

Con of seditious publications, it is respectfully recommended that all this class of persons residing within the State, be required to give security for the faithful discharge of those duties which they owe, in return for the protection they receive, from the laws of the State. This regulation cannot prove onerous to those who have sustained a good character, for the ease with which they will be enabled to give the security required, will serve as an exemption to them from any unpleasant operations of the law—and it must be remembered, that every wise Legislature, should frame its laws to suit the people—to promote the general welfare, and adopt them to the circumstances of their country.

Among the most unpleasant subjects to which I feel it my duty to call the attention of the Legislature at this time, is a decision of the Supreme Court involving a question of deep interest, connected with the criminal law of the State.

Under that clause of the constitution which declares, that "no person shall be subject for the same offence to be twice put in jeopardy of life or limb," the highest Judicial tribunal known to the laws of the State, has decided, that where a Jury is once charged with the trial of a prisoner for an offence, the punishment of which would affect "life or limb," they can never be discharged without a verdict, and that the expiration of the legal term of the court without the rendition of a verdict by the Jury, is in effect, the adjudication of innocence and liberty to the prisoner.

It would be fruitless to commence an investigation of this subject for the purpose alone of ascertaining whether "the defect is in the law, or in the administration of the law"—it is now the established law of North-Carolina, according to which, Justice is to be administered in the Courts of the State. The provisions of our penal code, have been deemed to be too sanguinary, yet here is a decision, which, following perhaps the tradition of the common law of England, is an outrage upon the moral feelings of society, and magnifies the humanity of the law, at the expense of common sense, and common justice—and the General Assembly, refusing to legislate on the subject have been held by the most distinguished Counsel in the State, to sanction the decision of the Court. Little indeed have we advanced in regulating our criminal jurisprudence and in adapting it to the character of those on whom it has to act, if instead of tending to diminish the amount of crime, it shall be found to exert a contrary influence on the morals of the community, and that the highest offences against the laws of God and Man, may be committed with impunity, however indubitably the fact may be established, if the corruption of a single juror can be effected. It is believed the evil may be remedied, by repealing so much of the law as prescribes a period for the close of the term of any Court having jurisdiction of offences, punishable with death, and authorising the presiding officer of such Court to continue or adjourn the same from day to day, for an indefinite period, or until the verdict of the jury is received, and the judgment of the Court rendered, upon a capital case, the trial of which may have been previously commenced—and this alteration of the law is respectfully recommended, being deemed sufficient to prevent the recurrence of inconveniences which have been already experienced, and as not coming in conflict with the constitutional provision on this subject.

The acts of the last Session to enable the State Bank, and the Banks of Newbern and Cape-Fear, to wind up gradually, and to fix a uniform rate of collection—also required the Presidents of said Banks to make known to the Governor, on or before the first day of July then next ensuing, whether these several corporations would assent to the extension of their charters as proposed by the Legislature. In compliance with this provision of the law, I received from the President of each of these institutions their assent in writing, to the restricted charter—and they are now operating under these acts, as parts of their several charters.

Under the resolution of the last Legislature, authorising and directing the Governor to appoint an Agent in behalf of the State to attend to the adjustment of her claim against the United States "for expenditures made in defence of the country against the common enemy during the late war," I appointed William M. Sneed, Esquire, of Granville. To enable the Agent to support the claim of the State, and obtain a fair and equitable settlement, all the papers and documents which the Executive Office afforded were prepared and furnished him.

The correspondence on this subject is open to the examination of the Legislature and will shew that nothing has been omitted on the part of the Agent, which could advance the interest of the State.

If, from the many unfounded and iniquitous claims which have been preferred against the General Government, it has been found necessary to guard against extensive imposition and fraud, by requiring all claims to be clearly established—supported by vouchers and to have grown out of the acts of their authorised Agents—and if under the application of this rigid, but salutary rule, to the demands of North-Carolina any portion of our claim should be lost, it is the part of wisdom and of patriotism to submit without a murmur, under the fullest assurance, that every claim compatible with the just rights of the State, will be allowed.

