Western Carolinian.

It is even wise to abstain 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 grafting laws on conscience.

Dr. Channing.

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SALISBURY, ROWAN COUNTY, N. C.....MONDAY, OCT. 3, 1831. [VOL. VII.....NO. 301

TERMS.....The Grain of the Western Carolinian will be furnished as follows:

Two dollars and a half per annum; or two dollars only, if paid in advance. No paper will be discontinued, except at the discretion of the Editor, until all arrears are paid up. Advertisements will be inserted at 50 cents the square for the first week and 25 cents each week they are continued thereafter. No letter must be paid on all letters addressed to the Editor, or they may not be attended to.

By Authority.

Acts passed at the Second Session of the twenty first Congress of the United States.

PUBLIC—NO. 63.

AN ACT to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Rail Road, into and within the District of Columbia.

WHEREAS it is represented to this present Congress that the Baltimore and Ohio Rail Road Company, incorporated by an act of the General Assembly of Maryland, entitled "An act to incorporate the Baltimore and Ohio Rail Road Company," passed the twenty-eighth day of February, eighteen hundred and twenty-seven, are desirous, under the powers which they claim to be vested in them by the provisions of the before-recited act, to construct a lateral branch from the said Baltimore and Ohio Rail Road to the District of Columbia. Therefore,

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Baltimore and Ohio Rail Road Company Company, incorporated by the said act of the General Assembly of Maryland, shall be, and they are hereby authorized to extend into and within the District of Columbia a lateral rail road, such as the said company shall construct, or cause to be constructed, in a direction towards the said District, in connexion with the rail road which they have located, and are constructing, from the city of Baltimore to the Ohio River, in pursuance of their said act of incorporation: And the said Baltimore and Ohio Rail Road Company are hereby authorized to exercise the same powers, rights, and privileges, and shall be subject to the same restrictions, in the extension and construction of the said lateral road into and within the said District, as they may exercise, or are subject to, under and by virtue of their said charter or act of incorporation, in the extension and construction of any rail road within the State of Maryland, and shall be entitled to the same rights, [illegible] and immunities, in the use of the said road, and in regard thereto, as are provided in their said charter, except the right to construct any lateral road or roads within the said District from the said lateral branch or road hereby authorized, it being expressly understood that the said Baltimore and Ohio Rail Road Company shall have power only to construct from the said Baltimore and Ohio Rail Road one lateral road within the said District, to some point of terminus within the City and County of Washington, to be determined in the manner hereinafter mentioned: *Provided always, and be it enacted*, That before the Baltimore and Ohio Rail Road Company aforesaid shall proceed to construct any rail road which they may lay out or locate, on, through, or over any land or improvements, or to use, take for use any earth, stone, or other materials, on any land within the said District, they shall first obtain the assent of the owner of such land, improvements, or materials, or, if such owner shall be absent from said District, or shall refuse to give such assent on such terms terms as the said company shall approve, or, because of infancy, coverture, insanity, or any other couse, shall be legally incapable of giving such assent, then it shall be lawful for the said company to apply to a justice of the peace of the County of Washington, who shall thereupon issue his warrant, under his hand and seal, directed to the Marshal of the said District, requiring him to summon a jury of twenty inhabitants of the said District, none of whom shall be interested, or related to any person interested in the land or materials required for the construction of the said rail road, or a stockholder, or related to any stockholder, in the said company, to meet on the land, or near to the other property or materials so required on a day named in such warrant, not less than three nor more than fifteen days after issuing the same, to proceed to value the damages which the owner or owners of any such land or other property will sustain by the use or occupation of the same, required by the said company; and the proceedings, duty, and authority of the said Marshal in regard to such warrant and jury, and the oath or affirmation to be administered, and inquisition to be made and returned, shall be the same as are directed and authorized in regard to the Sheriff, by the fifteenth section of the said act of the General Assembly of the State of Maryland incorporating the said Baltimore and Ohio Rail Road Company, and all the other proceedings in regard to such jury, and the estimating and valuation of damages, and the payment or tender of payment of any damages ascertained by such valuation and effect thereof, and of the view of any lands, or other property, or materials, as to giving said company a right to use the same for the use or construction of any rail road within the said District, as hereby authorized, shall in every case, and in every respect, be the same as is provided in and by the abovementioned act of incorporation in regard to the rail road thereby authorized to be constructed by the said company. *Provided also and be it enacted*, That whenever the said company, in the construction of a rail road into or within the said District, as authorized by this act, shall find it necessary to cross or intersect any established road, street or other way, it shall be the duty of the said company so to construct the said rail road across such established road, street or other way, as not to impede the passage or transportation of persons or property along the same; and, where it shall be necessary to pass the said rail road through the land of any individual within the said District, it shall be the duty of the said company to provide for such individual proper wagon ways across the said rail road, from one part of his land to the other: but nothing herein contained shall be so construed as to authorize the entry by the said company upon any lot or square, or upon any part of any lot or square owned by the United States, or by any other body or bodies politic or corporate, or by any individual or individual, within the limits of the City of Washington, for the purposes aforesaid, of locating or constructing the said road, or of excavating the same, or for the purpose of taking therefrom any material, or for any other purpose or uses whatsoever; but the said company, in passing into the District aforesaid, and constructing the said road within the same, shall enter the City of Washington at such place, and shall pass along such public street or alley, to such point or terminus within the said City, as the said company shall find best calculated to promote the objects of said road: *Provided*, That the level of said road within the said City shall conform to the present graduation of the streets, unless the said Corporation shall agree to a different level: *And provided also*, That the said company shall not be permitted to take or terminate the said road west of the west side of seventh street west: *And provided also*, That the said road shall not cross, or interfere with or, infringe on the existing Washington City Canal, or the Chesapeake and Ohio Canal, their waters or basins, or any other canal which may hereafter be projected and executed to connect the said Chesapeake and Ohio Canal with the aforesaid Washington City Canal in its whole extent to the Eastern Branch of the Potomac; *Provided also*, That the rate actually charged and received on all that part of said road within the District shall not exceed three cents a ton per mile for toll, and three cents a ton per mile for transportation, except as hereinafter specified, and shall be the same each way: *Provided also*, That the privileges granted by this bill to the aforesaid rail road company shall be upon the condition that the said company shall charge the same rate of toll upon the same articles going east and west between Baltimore and Washington.

