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WILLIAM D. COOKE,
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WHOLE NO. 156

MESSAGE

Of His Excellency, GOV. REID to the Legislature of North Carolina.

The Honorable the General Assembly

In commencing my regular Message to the General Assembly, a fit occasion is presented for congratulating its members upon the blessings which a kind Providence has bestowed upon the people of the State, and especially upon their exemption to a considerable extent from the diseases and calamities which have visited other States and Nations, with such sad and devastating consequences. It is also a subject of congratulation that the spirit of progress and improvement, which, at present, animates our people, presents a bright prospect for the destiny of our beloved State.

Agriculture, in North Carolina, has undergone its important improvement, which has increased the amount of its production, and imparted an additional interest to the great pursuit, the amount of its produce, it is believed, will compare favorably with that of any other State; the laws have been executed faithfully, and justice administered impartially, as in any other State; the faith of the State has been scrupulously preserved, and her credit stands deservedly high, both at home and abroad. Improvements are being extended to afford the Farmer and Mechanic a cheap and expeditious mode of transportation for the surplus products of their labor, and for the supplies they are to receive in return; a University, of the highest rank, aided by numerous Colleges and Academies, of a high order; and a system of Common Schools, which will soon be so extended that every child will have the opportunity of receiving the facilities of mental improvement to every class of our citizens; the Geological examinations are almost daily disclosing valuable additions to the wealth of the mineral world of the State, and, added to all these, we have a population that is unsurpassed in the essential elements of true greatness. But, notwithstanding this gratifying condition of things, there are many subjects of deep interest, which demand the attention and the wisdom of the Legislature, and which require the attention of the General Assembly.

In a government like ours, where the voice of the people is the law, it is the duty of the Legislature, Education is not only a subject in which every good citizen feels a deep interest, but it becomes one of great public importance, and demands the serious care of the State. Hence that clause in our Constitution which declares—

"That a school or schools shall be established by the Legislature, for the convenient instruction of the youth, with such salaries to the masters, paid by the public, as may be ordered by the Legislature, and that all useful learning shall be duly encouraged and promoted in one or more Universities."

The University of the State is in successful operation, sustaining the high reputation it has long and deservedly enjoyed, and, at each Commencement, sends forth a number of graduates to engage in the various pursuits of life. This institution is every day increasing in the number of its students, and the number of its graduates, who have become the pillars of our State, and the ornaments of our country. It would be difficult to estimate the beneficial influence the University has exerted, in North Carolina, and in the Southern States generally. Our Common Schools have been in operation but for a comparatively short period, and are progressing as well, perhaps, as we have a right to expect, when we consider the many difficulties that have to be overcome in their organization, and the want of such a system. There are, however, still many defects in the management of these Schools, which time and experience will enable us to correct. The system, however, is doing, in a general way, good, and the Legislature will be struck by the striking evidence to the generation which succeeds us. There is no subject more worthy of favorable consideration than Common Schools. The goodness of a State depends upon her people. In a few years, the present generation will be the affairs will pass from the stage of action, and the welfare and destiny of the State and the Republic will be committed to the charge of a new generation. Let that generation start with the same high aims and noble intentions, which have distinguished the present generation, and the future of our country will be bright and glorious. During the last year, there was distributed, from the Literary Fund, for Common Schools, in the various counties of the State, the sum of one hundred and twenty thousand dollars, and, during the present year, the sum of one hundred and eighty thousand eight hundred and fifty dollars, eight cents, (\$180,000.85), has been distributed for the same purpose. It has been found that nearly the same amount has been collected by taxation, in the counties, for the support of Common Schools.

The report of the General Superintendent of Common Schools, in detail, of the labor and observations of that officer, it states many gratifying facts, and presents various suggestions in regard to the improvement of the schools. It is herewith transmitted, and it is the duty of the present year will be communicated in due time.

It is desirable that the principal of the Literary Fund should be increased, so permanently to secure a larger distribution for the support of Common Schools.

