

tempts, by unfounded alarms, to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposits, and as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed, and that, through the increased accommodations which the State Banks have been enabled to afford, no public distress has followed the exertions of the Bank; and it cannot be doubted that the exercise of its power, and the expenditure of money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty, I should feel myself called on by the facts disclosed to order a *scire facias* against the Bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

I called the attention of Congress to this subject in my last annual message, and informed them that such measures as were within the reach of the Secretary of the Treasury, had been taken to enable him to judge whether the public deposits in the Bank of the United States were entirely safe; but that as his single powers might be inadequate to the object, I recommended the subject to Congress, as worthy of their serious investigation: declaring it as my opinion, that an inquiry into the transactions of that Institution, embracing the Branches as well as the principal Bank, was called for by the credit which was given throughout the country to many serious charges impeaching their character, and which, if true, might justly excite the apprehension that they were no longer a safe depository for the public money. The extent to which the examination, thus recommended, was gone into, is spread upon your journals, and is too well known to require to be stated. Such as was made resulted in a report from a majority of the Committee of Ways and Means, touching certain specified points only, concluding with a resolution that the Government deposits might safely be continued in the Bank of the United States. This resolution was adopted at the close of the session, by the vote of a majority of the House of Representatives.

Although I may not always be able to concur in the view of the public interest, or the duties of its agents, which may be taken by the other departments of the Government, or either of its branches, I am, notwithstanding, wholly incapable of receiving otherwise than with the most sincere respect, all opinions or suggestions proceeding from such a source; and in respect to none am I more inclined to do so, than to the House of Representatives. But it will be seen from the brief views at this time taken of the subject by myself, as well as the more ample ones presented by the Secretary of the Treasury, that the change in the deposits which has been ordered, has been deemed to be called for by considerations which are not affected by the proceedings referred to, and which, if correctly viewed by that department, rendered it a matter of imperious duty.

Coming as you do, for the most part, immediately from the people and the States, by election, and possessing the fullest opportunity to know their sentiments; the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all act, to decide whether the Executive Department of the Government, in the steps which it has taken on this subject, has been found in the line of its duty.

The accompanying report of the Secretary of War, with the documents annexed to it, exhibit the operations of the War Department for the past year, and the condition of the various subjects entrusted to its administration.

It will be seen from them that the army maintains the character it has heretofore acquired for efficiency and military knowledge. Nothing has occurred since your last session to require its services beyond the ordinary routine of duties, which upon the seaboard and the inland frontier devolve upon it in a time of peace. The system, so wisely adopted and so long pursued, of constructing fortifications at exposed points, and of preparing and collecting the supplies necessary for the military defence of the country, and thus providently furnishing in peace the means of defence in war, has been continued with the usual results. I recommend to your consideration the various subjects suggested in the report of the Secretary of War. Their adoption would promote the public service, and meliorate the condition of the army.

Our relations with the various Indian tribes have been undisturbed since the termination of the difficulties growing out of the hostile aggressions of the Sacs and Fox Indians. Several treaties have been formed for the relinquishment of territory to the United States, and for the migration of the occupants to the region assigned for their residence west of the Mississippi. Should these treaties be ratified by the Senate, provision will have been made for the removal of almost all the tribes now remaining east of that river, and for the termination of many difficult and embarrassing questions arising

out of their anomalous political condition. It is to be hoped that those portions of two of the Southern tribes which, in that event, will present the only remaining difficulties, will realize the necessity of emigration and will speedily resort to it. My original convictions upon this subject have been confirmed by the course of events for several years, and experience is every day adding to their strength. That those tribes cannot exist, surrounded by our settlements, and in continual contact with our citizens, is certain. They have neither the intelligence, the industry, the moral habits, nor the desire of improvement, which are essential to any favorable change in their condition. Established in the midst of another and a superior race and without appreciating the cause of their inferiority, or seeking to control them, they must necessarily yield to the force of circumstances, and ere long disappear. Such has been their fate heretofore, and if it is to be averted, and it is, it can only be done by a general removal beyond our boundary, and by the reorganization of their political system upon principles adapted to the new relations in which they will be placed. The experiment which has been recently made, has so far proved successful. The emigrants generally are represented to be prosperous and contented, the country suitable to their wants and habits, and the essential articles of subsistence easily procured. When the report of the commissioners now engaged in investigating the condition and prospects of these Indians, and in devising a plan for their intercourse and government is received, I trust ample means of information will be in possession of the Government for adjusting all the unsettled questions connected with this interesting subject.

The operations of the Navy during the year, and its present condition, are fully exhibited in the annual report of the Navy Department. Suggestions are made by the Secretary of various improvements, which deserve careful consideration, and most of which, if adopted, bid fair to promote the efficiency of this important branch of the public service. Among these are the new organization of the Navy Board, the revision of the pay to officers, and a change in the period of time, or the manner of making the annual appropriations, to which I beg leave to call your particular attention.

