled to any interest under or virtue of such last will and testament; but an executor or administrator may be appointed a guardian of the person only of a minor.

Sec. 4. Any male infant over the age of fourteen years, or a female infant over the age of twelve years, shall have the right to select a guardian; who, if a suitable person, shall be appointed; but if such minor shall fail to select a suitable person, an appointment may be made without reference to the wishes of such minor.

Sec. 5. When a guardian has been appointed for any minor before he or she shall have attained the age for making a selection as fixed in the last preceding section, the powers of such guardian shall continue until the ward shall arrive at the age of majority, unless such guardian be sooner removed for good cause, or such ward shall select another suitable guardian.

and such bond executed in proper form.

Sec. 10. When the same person shall be appointed guardian of several minors, such person shall execute a separate bond as guardian for each of such minors.

Sec. 11. Every person appointed guardian both of the person and estate of a minor, shall have the custody and tuition of his ward, and the management of such ward's estate during minority, unless sooner removed or discharged from such trust, or the guardianship shall sooner terminate from any of the causes specified in this act; provided, that the father of such minor, or if there be no father, the mother, if suitable person respectively, shall have the custody of the person and the control of the education of such minor.

Sec. 12. The earnings of a ward, if a female, shall determine the guardianship of said person, but not as to the estate of such ward.

Sec. 13. When a guardian has been appointed by will, by a father or mother of any child, such guardian shall be entitled to preference in appointments over all others, without reference to his place of residence, or the choice of such minor, but his appointments, duties, powers, and liabilities shall in all other respects be governed by the law regulating guardians not appointed by will, except as otherwise provided in the act relating to wills, passed May 3, 1852.

Sec. 14. The following shall be the duties of every guardian of any minor who may be appointed to have the custody and take charge of the estate of such minor, to wit: First—To make out and file, within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and the value of the yearly rent of the real estate; and failing so to do, it shall be the duty of the proper court to remove him and appoint a successor.

Sec. 15. When a guardian is appointed to take charge only of the estate of a minor, his duties shall be the same as specified in the fourteenth section of this act, except that he shall not be required to perform the sixth duty therein mentioned when a guardian of the person of such minor has been appointed.

may, at any time, apply to the proper probate court to be released from his bond with such guardian; by filing his request therefor with the judge of such court, and giving ten days notice to such guardian; when such court shall release such surety, and if such guardian fail to give new bond, as by such court directed, he shall be removed and his letter superseded, but such original surety shall not be released until such guardian so give bonds, and such original surety shall be liable only for the acts of such guardian from the time of the execution of the original bond to the filing and approval by the court of such new bond.

Sec. 16. The court by whom any guardian has been or may be appointed, may, for reasons satisfactory to such court, accept the resignation of any such guardian, and appoint another in his stead.

Sec. 17. It shall be the duty of the court by whom any guardian has been or may be appointed, to enforce the return at the prescribed times, of all inventories and accounts required to be filed in such court by such guardian, and also to enforce the performance of all other duties devolving upon guardians appointed by such court, either with or without complaint being first made, and thereupon to make and enter such judgments and orders as may be requisite in any case to promote the faithful and correct discharge of the duties of such guardians, or to preserve the estate of minors for whom such guardians may have been or shall be appointed.

Sec. 18. Any bond given by any guardian may be put in suit by any person entitled to the estate, upon the breach of the condition of such bond. Such suit may be brought in the name of the person who is entitled to the estate.

Sec. 19. Whenever necessary for the education, support or payment of the just debts of any minor, or for the discharge of any liens on the real estate of such minor, or whenever the real estate of such minor is suffering unavoidable waste, or a better investment of the value thereof can be made, and the court shall be satisfied that a sale thereof will be for the benefit of any minor, the probate court may, on the application of such guardian, order the real estate of such minor, or a part thereof, to be sold.

Sec. 20. Such application shall be by petition, which shall set forth specifically: First—The value and character of all personal estate belonging to such ward that has come to the knowledge or possession of such guardian. Second—The disposition made of such personal estate. Third—The amount and condition of such ward's personal estate, if any, dependent upon the settlement of any decedent's estate, or the settlement of any trust. Fourth—The annual value of the real estate of the ward, with a pertinent description of such real estate. Fifth—The amount of rent received and the application thereof. Sixth—The proposed manner of reinvesting the proceeds of the sale, if asked for that purpose, or the amount and character of the lien, if the sale is prayed for the discharge thereof. Eighth—The age of the ward, where and with whom residing. Ninth—If there be no personal estate belonging to such ward in possession or expectancy, and none has come into the hands of such guardian, and no rents have been received, the fact shall be stated in the petition.

