

# Western Carolinian.

It is even wise to submit from laws, which, however wise and good in themselves, have the semblance of inequality which find no response in the heart of the citizen, and which will be evaded with little remorse. The wisdom of legislation is especially seen in grading laws on conscience.

R. M. JOHNSON.

SALISBURY, ROWAN COUNTY, N. C., MONDAY, AUGUST 29, 1831.

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TERMS.—The terms of the Western Carolinian will be as follows:—  
The dollar and a half per annum for two Dollars or 17, if paid in advance. No party will be admitted, except at the discretion of the Editor, until such time as the Editor shall see fit to receive the money. The Editor will not be held responsible for the loss of any copy of the paper, or for any other loss of any kind, unless the same be proved to the satisfaction of the Editor. The Editor will not be held responsible for the loss of any copy of the paper, or for any other loss of any kind, unless the same be proved to the satisfaction of the Editor.



Act passed at the Second Session of the twenty first Congress of the United States.  
PUBLIC—NO. 42.

An ACT for the punishment of crimes in the District of Columbia.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act, every person who shall be convicted, in any court in the District of Columbia, of any of the following offences, to wit: manslaughter, assault and battery with intent to kill, arson, rape, assault and battery with intent to commit a rape, burglary, robbery, horse stealing, mayhem, bigamy, perjury, or subornation of perjury, larceny, if the property stolen is of the value of five dollars or upwards, forgery, obtaining by false pretences any goods or chattels, money, bank notes, promissory note, or any other instrument in writing for the payment or delivery of money or other valuable thing, or of keeping a faro bank or other common gaming table, petty larceny upon a second conviction, shall be sentenced to suffer punishment by imprisonment and labor, for the time and places hereinafter prescribed, in the penitentiary for the District of Columbia.

SEC. 2. *And be it further enacted,* That every person duly convicted of manslaughter, or of any assault and battery with intent to kill, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than two nor more than eight years; for the second offence for a period not less than six nor more than fifteen years.

SEC. 3. *And be it further enacted,* That every person, duly convicted of the crime of maliciously, wilfully, or fraudulently burning any dwelling house, or any other house, barn or stable, adjoining thereto, or any store, barn or out house, having goods, tobacco, hay or grain therein, although the same shall not be adjoining to any dwelling house; or of maliciously and wilfully burning any of the public buildings in the cities, towns, or counties, of the District of Columbia, belonging to the United States, or the said cities, towns, or counties; or any church, meeting house or other building for public worship, belonging to any voluntary society, or body corporate; or any college academy, school house, or library; or any ship or vessel, afloat or building; or as being accessory thereto; shall be sentenced to suffer imprisonment and labor, for a period of not less than one nor more than ten years for the first offence, and not less than five nor more than twenty years for the second offence.

SEC. 4. *And be it further enacted,* That every free person, duly convicted of rape, or as being accessory thereto before the fact, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than ten nor more than thirty years, and for the second offence for and during the period of his natural life.

SEC. 5. *And be it further enacted,* That every free person duly convicted of an assault and battery with intent to commit a rape, shall be punished for the first offence by undergoing confinement in the penitentiary for a period not less than one nor more than five years, and for the second offence for a period not less than five nor more than fifteen years.

SEC. 6. *And be it further enacted,* That every person duly convicted of burglary, or as accessory thereto before the fact, or of robbery, or as accessory thereto before the fact, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than three nor more than seven years, and for the second offence for a period not less than five nor more than fifteen years.

SEC. 7. *And be it further enacted,* That every person convicted of horse stealing, mayhem, bigamy, or as being accessory to any of said crimes before the fact, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than two nor more than seven years, and for the second offence for a period not less than five nor more than twelve years.

SEC. 8. *And be it further enacted,* That every person, convicted of perjury

or subornation of perjury, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than two nor more than ten years, and for the second offence for a period not less than five nor more than fifteen years.

