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JAMES A. LONG,  
EDITOR AND PROPRIETOR.

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Restoration of the Missouri Com-  
promise.

As the duties of a statesman are not precisely those of a debating club, it always tries the patience of practical men to see efforts wasted in discussions from which nothing can possibly result. In great and critical conjunctures especially, a statesman will study to discover the measures best adapted to meet existing exigencies, and he will not lend himself to the promotion of any scheme, whatever its intrinsic excellence may be, for a single moment after he is satisfied that he has no chance of success. Like a wise physician, he will keep himself accurately informed of the progress of the disease, and the condition of the patient, and will not insist that a medicine shall be administered to-day, because it would have prevented the malady had it been taken ten days ago. It is his business to deal with the disease in its present stage, and if the patient refuse to take the medicine which is best in itself, he must not, therefore, suffer him to die while he is wasting time in a vain effort to conquer his obstinacy. If he refuse the best medicine, he must give him the best he can get him to take.

We notice that several conservative journals in the South have lately advocated restoration of the Missouri Compromise as the most suitable remedy for present unhappy and distracted condition of the country. Could the South see the error which was committed in its repeal, and voluntarily come forward for its restoration, it would at once end all controversy, but this we conceive to be morally impossible. Therefore we cannot forbear to remark that we considered the discussion of this question at this time as unwise and ill-timed. The subject which now absorbs public attention is the approaching Presidential election, and we cannot see that restoration of the Missouri Compromise is a question which the National Executive will ever, in his official capacity, be called to consider. The Missouri Compromise line was established by an act of Congress; it was repealed by an act of Congress to reinstate it. If the question of its restoration is of any importance in the Presidential election, it must be because there is a likelihood, or at least possibility, that Congress will pass an act for that purpose, which will be submitted to the President for his approval. If it is certain beforehand that no such act will ever come before the President, the whole question is frivolous, and idle, or, at least, has no pertinence to the Presidential election.

We suppose it will not be controverted, that if Congress ever passes an act reinstating the Compromise, it will be prior to the passage of the act admitting Kansas into the Union as a State. Subsequent to that event its restoration would amount to nothing, for the two-fold reason that Congress has no constitutional power to control the domestic institutions of a State, and that, even if it possessed the power, its exercise would be either idle or impossible; idle if Kansas should come in as a slave State, for the same majority which admitted her as such would prevent the restoration. The whole question, then, so far as it has any bearing on the Presidential election, reduces itself to this: Whether there is any possibility that such an act can be passed before Kansas is admitted as a State? If the affirmative can be demonstrated, then all agitation of the subject is futile and unwise.

The present Congress, which has rejected a bill proposing the restoration of the Missouri Compromise line, will go out of power on the 4th of March next; its successor on the 4th of March 1859; and the successor of that Congress will commence its session three years from the first of next December. Long before that time, Kansas will either be in the Union, or knocking at the doors of Congress, for admission. If then an act for the restoration of the Missouri Compromise is not passed by the present, or the next succeeding Congress, it is certain that it will never be passed at all.—The present Congress will pass no such act, for the South has a large Democratic majority. The next Congress will not pass it, for the reason that the Democrats will still have the ascendancy in the Senate.—Even the most sanguine of the Republican journals admit this, and no man in that party is extravagant enough to claim that in the next Congress the Senate will be favorable to their views. The New York Evening Post made an estimate day before yesterday, in which, after claiming the election in several States which the Republicans are likely to lose, it only reckoned on the 25 of the 62 members of the Senate for Fremont.

Burlingame, in his speech in Boston, two or three days since, made a threat that with a Republican President and a Republican House of Representatives, they would grind the pro-slavery Senate of the next Congress "as between the upper and the nether millstones," thus clearly admitting that they had no hopes of the Senate.

We may consider it demonstrated, therefore, that an act for restoring the Missouri Compromise will never come before the President for his consideration. As connected with the Presidential election, the question is perfectly idle—a mere abstraction, unworthy the consideration of a practical statesman. It is unwise to discuss it as an element in the Presidential canvass; it would be equally unwise ever to agitate it again in Congress. The Missouri Compromise is like water spilled upon the sand—it cannot be gathered up. Its repeal was a great blunder, but it is too late to correct it. The attempt to restore it at the late session of Congress is defensible, on the ground that it was well to offer to the Senate an opportunity to reconsider its action. But the Compromise is dead, and it would be as rational to expect the resurrection of any other corpse as of this. Nothing remains, but to pronounce its obsequies and bury it out of sight.

