

The Burying Ground.

By reference to another column it will be seen that the petition of the Town Commissioners, the Act of Assembly for the protection of Burying Grounds. The penalty for a violation of any of the provisions of this act may be made severe, but not more so, than a warrant offence of this kind merits.

If you want something nice call at F. D. Dunn's Confectionary and Fruit Store; he has received a "little of everything and a great deal more" as the Yankee says, which he offers very low.

Mr. Wolfe finding that the number of Scholars would not justify the expense of his School, begs to inform the public that he has concluded to discontinue, and takes this opportunity of thanking his friends for past patronage.

THE LATE HARRY HILL.

The reader has doubtless seen the name of this distinguished citizen of Louisiana, honourably mentioned of late, in connection with the news of death in given columns.

It is not necessary to say that Mr. Hill, who was a citizen of New Orleans, but who had removed temporarily to one of his plantations, about sixteen miles from the city, had authorised the Howard association of New Orleans to draw upon him for \$100 per week whilst the pestilence continued.

Mr. Hill at the earnest solicitation of his friends, but against his own wishes, had removed from the city soon after the yellow fever broke out, in the hope of escaping the pestilence. It is stated that he preferred to remain and run the risk of taking the disease, in the hope of aiding in alleviating the general calamity by his personal exertions, but that finally his friends prevailed on him to retire for the present to his plantation. There, he did all in his power to alleviate the general distress by the most magnificent contributions.

But how blind, often, is human foresight, and how futile is human precaution. The path that we fondly deem the path that leads to safety as often proves the path that leads to death! The fever after a short interval, spread over the country adjacent to New Orleans and visited the towns and plantations at a considerable distance. Among its other victims Harry Hill was recently stricken down. His noble heart and assiduous care in relieving others from the distress incident to the raging pestilence was no shield against its fatal malignity.

It is said that a man's death alone makes known all his virtues. Mr. Hill, it now appears, has long been known and distinguished in New Orleans and Tennessee, where he formerly resided, for his noble and princely charity, no less than for his remarkable business talents and great wealth.

The latter, without the former, would never draw words of eulogium from our pen. The mere miserly hoarding of wealth, for the love of money alone, although we acknowledge it requires no ordinary abilities of a certain class to effect it on a large scale, is not such distinction as commands genuine respect or deserves commendation.

But where the qualities of the head which are requisite to raise one from obscure poverty to the distinction of a millionaire, are successfully developed, and march forward hand in hand with the qualities of heart that make up the character of the genuine philanthropist, it is before such a man that every noble nature instinctively bows with true respect.

forth since his death, has attracted our notice, and judging from this, Harry Hill was no common man. We think the press of the country cannot touch upon a theme more likely to exert a salutary influence, than to give a brief sketch of his career, and to hold up that career, and the virtues that appear to have marked his character, before the rising generation, as worthy the emulation of every young man.

It seems to have been the fate of the Old North State, that her sons in the different paths of distinction, should be destined to confer more honour on her sister States than on the State of their birth. We have often had occasion to notice this remarkable fact. Mr. Hill is a fresh instance in point.

The New Orleans Picayune give the following brief sketch of his career.

"When the boy was five years old his family removed to Williams county, Tenn., next to the Chickasaw Nation. Young Harry here went to a plain, old fashioned school for two years, and that, it appears, is all the schooling he ever had. His good nature and quick mind soon found him a place in a country store.

Mr. Hill and Mr. Jos. Dick, - then whom two more attached friends were never seen - labored together until 1848, when Mr. Dick, having accumulated a fortune, retired.

In 1852 he commenced business in the city with N. & J. Dick. In 1857, the house having wide connections, failed, in company with many others. Mr. Hill devoted nearly seven years following to the settlement of the country business of the firm, and at the end of that time, the liabilities, several millions of dollars in amount, were cleared off in full, and the house enabled to resume business with a large capital.

Mr. Hill left here Wednesday morning with a view of examining the different passes or gaps of the mountain as far South as Ready Pitch Gap. He will then return to Morganton and proceed thence to the eastern extension survey between Goldboro' and Beaufort. As this survey is plain sailing through a plain level country, it will be completed in a very short time; the greatest and only difficulty will be the location of the terminus at Beaufort Harbor.