SEC. 9. *And be it further enacted,* That every person convicted of felonious stealing, taking and carrying away, any goods or chattels, or other personal property, of the value of five dollars or upwards, or any bank note, promissory note or any other instrument in writing, for the payment or delivery of money or other valuable thing, to the amount of five dollars or upwards, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than one nor more than three years; and for the second offence for a period not less than three nor more than ten years.

SEC. 10. *And be it further enacted,* That every person convicted of receiving stolen goods, or any article, the stealing of which is made punishable by this act to the value of five dollars or upwards, knowing them to have been stolen, or of being and accessory after the fact in any felony, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than one nor more than five years, and for the second offence for a period not less than two nor more than ten years.

SEC. 11. *And be it further enacted,* That every person duly convicted of having falsely forged and counterfeited any gold or silver coin, which now is or shall hereafter be, passing or in circulation within the District of Columbia; or of having falsely uttered, paid, or tendered in payment, any such counterfeited or forged coin, knowing the same to be forged and counterfeit; or of having aided, abetted or commanded the perpetration of either of the said offences; or of having falsely made, altered, forged, or counterfeited, or caused or procured to be falsely made, altered, forged, or counterfeited, or having willingly aided or assisted in falsely making, altering, forging, or counterfeiting, any paper, writing, or printed paper, to the prejudice of the right of any other person, body politic, or corporate, or voluntary association, with intent to defraud such person, body politic or corporate, or voluntary association, or of having passed, uttered, or published, or attempted to pass, utter or publish, as true, any such falsely made, altered, forged, or counterfeited paper, writing, or printed paper, to the prejudice of the right of any other person, body politic or corporate, or voluntary association, shall be sentenced to suffer imprisonment and labor, for the first offence for a period not less than one year nor more than seven years, for the second offence, for a period not less than three nor more than ten years.

SEC. 12. *And be it further enacted,* That every person, duly convicted of obtaining by false pretences any goods or chattels, money, bank note, promissory note, or any other instrument in writing, for the payment or delivery of money or other valuable thing, or of keeping a faro bank a gaming table, shall be sentenced to suffer imprisonment and labor, for a period not less than one year, nor more than five years; and every person, so of fending shall be a competent witness against every other person offending in the same transaction, and may be compelled to appear and give evidence in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

SEC. 13. *And be it further enacted,* That every person, upon a second conviction of larceny, where the property stolen is under the value of five dollars, or upon a second conviction of receiving stolen goods, knowing them to be stolen, where the property stolen is under the value of five dollars, shall be sentenced to suffer imprisonment and labor, for a period not less than one nor more than three years.

SEC. 14. *And be it further enacted,* That all capital felonies and crimes in the District of Columbia, not herein specially provided for, except murder, treason, and piracy, shall hereafter be punished by imprisonment and labor in the penitentiary of said District, for a period not less than seven nor more than twenty years.

SEC. 15. *And be it further enacted,* That every other felony, misdemeanor, or of fence not provided for by this act, may and shall be punished as heretofore, except that, in all cases where whipping is part of the whole of the punishment, except, in the cases of slaves, the court shall substitute therefor imprisonment in the country jail, for a period not exceeding six months.

SEC. 16. *And be it further enacted,* That all definitions and descriptions of crimes, all fines, forfeitures, and incapacities, the restitution of property, or the payment of the value thereof; and every other matter not provided for in this act, be, and the same shall remain, as heretofore.

SEC. 17. *And be it further enacted,* That if any free person shall in the said District, unlawfully, by force and violence, take and carry away, or cause to be taken and carried away, or shall by fraud, unlawfully seduce, or cause to be seduced, any free negro or mulatto, from any part of the said District to any other part of the said District, or to any other place, with design, or intention to sell or dispose of such negro or mulatto, or to cause him or her to be kept and detained as a slave for life, or servant for years, every such person so offending his or her counselors, aids and abettors, shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and imprisonment and confinement to hard labor, in the penitentiary, for any time not exceeding twelve years, according to the enormity of the offence.