SEC. 2. *And be it further enacted*, That in addition to the charges authorized by said act of incorporation to be made by the Baltimore and Ohio Rail Road Company aforesaid, the said company shall be authorized, within the said District, to make any special contract with any corporation, company or individual, for the exclusive use of any car, or of any part of, or place in, any car, or other carriage, on any rail road constructed by the said company, for a specified time or distance, or both, or for the receipt and delivery, or the transportation of merchandise or other valuable articles, in boxes, parcels, or packages weighing less than one-tenth of a ton, on such terms as may be mutually agreed on between the parties: *Provided*, That the charge for the transportation of merchandise or other articles shall not exceed one cent per mile for any single box, parcel, or package weighing less than fifty pounds and measureing in size, not more than two cubic feet; and for any heavier or larger box, parcel, or package, weighing less than one tenth of a ton, not more than two cents per mile. And the said company, in all cases where the whole of the merchandise, produce, or other property, transported on their rail road within the said District, at any one time, belonging to the same person or co-partnership, or corporation, shall weigh less than a ton, and more than half a ton, shall be entitled to charge and receive, for the transportation thereof, at the same per mile as if it weighed a full ton, and if the same shall weigh less than half a ton the charge per mile may be the same as for half a ton; always estimating a ton weight to be two thousand pounds.

SEC. 3. *And be it further enacted*, That the said company are, also, hereby empowered to make such special contract with any duly authorized officer or agent of the United States for the conveyance of the mail, or the transportation of persons or property for the use of the United States, on any rail road which has been or shall be constructed by the said Baltimore and Ohio Rail Road Company, on such terms as shall be approved of by the competent officer or authority; and in all such instances, to receive the compensation so agreed for, according to the terms of each contract.

SEC. 4. *And be it further enacted*, That the said rail road company may charge and receive, for taking up and setting down any passenger or traveller within the District, conveyed a shorter distance than four miles, a sum not exceeding twelve and a half cents.

SEC. 5. *And be it further enacted*, That unless the said company shall commence the said lateral rail road within one year, and complete the same with, at least, one set of tracts, within four years from the passage of this act, then this act, and all the rights and privileges thereby granted, shall cease and terminate.