Mr. Hill was a great lover of literature, and a most successful contributor to the Southern literature. He was particularly a friend to internal improvements.

For the facts of this brief and imperfect sketch, we are indebted to Mr. Cohen's Directory. But no sketch could tell all the deeds of genuine, spontaneous charity performed by this generous-hearted man. With his frank and friendly nature and sagacious intellect, they will be his best title to remembrance by the city which experienced, in the loss of Harry Hill, a great loss indeed."

The following is the last Will and Testament of Mr. Hill. Every line speaks the greatness and beneficence of his heart. It will be read with interest by all:

- LIVE OAK PLANTATION, LA. July 29, 1863. I, Harry R. W. Hill, of the City of New Orleans and State of Louisiana, do on this day make this my Olographic Will and Testament.

sell and convey all but the Deer Creek lands in Louisiana, and the property in the City of New Orleans, mentioned in Item six. I also empower my Executors to commission debt, due me, and pay exchanges and interest, according to commercial usage, at the expense of my estate. I want every cash balance due to be paid promptly, and, if convenient, I wish my remains to be placed beside my wife and children.

In testimony whereof, I have hereunto set my hand to this my last Will and Testament. H. R. W. HILL. JULY 29, 1863.

JOHN M. BASS, JOHN ARMFIELD: My Friends - If you have to execute the enclosed Will, and nothing in the character of either of the men should change your views, I recommend that Robert W. Eakin and Thomas B. Lee should succeed to my commercial house and wind up, under your direction, my old commercial business. It will be a fortune to them, and I wish them to have it. I would have been glad for James A. McAlister to be associated, but he has always objected to New Orleans. I know them to be faithful, capable and honest.

My charities will all be done in my life-time, and justice to all while living; so I leave no obligations - only gratitude and friendship. My worth this day over fifteen hundred thousand dollars. I believe in the Christian Religion, though an unworthy believer. I want my negroes well treated. But for abolitionism, I should have been able to do more for them. May God bless you! H. R. W. HILL.

Extension of the N. C. Railroad. We learn from the Asheville Spectator that Col. Gwynn, Chief Engineer of the N. C. Railroad, and Mr. T. S. Garnett, Principal Assistant, have commenced the Survey for the Western Extension of the N. C. Railroad.

The Spectator learns from Col. Gwynn, from the examination he has given the route down the French Broad Valley to the Tennessee Line, that it is entirely practicable for a Railroad, and that one along that route can be constructed with much less difficulty than he had before supposed.

In reference to Col. G's Superintendence of the Survey for the Eastern Extension, which has already been commenced, we hear at the Eastern Terminus of the N. C. Railroad, under a competent Assistant Engineer, the Spectator says: "Col. Gwynn left here Wednesday morning with a view of examining the different passes or gaps of the mountain as far South as Ready Pitch Gap. He will then return to Morganton and proceed thence to the eastern extension survey between Goldboro' and Beaufort. As this survey is plain sailing through a plain level country, it will be completed in a very short time; the greatest and only difficulty will be the location of the terminus at Beaufort Harbor.

There are so many conflicting interests there consequent upon the position, that it is not probable that it will be determined in the near future. We trust, however, he may do his duty to the State, as we have every reason to believe he will, unswayed by nought else than a desire to promote the public good."

EUROPE. On looking further into our exchange, we find that the condition of things as regards peace or war is regarded as more critical even than the brief notice of the foreign news in another column, would seem to warrant.

The dates by the steamer America are to the 17th Sept. The Emperor of Russia had rejected the Turkish modification of the Vienna note, and war seemed inevitable. The British and French Consuls had left Jassy, which proceeding had caused much alarm. Gen. Luders with a fresh corps of Russian troops, was advancing into Moldavia. The Emperor of Russia was about to proceed to Warsaw, on his way to Olmutz, where he was to meet the Emperor of Austria on the 23rd instant. The Turkish troops under Omar Pasha, on the Lower Danube, insisted on having a fight with the Russians, and it was feared the Pasha would be unable to restrain their fanatics zeal.