SEC. 18. *And be it further enacted,* That nothing herein contained shall be construed to apply to slaves not residents of the District of Columbia; but such slaves shall, for all offences committed in said District, be punished agreeably to the laws as they now exist: Provided That this act shall not be construed to extend to slaves.

A. STEPHENSON,  
Speaker of the House of Representatives,  
J. C. CALHOUN,  
Vice President of the United States and President of the Senate.  
Approved March 2, 1831.

PUBLIC—NO. 43.  
AN ACT making appropriations for carrying on certain roads and works of internal improvement, and for providing for surveys.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated to the several objects respectively herein named, to be applied during the year one thousand eight hundred and thirty one, the same to be paid out of any money in the Treasury not otherwise appropriated, viz:

For continuing the road from Detroit towards Chicago, Michigan, ten thousand dollars.

For continuing the road from Detroit to fort Gratiot, Michigan, eight thousand dollars.

For continuing the road from Detroit to Saganaw bay, eight thousand dollars.

For arrearage due to T. S. Knapp, sixteen dollars and seventy five cents.

For defraying the expenses, incidental to making examinations and surveys under the act of the thirtieth day of April one thousand eight hundred and twenty four, twenty five thousand dollars.

For improving the navigation of the Ohio and Mississippi rivers, to be expended under the existing laws, fifty thousand dollars.

That the sum of one hundred and fifty thousand dollars be, and the same is hereby appropriated to the improvement of the navigation of the Ohio and Mississippi rivers from Pittsburg to New Orleans, in removing the obstructions in the channels at the shoal places and rapids, and by such other means as may be deemed best for the deepening of the channels of the Ohio river, which said sum shall be expended under the direction of the President of the United States, by the superintendent appointed to execute said works of improvement; and the President is hereby authorized and required to take bond with approved security in fifty thousand dollars conditioned for the faithful performance of the duties required of him under such instructions as may be given him for the improvement of the navigation of said rivers, and that an officer of engineers, be associated with said superintendent with authority to suspend the operation of any work, or payment of any account, until the order of the President is received.

To open a road from Washington, in Arkansas Territory, to Jackson, in said Territory, fifteen thousand dollars.  
Approved, March, 2, 1831.

Retirement.—One of the most beautiful descriptions of retirement, is an ode of Charles Cotton, the friend of old Isaac Walton, the famous piscator:  
How calm and quiet a delight  
It is, alone  
To read, and meditate, and write,  
By none offended, and offending none:  
To walk, ride, sit, or sleep, at one's own ease,  
And pleasing a man's self, none other to displease.

EQUITY BLANKS  
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FROM THE NATIONAL INTELLIGENCER.  
Blue Spring, 2nd August, 1831.

Dear Sir—After having finished the within letter, I discovered in your paper of the 23d ult. that Mr. Johnson had published his letter to me, as well as his statement. You will please, therefore, to publish this letter as my reply, and oblige your obt. servant,  
R. M. JOHNSON.

Blue Spring, July 31, 1831.

