

MESSAGE

OF GOV. VANCE TO THE GENERAL ASSEMBLY OF N. CAROLINA.

The Honorable, the General Assembly:

Certainly a Legislature has never been convened in the State of North Carolina to protect greater interests or meet greater responsibilities. Eighteen months ago, when the State entered into the war, which is now waging, all was life and buoyancy and excitement. The novelty of our undertaking, and the enthusiasm of our people in support of our cause, not only rendered the course of the Legislature and the Executive easy, but actually preceded and marked it out. But the continuance of the contest, the slaughter of our soldiers, the occupation of our territory by the enemy, the destruction of our homes, and the blockaded condition of our coast, have reduced us to straits and given rise to a class of evils, in the presence of which ephemeral patriotism must perish, and the tinsel enthusiasm of novelty give place to that stern and determined devotion to our cause, which alone can sustain a revolution.

It now becomes the duty of you, the General Assembly, to set an example to your constituents of firmness, prudence, determination and energy; to correct the errors of the past, to provide for the exigencies of the future, and to use well and wisely the power vested in your body by the Constitution, for the protection of our rights and liberties.

The subject of first importance is the prosecution of the war, and the means of defending our State against the invasion of the enemy. The Legislature, by several acts in 1861, provided that in case the Confederate Government should fail or neglect to provide for the defense of N. Carolina, the Governor should be authorized to raise a certain number of troops for that purpose, and made appropriations of money for their support. Impressed with the defenceless condition of our eastern counties when I came into office, I had fully determined to avail myself of this authority, and would have proceeded at once to do so, but for the intervention of insurmountable difficulties. The principal of these was the conscript law passed by the Confederate Congress subsequent to the passage of the several acts referred to. By this law, as extended in its provisions a short time before the adjournment of Congress, all able-bodied men, between the ages of eighteen and forty-five years, became liable to enrollment as soldiers of the Confederate States. To raise an adequate force for State defence from our citizens beyond the age of forty-five and submit to this vast drain besides, I thought entirely impracticable. I hoped, too, that by aiding and assisting in the execution of the conscription law, I would be effectually providing for State defence. This reasonable hope has, I regret to say, been disappointed, and although North Carolina has a greater extent of sea-coast than any other State, she has fewer troops given her for its defence.

It is not necessary, gentlemen, that I should call your attention to the astounding wealth of this threatened section of our State—filled with everything necessary for the comfort of our army and our people—or to the suffering and ruin of its loyal, patriotic inhabitants. You are sufficiently informed in regard thereto. It is for you, therefore, to say whether you will suffer our defences, as heretofore, to remain exclusively in the hands of the Confederate authorities, or take steps to carry out the will of the last Legislature, and raise troops under on State authority to strengthen the weak hand of the General Government on our coast.

Unhesitatingly recommend the raising of at least ten regiments of reserves, to be accepted for three or four months, and dismissed in time to pitch their crops in the spring. This force, auxiliary to the Confederate troops, would probably be able to prevent an advance of the enemy into the interior, and while subsisting on the abundant supplies in our eastern counties would benefit the whole State, by aiding in withdrawing vast quantities of provisions from exposed points.

Inasmuch as it may become necessary for slave labor to be employed on State defences, and my authority to force such labor may be questioned by some, I would respectfully recommend the propriety of the passing of an act whereby such authority may be vested in me, in case such urgent necessity shall arise, as will justify it. Next to the defence of the State from the enemy in importance, is the defence of our people against extortion and starvation. Notwithstanding the failure of the crops in the Western part of the State, it is believed that there is within our borders an abundance of grain for the supply of our people, and a surplus for the use of the army. The lands heretofore devoted to cotton and tobacco have been planted in corn very generally, and the crop of this essential product is perhaps larger by many hundred thousand bushels than has ever been known. When this is considered, together with the immense crop of peas, potatoes, fruit, &c., there would seem to be little danger of actual suffering among our people—nor would there be, could it all be properly distributed and at reasonable prices. But the demon of speculation and extortion seems to have seized upon nearly all sorts and conditions of men, and all the necessities of life are fast getting beyond the reach of the poor.

