

Standard

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GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
December 3, 1844.

Yellow-Clovers of the Senate
and House of Delegates.

I am happy to say to you at the outset of this annual communication, that you return to your duties at the capitol under circumstances of decided and general improvement in the private and public interests of the State. The distressing and crippling operations of business, have, in a great measure, begun to relax; the abuses of credit, with the extravagance, speculation and debt they engendered, to disappear; a more rigorous and self-denying frugality to be practised—and thus the foundation of a wiser and safer system of individual transaction has been gradually and extensively commenced in the experience, habits and spirits of our people.

While in these respects, affecting advantages generally the sources of our private prosperity for the future have reason to be gratified, we have, in other respects affecting the sources of public good, reason even for warm and patriotic congratulation. The public revenue and credit of the State—those great interests which bring into issue the character and well-being of a whole people, and which to us for years past have been the subjects of profoundest anxiety, have not only been rescued from every danger to which they have been exposed, but established upon a footing of the greatest soundness and strength.

In 1840, the treasury being unable to meet the public obligations then due, such sum as was necessary to supply the deficiency was authorized by the legislature to be borrowed from the banks. This sum, so borrowed for that purpose, has been increased from time to time since then, as the increasing necessities of the treasury required amounting in December 1840, to two hundred thousand dollars, in December 1841, to three hundred and fifty thousand, and constitutes what is commonly called "the temporary debt." Of this debt two hundred and fifty thousand dollars were paid in December 1843, out of the revenue of last year, and the residue of one hundred thousand dollars will be paid off out of the revenue of the present year, with a balance over, as it is now expected, of near, if not altogether, a hundred thousand dollars besides. Highly gratifying, under any circumstances, as should be the complete and rapid extinguishment of so considerable a debt, it is especially gratifying to have had it effected in the face and under the discouragement of many difficulties, and by means, too, of a revenue system which, however untried and novel amongst us in many of its provisions, has accomplished it all without harshness, oppression or inequity.

Upon this branch, therefore, of the public service—the state of the treasury, it affords me the highest satisfaction to report to you, as I now do, that every thing is safe—that every exigency chargeable upon it within the present year, has been, or will be fully and punctually met, and that a handsome surplus will remain for such appropriations as the public interest may require.

Upon another, and associated branch of the public interest—the pecuniary credit of the State, it affords me great satisfaction to refer, in the same terms, that every thing also is safe; that the strenuous exertions, which are made to maintain it with inviolable fidelity, cost what it might, have effectually protected it against every pretence of suspicion, and that the bonds on the Commonwealth, as a consequence of its soundness, have intrinsically deserved all ways to stand, at a premium in the market.

This happy result is, in both cases, the direct and legitimate effect of bold and wise counsel, nobly and heartily and faithfully sustained by those who, at last, had to carry them through. And rich in its practical benefits as this result may well be considered to be, it is yet immeasurably more so as having revealed in all the circumstances which brought it about, and revealed through the most intricate of tests, how keen and deep are the sensibilities of our people to the obligations of national faith, and how over-vigilant and unincorrupt amongst them is the vital sentiment of public and private honesty. Harassed in these individual labors by every species of reverse, which a revolution in business, having scarce a parallel in our history could inflict, they nevertheless, came forward, instantly and without a murmur, at the call of the State, and promptly and generously, and in the midst of distress, took from their own wants whatever was necessary for the supply of hers.

The unflinching preservation of our public credit by this patriotic conduct of the people, is an achievement worthy of every thing it has cost, and worthy of it all, and yet more the grateful and noble testimony by which that conduct proves that our public morality is always true to its public engagements, that whatever is contracted upon the probity and honor of the State as the law to enforce it, is contracted upon a law which embarrasments and reproach have no power to weaken, and which will not be and cannot be broken.

But the early and successful extrication of these branches of public interest from the dangers which threatened them will not afford you a higher, nor perhaps so high and exalting a gratification, as the evidence just furnished of the capacity of our political system to stand firm under the severest trials, which such a nature. You have seen it encounter, and how see it emerge triumphantly and without hurt from one of these trials, which it may be confidently said that no Government upon earth but itself could have stood without convulsions and bloodshed. At no former period has any national struggle brought the masses of our people into more thorough conflict than the one through which we have passed—never were they more radically distinguished from each other by opposition of sympathy and opinion, or urged forward to the object of their higher under a deeper or more disinterested determination of duty; yet the great result is the sooner announced by the will which settles it, than the commotion is over—the excited millions retire in acquiescence and peace to their common occupations, and our whole system goes on just as at first, without jar, hindrance or disorder in its uncontrollable and beneficent movement. The result, so decisive of the most perfect submission to the great principles of our admirable government, is a "new proof" that whatever is the temporary and the party issues in which national contests may engage, American government, American institutions and American liberty are safe.

Rejoicing with you that the recent contest has brought into still clearer light than before, the sound and self-supporting capacities of our system, and has justified more than ever the anticipations which our founders upon it invoked to employ the repose which has followed, in building up with diligence and vigor the enduring and practical interests of that part of the

system which rests upon you. There is no work which could be better commended to your hands—no one which is more needful to be done, and there is no time for doing it, which is perhaps more propitious than the present one of political relaxation. Under this view of the advantages of the moment, I deem my duty to speak of nothing but recommendations which are not connected with the invigoration of our domestic policy, and to that end, shall invite your attention, chiefly to those leading interests whose sound condition is indispensable to every well-administered and well-ordered commonwealth.

