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Governor's Message.

EXECUTIVE OFFICE.

Raleigh, Nov. 22, 1820.

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN.—Having on former, and somewhat recent occasions, entered extensively into the most prominent subjects of State policy, but little remains for me at this time to superadd, save that of a reiteration of the same doctrines, together with a few reflections on the times and the occurrences growing out of them. In discharging this duty I shall, as I have been wont to do, deal frankly with you; for I can see no reason why, in this our parting interview, a different course should be pursued. Indeed, the impulses of a heart glowing with a grateful recollection of the renewed instances of confidence reposed in me by my Fellow-Citizens would forbid a different course.

I cannot, however, expect that all should unite with me in sentiment in the reflections, I am about to introduce, presenting so many different aspects and viewed through so many different mediums. Nevertheless it is indisputable that when, in the progress of time, and the unerring development of events, measures originally designed to promote the general interest, are found to be subversive of those interests, and fraught with consequences not anticipated; that it becomes an imperative duty with those entrusted with the sovereign power to pause and ponder well before they make further advances, and calmly and dispassionately to take a retrospect of the past, in order that they may be the better able to discern between adverse fortune, flowing from human frailty and human indiscretion, and those national reverses and calamities which no human foresight or prudence could avert. But on such a retrospect, I am fully persuaded the patriotic bosom will find abundant cause to dilate with gratitude, and will be pleasurably impelled to offer up to the Throne of Omniscience the warmest acknowledgements.

Allow me then, primarily to solicit your attention to the causes and character of our pecuniary embarrassments which have for the last twelve or eighteen months elicited more feeling, and I might say—more intemperate discussion, than every other subject combined; for it is but too manifest, that we have at this time a conflict of sentiment generated by that inveterate hostility which has ever been found to exist between Creditor and Debtor, the one striving, not only to maintain and extend the influence to which they consider themselves fairly entitled, but through the agency of Banks, &c. making vigorous efforts to bind their victims hand and foot, that they may be the more ready and obedient sacrifice. The other equally inordinate and regardless of the obligations of justice, seizing with avidity and impassioned zeal the most trivial pretexts to avert from their shoulders the imputation of the distresses of the country, indeed as much by their own improvidences and extravagances as from any other cause.

To you has been intrusted for a season the scales of justice, and let me intreat you to hold them with a firm and steady hand, yielding neither to the wanton encroachments of the one, or the licentious clamors of the other.

That much, yes very much of those embarrassments may be fairly attributed to the unreasonable multi-

plication of Banks, and the excessive issue of their paper far beyond their capacity to redeem, will not be denied. It therefore becomes your imperative duty, so to regulate those mounted institutions as to give stability to their issues, and prevent, as far as practicable, the ruinous consequences resulting to the community from the versatility of its character and the fluctuation in its value. This obligation is surely as strong as though the power to make money and to regulate the value thereof, had been expressly delegated; for unless something is done, what will prevent the recurrence of similar embarrassments, ven after we are temporarily relieved from the present pressure.

I anticipate that it will be said that it is hazardous to press this at this time, or to attempt, by the adoption of energetic measures, the correction of the abuses of those institutions; or, in other words, that we had better wait until the patient is restored to health before we call in the Physician. To obviate this objection, which is certainly more specious than solid, I should be disposed to give the Banks their own time to resume specie payments, provided that time was a reasonable one; but to tell them, in plain terms, that if after this you will not profit by the knowledge you have gained from experience, you shall be disfranchised and razed to your very foundations, to which should be annexed the heaviest legal sanctions known to our law.

Their Charters, it may be thought, already provide for the payment of their notes in specie; but it is manifest that from some cause or other the legal obligation, if any, is treated with derision, and the omnipotence of Banks has become almost proverbial: If in this particular I am wrong, I should be gratified to be convinced of my error by practical demonstration; if right, the sooner it is known the better, in order that the people may no longer be deluded by the vagaries of a wild fancy, but may in due season render to Cæsar the things that are Cæsar's. I am not disposed to assert, neither do I believe, that the Banks have been the sole cause of our difficulties; for the people themselves, by an indulgence in prodigal and extravagant habits, are justly chargeable for a full portion, and grievously are they sustaining the demands of retributive justice; for they may be said, under the distressing pressure, to have shed, and to be still shedding drops of blood.—But is it equitable I would ask, that they should not only suffer for their own misconduct but for the misconduct of others? I apprehend not. The farmer must not only give up the profits of his farm, but the farm itself, to meet the demands of his creditors. The same may be said of the merchant, and indeed of every branch of industry, save that of the Stockholder, and the Stockholder alone; but, by some species of legerdemain incomprehensible to a plain man, some of Banks when hard pressed, instead of making the ordinary sacrifices to meet the demands of justice, indignantly close their vaults, and tell the holders of their notes with intellible contentment, that it is true they have some half a million or million of specie on hand, and in addition thereto have such funds as might probably answer as well as the specie, and that although these funds have cost them little or nothing, the premium having been advanced by their needy customers for the purpose of obtaining additional accommodation at Bank, that they nevertheless have it in their power to make a profit thereon and enhance their dividends, and that upon a full view of all the circumstances, it will be to the interest of the Bank to decline payment altogether. Suppose an individual was to be guilty of the same conduct, would he not be univocally signified, and would he not deservedly incur the epithet of swindler. By what species of sophistry, then, or in what system of ethics can it be found, that an individual shall be thus degraded and stripped even to the last cow that gives sustenance to his family to meet the demands of his creditors, that does not equally

apply to an association of individuals under the character of Bank Stockholders, Bank Directors, or what not?