Flour, which if properly left to the laws of supply and demand could not have risen to more than double peace rates, can now be used only by the rich. Everything has a tendency upward in the same proportion—leather, woolen cloth and cotton goods have been made the especial means of extortion. As if we were not sufficiently avaricious in our own midst, speculators from distant States swarm in the land offering fabulous prices for everything they can buy. And in many instances, taking advantage of the patriotism of our people, represent themselves as agents of the Government, purchasing for the army—thus obtaining what they could not otherwise do. The supply of salt, I hope, be sufficient, but this subject, too, needs legislative action. Dr. Worth, the salt commissioner appointed by the Convention, has been industriously at work; but he has not produced a great quantity, owing to the difficulties which he has mentioned in his reports. His first works, at Morehead City, were taken by the enemy before he had fairly gotten them into operation. His next effort at Wilmington was successful in producing about 250 bushels per day for some time before they were interrupted by the yellow fever, which has caused their temporary suspension. As the pestilence has abated, they will of course be immediately again put into operation. The whole amount made there by the State and private individuals, probably exceeds 2,500 bushels per day. Nearly all of that made on private account is bought by citizens of other States and carried off for speculation, at prices ranging from \$12 to \$20 per bushel.

My predecessor, Gov. Clark, also entered into a contract, through N. W. Woodfin and Geo. W. Mordecai, Eggs, with Stewart, Buchanan & Co. of Saltville, Va., for the privilege of manufacturing 300,000 bushels of salt, and Mr. Woodfin was made superintendent of the works. With commendable energy he has pushed forward his undertaking, and there are now, as reported to me by a special agent sent to visit the establishment, about 200 kettles in operation, making near 1200 bushels per day. Owing to his sickness the Superintendent has made no official report to me of his operations and expenditures.

I recommend that your Honorable body shall take immediate steps to prevent the exportation from the State of salt, leather, shoes, woolen cloth, cotton cloth, yarn, pork and bacon, flour and potatoes—except for the army and by regular agents of the Government; and except when purchased by any county and corporate authorities of our sister States, under such regulations as will amount to satisfactory proof that such articles are for private use, or charitable distribution to the poor of such counties, towns, &c., and not for speculation—not, however in violation of any existing contracts made by our citizens with citizens of other States. This is all the remedy I can suggest for the evils of extortion—history and common sense having taught us the danger of trying to force trade, which refuses to be governed by any but natural laws. All we can do is to aid these well-established laws, as the skillful physician assists nature in the checking of disease. Violent and forcible measures have long since been condemned by civilized statesmen, and could now only serve to dry up the sources of our industry, and lessen the productions of the country. The same remarks apply to seizures of private property for public use, which ought never to be resorted to except in extreme cases, and then only as a temporary expedient. To provide against the possible suffering of the wives and children of our brave and self-sacrificing soldiers, I also respectfully recommend the purchasing and storing, at some safe points, in the interior, of at least two hundred thousand bushels of corn and five hundred thousand pounds of pork, to be sold to them at rates sufficient to cover the cost of transportation, &c. It can now be bought in the Eastern counties at moderate prices, and is in danger of destruction by the enemy, if not removed at an early day. Anticipating the necessity of this measure, and also thinking it proper in a military point of view to have some surplus on hand, I have already ordered the building of large cribs on the N. C. R. Road, and made other preliminary arrangements for purchasing on a large scale. I deem this a matter of the very highest importance. Nothing would so cheer and encourage our soldiers in the discharge of duty, as to know that their State was providing for their wives and children dearer to them than life; and nothing would so dispirit and demoralize them as to know that their dear ones were suffering.

Indeed, the soldier, shivering through the snows of the coming winter and offering his blood day by day for our defence, has a right to expect that his country will not permit his wife and little ones to cry in vain for bread; and while there is a morsel in the land it should be divided with them. I beg you, therefore, gentlemen, to make such provisions as you may deem best in accordance to the matter, and at as early a day as possible, and let the gratifying assurance go forth to the camps of our armies that the wives and children of our soldiers shall not suffer so long as their State has money or food to give them.