Of these interests, "the INTERNAL IMPROVEMENT" interest of the commonwealth is one—principal, and to some considerable extent, a suffering one. Having adverted to this subject in my former message, though in a particular connection only, I would not recur to it now, but for the conviction long and habitually engrained in the liberal improvement of the State by suitable highways for trade, is a STATE NECESSITY, which, however deferred, is absolutely and inevitably at last. Let the geographical situation of large and fertile districts beyond the Alleghany, and the many circumstances affecting their population be considered, and this necessity becomes apparent. If improvements are not to go there, thousands of their people are at once subjected to their alternative, for themselves and their children, of hardship, poverty and ignorance, or immediate emigration. Such a consequence as this might, indeed, be born upon a small scale, without any serious loss, but it cannot be risked upon the territory and population of those immense districts, without risking, at the same time, to a fatal extent, the prosperity and power of the State itself. The portions of the state which are most destitute, at present of commercial highways, and most dependent upon them, comprehend, together with small parts of the Valley, the whole trans-Alleghany country, which does not border upon and enjoy the trade of the Ohio, and form a unified whole which is greater in territory than that of half of the states, greater in fertility of soil than any equal area of our own state; rich in minerals, water-power and health—in every physical element of wealth which human industry can use, and wanting nothing to render it prosperous and happy, except facilities of intercourse and trade. But in this vital and comprehensive want, itself the parent of so many others, it wants almost every thing else.

Throughout the whole extent of this country, from Harpers-Ferry, to the State of Tennessee, a distance of more than four hundred miles upon the Alleghany, it is penetrated by a few eastern turnpikes only, at wide intervals from one another; and of these few, one is unfinished, and the oldest of them all, has been scarcely twenty years in use. Perceptibly and advantageously, however, as these turnpikes have aided the purposes of settlement and social intercourse, they have been so inadequately supported, if supported at all, by means of lateral and tributary connections with the vast tract of country intervening between them, that their eastern and western ends, they have never been used, or used but little, for the transportation of agricultural products. The whole of its agriculture, therefore, instead of being diversified as it might be, continues to depend, as it has always depended, upon one solitary source—that of grazing alone for all of its profits.

In spite, however, of every disadvantage, and in spite even of the disheartening difficulties which have been entailed, for generations, upon the titles of its landed estates under the operation of our own laws, such have been the accessible energies of both country and people, that the assessed value of lands, lots and buildings in this same district amounted to but sixteen millions of dollars, the land itself being assessed at an average value to the acre of no more than ninety-two cents. Twenty years afterwards, the lands, lots and buildings of this same district were assessed at thirty-nine and a quarter millions, and the average value of an acre had risen to one dollar and forty cents. Twenty years ago, the whole assessed value of the other three districts amounted to a hundred and ninety-nine millions of dollars; it is now a hundred and seventy millions. The average was then six dollars, it is six dollars and sixty-six cents now, being a loss upon each particular acre of almost as much as the whole trans-Alleghany acre was estimated to be worth. Thus it seems, generally, that in the last twenty years this district has added largely to its numbers—has more than doubled the value of its permanent property, and that it now supplies to the treasury more than three dollars for every one which it supplied even ten years ago.

This progression, which is so strikingly contrasted with the situation of things in the other part of the State, and which has been effected under multiple discouragements to population and labor, is the clear proof of an intrinsic and available efficiency, requiring nothing for still higher and better results, but the encouraging and upholding hand of the State. Had it been thus encouraged and upheld at an early day, and the locked-up recesses of this district thrown open by highways to profitable settlement and trade, there can be no doubt upon the facts presented, but that its numbers, and property, and population, would all of them have been incalculably greater than they are now. This support it is still practicable to make this district as powerful a fact as it is powerful in capabilities; to make it, what it has every physical faculty to become, the strongest and wealthiest portion of the commonwealth, and so to make it eventually, the strongest and wealthiest contributor also to every financial or other want which the commonwealth may feel.

If the contrary policy, however, is to be pursued, and this country is to be committed, for its further development and prosperity, to its own internal means, upon the idea that they are strong enough for that end, it is as easy as it is painful to see the results that must follow.

Let the present condition of the western states, and the effect of it upon the future growth of this very part of our own be considered, and it will be difficult not to see that the policy which will leave that growth to maintain and invigorate itself, cannot be adopted without imminent risk of positive and irrevocable mischief. For many years, during which this frontier part of the State was growing up to

what it now is, the vast country which lies beyond it to the west was more dreary, repulsive and wider frontier than itself, having no advantages of habitation, or of promise greater than its own. And long since these forbidding features of it have been lost in the beautiful transformation which it now wears, down even to our own day, there was not a canal nor a railway nor a steamboat in all that magnificent region, so that a citizen of Virginia, when even standing upon its great highways of water, and looking up the Ohio, or looking down the Mississippi for an avenue of trade with the world, was no better off than when looking for it amongst the pathways of mountains. This is not now. Steam, with all its powers and appendages, is there, marking every thing with the traces of its progress, and its progress is rapid. The frontier, which was rugged then, is now given way to populous and powerful communities, which are rich in every thing that commerce and soil and schools—that civilization and nature can supply, and are properly regarded on that account as amongst the choicest places in the Union for a residence and home.

These communities, thus powerful in every internal advantage which can operate as a bounty to civilization, are now our rivals, and will contend with us successfully, for the population of our obstructed and distant parts, will apply ourselves to immediate and effective countermeasures. We must resist or suffer. Just say to the inhabitants of that country, standing in the very presence of these states, and looking upon the buoyancy and health of their young and virgin prosperity, that nothing is to be done of them; that, much as we deplore the existence of that mountain barrier which separates them from all profitable connection with the Atlantic cities, not a dollar can be spared to remove it. Just say this, and let them be commended to the patient and self-denying virtues which are best suited to a state such as theirs, of privation and struggle, and no one can doubt but masses of them will resort to immediate emigration as the only sure remedy that is left them. And emigration, in this case, does not deter or afflict as when it involves the abandonment of one's country. It is but the change of one spot of American soil for another, forfeiting to the emigrant not a particle of his political rights, and assuring him, at last, of a welcome incorporation with communities of people, whose government, institutions and laws are all of them kindred with his own, and whose nationality. Under those circumstances, which are some with whom the sentiment of veneration for the place of their birth has never lost a portion of its almost mysterious power, to conflict with interest, and who cannot, and will not, in consequence, be separated from the scenes of their childhood and the graves of their fathers—whilst there are such, throng after throng of others will leave us, and will take to other states, still living, thinking and acting as if they were not, and will be the most enriching to receive and the most ruinous to spare.