The resolution relative to the employment of Counsel to defend the interest of the State in the lands called the Cherokee lands, against grants fraudulently obtained, has been complied with. So important and difficult is the trust, and so vast the amount of property involved in these grants that, acting in the discharge of a high public trust, I deemed it necessary and proper to add to the Council already employed, Henry Seawell Esquire to aid in the defence of the suits now pending in the Federal Court, or such other suits as it may hereafter be found necessary to prosecute or defend.

The Counsel thus employed, together with the Attorney General, who was directed by the same resolution to aid in such proceedings as they might deem proper to test the validity of the grants in question, have submitted a report to me on this subject, which I have the honour to transmit to the Legislature.

In the year 1817, the Legislature passed a resolution adopting the Son of the late Col. Benjamin Forsythe, and appropriated a sum annually, to defray the expenses of his education, but in a few years thereafter, his health became so much impaired as to render a change of climate necessary, and a place was procured for him in the Navy of the United States, as promising the most speedy renovation of his health. That this State however should not seem wanting in respect for the memory of her brave deceased Son, who had sacrificed himself for his country—the Legislature in 1825 authorized the Governor to draw out of the Treasury of the State a certain sum, and vest it in some productive stock, the principal and interest of which should be applied for the benefit of James M. Forsythe, his only son, and be transferred to him, provided he should live to attain the age of twenty-one years—but the last account we have of the United States' sloop of war the Hornet, on board of which young Forsythe was distinguishing himself as a Midshipman, leaves no doubt that he, with the rest of the crew, had perished, and this too a few days before he had attained the age of twenty-one years. The circumstance of his untimely death, has deprived me of the anticipated pleasure of transmitting to him a few shares of stock in the State Bank, and a small amount of money, & his friends of any benefit from this munificence of the State, unless you shall extend it to his surviving sisters, who are represented as in indigent circumstances, and are no less the descendants of their brave ancestor, whose valor and services you were endeavoring to reward in the person of his Son.

The resolution directing the Governor to transmit the acts of the last session, to incorporate the Lake Drummond and Orapeake Canal Company to the Governor of Virginia, and to request a confirmation thereof by their Legislature, has been complied with, and at an early period of the year, the enclosed authenticated copy of an act (marked A.) passed by the General Assembly of that State, incorporating said company with certain exceptions and alterations to the act of North-Carolina, was received, and in obedience to the request of the Executive of Virginia is now laid before you.

About three hundred copies of "a system of Exercise and Instruction of Field artillery including manoeuvres for light, or horse artillery," and about three thousand of a system of Instruction for the "Militia Infantry," being the quota to which the State is entitled of these works, compiled for the use of the Militia of the United States, and published under an act of Congress, have been received from the Secretary of War and await the distribution of the Legislature.

The file marked B. contains resolutions adopted by the Legislatures of Georgia and Connecticut, upon the subjects of amendments proposed by the State of Louisiana and Missouri to the Constitution of the United States—and resolutions passed by the Legislatures of Pennsylvania and Delaware, on the subject of the present Tariff, which have been received since the last General Assembly, with a request from the respective Executives of these States, that they should be laid before you.

The file marked C. contains the resignations of such Militia Officers and Justices of the Peace, as has been received during the recess of the Legislature.

The happiness and prosperity which we now enjoy, having been secured to us by the disinterestedness, the voluntary privations of our ancestors—those virtues which we annually commemorate as the brightest ornaments of our forefathers—it should not be forgotten that the glory of our country is now in our own keeping, and that our duty to posterity, and more particularly those who are immediately to follow us, impels us with inflexible resolution and unwearied perseverance, to hand down to them the Government under which we live with as small a portion of error and folly to answer for, as a vigilant guardianship of the interest of the State, committed to our care, will enable us to do.

In the pursuit of these objects you are now assembled, and it remains only for me to offer you, in the high office to which I have been called, my hearty cooperation in all measures calculated for the development and application of our vast, and hitherto too much neglected resources, and for the furtherance of the public good.

JOHN OWEN.

November 16th 1830.