The views which are presented on almost every portion of the Naval concerns, and, especially, on the amount of force and the number of officers, and the general course of policy appropriated in the present state of our country, for securing the great and useful purposes of naval protection in peace, and due preparations for the contingencies of war, meet with my entire approbation. It will be perceived from the report referred to, that the fiscal concerns of the establishment are in excellent condition; and it is hoped that Congress may be disposed to make promptly every suitable provision desired either for preserving or improving the system.

The General Post Office Department has continued, upon the strength of its own resources, to facilitate the means of communication between the various portions of the Union with increased activity. The method, however, in which the accounts of the transportation of the mail have always been kept, appears to have presented an imperfect view of its expenses. It has recently been discovered, that from the earliest records of the Department, the annual statements have been calculated to exhibit an amount considerably short of the actual expense incurred for that service. These illusory statements, together with the expense of carrying into effect the law of the last session of Congress, establishing new mail routes, and a disposition on the part of the Head of the Department to gratify the wishes of the public in the extension of the mail facilities, have induced him to incur responsibilities for their improvement, beyond what the current resources of the Department would sustain. As soon as he had discovered the imperfection of the method, he caused an investigation to be made of its results, and applied the proper remedy to correct the evil. It became necessary for him to withdraw some of the improvements which he had made, to bring the expenses of the Department within its own resources. These expenses were incurred for the public good, and the public have enjoyed their benefit. They are now but partially suspended, and that, where they may be discontinued with the least inconvenience to the country.

The progressive increase in the income from postages, has equalled the highest expectations, and it affords demonstrative evidence of the growing importance and great utility of this department. The details are exhibited in the accompanying report from the Postmaster General.

The many distressing accidents which have of late occurred in that portion of our navigation carried on by the use of steam power, deserve the immediate and unremitting attention of the constituted authorities of the country. The fact that the number of those fatal disasters is constantly increasing notwithstanding the great improvements which were every where made in the machinery employed, and in the rapid advances which have been made in that branch of science, show very clearly that they are in a great degree the result of criminal negligence on the part of those by whom the vessels are navigated; and to whose care

and attention the lives and property of our citizens are so extensively entrusted.

That these evils may be greatly lessened, if not substantially removed by means of precautionary and penal legislation, seems to be highly probable; so far therefore as the subject can be regarded as within the constitutional purview of Congress, I earnestly recommend it to your prompt and serious consideration.

I would also call your attention to the views I have heretofore expressed of the propriety of amending the constitution in relation to the mode of electing the President and Vice President of the United States. Regarding it as all important to the future quiet and harmony of the people that every intermediate agency in the election of these officers should be removed and that their eligibility should be limited to one term of either four or six years. I cannot too earnestly invite your consideration of the subject.

Trusting that your deliberations on all the topics of general interest to which I have adverted, and such others as your more extensive knowledge of the wants of our beloved country may suggest, may be crowned with success, I tender you, in conclusion, the co-operation which it may be in my power to afford them.

ANDREW JACKSON.

Washington, 3d December, 1833.

GENERAL ASSEMBLY.

SENATE.

Thursday, Nov. 28.

On motion of Mr. Vann, the committee on the Judiciary were instructed to inquire into the expediency of amending the law, so as to effect a more uniform system of administering or distributing the estates of such deceased debtors as may not be sufficiently able to satisfy all their just creditors.

On motion of Mr. Montgomery.

Resolved, that the Public Treasurer be requested to make out and transmit to this House, as soon as practicable, a statement of all the funds belonging to the State, specifying their descriptions, and the gross amount of each.

On motion of Mr. Hall, the Judiciary committee were instructed to inquire into the expediency of amending the present law relative to the oath by which taxable property is rendered in, so as to require the cash value of the real estate to be given in on oath in addition to the quantity.

On motion of Mr. Mann, the same committee were instructed to inquire into the expediency of so altering or amending the act of 1820, that when a guardian shall have renewed his bond, and given new and further security, the former securities shall be free from all liability, and said renewal be an equitable plea in bar of a recovery being had against said former securities.

Mr. Stone, from the committee appointed to conduct the balloting for Governor of the State, reported that David L. Swain is duly elected.

On motion of Mr. Sherard, a message was sent to the other House, proposing that a joint select committee be appointed to wait on the Governor elect, and inform him of his election, and to ascertain at what time it will suit his convenience to attend and take the oaths of office. Messrs. Sherard and Stone form the committee on behalf of the Senate.

Mr. Matthews, from the committee appointed to superintend the balloting for a Judge of the Supreme Court, reported that William Gaston is duly elected.

Friday, Nov. 29.