It is under the profoundest conviction that this result is inevitable, in some greater or less degree, unless it is prevented by the wise and energetic action of the legislature, that I deem it my duty to call upon you earnestly to begin that action now. Whether it be thought wisest at first to attempt little or much, let something, at least, be begun. Let some actual and useful step be taken, and taken as an earnest of what is to follow. Let the people of our unimproved and distant sections be made to feel, and let us feel that they are not to be abandoned; that the policy of internal improvement, which is so vital to them, is to be the permanent policy of the State, and that it will be prosecuted with such vigor as to furnish a guarantee, upon the one hand, that something effectual will be done, and at the same time with such prudence as to protect the State, on the other hand, against all the dangers of excessive involvement.

Should other councils prevail, and the policy of postponement be resolved upon, as the true and wise policy for the State, there is reason to fear that a permanent decline will have set in upon us; that year after year we shall be called upon to mourn over a population and property still shrinking over a sectional jealousy still growing stronger and deeper; over a beloved and venerated commonwealth drooping more and more under the hands of her improvident sons, and descending in a destiny still lowering from point to point of feebleness and decay. In the last and worst extremity however, to which such policy may lead, we may hope, it is true, for some partial recovery, through the population of other places pouring in upon us to take the lands and the encouragement have been rendered cheap by the encouragement or desertion of their owners.

Let us, therefore, be it here, no people upon earth whose labors or whose presence Virginia should ever have occasion to want in exchange for her own. There are to her, at least, no sons like her own, and long, long may the soil which feeds them, and the sovereignty which defends it, continue in their hands and in the hands of their children.

Without undertaking, in this connection, to enumerate the many works of decided importance, to which the public aid might be extended, I suggest, respectfully, that the aid seems to be most urgently demanded for the completion of the turnpike between Staunton and Parkersburg; for the improvement of that between Staunton and Scottsville; for the construction of a Railroad or a Macadamized road from a suitable point on James river to the Tennessee line; and for the continuation, in some form or other, of the James River and Kanawha improvement.

The condition, and the claims for assistance from the state, of the Scottsville and Staunton and Staunton and Parkersburg turnpikes, have been set forth in much care and minute report by the Board of public works in their annual report, I beg leave to refer the legislature to it for all necessary information about them and to recommend that the recommendations of the Board be carried into effect.

The construction of a road from the James River to Tennessee, passing through the southern western counties, and connecting their intercourse and trade, together with the intercourse and trade, as far as possible, of the neighboring states with the routes of the James River and the Valley, has been brought before the Legislature so repeatedly, and urged upon it with such imposing weight of statistical and other argument by other Executives; by conventions of your own body, and by engineers in your service, that scarcely a word is necessary to be now said, in order to point out, either its necessity or value. Let the grounds of its value (and that value constitutes in part its necessity also)—let these be reviewed, and entire confidence will be extended to the opinion, that of the larger improvements heretofore projected in the state, and yet to be made, there is no one whose efficiency in creating as well as accomplishing

modating both trade and travel, would be more usefully, immediately and extensively felt than this one. There is no other which would be supported at present, or at all times, by a denser population, by a richer country, or by larger or surer accessions of both commerce and revenue from abroad. Connecting advantageously with eastern Tennessee, and through it with adjacent portions of other States, it would be the nearest and best of all their inland avenues to the Atlantic markets, and these markets must necessarily be either Baltimore, Richmond or Norfolk. If the first, then the commerce of these productive communities, carried from end to end of our territory, would profit us, at least to the amount of the expenditure required for its transportation through the state. But if to Richmond or Norfolk, in addition to the same profit, it would contribute essentially to increase their capital and commercial importance, and aid them to become what they ought to be, large and prosperous southern markets for trade and supply. Looking away, however, from all other consequences to result from the construction of this road, and regarding it as a mere auxiliary, or feeder to the James River and Kanawha canal, it is obviously of a value so great as to justify its construction upon that ground alone, even if there were no other or stronger one.

Passing over the respective merits of Macadamized roads and railroads, and all considerations of the peculiar fitness of either over the other in this case, it may be added to other reasons for the construction of one of them through the south-western counties, that much and long as those counties have desired and needed it, and little as they have participated, for any object, in the expenditures they have contributed to supply, they have nevertheless consented, through their representatives, at critical moments for themselves, to postpone their own interests to those of other sections, and have patiently and willingly borne their share of every burden which the further promotion of those sections, was thought to require. With these remarks, I submit the subject of this particular improvement to you, earnestly recommending that you will speedily and generously provide for it.

The remaining work enumerated as amongst those requiring the aid of the state, is that committed to the James River and Kanawha company. This work has been regarded, and justly so, for more than half a century, as the primary one of the State, and hence it has been aided again and again by successive legislatures, with peculiar and great liberality. Not only is the State a subscriber for three-fifths of the capital stock of the present company, to which this work is confined, but she has advanced large sums out of her own funds, and has guaranteed the punctual payment of its regular advances which have been made to it by other subscribers. The actual condition of the work and of the company undertaking it, is therefore a subject of habitual interest to the legislature and the public. Having treated somewhat minutely of the formation and progress of this company in my former message, it will be enough at present to say, that when it was incorporated, it was charged upon pain of forfeiture with the duty of completing, in a prescribed manner, the whole line of improvement from wide water at Richmond to the Ohio river, a distance of near five hundred miles, within twelve years after its first organization. Of the twelve years thus given, ten have expired, less than one-third of its term has been finished; the capital stock has been expended, and less than an amount exceeding a million and a half of dollars, and now existing as an outstanding debt against the company, has been expended also.