### To the Freedmen of Wilmington DISTRICT.

It is with a high and grateful sense of the claims which my fellow citizens have on my best services, that I have the honor to announce to the voters of Wilmington District, that I shall decline being a candidate, at the ensuing congressional election. To this course I am impelled by the imperious force of circumstances, which I will briefly submit to the indulgent consideration of my constituents. Sensible that my absence from home, would occasion no inconsiderable injury to my private affairs, I accepted with great reluctance, the nomination of my friends in the county of Onslow, at the last election. My fears have been more realized; and I find my presence in future; absolutely requisite at home. In the circumstance of not having solicited the nomination, I might find a partial, if not a full absolution from the obligations of duty, in the course I am compelled to adopt; but the obligation of gratitude, is proportionably increased, which I trust I do, and ever shall feel, and cheerfully acknowledge. Were the country in peril from foreign or from domestic foes, no person, if I know myself, would more cheerfully and readily act on the claim, the people have to the services of any and every citizen, whatever might be the sacrifice; but in time of profound peace, plenty, and a popular and successful administration, the public should not rightfully demand the services of an individual, at the sacrifice of private interest.

Having thus my fellow citizens, relinquished any pretensions I may have to your suffrages, I deem it proper to avail myself of the occasion, to place before you my views, on several subjects, which in my representative capacity, I have been called on to consider.

The excitement on the subject of the tariff, will soon pass away and be forgotten in reciprocal friendship and trade—acting on the body politic, I verily believe like a thunder storm on a threatening and sultry atmosphere. As the best evidence of such a result, it need only be remarked, that congress at the last session, repealed or lessened the duties on salt, molasses, coffee, tea and cocoa, essential and necessary articles of consumption, and shew evident inclination to operate on other articles as the demands on the treasury may admit—doubtless from a conviction that a tax, on any such articles, is a burden on the industry of the country, without a commensurate benefit.

Let this principle be once correctly understood by the people, and the evil will be corrected in the selection of members to congress, as it most appropriately should be, of the proper disposition and views.

The right of taxation, is the highest attribute of sovereign power, on which the operation of all other powers depend.—The mode of taxation distinguishes the despotic and unjust, from the free and just government. By the one, the labourer is taxed from the crown of his head to the sole of his foot. He works for a bare subsistence, at the will and pleasure & for the benefit of a few.—By the other, he is only taxed (and that by his own consent) to defray the proper and necessary expenditures of government. The avails of the balance of his labour, remains in his own pocket, to do with it as he pleases! The south very justly complain of the tariff of 1828; but urge the payment of the public debt—and it is only by the operations of the one, that the other can be effected! The north is anxious to protect their manufactures by the tariff, while they can obtain large appropriations for canals, roads, improvement of rivers, building of Light Houses, erecting fortifications &c, returning to them the money drawn away by the tariff. The south refuses such appropriations, under the belief, that it is unconstitutional—consequently the north, is unwilling to reduce the tariff, that they may reap the advantage it possesses in the aggregate over the south, although a large portion of their citizens are thrown out of employ and subjected to extensive injury. The south must either abandon the payment of the public debt; or cease the opposition to the tariff; or fully participate in appropriations for internal improvement, in order to be placed on a footing with the north. I am impressed with the conviction, that we should abandon the payment of the public debt for fifty years to come; and embark in improvements, of which our section of country, is dreadfully in need. Can it be just to oppress the present generation with taxes to pay off the public debt for the benefit of posterity? Would it not be reasonable and fair to let some of the evil with the good, descend to the rising generation? You will be astonished, fellow citizens, when you call to mind, the amount that has been collected on goods imported into the United States since the war. Something like \$200 millions, have been taken from your industry and paid into the treasury, to which add the Bank curtailments of probably 50 millions, making the enormous sum of 250 millions, that has been drawn from the many to the few—from those who do want to those who do not. When you consider these facts, you will not be surprised at the severe pecuniary pressure, to which the people of the United States, have been subjected for several years. It is said, let us do what no nation ever did—pay off the public debt; and this is the best reason, I have heard

assigned for the measure. Without stopping to investigate this allegation—is not the departure from the course pursued by all nations, enough in itself to excite doubt and distrust of our policy, in the absence of all other reasons. I have no hesitation in saying, we have done enough for posterity; and that the payment of the balance of the debt, small compared to what has been paid, might be left for better times and another generation. Let the tariff be reduced and what amount can be spared, over the expenditures of government devoted to the improvement of the country, in equal and just proportions, north, south, east & west.