For more than thirty years the whole country acquiesced in it, and it acquired a sacredness in public estimation, which it was unwise to disturb. It had settled a dangerous controversy, which it was folly, nay it was madness, to re-open. Its repeal, as Mr. Fillmore justly remarked in one of his speeches, was the Pandora's box from which has issued all our present evils. As Mr. Fillmore was opposed, at the time, to its disturbance, he has not changed his opinion that its repeal was an act of folly. But we are quite sure we do not misrepresent his sentiments, when we say, that he does not think it would be wise to attempt its restoration, and that he desires no agitation having this object, either in Congress or out of it. He is too sagacious not to perceive that the question has become obsolete, and too wise to pour water around the roots of a tree which was girdled two years ago, in the hope of seeing it again covered with foliage.

Nothing now remains for the Territories but to see that, by wise legislation, properly enforced, the people are protected in the enjoyment of peace and ultimately in the right of determining the character of their own institutions, without intimidation by mobs and without interference from the States. The sooner this doctrine is acquiesced in, the sooner will that quiet be restored to the country of which it is greatly in need.—*Ruffalo Commercial Advertiser.*

FROM THE FAYETTEVILLE OBSERVER.

## Death of Hon. John D. Toomer.

One of the best men that we ever knew has departed this life! The Hon. JOHN D. TOOMER breathed his last at his residence near Pittsborough, Chatham county, on Saturday morning last, the 27th ult., at 5 o'clock. He was in the 73d year of his age, having been born at Wilmington, on the 13th of March 1784. He had been patiently awaiting this event for some time past, aware that it could not be far off, and prepared for its coming, as his friends highly trusted, by making his peace with God. His death was remarkably calm, and his intellect clear to the last, so we learn. He was (we believe) a communicant of the Episcopal Church.

We have known Judge Toomer intimately for nearly thirty years past, and we can truly say, that a more courteous and dignified gentleman, a more entertaining conversationalist, a more upright and conscientious man, a truer friend we never knew.—He has passed through life without a spot upon his bright escutcheon. He has gone to the grave, in a ripe old age, mourned by thousands, to whom, in the course of a long career of professional labor, his manly form and eloquent voice had become familiar.—He was emphatically an Old School Gentleman,—a link between the past and the present,—whose very presence in the Court room inspired a kindly and courteous feeling among his brethren. Before him, impertinence shrunk abashed, and the bitterness of professional zeal was calmed into courtesy. The quiet influence thus exercised by him made him a universal favorite, and to the cordiality with which he was everywhere received was it owing, we doubt not, that he continued his circuit for some years after his health would have justified retirement, and long after the necessity of exertion for the sake of its emoluments had ceased.

He was both a learned lawyer and an eloquent advocate. Earnest and indefatigable, he was always fair. But it was less in his professional than in his social life that we knew him; and we will leave some professional pen to speak more particularly

as to that. Among the first graduates of the University of North Carolina, he was one who profited by the education he there received, and he continued a student, for the love of Literature and Law, to the day of his death. A remarkably tenacious memory had enabled him to retain not only his extensive classical and legal reading, but to gather many anecdotes of remarkable men and things which had come under his observation in the course of an extensive practice, and these he was wont to relate to his friends with most impressive eloquence. We have often regretted that his arduous labors left him no time to commit to writing these observations and experiences of a long and active life. They would have formed valuable and altogether reliable contributions to History and Biography.

He had filled several important offices, and always as those who knew him well, without any solicitation on his part. Office sought him—he never sought office. As Judge of the Superior Courts from 1818 to 1819; Judge of the Supreme Court in 1829 by appointment of Gov. Owen and Council; Senator in the State Legislature from this County in 1831, and again in 1832; Member of the State Convention to revise the Constitution in 1835; again Judge of the Superior Courts in 1836 to 1840; and for many years President of the Branch of the Cape Fear Bank in this town—in these positions not less than in his private and professional career, he was eminently respected and esteemed.

There are many who will say with us,—We have lost a friend! The Profession mourns its venerable Head; and the State a citizen "without fear and without reproach!"

Since the above was in type, we have received the following additional notice of this mournful event:—

Died, at his residence, near Pittsborough, in Chatham county, on the 27th ult., the Hon. JOHN D. TOOMER. His numerous friends and acquaintances throughout the State will learn this mournful intelligence with sincere regret, but the people of this place, among whom for twenty years he lived, a "good neighbor," and an honest man, and the people of the whole judicial Circuit, will especially deplore his death.—To them, his unbending integrity, habitual courtesy of manner, and kindness of heart, had closely attached him.