I beg leave to call your attention to the great and almost insurmountable difficulties encountered by the Quartermaster's Department in providing clothing, shoes, and blankets for our troops. During the administration of my predecessor, an arrangement was entered into (according to the resolution of the General Assembly) with the Quartermaster's Department of the Confederate States, by which North Carolina was to receive the commutation clothing money of her troops and clothe and shoe them herself. And on our agreeing to sell the Confederate authorities all the surplus supplies that could be procured in the State, they agreed to withdraw their agents from our markets, and leave the State agents the whole field, without competition. This would have enabled the State to clothe and shoe her troops comfortably, and could have furnished to the Confederate States all that was to be had anyhow at reasonable rates. But it was immediately violated. The country was soon, and is still swarming with agents of the Confederate Government, stripping bare our markets and putting enormous prices upon our agents. This is especially the case in regard to shoes and leather. The consequence has been our troops could get only half supplies from home, and nothing at all from the Confederate Government, because of our agreement to furnish them ourselves. When a large portion of our army thus lost their baggage, it was found impossible at once to replace it. Sorely pressed as to the best course to be pursued, I published an appeal to our people in behalf of their brothers in the field, and employed the militia officers for the collection of articles donated or sold; and though the response has been at once gratifying and patriotic, yet it is necessarily slow and uncertain; and I regret to say that the heroes of Boonsboro', Sharpshurg and other glorious fields, have suffered and are still suffering greatly for the want of shoes and clothing. Every possible exertion has been made for their relief; but while the agents of the Confederacy are allowed to compete with ours, and speculators are allowed to carry our leather beyond our borders, it will be impossible to supply them.

I earnestly recommend an embargo upon this article, as before mentioned. I am gratified that I am able to state that the prospect of obtaining cotton cloths at reasonable rates is better than it has been. The stockholders of the Rockfish manufacturing company have agreed to sell all their productions at 75 per cent. upon cost, the rate allowed by the exemption bill, which will reduce the price about one-half; and some seven or eight other companies have intimated an intention of following their praiseworthy example. We may reasonably hope that most of the other mills in the State can be induced to do likewise. The woolen factories seem more incurable. Some of them when asked to furnish their goods at 75 per cent. declined entirely, and others agree to do so by fixing enormous profits on the cost of the raw material and then adding the 75 per cent. on the finished article, making their profits even greater than before. It is greatly to be regretted that the most useful and to-be-cherished institutions should put themselves in a position, which will cause them to be executed by our people on the return of peace. But as the free trade policy operated in times of peace, so they seem determined to have no mercy upon us during the existence of the war. I recommend them to your tender mercies, gentlemen, and would respectfully suggest that you adopt such measures as may seem practicable for securing supplies to our own citizens first; and to reduce if possible the price of cotton yarn, which is so essential to supplying the hand looms of our farmer's wives.

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In relation to ordnance stores, I will mention that nearly a year ago, a contract was made by my predecessor, under the act of the Legislature appropriating \$10,000 for the purpose, with Messrs. Waterhouse & Bowers, for the erection of powder mills. The money was expended, the mills erected and soon afterwards blown up and destroyed. Gov. Clark agreed to furnish them the means to start again, and under a new contract they have erected other mills and are now nearly ready to begin operations on a scale sufficient to make about 4,000 pounds per week.

This, however, involved an expenditure of money beyond that appropriated by the act referred to; \$12,000 having been advanced the contractors by Gov. Clark and \$8,000 by myself. Of these sums, the money advanced by Gov. Clark is to be refunded in four equal annual installments, and that by me by reserving 10 per cent. of the payments (as they become due) on powder to be furnished the State. The Confederate States will furnish the mills with about 3,000 pounds of nitre per week. The department has contracted with manufacturers in the State for about 300 new rifles per month, and arrangements have been made whereby, after the 1st of January, about 300 old rifles and muskets out of repair will be rendered fit for service. And it is hoped the department will be able to keep a hand supply for five thousand men. A detailed report of the operations of the Adjutant General's department is herewith appended.