Under these circumstances, the enquiry necessarily rises, what is the company able to do towards the prosecution and completion of the residue of its work? To this enquiry it may be answered, that the means of the company are threefold—its right to call upon its members for further and voluntary subscriptions of stock; its credit in the market; and the first of these means the company has never yet resorted to, and could not, it is believed, in the present condition of its affairs, with any reasonable probability of success. So neither has it ever resorted to its credit separately from the guarantee of the State, and as even that guarantee has not been sufficient at all times to protect it from injurious sacrifices, it is in no respect probable that it would of itself, be a basis upon which any considerable sum could be borrowed.

As the income of the company, consisting of its tolls and water rents, is burdened with an amount of demand upon it already, which is almost, if not altogether equal to its capacity. The ordinary and current expenses—the annuity of twenty-one thousand dollars due to the stockholders of the old James River company—the interest upon its one million and four hundred thousand dollars of guaranteed debt—the interest also upon its two hundred and fifty thousand dollars of State loan, not to mention smaller liabilities, have all of them to be paid off before a dollar of income can be applied by the company to the resumption and continuation of its work.

From this brief sketch, it may be confidently assumed, that the company has no means of its own, and none at its command, with which it is at all able to complete the unfinished part of the great work confided to its hands. In this situation of things, as the abandonment of that work is in no degree possible, it is a matter of no little embarrassment to determine what is best to be done. Several different courses present themselves, each of which has its difficulties, and each also its advantages. One of these previous consented courses is, that the State, which is now the owner of three-fifths of the capital stock, and which wholly owns its own right, or is bound by its guarantee for the outstanding debt of the company, shall buy out the other shareholders at some agreed and equitable compensation, and then go on to finish what is yet to do, as its judgment and ability may direct.

Another is, that the State shall divide the line of improvements with the company, leaving to it all that has been able to finish, and taking upon herself the completion of the residue. Another is, that the State shall advance some amount of funds to the company, and shall enable it to finish either some particular and suffering part of the work, or the whole of it.

After comparing these several plans with one another, no one of them appears, upon the whole, to be so suited to the actual necessities of the case, so little perplexed with practical difficulties, or so consistent with the general duties of a State to her people, as that of taking back, with the consent of the company, such part of the work undertaken by it, as it is unable to accomplish, and leaving it in the full possession and enjoyment of every dollar's worth which it has actually done. By this arrangement, the company, on its part, would relinquish its effect nothing but its difficulties. It would relinquish its struggles to accomplish an improve-

ment to which its means are unequal, and would at the same time retire not only with a quiet title to such portion of the work as it had been able to do, but would have the profits and the execution of the unfinished part at the expense of another. By this arrangement also, the State having the entire command of the improvement, would, upon her part, be enabled to carry it on according to any mode, under any agency, and with any degree of energy which she herself might judge to be best for her own convenience, or for the wants and interests of her people. Nor could she doubt or hesitate in this case, as to the nature or measure of her own obligations, because of any expectation or any hopes of reliance upon any power but her own. The best company could be better supported by wealthy partners, by public confidence, or by liberal legislation, than the present one have been, so that its inability to struggle through with this improvement, may be taken as a final proof that the State must do it for herself, or must leave it undone. To leave it undone, however, she cannot and will not.

Forbearing any further view of the many which might be submitted upon this plan, I recommend it to your consideration and adoption, as the best which circumstances admit of. Should the legislature disagree with me in this opinion, the best most suitable measure, may judgment, though to be adopted not as a plan, but as a temporary expedient, is that the state shall loan to the company such sum as shall be sufficient to save from ruin, and render available in some way its disjointed works between Lynchburg and the mouth of the North river—stipulating, if it does so, that a lock and dam improvement may be made between those points, if desired by the company, or a railroad, if desired, which it is thought can be made by a judicious use of the works already there, at some eight or nine thousand dollars per mile. I would recommend also, as accompanying conditions to any legislative grant, that the vote of state as a shareholder be increased to something more justly proportioned than the present one to her stock; that it be divided equally between her three proxies, who shall themselves be selected from different constitutional districts; and that the state shall have the right to make examinations of the works of the company by an engineer or engineers of her own separate appointment, whenever, in the opinion of the Board of public works, it may be expedient or necessary to do so.

The sum which is thus recommended to be advanced by the State to the company, falling promptly within its ability to raise, is not an interest-bearing loan, expedient under the circumstances for the State to make, and for the company to receive. Within this limit—the limit of ability—where the relations of lender and borrower are maintained and acted upon by both parties—the advances of the State, and upon calculations both fiscal and economical, are advisable and legitimate. But when this limit is passed, and advances are made without ability or expectation of ability to pay back, the company becomes from that point on, and that moment not the borrower, but the agent of the State, for the expenditure and administration of its funds; and when this relation arises, the advances, in my judgment, would cease to be advisable. Whenever the money with which this work is to be conducted, comes to be furnished exclusively by the State, there is no sound reason why it should be given up to the management of an agency, such as that of this company, where the authority of the State is the least, and where her partners, bound by no direct responsibility to her, are the same time bound to no particular prudence in their acts, by sharing in the money which they manage.

This company, composed in part of corporations, who practically hold and exercise a plural power in the management of its concerns, is not only most peculiar in its organization, but is wanting in some of the indispensable requisites which would qualify it to act as agent for the State, were an agent desired in the control and management of its funds; it wants the adaptedness and the responsibility which such a purpose eminently requires. It is not, however, in this supposable character of agent, but in that of borrower, that I have regarded and recommended it to your assistance.