It was even reported that the Turkish forces had attacked the Russian outposts. The walls of Constantinople were covered with placards calling on the faithful to rally and attack the Russians. On a special demand of the Four Powers the Sultan had consented to postpone issuing a manifesto to his people, which is said to have been prepared in very warlike language, and amounting in fact to a declaration of war.

The Turks continued their armaments. An additional levy of eighty thousand troops was progressing actively. The America also brings important commercial news. Flour had advanced one shilling, wheat 6d. to 7d; corn 1 to 2 shillings. Cotton was dull, and had declined one-eighth of a penny. Consols had declined to 95 1-4.

The Steamer Baltic brings Liverpool dates to the 21, Sept. She brings nothing additional of much importance. The Russian question was exciting considerable interest, but apparently the news by the Baltic is more favorable for peace than that by the America.

The Charleston Wing announces that Green W. Caldwell, Esq. a few days since sold a gold and copper mine to certain parties in New York for forty-five thousand dollars. The place sold was the residence of the late Dr. Stephen Fox, and containing between five and six hundred acres of land. The mine has been prospectively worked by Dr. Fox in his lifetime for gold, down to the water's level, but had been abandoned long since on account of the danger, difficulty and expense of working below the water. Recently Mr. Leedes, a mineralogist from the North, made a scientific exploration and examination of the premises, and reported favorably of its gold and copper minerals, whereupon Junius A. Fox, Esq. sold to Major Caldwell & Co., who sold to the Northern Company, for the sum above set forth.

Important Treasury Circular - Modification of the Tariff.

The following circular has been addressed by the Secretary of the Treasury, to a number of prominent New York merchants, which indicates that he intends to recommend to Congress some alterations of the present Tariff: Treasury Department, Sept. 20, 1863. Sir: - The increasing revenue and accumulating amount of money in the Treasury, render it most probable that the tariff will be made a prominent subject of discussion and examination, with a view to reduction, during the approaching session of Congress.

In the meantime, and at as early a day as may be, I am desirous to obtain from the most reliable sources, the best information of the working of the present rates of duty upon the leading branches of industry of the country, and of the effect to be expected from the proposed modifications.

Understanding that you take an interest in this subject, and have given some attention to it, and perhaps have been in situations to place within your reach very valuable information, you will much oblige me by communicating to this department your views thereon and by furnishing lists of articles now subject to duty, and of such other articles on which the present duty should be reduced.

The existing tariff having been designed generally and substantially for revenue and for a fair and equal operation both on between the various sections of the country and the various branches of industry, the same objects should undoubtedly be kept in view, and the reductions, if any shall be made, should be so arranged as to afford an equal participation in the benefit to every interest and to every section.

Articles which enter into our manufactures and those which do not come into competition with American products are those about which there will doubtless be the least question. Besides the objects in the proposed reduction of the tariff of such an arrangement as will afford proportional benefit and relief to every portion and interest of the country, there is another which ought by no means to be disregarded - I mean, to alleviate the labors of the custom houses. This object will be consulted by adding to the free list articles of general consumption, articles paying little duty, which but for this consideration might properly be made subjects of revenue.

I am, very respectfully, JAMES GUTHRIE, Secretary of the Treasury.

THE WESTERN RAIL ROAD. - Our community was surprised on Friday last by finding in the Raleigh Register the following: FAYETTEVILLE & WESTERN RAIL ROAD.

GUILFORD, Sept. 20, 1863. MR. EDITOR: - At the instance of several gentlemen of high standing in this State, Mr. Smith and myself, shortly after visiting North Carolina, were induced to subscribe for a large portion of the stock in the Fayetteville and Western Rail Road. We had no mistrust as to the success of the work, nor did we expect, at least in North Carolina. But since we have commenced active operations on the road, we have felt and witnessed with deep mortification and pain, the series of attacks made upon this road and the Deep River improvement, by Dr. Elisha Mitchell, Professor of Geology and Mineralogy at Chapel Hill, - a gentleman of great learning, occupying a high and commanding position throughout the whole country, and especially in the immediate vicinity.