Some few years since he relinquished the arduous duties of his profession, to the sincere regret of his brethren of the bar, who felt that even his presence among them caused a wholesome and chastening influence. A serene old age crowned a well spent life. He was the last connecting link between the Lawyers of this and the early age of the Republic. He pursued his studies with Wright of Wilmington, was the friend and youthful associate of Jocelyn, and had known Hooper and the eminent men of that day. "When we first knew the Bar of Fayetteville, its entire business was in the hands of Toomer, and Strange, and Eccles, and Henry. They have all been called to pay their last great debt to nature.—Mr. Toomer, the Senior of them, having merely survived his warm and attached friend, the lamented Eccles. They leave behind them to the aspiring youth of the profession examples for imitation. They brought to their calling, all of them, minds above the ordinary range of intellectual power, habits of industry and research, a devotion, to the interests of their clients, and above all, a high and lofty bearing, and contempt of meanness, which secured them the esteem of their contemporaries and the respect and confidence of the people.

Mr. Toomer was born at Wilmington on the 13th of March 1784. He was twice on the Bench of the Superior Court, in 1818 and again in 1836, and in 1829 sat in the Supreme Court, under a temporary commission from the late Governor Owen.—Age and ill health induced him to resign his seat on Superior Court Bench, after a few years, and his return to the bar was welcomed by his attached friends and clients.

For the past 17 years he had resided in Chatham. All that eulogy could say of him, or that the writer, affectionately attached to him, who had known him in his most intimate relations, might truthfully be summed up in the declaration—

"That none knew him but to love him; None named him but to praise."

## Drouth.

The drouth still prevails with severity in some portions of Virginia. The Western Herald says: "Springs, wells and streams have gone dry, that heretofore have not been known to fail. Persons are coming to Weston, a distance of 30 and 40 miles to get their grinding done."

Fillmore's prospects grow better every day.

## Fillmore's Prospects Brightening.

WASHINGTON, Sept. 25.—Letters received here, from sources entitled to credit, state that the Democrats have become convinced of the futility of attempting to carry the electoral ticket in New York, and will consequently throw the strength of their vote in favor of Fillmore, in order to defeat Fremont.

The Democrats will also use but little efforts against their opponents in Massachusetts.

The electioneering means thus husbanded in these States, it is also thought, will be brought to bear upon Pennsylvania and New Jersey.

In addition to the foregoing, the papers teem with the most cheering accounts of Fillmore's prospects throughout most portions of the North. Four weeks ago, for instance, there was not a single paper in Iowa advocating his cause; now ten have thrown his banner to the breeze, and are doing glorious service, in the glorious cause,—while six more are said to be getting ready to battle in the cause. In the States of Illinois and Indiana a tremendous reaction is going on in favor of the American nominees. The friends of Fillmore in these States were for a long time fearful that the South would abandon him, and unite upon Buchanan as a sectional candidate. Now, however, since they see that the South does not meditate any such mad course, they are rallying thick and fast to Mr. Fillmore's support.

The truth is, that if Buchanan should yet secure that most impossible of all impossibilities—the united suffrages of the South—he cannot be elected. The North see this fact, and knowing that he will not be able to carry any free State, are deserting him as rats do a sinking ship. Breckenridge, the candidate for the Vice Presidency, and John Van Buren, have gone into some of the States to remedy the matter, but they are unable to check the tremendous stampedes. The North also knows that Fremont will not carry all of the Northern States, and not having any electoral ticket in the South that will avail him anything, as a matter of course he stands no chance of being elected. They see, however, that the South is determined to stand by Fillmore, and that he will certainly carry New York and New Jersey, with a very fair prospect of Massachusetts, Connecticut, Rhode Island, Iowa, California, and Pennsylvania—all Northern States, which makes his chances far better than those of either of the other candidates, and therefore they are determined to support him, believing, as they do, that he is the most trust-worthy and conservative man in the Union. It is not folly, "stark madness," and "utter lunacy," then on the part of the local politicians of the South to call upon the people to vote for Buchanan, whom they know cannot be elected? Their main object is a party triumph in as many States as possible to hold the party together, and hence they wish to humbug the unlearned and illiterate portion of the community, such as trust to political speakers for their information upon political questions, by crying aloud that "Fillmore has no chance"—"no chance."

