

gation companies of our primary rivers, and an elegant map of the coast, made by United States Engineers, together with the numerous surveys of western roads, and boundaries of the extensive swamps to the east, and geological charts furnished by Professors Olmstead and Mitchell, form so much of the ground work of a correct map of North-Carolina, upon which the rising generation of the State may trace her extensive territory, and calculate her abundant resources for the prosecution of those great works of Internal Improvement, which must sooner or later be undertaken, that I feel it my duty, again to bring the subject before you, and to ask for it the favorable consideration of the Legislature.

Before closing this communication, could I discover any reasonable prospect of a beneficial result, it would afford me pleasure to direct your attention to our militia, as a subject deeply interesting in itself, and recognized by the Constitution, as being identified with the rights and liberties of our country; but there are difficulties growing out of the organization and discipline prescribed by Congress, which, during its operation must forever baffle every exertion to accomplish the important object, "a well trained and disciplined militia." The act of Congress of 1792, on the subject of the militia, holds to service all free white males between the age of eighteen and forty-five. Since the period of the passage of that act, our population has nearly quadrupled, and, consequently, the number of persons subject to militia duty, has increased in the same ratio, making the number between those ages, little less than two millions—a force, which, it is believed, no exigence of the country can ever require.

To subject, then, so large a portion of the community, as is required by the above act, to the performance of militia duty, and to a course of training indispensable to the attainment of that degree of discipline necessary to render them effective in service, would be imposing a tax on the time of our citizens, which neither their circumstances nor the interest of the country would justify. It would seem evident, then, that no important improvement of the militia can be effected, till Congress shall adopt an organization, upon which, a system of training can be predicated, competent to the end proposed. This view of the subject seems to have been so generally taken by the most eminent military men of the country, as to have established it, so far as their concurrent testimony will go, as true; and that the militia laws, as generally enforced and observed in the middle and Southern States, instead of advancing the military art, is productive of a contrary effect, by engendering vicious habits, encouraging intemperance, and, consequently, a spirit of insubordination.

By an act of the Legislature, the Governor is authorized to distribute the public arms among the volunteer companies of the State; and, under this act, frequent re-

quisitions of them are made of the Executive. But experience having shewn, that, in consequence of the short-lived existence of most of our volunteer companies, the State has sustained greater losses in the loan of them, than benefit from their use, it has been deemed expedient to suspend for a season their further distribution, unless it be at a few points, where sudden invasion, or other danger, may render it as a precautionary measure, expedient.

In every instance where volunteer companies have been dissolved, with the arms of the State in their hands, embarrassment has occurred in their collection; much loss in their number; and still greater sacrifice in their general abuse—and securing to the State the value of the arms, which can seldom be done with certainty, does not do away the principal objection which exists to the loan of them; as their value in money, cannot be deemed an equivalent to their importance to the State when they shall be required for its defence. It is, therefore, respectfully submitted, whether the power of the Executive over the public arms, should not be restricted to the emergency of "repelling invasion or suppressing insurrection," or to the reasonable apprehension of such a calamity.

The death of Chief Justice Taylor, which occurred soon after the rise of the last Legislature, produced a vacancy on the Bench of the Supreme Court, which was filled under the provisions of the Constitution, and by the advice of the Council of State, by granting the temporary commission, (to terminate with the present session of the General Assembly) to John D. Toomer, Esquire, of Fayetteville. It is with you to make the permanent appointment.

Doubts being entertained, to what portion of the salary appropriated for the payment of a Judge of the Supreme Court, the representatives of Judge Taylor are entitled (he having died soon after the commencement of a quarter, but not until the official labors of the current half year had been performed,) it is with great deference submitted, whether a warrant, for the residue of the salary not claimed by his successor in office, shall not issue in favor of his representatives. By his death, we have lost a citizen of great value, who, in the discharge of his official duties for nearly thirty years, was diligent and just, and having acquired the confidence, he deserves also the gratitude of the State.

It is also my painful duty to communicate the death of Joseph Wilson, Esquire, Solicitor for the sixth Judicial district, occasioning a vacancy in that office. The office of Solicitor having been created since the adoption of the Constitution, and the right of supplying for a season a vacancy occasioned by death or otherwise, being conferred by the Legislature on the Judge presiding in the Circuit where such vacancy happens, it was not deemed the duty if it was the right of the Governor and Council to interfere. The permanent appointment of a succes-

sor to Mr. Wilson, you are also called upon to make.