Dear Sir—Yours of the 16th instant was this day received, accompanied by a statement, which, it seems, you have prepared for the public, purporting to contain separate communications with the President and myself, relative to an allegation made in the public journals, that General Jackson had authorized a Member of Congress to require of Messrs. Berrien, Branch, and yourself and your families to associate with Maj. Eaton, and his family, under the penalty of being dismissed from office. You refer to two articles in the Globe to justify your appeal to the public, previously to receiving my answer, in which it appeared that I had denied the above allegation, if I had any allusion to me. After the publication of this accusation against General Jackson, I received a letter from a friend, intimating that I was the member of Congress to whom allusion was made, and requested to know if I had ever made such a communication. In my answer, I confined myself to the specific accusation thus published against the President, and which is attributable to yourself, and most unequivocally denied that General Jackson ever made such a requisition through me, and positively denied having ever made such a statement to you. On the contrary, I asserted, and now repeat, I did inform you, in each and every interview, that the President disclaimed any right or intention to interfere in any manner whatever with the regulation of your private or social intercourse. Thus, in a matter in which I was engaged to serve you and other friends in a matter of a delicate and highly confidential nature, and in which I succeeded, unexpectedly I found myself presented in the public journals as a witness impeaching one of those friends, and ascribing to him declarations which he never made; and placed in that attitude by you, self-respect and self defence called upon me, to correct that erroneous statement. I cannot, therefore, agree with you, that I did in any degree change my view of the subject in considering it improper in any of the parties to come before the public without the opportunity of comparing our different recollections. But if you feel under any obligations of a personal or political character to come before the public previously, you will find me as ready as yourself to meet any responsibility or difficulty which such a course may produce. Up to this date I have considered my correspondence with you and Mr. Berrien of a character not to be divulged to any one, and have therefore confined it to my own bosom. The object of my first letter to you was to declare frankly and candidly, in the spirit of perfect respect and friendship, that I was misunderstood, provided I was the member of Congress to whom reference was made, that you might have it in your power to correct your misapprehension of my communications.

I did not see how it could impeach your character or lessen your reputation to consider and acknowledge it a mistake, without your assumption of the ground that you understood me better than I understood myself, and that you could make the public believe so. My standard of confidence and friendship, arising from a personal and political intimacy of twenty years, would have dictated that course to me. Such a course could have been injurious to none, and less troublesome to all. But, so far as I am concerned, I feel perfectly willing to take the course adopted by yourself, of placing our views before the public. I do not, however, think that it will be much benefited by our labours; and I am farther induced to believe that the public will place a less value upon the controversy than you do. In denying the confidential character of our conversations, you urge, as one consideration, that the intimation to invite Maj. Eaton and his family to your large parties was offensive, although you are kind enough to believe that I did not so intend it? If the nature of the suggestion changed in your mind the character of the conversation and the relation of that perfect friendship which had so long existed, would it not have been magnanimous and generous in you to have advised me of it? I now come to the material point in controversy—whether Gen. Jackson, through me required of you to invite Maj Eaton and his family to your large parties. This suggestion was made upon my own responsibility, with an anxious desire more effectually to reconcile the then existing difficulties. But Gen. Jackson never did make such a requisition; in any manner whatever, directly or indirectly; nor did I ever intimate to you that he had made such a demand. The complaint made by Gen. Jackson against this part of his cabinet was specific, that he had been informed, and was induced to believe, that they were using their influence to have Maj. Eaton and his family excluded from all respectable circles, for the purpose of degrading him, and thus drive him from office: and that the attempt had been made even upon the foreign ministers, and in one case had produced the desired effect. He proposed no mode of accommodation or satisfaction, but declared expressly that if such was the fact he would dismiss them from office. He then read to me a paper containing the principles upon which he intended to act, which disclaimed the right to interfere with the social relations of his cabinet. Acting in the capacity of a mutual friend, and obeying the impulse of my own mind, can it be supposed that I would have misrepresented any of the parties, and thus defeat the object I had in view? I should have considered it a gross violation of the ties of that friendship which then existed between us, to have carried to you such a message, as that you should invite Maj. Eaton and his family, or any other persons, to your large or small parties, under a menace of dismissal from office. When the President mentioned this charge of conspiracy, I vindicated you against it. I give it as my opinion that he was misinformed. To prevent a rupture, I requested the President to postpone calling upon those members of his cabinet (Mr. Eaton,

day, that I might have the opportunity of two days to converse with them.

When I made my report to the President, I informed him that I was confirmed in my opinion previously expressed, that he had been misinformed as to the combination and conspiracy. I informed him of your unequivocal and positive denial of the fact, and communicated every thing which transpired between us calculated to satisfy his mind on the subject. It was this report of mine that gave him satisfaction, and changed his feelings and determination—not his grounds: you have supposed, with me he had no ground to change. He had assumed none except that which I have stated; nor did I ever make use of such an expression to you that he had changed his ground. This I regretted, I informed you that the President was very much excited, but I do not now recollect the precise language used to convey my idea of that excitement. I presume you had the advantage of your private memoranda, when you say I compared him to a roaring lion.