Evils and difficulties will arise in all governments; but in the same proportion, the people feel and take an interest in all the operations of government, will they be corrected. I am not only pleased to see our country, every day resorting more and more to first principles, taking into their hands, elections of officers and the correction of abuses, etc; but to learn that all Europe, is giving evidence of a spirit of freedom and manliness, justly to entitle them to the good wishes of every patriot.

The measure proposed for the removal of the Indians, west of the Mississippi, I could not approve; and therefore voted against. On closely investigating the measure, stripping it of all extraneous matter it appeared to me, simply, the purchase of land by the general government, for the benefit of a few states, at an extravagant price! The bill provides, briefly, for the exchange of lands; payment for Indian improvements; payment of the expense of removing; maintaining 12 months after removal; and protection for ever!!! Government now possesses millions of acres in those States, and the territory of Florida; probably more than can possibly be sold in 100 years to come. The Indians are bound by many treaties to sell their lands, to no person and no government, except that of United States; and government is abundantly able, to compel the execution of treaties with the Indians. It is only necessary for government to say, when she wants the land, and it must be had. Fifty to sixty thousand Indians, scattered over four or five states—what resistance could the warriors of such a population, offer to the forces of the United States! The measure is ill-timed and unnecessary, for many reasons. We do not want the land. We do not wish to divert the money from more useful purposes, such as the payment of the public debt, nor to afford additional grounds for the present pretences to keep up the tariff. But humanity, safety, and prosperity to the Indians, have been urged as the results of the measure. Let us examine that plea.

North Carolina has from 1 to 2,000 Cherokee Indians within her limits. They are poor, quiet and orderly, retaining but little of their savage character. They possess some land, which might or might not, be valuable to the State. Now if the removal of the Indians west of the Mississippi, was pregnant with so much safety, happiness and prosperity to the Indians, why not have provided for the removal of our Indians? No. It was said and correctly, that the general government was not bound to extinguish the Indian title to lands in North Carolina, nor would the land belong to the United States if the title was extinguished—and therefore our Indians could not be removed. I answer—and fear no contradiction—that the lands form a very small part of the measure, probably not more than 5 cents in the \$100, which could not be a consideration opposed to the safety, happiness and prosperity of the Indians—to which our Indians are as much entitled as the Indians of Alabama, Mississippi or Florida.—It was said, pass the bill and although the North Carolina Indians are not provided for, they must nevertheless go—they will follow the Cherokees of Georgia and leave their lands for the benefit of North Carolina! Who would believe such a preposterous idea? Nevertheless you have been told, in more than one circular, that the passing of this bill, would produce such a result? I feel no manly sensibility as regards the Indians; but I really believe the proposed measure, will hasten the inevitable fate, to which sooner or later, they must arrive—namely, the extinction of their race. By leaving the Indians undisturbed, if that were possible and allowing the white people to settle around and among them, intermarry etc. in a few years, the Indian character, if the breed remained, would become extinct. It is agreed, they have attained some degree of civilization and improvement in agriculture, arts and sciences. Now to be broken up from their comfortable houses; transported to the woods; from cultivated to uncultivated lands; from agricultural to the hunting life, must necessarily destroy many, and cause to others severe suffering. Several nations or tribes are to be thrown together. The usual result of such congregations, is quarrels, fights and murder. We are bound to protect, and may shoot the offender, and hasten their extinguishment. A few years only would elapse, ere the white population, would again be thrown around and amongst them, as it now is, and the same scenes will again occur. Must they be moved again and again, for safety, happiness and prosperity? It is proper to remark, that towards Georgia, every disposition was felt, and even, I believe, by members, who acted on party grounds in the opposition, to settle the claim on the general government, for the extinguish-