The paper marked A, contains the resignation of his appointment of Senator to the Congress of the United States, of the Honorable John Branch. In accepting the resignation of Mr. Branch, it will be recollected with pride, and with pleasure, that, although the nature of our connection is by it changed, yet, his services are not lost, but rather transferred to a sphere of more extended usefulness; where, in his own language, "the just pretensions & relative weight of the State may be maintained in the councils of our country;" and to a place for which he is peculiarly fitted, both by his unbending integrity and firmness.

The file herewith transmitted, marked B, contains reports, resolutions and memorials of several of our sister States, on subjects of the first importance to the Union, and some of them, particularly so to the Southern States, viz: a report and resolutions of the General Assembly of Missouri, on a report and resolutions of the Legislature of Georgia, declaring that the Congress of the United States have no constitutional power to appropriate monies to aid the American Colonization Society; and a resolution proposing an amendment to the Constitution of the United States, by which the President & Vice-President shall be elected by the people, without the interference of the House of Representatives in any case. Also resolutions of the Legislature of Louisiana, proposing an amendment to the Constitution of the United States, by which the President and Vice-President should hold their offices for six years, and be ineligible afterwards. Also the Preamble and Resolutions of the General Assembly of Virginia, on the proceedings of the respective Legislatures of South-Carolina and Georgia, on the Tariff acts, the acts for Internal Improvements, &c. heretofore passed by Congress; and resolutions adopted by the State of South-Carolina on the subject of the Tariff—the right of Congress to adopt a system of Internal Improvements, and to make an appropriation for the benefit of the Colonization Society; and also the resolutions of the General Assembly of Mississippi on the subject of the Tariff. The same file contains three very able papers from the State of Georgia, transmitted from the Executive of that State, with a request that they may be laid before you. One, a report on the resolutions of South Carolina and Ohio, on the subject of State rights, of Slavery, and an appropriation for the Colonization Society; another, a remonstrance, addressed to the States in favor of the Tariff; and the third, a memorial on this subject, addressed to the Anti-Tariff States, of which number is North-Carolina, from every principle of interest, and fair constitutional construction.

If the Treasury be closed to the tributary streams of commerce, and the General Government of the country is still to be supported under a heavy Tariff of duties, laid for the express purpose of

supporting the manufactories of one portion of the country, where, but upon the agriculture of another, can the burthen of taxation fall? But as nothing has yet transpired, by which the peculiar policy of the present administration can be known, either as regards the foreign or domestic relations of the country, and as ours is emphatically a government of public opinion, and we have every thing to hope from the present enlightened Chief Magistrate of the nation, elevated as he has been by that opinion, a course of forbearance on this important measure, is, for the present, respectfully recommended; for I have no doubt, that free and calm investigation, indicating at once moderation and firmness on our part, will soon obtain a repeal of all palpably unequal and oppressive measures; and that our Federal institutions will take deeper root, by the agitations of the storm.

An act was passed by the last Legislature, "for revising, digesting and amending the laws relating to executors and administrators;" by which the Governor is authorized to appoint two commissioners to carry the provisions of the act into effect. I have accordingly conferred the commission on Thomas Ruffin and Geo. E. Badger, Esquires.

The resolution adopted at the same time, directing me to ascertain from the Guardian of Miss Udney M. Blakely, the amount, if any, remaining in his hands of the several sums appropriated by the State to her use, and yet unexpended in her education and support, has been complied with, and the letters and statements of the accounts from the Guardian of Miss Blakely will be found in the file marked C.

The resignation of such Justices of the Peace and Militia Officers as have been received during the recess of the Legislature, will be found in the file marked D.

If, Gentlemen, in bringing these matters to the consideration of the Legislature, which are deemed most intimately connected with the welfare of our beloved State, I have too freely and openly expressed my own views of what I deem the true and enlightened policy we should pursue, I derive the highest satisfaction from reflecting, that it will not be attributed to a disposition to assume—but to the proper motive, a willingness to meet any responsibility due to the high station, to which I have the honor to be called.

I am, Gentlemen, most respectfully, your obedient servant,

JOHN OWEN.

Executive Department,
November 17th, 1829.

General Scott.—It is stated in the New-York papers that General Scott has acquiesced in the decisions made against him relative to his rank in the army, and has reported himself for duty.

Smuggling.—Twelve packages of woollens were recently seized in Boston, on suspicion of having been smuggled. These goods are supposed to have come from Canada.