The Swamp Lands are an important source of income, and their successful management requires a degree of personal attention, which it would be extremely inconvenient for the Legislature to bestow. The titles of large tracts of land, and, in dispute, and it is believed, that processes, and, in many instances, have been committed to them, for years. When cases are instructed to bring suits, a difficulty arises in procuring the information necessary to conduct a successful prosecution. The lands, in many instances, are inaccessible, except to persons who have experience in their exploration. Further legislation is necessary to protect the public interest in these lands. It is believed that public policy demands that provision should be made for the appointment of an efficient Agent, to be paid a reasonable salary, whose duty it should be, under the instructions of the Literary Board, to procure facts to enable the Board to protect its interest in the Swamp Lands.

The Institution for the education of the Deaf and Dumb and Blind, is in successful operation, and affords great facilities for imparting instruction to these unfortunate classes of our population, who by the knowledge they receive are prepared to become intelligent and useful members of society. The Institution is under the management of a Board of Directors, who perform a good deal of labor without receiving any compensation. I respectfully recommend that provision be made to pay the members of Board, a reasonable sum for their services, and that the Executive or some other State officer, be associated with the Board in the management of the Institution.

The President and Directors of the Literary Fund will, in due time, submit a Report, showing the condition of the Fund, and the proceedings of the Board in relation to other subjects committed to their management.

Under the existing provisions of the Constitution of this State, a freehold of fifty acres of land

is one of the indispensable qualifications required of a voter for a Senator of the General Assembly. This requirement is just, and ought to be removed. The question of Free Suffrage has been so much discussed, and its importance has become so well understood, that it does not require a lengthy discussion on this occasion. The proposition has been made to amend the Constitution in one branch of the Legislature, without the assent of the other, and, so palpably wrong, that the time will come, when the fact that it ever had a place in the Constitution will be regarded with profound astonishment. A system of Free Suffrage is based upon the supposition that the people are politically corrupt, and incapable of exercising the right of suffrage.

This feature of the Constitution disfranchises, in one branch of the Legislature, the fifty thousand men who are engaged in the various pursuits of life. Every candid mind must admit that fifty acres of land does not endow its owner with knowledge, nor does it impart to him virtue or patriotism, nor does it go to the ballot-box. Suffrage, because it is safe, economical, and practical, and they are in favor of effecting it by the Legislative mode. The Constitution prescribes two modes for future amendments: One is by a three-fifths and a two-thirds vote of each House of the Legislature; the other is by a Convention called by the Legislature, and the latter is the very reverse. The Constitution requires amendments by the Legislature, to be submitted to the voters of the State for ratification; but there is no such injunction imposed in regard to amendments by a Convention.

I earnestly recommend that an amendment to the Constitution, giving every qualified voter the right to vote in the election of Senators, be passed by the requisite majorities of the two Houses of the General Assembly, in conformity to the requirements of the Constitution, to the action of the next General Assembly, and submitted to the people of the State for ratification.

The justice of Free Suffrage is so manifest, that even among freeholders themselves, there is an overwhelming majority in favor of its adoption. The right of franchise is the dearest right of an American citizen, and it is the exercise of this invaluable privilege, that distinguishes free governments from despotisms. It is hoped that the great industrial pursuits of the State will be increased from our Constitution, and that we shall, in fact, become a people "equal rights and equal privileges."

The opinions I have heretofore expressed, in opposition to the principle of representation, remain unchanged.

The election of Judges and Justices of the Peace by the people, and for terms less than for life, are also questions of reform, which I recommend to the careful consideration of the General Assembly.

Agriculture is the great interest of the State, and upon its success depends the prosperity of all other industrial pursuits. This important interest has been too much neglected. The Agricultural Survey of the State will not only be attended with highly beneficial results, the same may be said of the act passed by the Legislature to encourage Agriculture, Domestic Manufactures, and the Mechanic Arts. It is the paramount duty of every well regulated government, to extend due encouragement to those engaged in the cultivation of the soil. There is no pursuit more honorable or better calculated to promote the happiness of man, and none more important to the welfare of the Republic. A new impulse has been given to this branch of industry, that is perceptible in every part of the State. The tide of emigration which has hitherto drained North Carolina of her white population, has already been stayed, and the progress and capital of other portions of the country are now attracted within her limits, affording evidences of prosperity, and contributing towards the advancement to the high position she is destined to occupy.