The admitted importance of providing by law for a well supported, well regulated and adapted system of common education, will, justly, it is hoped, my recurrence to the third time to that subject, should reason to be spread to all parts of this duty, but neither I nor any other Executive ever can, as long as the legislative and statistical history of this subject remains as it is; as long as our provision for it is so painfully inadequate to our wants, and so painfully contrasted, too, with the manner in which generation after generation, for more than fifty years, our public actors have made it the official and popular theme for eulogy and patriotic aspiration. It is humiliating, after this, to look upon its history now, and to see that, whilst laws have been accumulated upon laws to advance it, so little comparatively have been actually done—so little, indeed, that not only is there one in every twelve of our grown up and governing population who can neither read nor write, but at this very moment there are growing up in the midst of us thirty thousand "indigent children," to whom, for the past year, not a solitary hour of instruction has been afforded at any school in the State. At this day, when the human mind, is perhaps, more thoroughly and profoundly roused than it has ever been before—when it is everywhere reducing, by invincible power, the transactions of Governments and men to the standard of its own enlightened and intrepid judgment, and is making knowledge, like bread, a necessary of life; at this day, and especially in our country, where the will of all is the government of all, such a fact as this is dishonoring and reproachful; if, indeed, it be not appalling; I call upon you, therefore, who have the whole control of this matter in your own hands, so to legislate upon it that this fact shall continue no longer—that the evil of it and the stain of it shall be blotted out at once, and, if it be possible, forever. It is the shame of Great Britain, that, in the midst of her power, and of that civilization, which she is extending far and wide, to mankind, a fifth part of her entire number is a pauper population. It would be a deeper shame for us, whose freedom is so much greater than hers, and whose prosperity drives pauperism away, that an almost equal proportion of our own number should be found, to whom the very alphabet of their mother tongue had never been taught.

But this we shall suffer, bitterly and long, if nothing energetic is done to arrest it. Let the subject, then, be taken in your counsels as one of the worthiest amongst all the worthy that could engage them, and be it your honor to unite in a generous effort with each other to build up a system of common schools which shall secure the rudiments of learning to every child in the State, and shall associate the intelligence and sovereignty of the State itself in early and perpetual union with each child. Having submitted the general basis of a plan upon this subject to the last Legislature, which have seen no reason to disapprove of, I respectfully submit it anew for your consideration.

In reporting upon the general condition of the public interests, as it is my duty to do, I should be greatly negligent, if I did not direct your attention particularly to that state of business in the Court of Appeals. It is such, I regret to say, and has been for some years, as to require that early and effectual measures be taken by your body to protect the public from the recurrence of any similar state for the future. By referring to the abstracts which have been made from the reports of the clerks of the Court of Appeals, by the clerk of the House of Delegates, and annually submitted by him to the Legislature, it appears, that from 1837 to September, 1843, seven hundred and ninety-eight suits were instituted in the Court of Appeals, and six hundred and fifty-seven decided—thus showing an aggregate of suits instituted over those decided, of one hundred and forty-one, or an increase at the rate of twenty annually. Let this one hundred and forty-one be added to the four hundred and forty-seven, which stood undecided upon the docket in 1837, and the five hundred and eighty-eight which they make, will show the number remaining on hand in September, 1843.

From this statement it is evident, that if no change is made for the more rapid disposal of its business by that Court, its docket can never be cleared, but must go on increasing at a regular and alarming rate. It is evident also, that this rate of decision continuing, that no new case can reach to adjudication under less than a six or seven year's delay. In either point of view, much more in both, this accumulation and delay of business in that court, is an evil wholly inconsistent with the due administration of justice, and calling loudly for redress.

The causes of such a condition of business in this court, (and they are distinct from any want of a fair degree of competency in its members) are undoubtedly various, and may be found, perhaps, in the structure and administration of the inferior courts; in the variability and the perplexities of our laws—in the absence of any limitation either of amount or subject required for appeal—in the habits of the bar—in the spirit of litigation which will not be contented whilst there is any thing to be hoped for, and in the tendency on these several accounts, to convert this court from an ultimate tribunal for the exposition and settlement of law and its principles, into a tribunal merely for the final hearing and trial of particular cases. Whilst, therefore, a perfect remedy for it must have relation to these and to any other causes conspiring to produce it, it is nevertheless believed that a serviceable, if not complete one, may be found in a limitation upon the right of appeal—such an one as shall confine the right to an amount in value fairly graduated by the general value of transactions in suit. A limitation of this kind has its precedent in our Magistrate's jurisdiction, and its advantages are daily felt in the Supreme Court of the United States.

Besides this, it would be possible, as will be seen by reference to a well considered report made some years ago to the House of Delegates, to constitute out of the Judges of the Court of Appeals a new one, intermediate between that and the Court of Appeals, which shall meet annually, or oftener, in the several judicial districts of the State, and shall there exercise final jurisdiction over all cases not exceeding a prescribed amount in value. And passing by even this plan, it would be possible to remodel the existing court by assigning its equity duties to a chancery branch, which shall sit in Richmond and Lewisburg, and have the right of deciding finally upon all matters submitted to its cognizance.

Whatever the remedy which it may best suit the wisdom of the Legislature to adopt, the necessity for adopting some one is immediate and urgent. Happily for our judiciary and our people, the administration of justice amongst us thus far has been habitually, noble, and always exempt from even the suspicion of "sale or denial." It is for you now to take care that its administration shall be as perfectly exempt hereafter from all the mischiefs and wrongs of delay, in connection with this subject generally, it may not be amiss to remind the Legislature, that the usual period for the revision of the laws has passed, and that the laws themselves, both in matter and bulk, have risen to a state which would render their reduction to a consistent and accessible code a highly useful and acceptable service to the public. In relation to our criminal law, such is the public experience of its defects, and such especially is the painful sense of them, which is often times pressed upon the mind and heart of an Executive by appeals to his mercy as the only protection against them, that I would now urge upon you the necessity of a separate and immediate revision of portions of it, at least, if it were the hope that the eminent citizen and jurist to whom it heretofore been confided by the Legislature, would anticipate any issue to their labor by the early conclusion and communication of his own.