You attribute to me another declaration which I never made—that on our way to Mr. Berrien's I stated that the President had informed me that he would invite Mr. Branch, Mr. Berrien, and yourself, to meet him on the next Friday, when he would inform you of his determination in the presence of Dr. Ely. I never received or communicated such an idea.

The paragraph is substantially correct when that part in reference to Dr. Ely is expunged. It is true, in some of our various conversations, the name of Dr. Ely was mentioned, but in connection with another part of the subject. The President informed me that, when the rumors against Maj. Eaton and his family had been opened to him by Dr. Ely, he had invited the accusers to make good their charges, and that they had failed—this is the substance of that part of our conversation in which Doctor Ely's name was mentioned. Again, you say I called at your house about 6 o'clock, when we walked to Mr. Berrien's. The fact is that you called for me at my lodging about that time, by a previous appointment. This is a mistake in a matter of fact of no great importance, except to show how easily we forget. If we thus differ in matters of fact, how much more liable to differ as to words; and still more as to the time, manner and circumstances in which these words have been introduced, and still more as to the precise meaning the speaker wishes to convey to the hearer!

Having thought it important to memorandize our conversation, would it not have given additional proof of your friendship and confidence, and would it not have been an act of justice to me, to have furnished me with it, (so far as I was concerned,) that I might have corrected, if necessary, any erroneous impressions which my conversations may have made upon you? The witness in court is often misunderstood by lawyers and jury, and as often called upon to correct the mistake and to explain his meaning, and you have gained little, in your desire to be accurate, so far as I am concerned, by failing to present me with your private memoranda; and if now furnished, I dare think that I might put a different construction upon your own notes.

Again: you are incorrect in supposing that I informed you that the President requested me to converse with you and your colleagues. It was my own imposition; and in this you will find I am supported by Mr. Berrien. Nor did I ever say that your families had not returned the call of Mrs. Eaton; and that if they would leave the first card, and open a formal intercourse in that way, the President would be satisfied. Such an idea never entered my mind; for I never did know the precise manner in which the non-intercourse existed between your families—whether cards had ever passed from either or not; and sure I am, that the President and myself never had any conversation on the subject. From first to last my efforts were put forth to reconcile the parties concerned; they were for the time being successful. I have never claimed any merit for what I did: I felt happy, however, that I was in any way instrumental in prolonging the political relations which have since been severed, in which I have had no agency, and which I deeply regretted. Having thus acted, to my great mortification a find myself dragged before the public to vindicate myself against sentiments and conversations imputed to me by a part of those friends, without the opportunity of explaining to them their misapprehension of what I did say.

Without advertising to any farther inaccuracies of your letter and statement, I have the honor to be, very respectfully, your obt. servant,  
R. M. JOHNSON.

Hon. SAMUEL D. INGRAM.

Pathos.—The fleecy clouds of morning were now tinged with nature's richest vermilion; the sun was just lifting his radiant head above stately trees of the forest; the feathered banders of nature sang forth their sweetest carols; and the universe had borrowed the robes of May; when Sylvia, more beautiful than Diana, walked out to feed the chickens.

Burton, in his Anatomy of Love and Melancholy, cites many curious stories. He thinks it to be 'no wonder that sensible men pine away,' when even 'fishes wax lean.' He tells of palm trees that stretched out their boughs to embrace each other, and which gave manifest signs of mutual love, and 'marvelous affection.' A Dolphin, he says, loved a boy called Hermias, and when he died, the fish came upon land, and perished. Another story he has of a crane of Mjorka, that loved a Sparrow, that would walk away with him, and in his absence seek about for him, and when he took his last farewell furnished herself. 'Such pretty pranks can love play with birds, fishes and beasts.'

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