Intimately connected with the prosperity of Agriculture, Manufacturing, and Mining, stands the subject of Internal Improvements. Commerce is a vital element of our State, without which the great industrial pursuits would be paralyzed. That which is comparatively valueless in one part of the world, often becomes a vast mine of wealth when conveyed to another. The value of commodities is not in the commodities themselves, but in the facilities of exchange of commodities alone; but it enables us to avail ourselves of the improvements and knowledge of every part of the globe. The geographical position of the State is a striking illustration of the scale of commerce, were it not for the aid of improvement. To the full development of our resources, there are presented many obstacles, which appear almost insurmountable; yet we ought to remember that these are more than compensated by the great advantages we enjoy.

When we reflect that there have been no great obstacles, there is no cause to despair. For when we consider health, comfort, salubrity of climate, and capacity for Agriculture, Manufacturing, and Mining, North Carolina is not surpassed by any State in the Union. A judicious system of Internal Improvements by the State has ever been regarded as a subject of great importance, and entitled to the favorable consideration of the General Assembly. The improvements already completed, as well as those in the course of construction, have been productive of very important advantages; but they are still far from affording the facilities and comforts to the wants of the people. There was never a time when there existed a stronger necessity for self-reliance. The North during the last twenty five years, in the way of protection and other unjust exactions, has suffered from North Carolina more money, than would have been required to improve all her rivers and construct all our railroads. The farmers and other classes need cheap transportation and convenient markets where they can carry their products with safety. Their mercantile, manufacturing towns and cities at home, with shipping to do their own importing and exporting, without continuing longer to pay tribute to the North. They need intercommunication with their own State, to understand and appreciate the wants of each other.

These desirable objects can be accomplished by inland improvements. They, however, are not the work of a day, nor of a year, but time and a large expenditure of money will be required for their completion. What can be done with safety ought to be done now, and the rest left to time. In embarking in Internal Improvements, a due regard should be had to the means and resources of the State, as well as to the necessity and practicality of the works themselves. Wild and visionary schemes should be avoided, and the credit of the State should be inviolably maintained. The work should be at least promise advan-

tages to the people corresponding with the amount to be expended. The particular objects of improvement which it is expedient to prosecute at this time, is a question submitted to the prudence and discretion of the General Assembly.

Since the reorganization of the Raleigh and Gaston Railroad Company, the road under the charge of that Company has been thoroughly repaired, and the connecting link between that road and the Wilmington and Raleigh, and the Seaboard and Roanoke Railroads has been completed. The road affords increased facilities for transportation and travel to an important portion of the State. It is represented to be in a very prosperous condition, and is now paying a very handsome dividend to the State.

The Wilmington and Raleigh Railroad continues to afford great facilities to the public, and pays good dividends, which go to increase the income of the literary fund. This road too is represented as being in a very prosperous condition.

The North Carolina Railroad is progressing with the usual expedition of such works, and a considerable portion of the road has been laid down. This important enterprise when completed, promises great advantages to a large portion of the State.

The Board of Internal Improvement, from time to time, as it became necessary, ordered the Public Treasurer to sell the Bonds of the State to pay her subscription to this Road. Up to this time, the sum of one million six hundred and four thousand dollars, of the bonds authorized by law to be issued for this purpose have been sold by the Public Treasurer. The State has realized no inconsiderable sum for premium obtained on these bonds, a fact, for the highest evidence of her credit and standing. The report of the President and Directors of this company will be communicated in due time.

The Charter of the North Carolina Railroad Company provides for the representation of the stock of the State in the meeting of the Stockholders, but does not point out the mode by which such representation shall be appointed. At the last session of the General Assembly, an Act was passed providing for the appointment of a Charter, one of which authorized the Executive to make the appointment; and with that proposition there was incorporated another which, in all probability, would have placed the State, in the hands of the stockholders, in the meetings of the Stockholders. This act was, in my opinion, very properly rejected by the individual Stockholders themselves. At each meeting appointed to represent the State, the stockholders have not been recognized as sufficient, and the consequence has been that the State has been unrepresented in their meetings. The right of representation is a right which the State should exercise, and it is not dependent upon the assent of the individual Stockholders. Therefore, to make this question perfectly clear, it is only necessary to provide, by law, the manner in which such representation shall be appointed.