I communicate herewith the Adjutant General's annual report upon the subject of the militia and other matters committed to his charge, and need not bespeak from you, to whom he is known as an officer of decided merit, the respect to which his various recommendations are entitled—and especially entitled to this respect is his recommendation, often and justly repeated, for the restoration of brigado inspectors. Whatever amendments you may think it expedient to introduce into our militia system; and whatever the system, it will still be impossible to secure any high degree of soldierlike and military efficiency to the militia itself, except by withdrawing the citizen from his home and labors for a length of time, and at an expense of private interest which the great body of our people are unable to afford, and which at a moment of profound peace, are not called for by any public necessity. For every thing beyond mere enrolment and organization—for all active and efficient service, ready to be performed at any point of public emergency, the main reliance of the State can only be placed, in the first instance, upon her volunteer corps. This particular branch, therefore, of the militia, deserves to be encouraged; and to that end, it is worthy of consideration, whether it would not be judicious to dispense with one or more of the musters which are now exacted by law, and demand, in lieu of them, the contribution by each militiaman of a small sum of money, from which a fund shall be raised and be made applicable to the expenses of the increased training which, in that case, should be required of the volunteer companies.

Thomas H. Bayly one of the Judges of the General Court, and of the Circuit Superior Courts of Law and Chancery, having resigned his place, during the recess of the Legislature, George P. Searburg was duly appointed and commissioned by the Executive to fill the vacancy thus occasioned.

I have received from the several Banks within this Commonwealth, the quarterly statements which they are required by law to make to this Department of their respective conditions, and now communicate them for your information.

I have also received and now communicate, certain resolutions upon various subjects, from the States of Massachusetts, Mississippi, Kentucky, Maryland, Rhode Island, Georgia and Connecticut, and a memorial from the New York Historical Society, requesting copies of Legislative documents.

THOMAS RAWLINS,
GOVERNOR.

SPiRiT OF JEFFERSON.

PUBLISHED WEEKLY BY JAMES W. BELLER, OFFICE ON MAIN STREET, A FEW DOORS ABOVE THE FALLS BANK.

At \$3 00 in advance—\$3 50 if paid within six months—or \$3 00 if not paid until after the expiration of the year.

ADVERTISEMENTS will be inserted at the rate of \$1 00 per square for the first three insertions, and 25 cents for each continuation.

General Intelligence.

COTTON FACTORY BURNED.—The large cotton factory at Roseville, near Newark, (Del.) was burnt to the ground on Saturday night last.

DISTRESSING.—A daughter of Mr. Joseph Bimm, residing in the vicinity of Dayton, Ohio, six years of age, was burned to death by her clothes accidentally taking fire, on the 28th ult., that she died in a few hours.

CASE OF POLLY BODINE.—The Court at Staten Island, N. Y., have obtained four Jurors in this case, and intend to go over the whole county to find a jury, before they give it up.

OHIO LEGISLATURE.—The Cincinnati Gazette gives the following as the complexion of the new Legislature of that State:—Senate, 21 whigs, 15 democrats; House, 41 whigs, 31 democrats.

THE COST OF A BAD TONGUE.—The Lafayette (Ala.) Herald speaks of a slander case first decided in Russell county, in a verdict for \$5000 damages was rendered, but which was compromised by the payment of \$2500.

GOSE HOME TO BE TRIED.—Among the passengers in the Hibernia, from Boston, on Saturday, was Wm. Burgess, the forger on the Bank of England—also Messrs. Board and Forster, who came over to arrest him.

CURING BEEF AND PORK.—The following receipt for curing beef or pork, is said to be the very best now in use.

SUPPLY OF POTATOES FROM ABROAD.—The crop of potatoes in the United States, from disease, we are about to be supplied with that article from abroad.

SAFE MODE OF BLASTING.—It is known to many individuals, though not to the public generally, that rocks may be blasted without running down pounded brick on the charge.

Mrs. POLK.—The Washington correspondent of the New York Express says:—“I have seen it stated in some of the public prints, that the lady of the President elect was a Miss Easton, who once was an inmate of President Jackson's house at this place.

There appears to be a considerable tide of emigration flowing from or through Arkansas to Texas, from the Clarksville (Texas) Northern Standard of the 30th ultimo, mentions the passage of 225 wagons by a particular point on the Texas and Arkansas boundary, all on their way to the Trinity country, Texas.

SOMETHING LIKE A BONFIRE.—The Democrats of Providence, Rhode Island, had a jubilee the other day, in honor of the national victory, and one of the newspapers of that city says they had a magnificent bonfire, composed of some fifty or sixty barrells piled high into the air, fifty feet high, which, when fired as they were at the giddy summit, sent forth a flame, as it were of a monstrous torch, the light of which, but for the extreme brightness of a full moon, would have been seen the country around fifty miles distant.

PROFIC.—The Louisville Democrat of the 26th ult. says:—“On yesterday an emigrating party passed through our city, consisting of father, mother, and twenty children. The parents appeared to be about 45 years of age; the three youngest children six or eight months only.—They were traveling in true pedestrian style, the sire leading, the mother superintending the interesting group, while three of the eldest daughters were carrying each one of the babies. Their destination we did not learn, but think it not improbable the old man is about settling a colony in Oregon.”

QUICK WORK.—By an ingenious process, wheat, standing in Michigan in the morning is frequently flour at night. It is cut, threshed, and made ready for the mill at once, by a machine which goes over from 20 to 30 acres per day.