The tables are turned, and those words are now applicable to Buchanan and not to Fillmore. The 4th of November next will prove what we say to be true.—*Ral. Reg.*

## Value of the Sabbath.

The Sabbath is made for man. There is no exception. It is for every man; and the birthright of every son of Adam; an inheritance he did not purchase, and which he cannot sell. It is made, and made by God, for the cabman and coachman. It is made for the engine driver, the stoker, and the guard. It is made for the waiter in hotels, and the servants in all public buildings.—It is the inheritance both of the manservant and the male-servant. It is made for the musician. For all these the sabbath was made; it was made for their soul and body, and woe, thrice woe to the man who robs them of this their birthright.

The selfish misspent their own Sabbath, and in doing so rob other men of their Sabbath. If I am wicked enough and foolish enough to misspend my own Sabbath, not having the fear of God before mine eyes, what right have I to compel any other man to misspend his sabbath, and thereby to ruin his soul that he may minister to my pleasure? Every man should remember the Sabbath was made for man.

The man does a foul wrong to God, and his own soul, who sells his Sabbath; and the man who buys the Sabbath of another does as foul a wrong to both God and man. He who buys another man's Sabbath, or any part thereof, commits as flagrant a wrong as he who sells his Sabbath for hire, and become a profane person like Esau, who for one morsel of bread sold his birthright.

*Tracts on the Sabbath.*

## A Fremont Ticket in Virginia!

There is no mistake this time. A Fremont electoral ticket exists in Virginia at last. Elsewhere, as a matter of news, we publish the proceedings of the Virginia Republican Convention, which met at Wheeling on the 18th of September. We take them from the *Wellsburg Herald*, which accompanies its publication of them with the following editorial remarks:

"It will be seen by reference to the proceedings of the Republican Convention recently held in Wheeling, that our esteemed fellow townsman, Joseph Applegate, Esq., has been appointed one of the Electors.—He represents the 1st District. As Governor Wise at one time thanked God there was no paper published in that District, the Judge need not be afraid of his speeches being severely criticised by the press. If he only avoids using 'incendiary' language, he will get along finely.

"It will also be seen that Thos. J. Hewitt, and Richard Brenneman, Esqs., of Hancock county, are also on the Electoral ticket. All the above named, have been heretofore prominent and influential members of the Democratic party. Two years since, Mr. Hewitt represented Hancock in the Legislature of Virginia."

There it is! Just as we expected! All the above named have been heretofore prominent and influential members of the Democratic party! And one of them was late Democratic member of the Virginia Legislature! Angels and ministers of grace! what can the matter be? Oh! "Gizzard-Foot," beloved and devoted "Gizzard-Foot," do as you promised, and call forth your Aecmae militia, and make for the Pan Handle. The enemy is at your door in the persons of "prominent and influential members of the Democratic party!" Brave Protector of the State, why sleep ye?

*Richmond Whig.*

## Our State Fairs—Their Advantages.

The happy effects of the State Fairs that have been thus far held in North Carolina have been felt throughout the entire State. Men from every section have met together and held a free interchange of opinions; the merits of different systems of tillage, of improvement of stock, &c., have been freely discussed; new ideas given and received; the practical operation of theories set forth; the views of all expanded and enlarged; the finest displays of the exhaustless resources of the State shown in her agricultural productions and useful inventions; the dignity and usefulness of labor set forth; a just and laudable pride has been aroused, and the various industrial pursuits have received an impetus that could have been communicated in no other way. These annual exhibitions have been grand developments of the power and capabilities of North Carolina,—the wealth of her soil and the pride of her mechanism. And the farmers have returned to their homes, and infusing the spirit of their own spirit into their neighbors, county after county has been induced to establish agricultural societies, and fair after fair has been held in different localities, with the most encouraging and gratifying success.

This is exactly the result which the State Fairs are intended to, and should, bring about. Upon the agricultural interests all others are more or less dependent. Let our farmers, then, again send in the choicest specimens of their crops, the finest products of the orchard and dairy, their best stock, their brag poultry, with the best and most substantial articles of domestic manufacture, and thus still more identify themselves and section with the great and vital enterprise we have before us!—*Raleigh Register.*

## General Leach.

We do not wish to make individual distinctions between our electoral candidates; but we will hazard the assertion, that none of them is making greater sacrifice of time and ease, for the sake of the noble cause in which they are engaged, than Gen. James M. Leach, of Davidson. He is devoting every hour that he can possibly spare from his profession, in travelling from county to county, addressing the people, and meeting the Sag Nights wherever he can induce them to "face the music;" though we notice that the leaders of the Foreign Federal party of the District, arrange their speaking, whenever they can possibly do so, in such a way as to prevent Gen. Leach from being present. And we cannot say that we blame them much for doing so.