In all cases where the State makes a subscription to an enterprise, she ought to retain the right to be represented in proportion to her stock. The construction of the Wilmington and Raleigh Railroad has been prosecuted with much energy and enterprise, and the improvement is affording important advantages to a portion of the State. As far as I have been informed, the Company having this road in charge has not neglected to attend to the improvement of its Charter by the last General Assembly. It is believed, however, that the amendment will not be accepted.

The subscription to the Neuse River Navigation Company has been paid. The report of the President and Directors in relation to the valuable improvement under the charge of that Company, is herewith transmitted.

The subscription authorized by the Act of the last session of the Legislature to be made to the Cape Fear and Deep River Navigation Company has been paid upon a compliance with the conditions prescribed. The improvement under the charge of this Company is a subject of great importance, which completed will afford important commercial advantages.

The appropriation for the improvement of Tar River has been paid to the Commissioners appointed to superintend the work. It is believed that the appropriation will be found insufficient to complete this desirable improvement.

The Fayetteville and Western Plank Road has been extended. This valuable improvement has not only benefited the people of that section of the State in which it is located. The stock of the McDowell and Yancey Turnpike has been subscribed, and a part of the State's subscription has been paid.

The Report of the Cape Fear Navigation Company and of the Western Plank Road Company are herewith transmitted. Also the report of the President of the Petersburg, and of the Greenville and Roanoke Railroad Companies; and the report of the President and Directors of the Roanoke Navigation Company.

Agreeably to the provisions of the act passed at the last session of the General Assembly, to incorporate the Atlantic and North Carolina, and the North Carolina and Western Railroad Companies, arrangements were made with the President and Directors of the North Carolina Railroad Company, for the survey of a Railroad route from Beaufort Harbor to Goldsboro, and also for the survey of a route from Salisbury to the Tennessee River. In pursuance of these arrangements, Col. Walter Gwyn was appointed chief engineer to superintend their execution. The surveys of both these important improvements have been made. The able Report of the survey of the Tennessee River has been made, and is herewith transmitted. The report of the Western Route will be transmitted when finished.

The attention of the General Assembly is respectfully invited to the subject of common public highways. Good roads are very important to every community. The present mode of assessing the labor to construct and repair the common highways, is unjust and unequal. The labor performed is a tax. It frequently occurs under the existing law, that persons possessed of large estates, contribute little or no labor in repairing roads, while heavy exactions are made of others whose means are very limited. This is wrong. Persons ought to contribute in proportion to the value of their estates.

The amount of public debt, on the 31st of October, 1854, was \$2,826,270.31. It does not include \$250,000 of the Bonds of the Wilmington and Raleigh Railroad Company, which are endorsed by the State, because the Company regularly meets its interest, and from time to time is paying a portion of the principal of its debt. The Report of the Public Treasurer, showing the condition of the finances of the State, will, in due time, be communicated.

The report of the Comptroller, for the fiscal year ending October 31st, 1853, is herewith transmitted. In regard to the revenue system, I repeat the recommendation contained in my message at the commencement of the last session of the General Assembly. No more money should be collected from the people, than is necessary to defray the economical expenses of a good government. Taxation is indispensable; but it is one of the first duties of the Legislature to endeavor to equalize the burdens, as well as the benefits of the system. Of late years, the demands upon the Treasury have increased, and our financial

system has assumed a more important aspect. The tax for county purposes is collected entirely on land and polls; and the amount paid to the public treasury, of these two items, is small, when compared with the tax paid for county purposes. An examination into the existing revenue laws will show that they operate unequally. In many cases, the discrimination made between objects of taxation is strikingly unjust.

As a general rule, it is believed, that the tax on the estate of each person should be in proportion to its value, subject to such exceptions as circumstances and fundamental principles may justify. Inasmuch as property, on one hand, ought not to be made the test of public privilege, neither, on the other hand, ought the absence of property to exempt the person from bearing a just share of the public burden. Therefore, a capitation tax is imposed. Slaves are included in some extent, and in proportion to property. The following wise provision of our State Constitution, which ought not to be departed from, defines the power of legislation on this subject:

"A capitation tax shall be equal throughout the State, upon all individuals subject to the same."