On motion of Mr. Clayton, the committee on the Judiciary were instructed to inquire into the expediency of amending the law in relation to deeds and conveyances made by femes covert, so as to provide that the proof of execution and the private examination may be made out of court.

Mr. Brittain, of Macon, from the joint select committee on the Cherokee Lands, to which was referred the bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, reported the same with sundry amendments; when the bill was made the order of the day for Tuesday next.

Saturday, Nov. 30.

Mr. Sherard, from the committee appointed to wait on the Governor elect, and ascertain at what time it would be convenient for him to attend and take the oaths of office, reported that he would attend the Legislature for that purpose on Friday next, at 12 o'clock.

On motion of Mr. Skinner, of Chowan, the Judiciary committee were instructed to inquire into the expediency of compelling all persons who have erected, or may hereafter erect a gate across any public road to keep some person to open the same and also to inquire into the expediency of reporting a general bill upon the subject.

Mr. Moye, of Pitt, from the committee appointed to conduct the balloting for Public Printer, reported that Lawrence & LeMay are duly elected.

Monday, Dec. 2.

Mr. Skinner, of Chowan, from the committee on the Judiciary, which were instructed to inquire into the expediency of allowing a reasonable compensation to the justices of the peace in this State for their official services, reported against the expediency of such a measure. Concurred in.

On motion of Mr. Sitton, the committee on Internal Improvement were instructed to inquire into the expediency of loaning

out of the fund for internal improvement, or some other fund of the State, on good personal security at six per cent. interest, the sum of 3,000 dollars to the Wayneville Turnpike Company.

The bill to erect a new county, by the name of Yancey, was taken up, and, on motion of Mr. Brittain, of Burke, its further consideration was postponed until Monday next.

Mr. Martin, of Rockingham, submitted the following resolution, which was read and laid on the table:

Whereas many of the good people of North Carolina entertain the opinion that the Constitution of this State is defective in some of its provisions, more especially in the present mode of representation, which instead of being on the just and equitable basis of taxation and population, is according to geographical limits, unequal in size and greatly disproportionate in wealth and numbers; and the right of electing the Governor of the State ought to be vested in the free people thereof; and that biennial meetings of the General Assembly, subject to the call of the Governor, would enable it to discharge all its necessary duties to the country, and be of great saving to the State; also believing that they have retained in their own hands the power of altering or amending the Constitution without being restrained in the mode or manner in which such amendments are to be made, it is believed to be most expedient, under existing circumstances, to submit these questions directly to the people of this State: Therefore,

Resolved, that the joint select committee on the subject of a Convention be, and they are hereby instructed to inquire into the expediency of preparing amendments to the Constitution of this State on the several subjects herein contained, with a view to their being presented to the free people of this State, at their next August elections, for their ratification or rejection.

The proposition of the other House, that the Memorial of the Internal Improvement Convention be printed and referred to a joint select committee, was agreed to, and Messrs. Hinton, Edwards, Skinner of Pasquotank, Sherard and Foy were appointed to form the committee on the part of the Senate.

The certificate of allowance of the County Court of Mecklenburg in favor of Martha Thompson, a pensioner, was ordered to be countersigned by the Speaker.

Tuesday, Dec. 3.

Mr. Montgomery, from the committee of Propositions and Grievances, reported a bill to restore to credit John Andrews, of Iredell County; which was read three times, passed, and ordered to be engrossed.

Mr. Skinner, of Chowan, from the committee on the Judiciary, to whom were referred the resolutions instructing them to enquire into the expediency of amending the law in relation to deeds and conveyances made by femes covert, so as to provide that the proof of execution and the private examination may be made out of court; and also into the expediency of amending the act of 1820, so that when a guardian shall have renewed his bond and given new security, former securities shall be free from all liability, reported that no amendments to said laws are necessary. Concurred in.

On motion of Mr. Gavin, the Judiciary committee were instructed to inquire into the expediency of so amending the law of administrators and guardians, as to enable them to make final settlements with the courts of their respective counties whenever they are prepared to do so agreeably to law.

The bill directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, was read the second time, and, after being amended, its further consideration was postponed until Thursday next.

The Resolution submitted yesterday by Mr. Martin, of Rockingham, in relation to amending the Constitution of the State, was taken up and adopted.

Wednesday, Dec. 4.

On motion of Mr. Hall, the committee on Education and the Literary Fund were instructed to inquire into the expediency of reducing the price of vacant or unappropriated land, or of so amending the present act on that subject, as to require the purchase money to be paid in proportion to the value of the same.

Mr. Kerr, from the committee on Military Affairs, to which was referred the resolution instructing them to inquire into the expediency of exempting officers of the grade of captain or upwards from military duty after serving five years, reported against such an exemption. Concurred in.