SEC. 6. *And be it further enacted*, That nothing herein contained shall be so construed as to prevent the Congress of the United States from granting the same or similar privileges to those hereby granted to any other company or companies, incorporated or to be incorporated by the state of Maryland or Virginia or by Congress, or from authorizing, by any future law, such additional railroad or roads, in connection with said road, so as to extend the same road, or to construct others connected therewith, to such parts of the District as from time to time may be required by the convenience of those parts of the District into which the said company are now restrained from carrying said road, or from enacting such rules and regulations, prescribing the speed of cars or carriages passing over said road and other matters relating thereto, necessary for the security of the persons and property of the inhabitants of the District, in such manner as to the present or any future Congress shall seem expedient; *And provided nevertheless*, That nothing herein contained shall be construed to give any rights or privileges to the said company, beyond the limits of the District of Columbia.

SEC. 7. *And be it further enacted*, That if the State of Maryland shall determine to construct a rail way between the city of Baltimore and the District of Columbia, or shall incorporate a company for the same purpose, then similar rights, privileges, immunities, and powers, conferred by this act on the Baltimore and Ohio Rail Road, be, and the same are hereby, conferred on the State of Maryland, or any company which may be incorporated by it for the same purpose, within one year after the passage of this act.

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.

ANDREW JACKSON.

PUBLIC—NO. 64.

AN ACT to ascertain and mark the line between the State of Alabama and the Territory of Florida, and the northern boundary of the State of Illinois, and for other purposes.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized to cause to be run and marked the boundary line between the State of Alabama and the Territory of Florida, by the Surveyors General of Alabama and Florida, on the thirty-first degree of north latitude; and it shall be the duty of the Surveyor General of Florida to connect the public surveys on both sides with the line so run and marked,

SEC. 2. *And be it further enacted*, That patents shall be issued for such tracts of land as were sold and paid for at the land office at Tallahassee, in the Territory of Florida, as are found to be situate with the limits of the district of lands subject to sale at Sparta, in Alabama, agreeably to the terms of the act organizing that district; and the said entries and sales shall be as valid, in every respect, as if they had been made in the land district of Alabama.

SEC. 3. *And be it further enacted*, That the President of the United States is hereby authorized to cause the Surveyor General of the United States for the States of Illinois and Missouri, and the Territory of Arkansas, to act as a Commissioner on the part of the United States, whenever, he shall be duly informed that the Government of the State of Illinois shall have appointed a Commissioner on its part, the two to form a board, to ascertain, survey and mark the northern line of the State of Illinois, as defined in the act of Congress, entitled "An act to enable the people of the Illinois Territory to form a Constitution and State Government, &c." passed the eighteenth of April, one thousand eight hundred and eighteen; and, in case of vacancy in said office of Commissioner, or of his being unable to act from any cause, the President is authorised to fill such vacancy by the appointment of some other qualified person, whenever the object of the commission shall be attained.

SEC. 4. *And be it further enacted*, That the said Board of Commissioners shall have power to employ the necessary surveyors and laborers, and shall meet at such time and place as may be agreed upon by the President of the United States and the Government of the State of Illinois, and proceed to ascertain, survey and mark the said Northern line of the State of Illinois, and report their proceedings to the President of the United States, and the Governor of the state of Illinois

SEC. 5. *And be it further enacted*, That the President may allow to the said Commissioner of the United States, such compensation for his services as shall seem to him reasonable: *Provided*, it does not exceed the allowance made by the State of Illinois to the Commissioner on its part; and the said allowance, together with one half of the necessary expenses of said board, and the surveyors and laborers, and the allowance to be made to the Surveyors General of the State of Alabama and the Territory of Florida, and the necessary expenses incurred by them in runing and marking said line between said State and Territory, shall be paid from the Treasury of the United States, out of any money not otherwise appropriated; and, to enable the President to carry this act into effect, there is hereby appropriated the sum of two thousand dollars.

Approved, March 2, 1831.

PUBLIC—NO. 65.