The principle, I apprehend, is alike applicable to all; by the practice in this our day is very different, for as I have observed above, do you find the Stockholder giving up his dividend to sustain the character of his Bank, or making the ordinary sacrifices to procure the specie or what may be deemed an equivalent for specie to redress his paper? No: on the contrary, you find him securely and unhindered behind his impregnable ramparts, drawing his eight, ten or twelve per cent interest, and drying the stock which his own capidity has contributed to excite.

But I may be imperiously asked, what shall be done to relieve the people from their present unparalleled burthens? I must candidly acknowledge that I have no quick nostrums to offer you. Neither have I been able to devise any system myself to afford a radical renovation, save that of putting our shoulders to the wheel and pressing the great es frugally and industriously. For we have, on a former occasion, tried a suspension law, and what good did it do? In addition to an accumulation of debt and a relaxation of morals, it left the corroding idea that we had in making an intellectual effort to do what we had no right to do, inflicted a wound on our constitution, that sacred inheritance which is so correctly and emphatically called the palladium of our rights.

The emission of more money, under some form or other, may perhaps be a favorite expedient with some, but I pray you to pause and reflect well before you resort to such desperate remedies. For, how can the intelligent mind doubt for a moment as to the proper construction to be put on our Constitution in regard to this subject? It appears to me to have been evidently the intention of the Convention to place the currency of the country under the exclusive control of the Congress of the United States, and to preclude the individual States from legislating on the subject. And what language can I use to enforce my idea better adapted to the occasion than the language of the constitution itself? In the first article section 8, the power to coin money, regulate the value thereof and to foreign coin is expressly given to Congress, and in the 10th section States are as expressly forbidden to coin money, emit bills of credit, or make any thing but gold and silver coin a tender in payment of debts.

Some years past the Legislature without due reflection, I am persuaded, and merely to supply our citizens with change directed the issuing of a small quantity of Treasury Notes or cut bills. As yet from the limited quantity emitted no very serious mischiefs have resulted; but if it should unfortunately be drawn into a precedent, and the Legislature should, at any future period, direct the issuing of a large quantity to supply the defect of our circulating medium, we may then bid adieu to the restoration of a wholesome currency, and take a long long farewell of the salutary provisions of the Constitution, unless peradventure a redeeming spirit should be found in the judiciary of our country.

The other expedients that have been spoken of are in my opinion, equally vain and nugatory, and if reduced to practice, will be found to be worse than the disease.

The conclusion then of the whole matter is this, that it is your duty to legislate efficiently on the subject to have referred to, and to place those mounted institutions on such a basis as will promise stability and the greatest uniformity in their issues, and thereby prevent those rapid appreciations and depreciations which may be correctly called the Pandora's Box, from whence have flowed so many deleterious consequences. For, by the establishment of Banks, money is not only made; but, by their failure to pay specie, the value thereof is indirectly regulated, and thus the salutary provisions of our constitution are virtually defeated.

It is far from being my wish to injure the character of our Banks, or

cause their paper to depreciate still more! My solicitude is to direct your attention to the most eligible ways and means to re-establish their credit and place their paper on a par with specie: the only standard of value that can be relied on: for I take pleasure in saying that there are, in my opinion, but few institutions of the kind in the Union more solvent, and none were I were cases of individual moral turpitude can be found.

The Judiciary Department of our State, so much indebted to the wise and liberal policy of your immediate predecessors for an important arrangement in the Supreme branch of the Court, is still, in many respects, defective. As an evidence, advert to the appointments and resignations which have taken place for the last six or eight years.—And do they not present to those disposed to smile, and sneer sarcastically, some what of a ludicrous scene? And, indeed, if I may be permitted to speak plainly, does it not manifestly degrade the honor of the State, impair the usefulness of that department of our government; and at the same time wound the honorable sensibilities of the collecting part of the community? If economy is the object, I pray you to examine the expenses that have been incurred by the State, in convening the Council for the purpose of filling vacancies occasioned by the resignation of our Judges, and you will be convinced that the trifling addition to the salary requisite to retain them on the Bench, would be the best economy you could practise. This, however, is not in my opinion, our true policy. A diminution of their labors, which would be virtually an increase of salary, is indubitably the remedy called for by experience.