"All free males over the age of twenty-one and under the age of forty-five years, and all slaves over the age of twelve years, and under the age of twenty-one, shall be subject to capitation tax; provided that nothing herein contained shall prevent exemptions of taxable polls, as heretofore prescribed by law, in cases of bodily infirmity."

It will be seen that slave property must form an essential part of the existing system of taxation. White males alone are subject to a poll tax, while a poll tax is imposed on both male and female slaves, and the period of taxation begins five years earlier, and continues five years longer, than that of the white population. By taxing both sexes, the amount of revenue collected from the tax on slaves is double that amount collected on white polls, in proportion to the entire population of the two races, and the difference in the duration of the period for which they are taxed, is equivalent to one hundred per cent more. It is, therefore, obvious that in proportion to the whole number of each race, the poll tax on slaves is three times as much as that paid on the white population. So it will be found that this provision of the Constitution has imposed a tax on slaves, in the twofold character of persons and property, and that an *ad valorem* tax is levied on the real estate of the State.

Persons and property being the principal objects of taxation, they should bear a fair and just relation to each other in a system of revenue. It is believed that a system of revenue, which is based on the value of property, and an exemption of a like amount might be made in favor of all others. It is believed that a system of revenue based on these principles, is demanded by public policy.

In conformity to an Act passed at the last session of the General Assembly, I appointed the Hon. Thomas Ruffin one of the Commissioners to revise and digest the public statute laws of the State, and to report on the subject, to the next session of the Legislature. Messrs. Moore and Biggs, who were employed upon the subject much labor and investigation. The result will in due time be communicated to the General Assembly. The subject requires careful examination, and must necessarily protract the length of the session.

The Charters of two of the principal Banks of the State, will soon expire, and it becomes the duty of the Legislature, either to renew them, or to establish others to supply the deficiency in the paper circulation, that would result from closing the business of these institutions. The amount of banking capital, best adapted to the wants of the State, is a subject of great importance, and is a difficult question to determine. It is believed, however, that the amount at present employed, is not adequate to the wants of the public. Banks or branches, are needed at some of the principal points of the State, and at other places where they already exist, an increase of capital, and in some cases, an addition to the number of Banks, would seem to be demanded. The subject requires careful examination, and must necessarily protract the length of the session.

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compensation, they have performed much labor, and incurred heavy responsibilities.

The establishment of a Scientific and Military School is a subject of importance, to which I beg leave to call the attention of the General Assembly.

The training of the Militia, and additional encouragement to the formation of Volunteer Companies, are subjects worthy of consideration.

The report of the State Geologist, giving a detailed account of the progress of the work committed to his charge, will be transmitted at an early day.

It is but justice to state, that the Public Treasurer, Secretary of State, and Comptroller of Public Accounts, have performed the duties of their respective offices, with ability, industry and fidelity.

A Circular from the Secretary of State of the United States, is herewith transmitted. I am not prepared to endorse the recommendation contained therein.

Herewith is transmitted the proceedings of a public meeting held in Philadelphia, in relation to the Declaration of Independence, and in honor of the signers thereof, which I have been requested by the General Assembly, to transmit to the City of Raleigh, two small, but neat and appropriate Monuments: one to the Memory of the Officers and Soldiers of the Revolution, and the other to the Memory of the Signers of the Mecklenburg Declaration of Independence.

The bright prospect of our State affairs, I regret to say, are somewhat clouded by the reckless spirit of fanaticism, which threatens the violation of the Constitution and the dissolution of the Union. The conviction is growing deeper every day, that the Abolitionists of the North are determined that the South shall not repose in the quiet enjoyment of her domestic institutions. The politicians and clergy who lead these fanatics are not purer or wiser than were the contemporaries of the framers of the Federal Constitution. Then the Statesmen and Divines were content to take the Bible and Constitution as the touchstones of their faith, and the North and South could meet in harmony, and unite in a common effort to secure the blessing of civil and religious liberty, and peace and security. This is the picture of the present day! Now these "higher law" men disregard the compromises of the Constitution, and are mischievously endeavoring to violate the rights of our property, and destroy the peace and security of the South. This is a question of paramount importance; and I respectfully recommend the General Assembly to declare, firmly and decidedly, that we shall require the compromise of the Constitution to be observed in good faith, on the part of the North, and that North Carolina knows her rights, and will maintain them.