Sec. 21. Upon such petition being filed, verified by the oath of the guardian, the court shall order the petitioner to give notice to his ward, who shall be defendant to the petition, and the time when the same will be heard, in such manner as to the court shall seem reasonable and proper.

probate court of the accounts of a guardian shall be final between him and his ward, unless an appeal taken therefrom to the court of common pleas in the manner provided by law; saving, however, to any such ward the right of opening and reviewing such statement, for fraud or manifest mistake by petition filed in the form prescribed in the court [code] of civil procedure of this State, in the probate court in which such settlement was made, or the probate court of the county where such guardian may reside when the petition is filed, at any time within two years after the said ward shall arrive at full age. Service shall be made upon the defendant to such petition in the mode prescribed by said code, and all proceedings had upon such petition shall be governed by said code, so far as the same may be applicable. An appeal shall be allowed from the final order or judgment of the probate court in such proceeding, in the same manner, as in other cases or proceedings in which appeals are allowed from the probate courts to the courts of common pleas.

Sec. 22. Minors living out of this State and owning lands within the same, shall be entitled to the benefit of this act; and guardians of minors residing out of this State, who have been appointed according to the laws of the State or Territory where they may reside, shall have the right to bring and maintain actions, and enforce the collection of judgments, rendered in such actions in their favor, in the same manner and to the same extent that they could do if they had been appointed under the laws of this State, upon giving security for the costs which may accrue in such actions; in the same way other non-residents are obliged to do under the laws of this State. All applications for the sale of real estate by guardians to minors who live out of this State, shall be made in the county in which the land is situated; or, if it situate in more counties than one, in one of the counties in which part of such real estate is situated; an additional security shall be required from such guardian or guardians, when deemed necessary, and such as may be approved by the probate court of the county in which such application is made.

Sec. 23. When any guardian has died, or may hereafter die, before the settlement in court of his or her guardianship account, it shall be the duty of the executor or administrator of such guardian to settle up such account, in the same manner such guardian ought to have done; and any person having an interest in the settlement of such account, or the court by whom such guardian was appointed, of its own motion, may, by citation to be issued, returned and proceeded upon according to the provisions of the act which may then be in force for the settlement of decedents' estates, compel such settlement to be made by the administrator or executor of any guardian dying or having died as aforesaid. The executor or administrator making such settlement, shall be allowed such compensation for the same, as the court with which the settlement is made shall deem reasonable.

Sec. 24. When any unmarried woman, who has been or may be appointed guardian of any minor, shall marry, such marriage shall not of itself determine the guardianship of such woman; and the probate court of the proper county shall appoint another guardian for such minor, to which last named guardian all the estate of such minor shall, on demand, be delivered up by such former guardian; and she shall forthwith render her guardianship account to the court from which she received her appointment, for final settlement.

Sec. 25. The probate judge of each county, shall cause to be printed, in pamphlet form, such number of copies of this act as he may deem necessary, and he shall furnish to every person appointed by him guardian, one of such copies, and such guardian shall pay the said judge the actual cost thereof.

Sec. 26. The act entitled, An act for the amendment of the act, passed Feb. 6, 1824; the act to amend the same, passed March 9, 1835; the act to amend the first mentioned act, passed March 7, 1842; also, the act to amend the first mentioned act, passed Feb. 23, 1846; be and the same are hereby repealed: Provided however, that the repeal of said acts shall not affect any acts done, or rights accrued, or any suit, action, matter or proceeding, commenced and pending under the same, or either of them, or in pursuance thereof.

Sec. 27. This act shall take effect on the first day of July next.

WILLIAM B. WOODS, Speaker of the House of Representatives. MARTIN WELKER, President of the Senate.

April 13 1858.

I hereby certify that the foregoing acts are true copies of the original, now on file in this office. Secretary of State.

I hereby certify that I have read and compared the proof of the foregoing laws, and that they are correctly printed from the copy certified by the Secretary of State. WASHINGTON, D. C. Auditor Carroll County.

MISCELLANEOUS.

A Western correspondent writes: "We have no railroad running into our village, but our people were last year moving in the matter. As our town is not yet two years old, we have no grave-yard yet laid out. A project for a branch road having been started, a public meeting of citizens was called to promote the object. It was thought it would save time to have the other matter attended to at the same time; and the notice was posted calling the citizens together to secure a branch railroad to the village, and also to take measures to promote the decent burial of the dead." Some of our folks thought the latter to be a very natural result of the former, and both projects are now pressed with zeal.

It is an easy matter to knock a crochets out of a man's head, if you only hit him right. An old gentleman, whose brain was a little turned, called out to his son, about two o'clock one morning: "Abel, Abel! Satan has been tempting me all night to go and drown myself in the horse-trough."

"Well, he must be a great fool," said Abel, "for there hasn't been a drop of water in it for six weeks."

The old gentleman turned over and went to sleep, thinking no more of evil spirits or their influences.