DON'T GET MARRIED IN FUR.—The Supreme Court of Alabama has decided that marriage, being a civil contract, is valid where the persons united declare their intention to be husband and wife in a formal manner, in the presence of witnesses, even though no marriage license has been obtained, nor the usual ceremony administered by an authorized person. This will open the eyes of those who sometimes in levity undergo a mock ceremony of marriage.

JEFFERSON COLLEGE, CARROLLSBURG, PA.—There are at present 203 students connected with the institution, viz: Senior class 37, Junior 49, sophomore 49, preparatory department 19; irregular and scientific 17.

Counterfeit American half dollars are in circulation.

Discoveries of valuable iron ore have been made in the lower anthracite region of Pennsylvania, a little North East of Harrisburg.

Poetry.

From the Philadelphia Saturday Courier. I HAVE COME TO THE LAND.

From the Philadelphia Saturday Courier. I have come to the land where the flowers ever bloom.

Where the breeze and the myrtle their fragrance are breathing; Where the breath of the zephyr is fraught with perfume,

And skies blue and cloudless above me are bending; Which far in the north.

I have come to the land of the palm tree and vine; And many a fount from the bosom is bursting.

From the rock-girdled sides of the mountain burst forth, And sweeter one's laugh of last water to me.

I have come to the land of the lake and the plain, Of wild ever-glade and of dark-flowing river.

I have come to the land where the warrior hath trod, And on the red war-field won laurels of glory;

Where the blood of the slaughtered have crimsoned the sod, And the deeds of the brave are recorded in story.

Where our hearts were united in sorrow and mirth; And dearer that home and its memories to me.

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G. W. J. COPE, ATTORNEY AT LAW, Baltimore, Md., OFFICE on Lexington Street, opposite the Court House. November 1, 1844.

WM. A. SOMMERVILLE, ATTORNEY AT LAW, Martinsburg, Va., OFFICE removed to room adjoining Mr. Dorsey's Drug Store. Continues to practice in the several courts of Berkeley, Jefferson and Morgan counties. Sept. 27, 1844.

ISAAC FOUKE, ATTORNEY AT LAW, PRACTISES in the Superior and Inferior Courts of Jefferson, Loudoun, Clarke and Berkeley counties, Virginia. All business entrusted to his care will be promptly attended to.—Office and residence at Harpers-Ferry. August 9, 1844—2m.

B. HUME BUTCHER, ATTORNEY AT LAW, CHARLESTOWN, JEFFERSON COUNTY, VIRGINIA, ATTENDS the Superior and Inferior Courts of Jefferson, Clarke, Frederick and Berkeley Counties. August 3, 1844—1f.

J. O'BANNON having permanently settled in Charlestown, Jefferson County, Va., will practice in the several Courts of Jefferson, Berkeley, Frederick and Clarke Counties. Office on Main street, over E. P. Miller's Store and opposite the office of the "Spirit of Jefferson." July 26, 1844—2m.

A. & G. W. HOLLAND, Wholesale and Retail Dealers in Foreign and Domestic DRY GOODS, &c. Corner of Shenandoah & High streets, HARPERS-FERRY, VA. July 26, 1844—1y.

LATEST FASHIONS. COWLEY & SHERRE, RESPECTFULLY inform their friends that they have just returned from the Eastern cities with the latest and most approved Fashions, and are now ready to serve their customers with any garment of the latest cut.

THOMAS RAWLINS has removed his establishment to the Store Room recently occupied by John B. Packett, and immediately under the office of the "Spirit of Jefferson," where he offers the most substantial and general assortment of Hardware ever brought to this market.

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STONE CUTTING.

WILLIAM LOUGHRIDGE respectfully informs the citizens of Jefferson, Clarke, Frederick, and adjoining counties, who may wish to mark the graves of their lamented dead, that he still continues to make and superintend MONUMENTS—Base, Column, and plain TOMB SLABS—And Head and Foot STONES OF EVERY VARIETY.

Having purchased an extensive QUARRY of the most beautiful White and Variegated MARBLE, and an extensive water power to saw and polish with, his prices will be LOW. One great advantage to purchasers is, that all Stone will be delivered at his risk, without any extra charge.

By application to Mr. JAS. W. BELLER, Charlestown, those who may desire any of the above articles can be shown the list of prices and the different plans. He will also forward any orders, epistaphs, &c. that may be desired. Or by address, at Leitersburg, Washington county, Md., orders can be filled without delay.

By application to Mr. JAS. W. BELLER, Charlestown, those who may desire any of the above articles can be shown the list of prices and the different plans. He will also forward any orders, epistaphs, &c. that may be desired. Or by address, at Leitersburg, Washington county, Md., orders can be filled without delay.

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Drugs, Medicines, Oils, Fancy Articles, Confectionary, &c., &c.

J. H. BEARD & Co., ARE just receiving a large and fresh supply of Drugs, Medicines, Oils, &c., &c., which they respectfully offer to their customers and the public in general, at reduced prices and on the usual terms.

PAINTS, OILS, VARNISH, &c.—White Lead in Oil, large and small kegs, Linseed Oil, Spirits of Turpentine, Copal Varnish, Japan, &c., Chrome Green, do, Yellow, Red Lead, Venetian Red, Spanish Brown, Yellow Ochre, &c., for sale low. J. H. BEARD & Co. Nov. 15, 1844.

CONFECTIONARY, FRUITS, &c.—300 LBS. fresh Candy, Oranges, Cocoanuts, Almonds, Filberts, Palmetts, English Walnuts, Prunes, Raisins, Dried Currants, Jubbe Paste, Preserves assorted in bottles, Pickles in Jars, &c., &c., just received and for sale by Nov. 15. J. H. BEARD & Co.