AN ACT allowing the duties on foreign merchandise imported into Pittsburg, Wheeling Cincinnatti, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any goods, wares, or merchandise, are to be imported from any foreign country, into Pittsburg, in the State of Pennsylvania, Wheeling, in the State of Virginia, Cincinnati, in the State of Ohio, Louisville, in the State of Kentucky, St. Louis, in the State of Missouri, Nashville in the State of Tennessee, or into Natchez, in the State of Mississippi; the importer thereof shall deposite in the custody of the Surveyor of the place a schedule of the goods so intended to be imported, with an estimate of their cost at the place of exportation, whereupon the said Surveyor shall make an estimate of the amount of duties accruing on the same, and the importer or consignee shall give bond, with sufficient sureties, to be approved by the Surveyor, in double the amount of the duties so estimated, conditioned for the payment of the duties on such merchandise, ascertained as hereinafter directed; and the Surveyor shall forthwith notify the Collector at New Orleans of the same, by forwarding to him a copy of said bond and schedule.

SEC. 2. *And be it further enacted*, That the importer or his agent, is hereby authorized to enter any merchandise, imported as aforesaid, by the way of New Orleans, at that port, in the manner now prescribed by law; and the Collector shall grant a permit for the landing thereof, and cause the duties to be ascertained as in other cases, the said goods remaining in the custody of the collector until reshipped for the place of destination; and the collector shall certify to the Surveyor at such place the amount of such duties, which the said Surveyor shall enter on the margin of the bond, as aforesaid given to secure the same, which goods shall be delivered by the collector to the agent of the importer or consignee, duly authorized to receive the same, for shipment to the place of importation, and the master or commander of every steamboat, or other vessel, in which such merchandise shall be transported, shall, previously to her departure from New Orleans, deliver to the Collector duplicate manifests of such merchandise, specifying the marks and numbers of every case, bag, box, chest, or package, containing the same, with the name and place of residence of every importer or consignee of such merchandise, and the quantity shipped to each, to be by him subscribed, and to the truth of which he shall swear or affirm, and that the said goods have been received on board his vessel; stating the name of the agent, who shipped the same; and the said Collector shall certify the facts, as aforesaid, on the manifests, one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the place of his destination.

SEC. 3. *And be it further enacted*, That, if any steamboat or other vessel, having merchandise on board, imported as aforesaid, shall depart from New Orleans without having complied with the provisions of this act, the master thereof shall forfeit five hundred dollars; and the master of any such boat or vessel, arriving at either of the ports above named, on board of which merchandise, as aforesaid, shall have been shipped at New Orleans, shall within eighteen hours next after the arrival, and previously to unloading any part of said merchandise, delivered to the Surveyor, of such port the manifest of the same, certified, as aforesaid, by the Collector of New Orleans, and shall make oath or affirmation before the said Surveyor that there was not, when there was not, when he departed from New Orleans, any more or other goods on board such boat or vessel, imported as aforesaid, than is herein mentioned; whereupon the Surveyor shall cause the said casks, bags, boxes, chests, or packages, to be inspected, and compared with the manifests, and the same being identified, he shall grant a permit for unlading the same, or such part thereof as the master shall request, and, when a part only of such merchandise is intended to be landed, the Surveyor shall make an endorsement on the back of the manifests, designating such part, specifying the articles to be landed, and shall return the manifests to the master, endorsing thereon his permission to such boat or vessel to proceed to the place of its destination; and, if the master of such steamboat or vessel shall neglect or refuse to deliver the manifests within the time herein directed, he shall forfeit one hundred dollars.

SEC. 4. *And be it further enacted*, That, the Collector of the port of New Orleans shall [illegible] no entry to be made of goods, same shall exceed the amount of the bond deposited with the Surveyor, as aforesaid, nor shall the said Surveyor receive the bond of any person not entitled to a credit at the custom-house, nor for a sum less than fifty dollars, and that, when the said bond shall have been completed, and the actual amount of duty ascertained and certified on the margin, as aforesaid, it shall be the duty of the surveyor of the port where the bond is taken, to deposite the same for collection in such bank as may be directed by the Secretary of the Treasury.

SEC. 5. *And be it further enacted*, That where surveyors are not already appointed in any of the places mentioned in the first section of this act, a suitable person shall be appointed for such places, and all such surveyors, whether appointed or to be appointed, shall devolve the duties prescribed by this act, in addition to the customary duties performed by that officer in other places; and the surveyor at each of said places shall before taking the oath of office, give security to the United States for the faithful performance of all his duties, in the sum of ten thousand dollars, and shall receive, in addition to his customary fees, an annual salary of three hundred and fifty dollars: *Provided*, That no salary arising under this act shall commence until its provisions shall take effect, and merchandise may be imported under its authority.