The finances of the State will doubtless engage your anxious consideration. The Board of Claims, in pursuance of Ordinance No. 20, Sec. 5, passed in December, 1861, have made a report showing the debt of the State on the 30th Sept., 1862, to be \$20,983,361 01, subject to be diminished by the amount of the sinking fund, at that time about \$800,000, and the debt due the State from the Confederate Government, between five and six millions. Still the State debt is very heavy, and the interest at least ought to be punctually paid. There are three distinct modes of supplying the requisite sum: one by taxation, a second by an additional issue of Treasury notes, and a third by the sale of the State lands. I have but few remarks to make. There has been such a disturbance in the industrial pursuits of the country within a very recent period that it is difficult for one who may not at once have been present in all parts of the State, to fully realize the extent of the crisis. I have but little to add to what you have seen and heard. By ordinance No. 22, of June, 1861, which is now a part of the Constitution of the State, it is provided that land and slaves shall be taxed according to their value, and the value of both shall be ascertained by a commission of three persons, one of whom shall be a slaveholder, and the other two shall be appointed by the State. This mode of taxation has, however, been found to be very defective, and the Legislature has, in several instances, modified it. In the present mode of taxation, the value of land and slaves is ascertained by the commission, and the tax is levied upon the assessed value. This mode of taxation has, however, been found to be very defective, and the Legislature has, in several instances, modified it. In the present mode of taxation, the value of land and slaves is ascertained by the commission, and the tax is levied upon the assessed value. This mode of taxation has, however, been found to be very defective, and the Legislature has, in several instances, modified it. In the present mode of taxation, the value of land and slaves is ascertained by the commission, and the tax is levied upon the assessed value.

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in enforcing their efforts to maintain the efficiency of our armies. The ordinary penalties prescribed by our Militia laws for the punishment of offenses, disobedience of orders, &c., adapted to peace times, are found now entirely inadequate. Wishing to spare our citizens the disagreeable spectacle of Confederate soldiers traversing the country to gather up delinquent conscripts, deserters and absentees from the army without leave, I decided to employ the militia for that purpose. In general, it has answered admirably, most of the officers having displayed the greatest fidelity and industry without offending the sensibilities of our people. But, in some instances, deserters and other shirking characters, have set the officers at defiance, and are enabled to evade arrest by the assistance of others who conceal in service by this law, and also all military officers in the discharge of their duty.

As the crime of desertion, so far as I know, is not an offense against the common law—so the concealing, aiding and assisting a deserter to avoid capture is not punishable in our courts. To aid the military authorities in arresting such persons, I recommend that the right of arrest for the punishment of any one who shall aid and assist them, or in any manner prevent their capture; and also to punish more severely the disobedience of orders by the Militia. It also becomes my duty, gentlemen, to bring to your attention several serious matters connected with the administration of Justice in the State.

There is great danger of lawlessness prevailing in the land; and in the great abundance of military rulers and arbitrary authority, people are beginning to forget that there is still such a thing in existence as civil law, which is the master of us all. Though pre-eminently a conservative and law-abiding people, our society is already beginning to suffer serious detriment from the lawlessness that prevails in the times—Murder, arson, disregard of obligations, oppression and injustice, are more common in some districts than they have ever been known. Not long since, as I am informed, a Confederate officer refused to permit the execution of a writ of *habeas corpus* within his camp, and refused to permit the Sheriff of the county to remove him from his presence. It should be our pride, as it is our duty and safety, to show our enemies abroad and our law-breakers at home, that the same glorious old common law which our fathers revered and observed, in the midst of suffering and calamity, still moves on with power and majesty, strengthening, protecting and sustaining our people, as it ever will strengthen and sustain those who respect it. The General Assembly, at its last session, enacted an act suspending the regular sessions of the Superior Courts of this State. This act, as I have already mentioned, is, in my judgment, to say the least of it, unwise in some of its provisions. That some remedy ought to have been provided for the protection of property generally from seizure, and particularly the property of our brave soldiers who are engaged in the service of the State, (if indeed an enlightened and patriotic public opinion had not already guaranteed that protection,) no one will question, and to this extent meet my approval. But the Courts themselves should be opened and the fountains of justice unsealed. The criminal law especially needs diligent administration, for it has been wisely said that "the commission of crime is prevented more by the certainty than the severity of its punishment." Again, persons charged with crime and confined in prison, even if unlawfully convicted, cannot have their cases reviewed in a court of higher jurisdiction. The necessity of this reform, (if indeed an enlightened and patriotic public opinion had not already guaranteed that protection,) no one will question, and to this extent meet my approval. But the Courts themselves should be opened and the fountains of justice unsealed. The criminal law especially needs diligent administration, for it has been wisely said that "the commission of crime is prevented more by the certainty than the severity of its punishment." Again, persons charged with crime and confined in prison, even if unlawfully convicted, cannot have their cases reviewed in a court of higher jurisdiction. The necessity of this reform, (if indeed an enlightened and patriotic public opinion had not already guaranteed that protection,) no one will question, and to this extent meet my approval.