FINE CUTLERY, HARDWARE, &c.—A LARGE assortment of Penknives, Razors, Scissors, Nipple Wrenches, Tweezers, Powder Flasks, Gun-worms, Gun-tubes, Cork-screws, Brass Ink-stands, Spurs, Horse-leams, Dog-chains, Brass Toy Cannons, &c., &c., for sale by Nov. 14. J. H. BEARD & Co.

ANNUALS, &c.—Friendship's Offering for 1845—The Rose, for 1845—The Poet's Gift, for 1845—Prayer Books, Psalms and Hymns, Methodist Hymns, (all superior bound,) just received and for sale by Nov. 15. J. H. BEARD & Co.

POWDER AND SHOT, for sale by Nov. 15. J. H. BEARD & Co.

PORTER, in bottles, for sale very cheap by Nov. 15. J. H. BEARD & Co.

PATENT MEDICINES.—SWAIM'S PANACEA, HOUCK'S PANACEA, JAYNE'S EXPECTORANT, Dr. Duncan's Expectorant, Brigg's Arabian Balsam, Dr. J. C. King's Ring-worm and Tetter Cure, Swaine's Syrup of Wild Cherry, &c., for sale by Nov. 15, 1844. J. H. BEARD & Co.

ALMANACS.—Hagerstown, Cushing & A. Brother's, Fisher's Comic, and Davy Crockett Almanacs for 1845, for sale by Nov. 15. J. H. BEARD & Co.

PERFUMES, &c.—Cologn Water, Lavender Water, Bay Rum, Otto of Rose, Toilet Water, Bear's Oil, Indian Oil, Buffalo Oil, MeCarson Oil, Hair of Columbia, Jayne's Hair Tonic, Pomatum, Lion Pomatum, Bear's Grease, Soap, and Shaving Cream of every variety. Call and see, at the store of J. H. BEARD & Co. Nov. 15, 1844.

BOOKS, STATIONERY, &c.—Fancy Bibles, do, Prayer Books, do, Testaments, School Books, Miss Leale's Complete Cookery, American Gardener, school books of every description, Steel Pens, Quills, Blank Books, Slates, Paper, Inks, Lead Pencils, &c., &c., for sale by Nov. 15, 1844. J. H. BEARD & Co.

TOBACCO, SNUFF AND SEGARS.—A large variety, for sale by Nov. 15, 1844. J. H. BEARD & Co.

CHEAP PAPER.—Ruled and unruled Letter and Cap Paper at 12 1/2 cts. per quire, for sale by October 25. J. J. MILLER & WOODS.

BUCKWHEAT FLOUR, of superior quality, for sale for cash by Oct. 25. J. J. MILLER & WOODS.

BEANS.—500 bushels Beans wanted, for which the highest price will be given. Oct. 25. E. M. AISQUITH.

Shawls! Shawls! THE unparalleled demand for those beautiful and fashionable Brocade Shawls has induced us to send for another lot, which we have just received. Call at the cheap Baltimore Store, A. & G. W. HOLLAND, Harpers-Ferry, Oct. 25, 1844.

SALT.—Farmers and others can be supplied with any quantity of Salt, by sack or bushel, on the most moderate terms by Oct. 25. J. J. MILLER & WOODS.

TEAS.—Just opened, a Chest of Extra fine G. P. Tea, which we can recommend very highly. Also, G. P. Tea, from 37 1/2 upward; Superior Black Tea, all of which are for sale by Oct. 25. J. J. MILLER & WOODS.

CIGARS.—A fresh supply of those best Regatta and Principe Cigars. Also, Spanish and Half-Spanish Cigars, just received. Oct. 25. THOS. RAWLINS.

SADDLERY.—Pelham, Saddle and Stiff Bits; Silver-plate and Steel Stirrups; Webbing, Buckles, &c. Oct. 25. THOS. RAWLINS.

GROCERIES.—THE public are invited to call and see my stock of Groceries before purchasing elsewhere—all fresh. I will sell at a small profit for cash, or trade for all kinds of country produce. Oct. 25. THOS. RAWLINS.

TOBACCO AND SNUFF.—THE Lilly of Virginia, and other choice brands of Tobacco; Congress, Rappce, Scotch and Macarbean Snuff Oct. 25. THOS. RAWLINS.

COURSE AND FINE SALT.—I HAVE received a fresh supply of the above, which I will sell very cheap by the sack or bushel. Oct. 25, 1844. THOS. RAWLINS.

NAI LS.—50 Kegs Brien's Nails assorted sizes; Wrought Nails, &c., received and for sale by Oct. 11, 1844. THOMAS RAWLINS.

TO SPORTSMEN.—FINE CANISTER POWDER.—Shot of all sizes—Purussion Caps. All at reduced prices. Oct. 11, 1844. E. M. AISQUITH.

SELF-DEFENCE.—Just received, a few pairs of elegant Rifle-barrelled Pistols. Also, two Six Barreled Revolvers, improved pattern. Sept. 27. E. M. AISQUITH.

PAINTS, OIL, and Putty, at Sept. 27. THOS. RAWLINS.

LADIES' MITS AND GLOVES.—FROM recent additions, our stock of Ladies' Mitts and Gloves is very general and splendid, and all for sale low. Nov. 8. J. J. MILLER & WOODS.

APACCAS.—12 pieces Bl'k and Colored Alpaccas.—The cheapest goods of same quality in the county. For sale by J. J. MILLER & WOODS. Nov. 8.

FOR CHILDREN.—JUST received, Worsteds Caps, Hoods, Cloaks, Comforts, Mitts, and cheap Mitts, for children, among which are some articles entirely new style. Also, Variegated Yarn, beautiful colors. Nov. 8. J. J. MILLER & WOODS.

SECOND SUPPLY.—I HAVE just received my second supply of Hardware, Cutlery, &c.; Also—A general assortment of Bar Iron and Hollow-ware. For sale very low by Oct. 4. THOMAS RAWLINS.