Mr. Melane submitted the following resolution, which was read and adopted:

Whereas it is found extremely difficult for the Legislature to make judicious selections of Field officers; and whereas the Constitution has made it discretionary with the Legislature either to exercise this power or delegate it to others: Be it therefore

Resolved, that the committee on Military Affairs be instructed to inquire into the expediency of passing a law delegating this power to the commissioned officers of the several regiments and brigades.

HOUSE OF COMMONS.

Thursday, Nov. 28.

On motion of Mr. J. D. Jones, the committee on the Currency were instructed to inquire into the expediency of rechartering the Bank of Cape Fear.

Mr. Barringer, from the committee on

the Judiciary, to which was referred the bill to prevent justices of the peace from issuing a *Capias ad Satisfaciendum* on the judgment of a justice of the peace until the return "No property" is made, reported unfavorably thereon. Mr. Outlaw moved that the bill lie on the table and be printed; which was not agreed to. The bill was then, on motion of Mr. Poindester, indefinitely postponed yeas—82, nays 42.

On motion of Mr. Wyeche, the committee on the Judiciary were instructed to inquire into the expediency of providing by law for the appointment of Registers, where vacancies shall occur in that office between terms of the County Courts.

On motion of Mr. Fisher, the committee on Public Buildings were instructed to inquire into the present state of the contract heretofore made with the sculptor, Hall Hughes, for repairing the Statue of Washington; and into the condition of the Statue, and what disposition had best be made of it.

Friday, Nov. 29.

Sipha Smith one of the members from the County of Hertford, appeared, produced his credentials, was qualified and took his seat.

Some private bills were read the second time, but the Legislature adjourned at an early period to attend the deliberation of the Internal Improvement Convention.

Saturday, Nov. 30.

Mr. Bragg presented a bill to incorporate the Greenville and Roanoke Rail Road Company; which was read the first time and ordered to be printed and referred.

Received from the President of the Internal Improvement Convention, a communication, stating that, should it meet the approbation of the Legislature, the Convention will, at one o'clock, wait upon the General Assembly, and submit for their consideration the result of the deliberations of that body. On motion of Mr. Long, a message was sent to the Senate, proposing that a joint select committee wait upon the President of the Convention, and inform him of the readiness of the two Houses to receive that body. Messrs. Long and McLeod compose the committee on behalf of this House.

Mr. Pierce, presented a bill allowing constables one dollar for executing State warrants which passed its first reading.

On motion of Mr. Seawell, the committee on the Judiciary were instructed to inquire into the expediency of dividing the State into seven Judicial Circuits, whereby the evil attending the present arrangement of the Judicial districts shall be remedied more especially the great inconvenience existing in the Mountain or 6th Judicial district.

Mr. Grier presented the certificate of allowance of the County Court of Mecklenburg in favor of Martha Thompson, a pensioner; which was ordered to be countersigned by the Speaker.

Mr. Waugh presented a bill to provide for the collection of debts when there is no viable property; Mr. Long, a bill to sustain the amount of exports raised in the State for one year, and for other purposes.

In pursuance of arrangements previously noticed, both branches of the Legislature assembled in this Hall, received in the Internal Improvement Convention when his Excellency David L. Swain, President of that body, submitted on behalf a memorial to the Legislature. The memorial was read by the Hon. Robert Strange; and, upon the withdrawal from the Hall of the Convention and the Senate it was, on motion of Mr. Seawell, ordered that the memorial be transmitted to the Senate, and that it be printed, ten copies for each member of the Legislature.

Monday, Dec. 2.

On motion of Mr. Cansler, the committee on the Judiciary were instructed to inquire into the expediency of vesting the power in the County Courts to authorize the erection of gates across the public roads in their respective counties.

Mr. Guthrie presented a bill to alter and amend the Judiciary system of the State which was read the first time, laid upon the table, and ordered to be printed.

Mr. Fisher presented a bill to extend the time for registering grants and mesne conveyances, powers of attorney, bills of sale and deeds of gift; which was read the first time and referred.

The bill allowing constables one dollar for executing State warrants, was read the second time, and, on motion of Mr. Edmonston, postponed indefinitely—Yeas 99, nays 25.

Tuesday, Dec. 3.

Mr. Barringer, from the committee on the Judiciary, reported a bill concerning the appointment of Registers in certain cases; which was read the first time and passed.

Mr. Edmonston presented a bill reducing the fees of the Secretary of State; Mr. McNeill, a bill fixing a uniform mode of assessment of the real estate, with the improvements thereon; which bills were read the first time, and the last named was referred.

Mr. Jordan presented a bill to subject the legacies, distributive shares, devises and undivided interest in real estate of absconding or removal debtors to attachment; and Mr. Battle, a bill concerning official and other public bonds; which were read the first time and referred.

Mr. Houlker presented a bill to amend the law of distribution of personal estate, which was read the first time, and referred. Mr. King presented the petition of