Seeing his determined opposition, I most respectfully suggest to my fellow stockholders, as well as to those interested in the River improvement, whether it would not be prudent, and to our interest, to abandon both these works forthwith, and save all further expense there.

Most respectfully, JOHN L. COLBY.

Some were at first inclined to consider the above a hoax, perpetrated by some young gentlemen at Chapel Hill. Others thought that it was genuine, but intended to operate upon the price of Coal lands, and induce individuals to buy them at a low rate, upon the supposition that all the rail roads would be abandoned, &c., &c.

The Directors of the Company in this place have received no communication from either Smith or Colby (who are said to have dissolved partnership). But circumstances induce us to believe that the above letter is genuine, and that Messrs. Smith & Colby do not intend to make good their subscription. They have not paid the 2d installment, amounting to \$20,320. They did pay the first of \$1 per share (\$4,064.) in cash. Their payment of the installment, their large purchases of mineral lands, and recently of real estate in this town, had inspired confidence in them even with those who originally doubted.

Grateful as we ought to be, perhaps, along with the Deep River company, (in which we believe Mr. Colby has no interest,) for the "most respectful suggestion," of that individual, we think we can assure him and the public, that no such idea is entertained here. We have had assurances that if Smith & Colby had not, others of higher standing and well known means, would have taken the stock, or at least enough of it to put the road beyond contingency. And we believe that they will still do so. Of that, however, we hope to be able to speak with more confidence hereafter. In the mean time, the directors on Saturday last ordered further surveys necessary to the ascertainment of the best location for the route. They intend to go on with the work, hoping to be as little damaged by the defection of Smith & Colby as they have been alarmed by the writings of Dr. Elisha Mitchell - and that is to the extent of just nothing at all.

We make no appeal to our citizens to stand fast under this back out; for we have heard no one express the least hesitation or doubt as to the course which duty and interest point out. These demands that the rail road to the Coal Mines shall be built; and the people of Fayetteville are determined that it shall be. To those in other parts of the State who will (if we may judge from the past,) attempt to make themselves merry over this defection at the expense of Fayetteville, we would remark in advance, that all men are liable to be deceived, but it is not every town that can boast that the deception is not practised by its own citizens. - Fay. Observer.

Proceedings of the Board of Commissioners.

MONDAY, October 3, 1863. At the regular meeting of the Board held this evening, were present, John D. Whitford, Esq., Intendant; I. Dismway and Matthew Matthews, Commissioners.

The proceedings of the last meeting were read and approved.

By Mr. Matthews, Resolved, That the Clerk be and he is hereby authorized and directed to have the Act of the Assembly relative to the Burying Ground published with the proceedings of this meeting. Adopted.

Session 1840-1, Chapter 8. Every person who shall wilfully or maliciously remove any monument of good, stone, or other durable material erected for the purpose of designating the spot where any dead body is interred, or of preserving or perpetuating the birth, age, death or memory, of any dead person in any public or private Burying Ground or Church or who shall wilfully or maliciously deface or alter any such monument, or the marks or letters, or any inscription upon any such monument, made and erected as aforesaid, for the purpose aforesaid, or who shall wilfully deface any part of any Church or other Building, devoted to the Service of Almighty God, shall upon conviction in any court of record, be adjudged guilty of a misdemeanor, and fined or imprisoned at the discretion of the Court.

On motion, the Board adjourned. STEPHEN B. FORBES, Clerk.

Important Diplomatic Correspondence.

The Union of Friday last contains Chevalier Hulsemann's demand for satisfaction to Austria for alleged improper interference of Capt. Ingraham, of the sloop of war St. Louis, in rescuing Kosztka from the Austrian brig of war Hussar, in the port of Smyrna, in June last; and Mr. Marcy's reply thereto. The letters fill eight columns of the Union. We have read them with some care; and cannot hesitate to say, that as the case is presented by them, Mr. Marcy has utterly demolished all pretence of a claim on the part of Austria, and fully sustained Capt. Ingraham. We speak of the case as presented. There may be other phases of it not now before us.

