



I enter my protest against the acceptance of any portion of the surplus money, provided for under the act of Congress of last session, and consequently against the passage of the bill now under consideration for the acceptance of the same. I am opposed to the principle of distribution, as contended for by some, as well as that of making the State of North Carolina a fiscal agent, to participate in the management of any part of the duties of the Treasury Department of the United States. By accepting the money proffered, North Carolina also accepts the conditions upon which it is offered, and thereby enters into a contract, which the parties contracting, are, in my opinion, not constitutionally competent to make. The act, or rather the 13th section, making the proffered deposit or distribution is not provided for in any expressly granted power, nor is it *necessary or proper*, to the execution of any granted power. In addition to this, it most palpably violates a settled principle, drawn by fair construction from the 9th and 10th amendments of the Federal Constitution, that the powers of the Federal and State governments should be kept separate and distinct. This act makes the State a subordinate executive agent in the execution of the duties of the Treasury Department. It not only makes the State a subordinate fiscal agent, but the subordinate to a subordinate executive officer; being subject in this matter to the direction and supervision of the Secretary of the Treasury. In addi-