I close this communication with the expression of the sincere desire that your deliberations may be characterized by harmony, and that the result of your action may be calculated to advance the prosperity and promote the happiness of the people.

DAVID S. REID,
Executive Department,
Raleigh, Nov. 20, 1854.

MISCELLANEOUS.

CAPTURE OF COLONEL PHILIP ALSTON.

Immediately after his (Fanning's) return he made his famous attack on the house of Colonel Philip Alston, who lived in the south-west corner of Chatham county, and in a bend of the river, on the north side, called the Horse Shoe. On his return from Wilmington, he encamped near Cross Hill, near the present town of Cartledge, and on the place then, or afterwards occupied by Mrs. Glascock. There he received information that there was a party of men at Col. Alston's, and he resolved to attack them. Alston, with a good deal of the daring and reckless character about him, had been very severe on the Tories, especially during the early part of the war; and now when Fanning seemed to be carrying everything before him, and when no Whig in that region could feel safe in his own house a single night unprotected, he had more cause of apprehension than many others. He may, therefore, have had these men simply to protect his house from the depredations of these freebooters; but, according to my information, Fanning was informed that he was raising a body of men for the purpose of attacking him; and therefore he resolved to take him by surprise, and before he could be fully prepared even for defence.

At this time, when flushed by so many victories, and confident of success, it made but little difference with him whether his enemy outnumbered him two to one, or was fortified as by the rocks of Gibraltar. He only wanted to know that there was an enemy within striking distance, and he anticipated the victory as a bloodily gained. On receiving intelligence, thereof, of the party at Alston's house, he immediately set out; and as the river had been a little swollen by a rain, he directed his course to the north-west for a few miles and then turned to the right, crossed the river at Dickerson's ford, three or four miles above Alston's, and went down on the north side. They arrived on the premises about day break on Sunday morning, August 6th, and immediately commenced the attack. The sentinels being asleep, were taken by surprise, and made prisoners. Those at the gate on the opposite side of the enclosure, were fired on, but not being killed or badly wounded, they ran into the porch where most of the other party were lying asleep. They, too, were fired on; but as soon as they could get into the house, the doors was fastened, and all the preparation for defence was made that could be made at the moment. The windows were soon demolished, and many of the balls passing through the plank killed or wounded the men inside.

The house was a two story framed house, and being weatherboarded, ceiled and painted, was one of the best houses then to be seen in that part of the country. It stands now just as it did then, with the exception of some additions, and still bears all the marks of war that it did when left by Fanning. On the west side was a large porch, one end of which had been made into a bed-room, with a door opening into the hall; and this was the room usually occupied by Mrs. Alston and her husband. She now kept her bed, which was thought to be the safest

place for her; and her two little children were put up into the chimney. This was done by putting a small table or bench in the fire place, for them to stand on, which was about as high as the front part; and thus they were entirely beyond the reach of the bullets.

A few rods from the house, on every side, was a strong rail fence, behind which Fanning posted his men and commenced a brisk firing, which was returned by the party in the house, and kept up without much effect on either side, until after the middle of the day. There was among the assailants, a lieutenant from the British army by the name of McKay, or as I am told, it was then pronounced and is now written McCoy, who had either returned with Fanning from Wilmington, or, according to my authority, had been sent by Major Craig, probably for the purpose of observing the state of things in the country whence Fanning had taken so many prisoners, and being in Fanning's camp when the news came of the party at Alston's, he promptly joined the expedition.