We have not room for the whole documents, but the following is the close of Mr. Marcy's letter stating conclusions which clearly result from an application of international law, by which Mr. Marcy establishes his arguments to the case: The conclusions at which the President has arrived, after a full examination of the transactions at Smyrna, and a respectful consideration of the views of the Austrian Government thereon, as presented in Mr. Hulsmann's note, are, that Kosztka, when seized and imprisoned, was invested with the nationality of the United States, and they had, therefore, the right, if they chose to exercise it, to extend their protection to him; that from international law - the only law which can be rightfully applied to for rules of action in this case - Austria could derive no authority to obstruct or interfere with the United States in the exercise of this right, in effecting the liberation of Kosztka; and that Captain Ingraham's interposition for his release was under the regular and extraordinary jurisdiction of the United States.

These conclusions indicate to Mr. Hulsmann the answer which the undersigned is instructed by the President to make to the Emperor of Austria to the demands presented in Mr. Hulsmann's note. The President does not see sufficient cause for disavowing the acts of the American agents which are complained of by Austria. Her claim for satisfaction on that account has been carefully considered, and is respectfully declined.

Being convinced that the seizure and imprisonment of Kosztka were illegal and unjustifiable, the President also declines to give his consent to his delivery to the Consul-General of Austria at Smyrna; but, after a full examination of the case, as herein presented, he has instructed the undersigned to communicate to Mr. Hulsmann his confident expectation that the Emperor of Austria will take the proper measures to cause Martin Kosztka to be restored to the same condition he was in before he was seized in the streets of Smyrna on the 21st of June last. - Fay. Obr.

Crossing the Street. - Legal Decision. - In one of the city courts in Cincinnati, a few days since, a driver was fined \$25 for running his wagon against a pedestrian who was crossing the street. The Judge decided that all regular street crossing pedestrians had the right of way, and that the law requires a driver to hold up when he sees a foot passenger crossing in front of his team. The same principle of law holds good elsewhere, and is worthy the notice of both drivers and pedestrians.

LATER FROM EUROPE. Arrival of the Washington.

Cotton Market. - Advance in Flour - The Sultan's Modification Rejected - Prospect of War. New York, Sept. 29. The steamer Washington has arrived here. LIVERPOOL MARKET, Sept. 19. Cotton. - The market is in favor of buyers but holders are not pressing, sales for the week 15,000 bales.

Flour. - Flour has advanced one shilling, corn unchanged. Consuls have declined to 96. The Car has rejected the Sultan's modification of the note of the four powers and war is considered inevitable.

SECOND DISPATCH. The London Money Market is lighter. Mr. Soutle consul from the United States to Spain will be received at Madrid.

The London Times of the 14th inst announcing that the Emperor of Russia had rejected the Sultan's modification of the note of the four powers. It considers war inevitable. Previous accounts represented that the greatest fear existed at Jassy. The French and English Consuls had left the place. Gen. Luders was advancing with fresh troops upon Moldavia. The Car was to proceed at once to Warsaw to meet the Emperor of Austria. The meeting was to take place on the 23rd inst. at Olmutz. The Turkish troops under the Pasha on the Lower Danube insist on fighting the Russians and it was feared that the Pasha would be unable to restrain them.

Speech of Henry Clay and Daniel Webster.

The following is a translation from the Greek of a Eulogy on Henry Clay and Daniel Webster, made by Miss Elizabeth, of Orea, a young lady who, not many years ago, embraced the Episcopal creed, and is now a missionary among her countrymen at Athens: Charmonios' Speech in the Greek House of Representatives upon the death of Daniel Webster and Henry Clay, delivered December 17, 1862.

On this day's session in the House of Representatives, Mr. Charmonios, Deputy of Lamina, having taken the floor, proposed that the House should express its regret on hearing of the death of two of the great men of the United States, namely, Henry Clay and Daniel Webster, and that their names be inscribed on the walls in the peristyle of the Chamber. The honorable Deputy introduced his proposition in the following address:

"When the wise Government of a great nation - a Government worthy of respect for its virtues - goes into mourning, lamenting with its people the death of one of its citizens, that citizen truly must have been a great man. And the privation of a great man is an irreparable loss to all mankind. We took up arms to shake off a heavy yoke - a yoke of reproach, and one difficult to be borne - and the anxiety of our enterprise immediately found protection in the ether hemisphere, where among many others, two truly distinguished men had effectually raised up their Christian voice in behalf of the grievously suffering Greeks. Who among us, the surviving combatants, has forgotten, or who among our youth has not heard from his parents that independently of the ravages of war, famine and sickness were decimating us; and who does not know that the bread and clothing of the Americans of the United States saved multitudes from the grasp of Ghastri? And who doubts that if the noble and generous-minded citizens of the United States had lived in our hemisphere, the Greek contest would have been terminated sooner and with more success?"