I am also convinced that whilst the soldier in the field should have his property protected from seizure under execution, there exists no reason why, in the great plenty of money, and the high prices of property, any man should desire to be excused from paying his taxes. It is probable, that it might also create a favorable influence upon the men were compelled to part with their surplus property to satisfy their creditors.

In this connection permit me to respectfully recommend that our present circuit be re-arranged, adding at least one additional circuit and another Judge thereunto, so that the present arrangement will be apparent from the following considerations. Some of the circuits embrace an extended area of territory with a large amount of business. The 7th circuit comprises eighteen counties, more than twice, and to some, two weeks are allotted. According to existing statutes, the Judges are allowed an annuity of \$10,000 per annum. In some of the circuits the proviso "that in all cases where a circuit of the Superior Court shall exceed twelve weeks, the Judge holding said Courts at any regular term shall be entitled to a compensation of ninety dollars for the court of each county exceeding twelve held by them, to be paid by the State on the first day of January and July, addition to the salary of said Judges, and each week in which a Court shall be held, shall be considered a term." Special terms of the Superior Courts are also held, and for this service a compensation of ninety dollars is given to be paid by the county in which the term is held. Upon examination it will be found that the amount for ten thousand and extra Courts exceeds the salary of a single Judge.

The fourth section of the 102 chapter of the Revised Code provides that "every Judge shall produce a certificate of the Clerk of each county of his having held the Court of the county according to law; and for every hour of absence omitted to be produced, there shall be a deduction from the salary of one hundred dollars. Portions of certain circuits are occupied by the enemy, and it is impossible for the Judge to produce the required certificates. It may be necessary, therefore, to modify this provision, to have effect only upon the regular terms.

The Hon. Thomas Ruffin, J., residing in the fourth circuit, has been appointed by the President of the judicial circuit, the Superior Court of law and equity, my immediate predecessor, with the advice of the Council of the State, filled said vacancy by granting temporary commission to the Hon. John Kerr, of Caswell, which will terminate at the end of your present session. It is your duty to fill this vacancy permanently.

The office of Attorney General has also been vacated by the former incumbent, W. A. Jenkins entering our army and accepting of office with the Confederate States. There are also Solicitors to be elected for several of the Circuits.

There are confined in Salisbury by the Confederate authorities a number of citizens of North Carolina arrested for alleged political offenses. How long they are to remain incarcerated to one can say but those who are held in confinement should be confined in a jail, if I do not know, but under the Constitution and laws of the State, they were not arrested by lawful process, and as citizens of North Carolina they are entitled under the Constitution to a speedy trial by a jury of their peers, and to be confined in a jail, if I do not know, but under the Constitution and laws of the State, they were not arrested by lawful process, and as citizens of North Carolina they are entitled under the Constitution to a speedy trial by a jury of their peers, and to be confined in a jail, if I do not know, but under the Constitution and laws of the State, they were not arrested by lawful process, and as citizens of North Carolina they are entitled under the Constitution to a speedy trial by a jury of their peers, and to be confined in a jail, if I do not know, but under the Constitution and laws of the State, they were not arrested by 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