There are two ways by which this may be done.—The one by the restoration of the district principle, now included and refined; the other, by the creation of two or three additional circuits. The first I shall never think of, but with the most anxious solicitude to see re-established; for I have ever viewed this feature in our judicial system, the offspring of revolutionary times, with the most profound veneration and respect for the wisdom of our ancestors, from whose pure & patriotic heads and hearts it flowed: mingled at the same time with the most poignant regrets for the rash act that expunged it from our Statute Book. If however, this change, so desirable and inestimable in itself, should be deemed impracticable, I would respectfully submit, as a dernier resort, the propriety of making two additional circuits.

Again.—The organization of our County Courts, or quarterly sessions, seems to me, may be much improved; and with due deference, I will take the liberty of submitting for your consideration an idea or two, suggested not only by my own reflections on the subject, but supported by the concurring opinions of some of our most experienced and intelligent citizens:—Innovations, I admit, should be strictly scrutinized before they receive the countenance and approbation of the Legislature; but when found to be salutary, it is certainly wise policy to adopt them.

The confusion apparent in our county courts, in consequence of what is technically called county business, clashing with the regular Jury trials, is not too often the cause of delay in the administration of justice, but, at the same time, burthensome and expensive to the parties litigant, and harassing and oppressive to every officer of the court.

A separation of those duties and powers, by the creation of what may, with propriety and correctness, be called a county court, for the special purpose of transacting all county business, other than that where the intervention of a Jury may be necessary, would, it seems to me, be productive of infinite benefit, by expediting business, and thereby economizing time and expediture. A further detail of the contemplated improvement must be the result of your research.

The insolvent laws of our State, it appears to me, are susceptible of amendment. Their defects I endeavored to point out in my last communication, and will therefore, for the present, barely observe, that any system of laws which operates with equal severity on the innocent and guilty, must be defective:—My only solicitude, is to shield from the iron-handed creditor the innocent, but unfortunate man. His person, I conscientiously believe, should be held inviolate. Let the fraudulent debtor be punished as a criminal, by the infliction of corporal punishment if you please, or in any other way that

may be deemed best to arrest the progress of fraud, and give efficacy to the just demands of the creditor; but I must maintain, that it is your duty to place the honest debtor out of the reach of an ignominious incarceration. This relic of barbarism, so repugnant to the genius and spirit of our government, will I trust, sooner or later be banished from so mild and happy a system of jurisprudence as our own.

The interesting subject of Internal Improvement has been duly considered by the Board created at the last Assembly, for the more immediate superintendance and control of the pecuniary and physical resources of the State, set apart for that purpose. Their report will be submitted in due season. I cannot, however, drop the subject, without the expression of a firm belief that most of the important objects we have in view will ultimately be attained; and that, upon the whole, our prospects are flattering, although, at present, "clouds and darkness" hover over some of our operations in particular sections of the State.

That some money and perhaps not a little, has been imprudently expended, is readily admitted; but it does not hence follow that the objects are unworthy of pursuit, or that the prosperity of the system is not identified with the best interests of the State. Your duty is obvious. Examine with a scrutinizing eye into the various operations of the system, search out the cause of extravagance, and apply the corrective.

The science of medicine, so vitally interesting to our ears, and so well deserving legislative attention, has as yet, with a few exceptions, passed unnoticed and unprotected. And it must be admitted however unpleasant the admission, that there are but few states in the Union where medicine is in a less reputable condition than in North Carolina. The question naturally occurs, why is this the case? The answer is obvious. Because in almost every other part of the country, a medical education regularly acquired, and formally completed at some public medical university, or satisfactory testimonials of professional ability from some respectable and legally constituted Board of Physicians, is essential to the attainment of public respect and public confidence.

Hitherto the time of our annual sessions has been almost exclusively devoted to the preservation and security of property, while the lives, health, and happiness of a numerous and intelligent population, have been left at the mercy of every pretender; and thousands and tens of thousands of our fellow citizens, I might say, have fallen victims to the impetuous efforts of a host of intruders.

The youth of our state who have been reared and educated for the profession, with that native modesty which I trust will ever characterize them, advance with becoming diffidence in their vocations, while the more adventurous quack, presuming on the ignorance and credulity of the people, runs off with the spoil. This certainly in no one instance can last long; but from the facility with which these persons change quarters, and from the eagerness with which afflicted humanity seizes the offered relief, the first fruits are but too often gathered by the rash though ignorant practitioner. Under these circumstances—what inducements have our young men to trudge up the rugged hill of science, and spend their time and and patrimony in laying the foundation for future usefulness? True, the intellectual triumph is exquisite; but of itself it is insufficient to sustain the diffident and pressing youth who finds himself beset by so many difficulties, and finds too, that his very sustenance is taken from him by the characters above alluded to.

Again, it must be mortifying to see our young men constrained to abandon their native state, in pursuit of medical science abroad, where too often, in reaping the fruits of sciences foreign principles and foreign habits are formed, not only opposed to the genius and spirit of our government, but measurably disqualifying them in other respects for useful life—thus exhausting, as it were, the last earnings of parental industry and frugality, to obtain what might with a little effort, be as well obtained at home. Let me however observe, (See fourth page.)