"Gratitude, sir, is a cardinal virtue of man; and the Greek nation was ever of old distinguished for this virtue. Our immortal ancestors erected temples in honor of their benefactors. Among our benefactors, then, are numbered since 1822 the ever-memorable D. Webster and H. Clay, whose death a whole nation - the People of the United States - this day laments. Let us, therefore, honorable representatives of the Greek nation, unite our tears with those of our noble brothers, the citizens of the United States, for this loss; and, as proof of our gratitude, let us inscribe on the walls of this peristyle the glorious names of the Philhellens, DANIEL WEBSTER and HENRY CLAY."

THE EPIDEMIC. - The shadow of the Angel of Death, says the Mobile Advertiser, still lies dark upon the suffering city. The past two weeks have been weeks of sadness and sorrow. The hearts of strong, brave men have failed them for fear, as they have looked upon the ravages of the destroyer - a Destroyer whose course no earthly power might stay. They are few, who would feel no responsive throb to the question - "Who has not lost a friend?"

The dark and deserted dwellings, the barred portals of the stores and offices of business, the thoughtful step of the new and strange strangers in the thoroughfare, the grate that rattles mournfully at the door knobs - all these betoken the affliction that is rife in our midst. Business has well nigh lost its vitality, save at the counter of the druggist and the shop of the undertaker - there alas, we may remain as a lively significant sign.

The following is a synopsis of the returns for the three past weeks, giving them up to 6 o'clock of the Friday evening of each week - the latest hour to which we can obtain them for our country paper.

Yellow Fever. - Other Dis. - Total.

	Yellow Fever.	Other Dis.	Total.
Sept. 26	37	27	64
Sept. 2	165	44	209
Sept. 9	194	47	241
Total for 3 wks.	396	118	505

From the table it will be seen that more than five hundred deaths - probably four or five per cent. of the resident population - have been carried off within three weeks.

An Intrepid Boy.

The following account of a balloon ascension is extracted from the summary of news brought by the Northern Light:

A boy named Joseph Gates, aged 16, made a remarkable balloon ascension from Oakland, opposite San Francisco, on the 28th. The balloon was of the largest size, but was not sufficiently inflated, and would not rise with the breeze. The car was taken off and a small board lashed across the hoop. Upon this the intrepid took his seat, but he was too heavy. The crowd then called for a boy, and Gates, who was near peddling fruit, gave his basket to his partner, and jumped on the board; and without any provisions or other thing more than his ordinary suit, he rose before the breeze could give him any instructions, more than to pull the rope when he wished to come down. The boy sat upon the hoop, (which was only an inch square,) and leaped back upon the eggs. When up about half a mile, he pulled the cord, and it broke. The balloon flew rapidly to the northeast at about two and a half miles. The boy retained his presence of mind, took out his knife, opened it, put in his teeth, and tried to climb the cords for the purpose of cutting the balloon; but the cords were only a quarter of an inch in thickness, and he could not climb them. The gas finally escaped so that the balloon descended about 15 miles from Bonifacio, Spain Valley, and 50 miles in a direct line from the starting point.

TWO MOST BEAUTIFUL HANDS. - Two charming women were discussing one day what it which constituted beauty in the hand. They differed in opinion as much as in the shape of the beautiful member they were discussing. A gentleman friend presented himself, and by common consent, the question was referred to him. It was a delicate matter. He thought of Paris and the three goddesses. Glancing from one to the other of the beautiful hands presented to him, which, by the way, he had the cunning to hold for some time in his own, for purposes of examination, he replied as last: "I give it up, the question is too hard for me; but ask the poor, and they will tell you that the most beautiful hand in the world is the hand that gives."