ment of the Indian title to land, in the most satisfactory manner; but all overtures of the kind, unaccompanied with the removal of Indians from other States, were rejected by the Georgia delegation!!! Why should Georgia connect her course with other States; that had no reasonable or just claim on the government? Was it because she considered her claim doubtful; and only to be allowed in the language of the compact, when it could be "done conveniently and reasonably," and that that time had not arrived; or that she had agreed to unite with the States, ostensibly to drive the general government into the measure. Yes fellow-citizens, much electioneering and maneuvering was used for the success of the measure; and nothing less would have answered for the purpose. I have been perhaps unnecessarily, polite on this subject; and have fatigued you. If so, I trust, my apology will be found in the circumstance of having voted differently from most of my colleagues; and in opposition to what was said, to be the views of the administration. I could not follow-citizens, forego my own opinion, for that of any man. I acknowledge no master but the laws and duty—no party but the interest of my country.

I deem it unnecessary to go into a detail of the ordinary business of Congress, which, doubtless you have seen in the newspapers. Of the Administration I have but little to say. My fondest anticipations of General Jackson, were fully realised; and although our views in some things differed, nevertheless he possesses my entire confidence. Indeed that very difference of opinion attracted my attention and confirmed my confidence. I do trust and hope fellow-citizens that honest difference of opinion, may ever exist.—It is the best security and protection of republican governments. Whenever we shall become so servile as to bow the knee to powers right or wrong, we deserve to exist no longer as a free people. The wise and salutary check, the legislature has on the executive and vice versa, is the grand arch in the fabric of government. Shall the legislature blindly and implicitly sanction the acts; and adopt the recommendation of the executive? and shall the president approve all the acts of the legislature? No. Or the necessity of the three, would be superseded. Let all do, what they think is proper and correct in itself. You will need no better evidence, of the industry, integrity and ability of the Administration, than the salutary reform in operation—saving of thousands to the country—restoration of the British West India trade etc. etc.

I now hasten to the close of this communication. Should any other, be necessary for your information, in the progress of events, I shall be happy to address you. In conclusion my fellow citizens, let me assure you, that your interests, with which my own are inseparably connected; and which have been placed in a more interesting point of view, by the very flattering evidence of your regard given in my election, will ever remain dear to me, in whatever station I may occupy. If in that, which I am about to quit, or in any other capacity, I have fallen into any errors, I trust that your consideration of this circumstance, will induce you to throw the mantle of oblivion over them! In that hope, I have the honor to remain,

Your faithful servant,

E. B. DUDLEY.

**Federal Court.** The United States Circuit Court, for the District of North-Carolina, convened in this City on Friday last, and sat until Monday, Chief Justice MARSHALL and Judge Potter, both present. But little business transacted, owing to the absence of Messrs Gaston and Badger, the latter of whom is still suffering from the effects of the distressing accident which recently befell him. The whole of Saturday was occupied in the trial of Joseph L. Williams, indicted for the murder of a slave named Ferdinand, alleged to have been perpetrated on Oak Island, at the Mouth of Cape Fear River; the jurisdiction of which Island has been ceded by North-Carolina to the United States, for the purpose of erecting fortifications &c. The Jury remained out a few minutes only, before they returned with a verdict, "Guilty of Manslaughter!" The Court sentenced Williams to one year's imprisonment in the jail of this county, & to pay a fine of one dollar. On Monday, Jonathan Lewis of Connecticut, charged with having in his possession materials for counterfeiting U. S. bills, intending to use the same for that purpose, was tried and convicted. In consequence of his notoriously bad character, the Judgment of the Court was, that he be imprisoned in the jail of this county for five years and pay a fine of one dollar!

**Treaty with Turkey.**—Charles Rhind, Commissioner to Turkey, arrived in the brig Phoebe Ann, from Smyrna, bringing with him the Commercial Treaty, negotiated by him at Constantinople with the Sublime Porte, which it is understood is highly favourable to this country. This is the first treaty ever negotiated between the two governments. Mr. R. speaks in the highest terms of the treatment he received from that government, and the friendly disposition manifested towards this country. Mr. R. has brought out with him four elegant Arabian Horses, which he obtained at Constantinople.

Mer. Advertiser.