The impression is prevalent in these diggings, that a certain U. S. District Attorney, a Rail Road Director, &c., &c., who is as brave as Julius Caesar in belching forth the most bitter and discourteous epithets against his political opponents, when in meetings where a Whig or American is not permitted to reply, will, from now till doom's day, find it convenient not to meet General Leach in political debate. Na insinuation that the said official is not able to cope with the General. In a good cause he might, perhaps, do pretty well; but in the cause of Sag Night Federalism of course he will always come off second best, in a controversy with a gentleman of Gen. Leach's ability, *Greensboro Patriot.*

## Withdrawing from the Field.

The impression begins to prevail very generally that the friends of Buchanan have decided to withdraw him from the field after the election on the 14th of this month, if he should prove as weak as they now fear he is in Pennsylvania, Illinois, and Indiana. This, we must be permitted to say, will be a most politic and patriotic move. If the Democracy are beaten in Pennsylvania next Tuesday week, Old Buck's last hope will be gone, according to the admission of friend and foe. His continuance in the field after that event, therefore, could only be construed into a purpose on the part of his disappointed and mortified friends to play the part of factionists, and contribute deliberately and directly to the election of Fremont. For one, we both hope and believe better things of the Southern Democracy. It beaten in Pennsylvania on the 14th of this month we believe they will promptly and cheerfully take Mr. Buchanan off of the track, and work and vote for Mr. Fillmore. If patriotic and honest in their professed desire for a Union of the South in order to defeat Fremont and put down Black Republicanism, of course they will not permit Mr. Buchanan to stand as an obstacle to the accomplishment of their wish.

Believing that Pennsylvania will, week after next, roll up a tremendous majority against the Democracy, we take it for granted that the withdrawal of Buchanan is a "fixed fact." And thus, with no rival candidates to distract and divide us at home, the South will present a united front, and her vote, added to that of New York, which is certain for him, will elect Mr. Fillmore to the Presidency—and elect him, moreover, to the entire satisfaction of the people of the whole country, North and South. Then shall peace come back again, and the Constitution and the Union once more placed upon impregnable and lasting foundations. We are sure that men of all parties and creeds at the South will hail the prospect of Fillmore's again administering the government with the utmost pride and pleasure. Buchanan being withdrawn, as he will be, Mr. Fillmore will be elected beyond the possibility of a doubt. All hail to the cheering hope!—*Richmond Whig.*

## Peach and Honey, a Gentlemanly Drink.

Old Judge Cole of Texas, was characterized by his attachment to that seductive beverage called peach and honey, and by his hatred of whiskey and whiskey drinkers.—While holding Court at Austin, two men were brought up on charge of a drunken affray. It was a plain case, the row had occurred in the public street, in open day, and there were fifty witnesses to the whole transaction. So the two delinquents plead guilty, by the advice of their counsel, and threw themselves on the mercy of the court.

They were then brought up for sentence separately.

"You are guilty of an affray," growled the Judge.

"Yes, your Honor," whined the offender thoroughly frightened.

"Drunk, I suppose," grunted the Judge.

"Yes, your Honor," murmured the prisoner, with some faint hope that having been drunk would mitigate the punishment.

"Drunk on rye whiskey, too, I'll warrant" roared the Judge in a voice of thunder.

"Yes, your Honor, drunk on rye whiskey."

"Mr. Clerk, record a fine of fifty dollars against this man, cried the Judge, send him to jail for sixty days; I shall fine the next one who is guilty under such aggravating circumstances a hundred dollars, and send him to jail for six months."

This was poor comfort for the unfortunate fellow who was awaiting his turn, and now came forward with fear and trembling. As he passed along by his lawyer, that thoughtful gentleman whispered in his ear: "When the Judge asks you what you got drunk on, tell him peach and honey." He took his stand.

"You, too, are up for an affray," growled the Judge, gnashing his teeth, as if he would like to bite the culprit at the bar.

"Yes, your Honor."

"Drunk, too, I suppose."

"Yes, your Honor; sorry to say it—drunk—very drunk."

"Oh, no! your Honor; I never drink whiskey. I got drunk on peach and honey."

The Judge's features relaxed in an instant. Leaning forward and raising his spectacles, he contemplated the offender with interest, and then with something like earnestness exclaimed:

"Ah! sir, peach and honey, eh? That's a gentlemanly drink, sir. The court sympathises with you sir, and does not regard your offence as very serious. Mr. Clerk, he continued, in a softening tone, enter a fine of one dollar against this gentleman, and discharge him on payment of cost."