SEC. 6. *And be it further enacted*, That all the penalties and forfeitures incurred by force of this act shall be sued for, recovered, distributed and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities; accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety seven.

Approved, March 2, 1831.

VARIETY.

TACT AND TALENT.

Of these two qualities we find the following discriminative notice by our transatlantic namesake.

The man who unites tact with talent (and we doubt if the former can exist wholly seperated from the latter,) is he to whom belongs prompt and certain success,—N. Y. Atlas.

"Talent is something, but tact is every thing,—Talent is serious, sober and respectable; tact is all that and more too. It is a seventh sense, but it is the life of all the five. It is the open eye, the quick ear, the judging taste, the keen smell, and the lively touch: It is the interpreter of of all riddles, the surmounter of all difficulties, the remover of all abstacles. It is useful in all places, and at all times: it is useful in solitude, for it shows a man the way into the world; it is equally useful in society, for it shows him the way through the world. Talent is power—tact is skill: talent is weight—tact is momentum: talent knows what to do—tact knows how to do it: talent makes a man respectable—tact will make him respected: talent is wealth—tact is ready money. For all the practical purposes of life, tact carries it against talent—ten to one. Take them to the bar, and let them shake their curls at each other in legal rivalry: talent sees its way clearly, but tact is first at its journey's end. Talent has many a compliment from the bench, but tact touches fees from attorneys and clients. Talent speaks learnedly and logically; tact triumphantly. Talent makes the world wonder that it gets on no faster; tact excites astonishment that it gets on so fast; and the secret is, that it has no weight to carry; it makes no false steps; it hits the right nail on the head; and by keeping its eye on the weathercock, is ready to take advantage of every wind that blows. Take them into the Church. Talent has always something worth hearing: tact is sure to have abundance of hearers. Talent may get a good living: tact will make one. Talent gets a good name tact a great one. Talent convinces; tact converts. Talent is an honor to the profession; tact gains honor to the profession. Take them to Court. Talent feels its weight; tact finds its way. Talent commands; tact is obeyed. Talent is honored with approbation; and tact is blessed with preferment. Place them in the Senate. Talent has the ear of the house; but tact wins its hears and has its votes. It has a knack of slipping into office with a sweet silence and glibness of movement as a billiard ball insinuates itself into the pocket. It seems to know every thing without learning any thing. It has served an invisible and extemporary apprentice[illegible] no left hand, no deaf ear, no blind side. It puts on no looks of woodrow[illegible] wisdom, it has no air of profundity, [illegible] plays with the details of place as dexteriously as a well taught hand flourishes over the keys of the pianno-forte. It has all the air of common place, and all the force and power of genius.

Common Schools....The necessity of establishing Common Schools in every section of our country ought to be sounded in the ears of the rulers of the States, and of the Union, until this great duty of providing for the general instruction of the people is more faithfully regarded. Let this be the test-word, by which the people try every candidate for office: is he friendly to free schools; to popular education? If not, he should be marked as an enemy to the people; to their rights as freemen; as anti-republican in his principles, and unworthy of the confidence of those for whose benefit this Government was instituted. The example of New-York merits the applause of the Republic.—Massachusetts supports her schools on a different plan: the spirit of education in that State is unbounded, and her seminaries of learning are not excelled by those of any State. Connecticut has distinguished herself in the same laudable career. Other States are awakening, to be blest by the light, and freedom, and general improvement, of the age. Plutarch tells us that "Caesar could boast that he had slain a million of men, given a million their liberty, and made a million prisoners." In giving a million their liberty, there was something of true glory. But in assisting the many millions in this Republic to appreciate, enjoy and perpetuate their liberty, a glory still more exalted may be achieved. This is a work of moral, as well as of political grandeur, that will endure and be admired when the monuments of conquest by force, shall be swept from the world.

Register.

An Irish soldier, who came over with General Moore, being asked if he met with much hospitality in Holland. —"O yes (replied he) too much; I was in the hospital almost all the time I was there."