Having been accustomed to the use of the bayonet and to a rush when a place was to be taken by assault, he became impatient at this mode of attack, which seemed likely to accomplish nothing, and he told Fanning that if he would give him the command he would take the house in a few minutes. Fanning promptly granted his request, and he as promptly entered on the execution of his purpose. As the plan was for all to rush up, burst open the doors and enter, *pell mell*, he started first and ordered the rest to follow him, which they did without hesitation, and some of them *pari passu*; but as he jumped over the fence and alighted on the ground, a rifle ball entered his heart, and he fell dead on the spot. Most of those who had got over the fence or were still on it were more or less wounded, and they retreated to their former position behind the fence. Foiled in their unfortunate effort, and driven back with loss, the genius of Fanning, ever fertile in expedients, was now busy in contriving some way to accomplish by stratagem what he had failed to effect by force; and he first bribed a free negro to set the house on fire at the far side where it was supposed he could do it without being observed; but Alston having noticed Fanning talking to the negro, or seeing the negro go round, and suspecting his design, went to the window and shot him when in the very act of applying the fire. The negro was not killed, but severely wounded. During all this time only one or two had been killed in the house, and four or five wounded; but Fanning's loss in killed and wounded was more than double. After the failure of his plan with the free negro an almost incessant fire, on both sides, was kept up for some time, but still without much effect; and through the whole of this fierce conflict thus far, Mrs. Alston had been in her bed and had remained unharmed, though the weatherboarding and ceiling were riddled with the bullets, which remain to this day as they were then; and some of them must have passed not more than two feet above her when she lay in the bed.

After such a protracted conflict and with so much loss to himself, Fanning began to feel discouraged; and either from the apparent hopelessness of his cause, or from an apprehension that the report of the guns might alarm the country and bring a Whig force upon him too great for his strength, he was on the point of abandoning the enterprise and drawing off his men, when he or some of his men fortunately discovered a large ox cart in the barn yard, a few rods in his rear; and with this he resolved to make his last effort. He ordered them to fill it with hay or straw, and bring it up, intending to set it on fire and run it up to the house. If he could burn the house they would be obliged to surrender, and his end would be accomplished.

Several of the men promptly volunteered their services; the fire was brought; and they were about ready for the operation. The plan was to run up the cart with its load, tail foremost, and thus keep it between them and the house, so that the bullets could not reach them. Alston, perceiving their design, and knowing well that defended as they would be, by the cart, it would be impossible to shoot them, concluded that their only chance was to capitulate; but how was it to be done? The men all believed that if any of them ventured to go outside of the house, instant death would be the consequence, though the flag of peace were waved over their head; and if Alston himself went out, no matter under what circumstances, or who might be with him, he would be picked out and made the first victim. In this perilous and critical moment, Mrs. Alston came out of her bed room or stood in the door; and with perfect composure, requested them to commit this business to her. At first, the men all objected, and particularly her husband, who thought it very improbable that Fanning, under all the circumstances, would respect even a lady of her standing, though a wife and a mother, and bearing the sacred emblem of peace; but, as she insisted on it, they finally consented. A man may have danger with deliberate courage, like a hero on the field of battle, where all the intense excitements of the conflict, and the hope of victory are bearing upon him; he may meet with death with a kind of defiance, like a savage or a desperado; he may die with tranquility like a patriot; or with resignation and hope, like a Christian; but such serenity of mind, such calm and entire self-possession, such mild and dignified firmness in moments of sudden and extreme peril, when life or death is seen to

depend both on what is done and how it is done, is peculiar to woman. Mrs. Alston, raising a white flag, opened the door and went out on the step, where she paused for a moment to see if she could discover any indications of the treatment which she might expect to receive.

As soon as Fanning saw her, he called to her to meet him half-way, which she did; and then, in a calm, dignified and womanly manner, said to him:—"We will surrender, sir, on condition that no one shall be injured; otherwise we will make the best defence we can; and, if need be, sell our lives as dearly as possible." Fanning, who could sometimes respect true courage, whether in man or woman, promptly agreed to the proposal, and honorably kept his word.—The men all then surrendered and were, immediately paroled.

Ellen Dane; Or, the Daughter's Vow.

By MARY GRACE HALPINE.

The following touching and affecting instance of a sister's devotion, occurred in a manufacturing town in New Hampshire, not many years ago. It was related to the author by the brother of the girl alluded to, now a minister in an adjoining State, and is as true as affecting: