

STATE LEGISLATURE.

MONDAY, NOV. 16.

This being the day appointed by law, for the meeting of the General Assembly, and a quorum of members appearing in each House, both branches proceeded to the qualification of their Members and the organization of their respective bodies.

IN SENATE.

Monday, Nov. 16.

Bedford Brown, the Senator from Caswell, having been nominated for Speaker, by Mr. Burns, and Mr. Williams of Martin, having nominated Louis D. Wilson, the Senator from Edgecomb, a balloting took place, which resulted in the choice of the first named gentleman.

On motion of Mr. Matthews, Samuel F. Patterson was appointed Principal Clerk. For the office of Clerk Assistant, the following gentlemen were in nomination, viz. William J. Cowan, J. C. Stedman, H. M. Miller, Thos. G. Stone, William Seawell and Henry Porter. On the second balloting the first named gentleman was elected. On motion of Mr. Love, Thomas B. Wheeler was appointed Principal Door-keeper and Robert Ray his Assistant.

Tuesday, Nov. 17.

On motion of Mr. Spaight, the Rules of Order of the last Session were adopted for the government of the Senate.

Mr. Hinton of Beaufort, announced the death of John Silverthorn, the Senator from Hyde, and on his motion, the Speaker issued a writ of election to supply the vacancy—the election to be held on the 2nd December next.

The Senate proceeded to the appointment of its standing Committees, but did not complete them before a motion of adjournment prevailed.

HOUSE OF COMMONS.

Monday, Nov. 16.

On motion of Mr. Garey, William J. Alexander of Mecklenburg was put in nomination for Speaker. Mr. Bynum added the name of Charles Fisher of Rowan and Mr. Borden that of Joseph Hill of New-Hanover. Four ballotings were had, the result of which is noticed under the Raleigh head.

On motion of Mr. Garey, Pleasant Henderson was re-appointed Principal Clerk and Charles Manly, Clerk Assistant; John Lumsden Principal Door-keeper and Richard Roberts his assistant.

Tuesday, Nov. 17.

Messrs. Garey, Swain and Bynum were appointed a committee to prepare rules of order for the government of the House.

A message was received from the Senate, informing this House, of their organization and readiness to proceed to business.

On motion of Mr. Wheeler, a message was sent to the Senate proposing to appoint a joint committee to wait on Governor Owen, to inform him of their readiness to receive any communication which he might desire to make. This Committee consisted on the part of the House of Messrs. Pearson and Mhoon and of Messrs. Franklin and Miller of the Senate. Having performed the duty assigned them, they reported, that the Governor would make a communication at 12 o'clock this day.

On motion of Mr. Wyche, the House proceeded to ballot for three Engraving Clerks. The following persons were nominated: Thomas Dewes, Thomas G. Stone, Thomas G. Whitaker, J. W. Coyington, J. A. Vaughan, H. F. Shipman, Joseph Simpson, N. J. Palmer, W. L. Williams and J. C. Stedman. On the first balloting, the two first named gentlemen were elected. One remains to be chosen.

The hour of 12 o'clock having arrived, the following communication was received from his Excellency Gov. Owen, by his private Secretary, Mr. Muse:—

MESSAGE.

To the Honorable
The General Assembly of North-Carolina.

GENTLEMEN,
Assembled under the provisions of the constitution "to consult for the common good and general welfare," you bring with you a more general knowledge of the wants of our fellow-citizens in the various sections of the State, and are better acquainted with their wishes and interests, than any individual however exalted the station he occupies, as the reward of your favour. To this fact, probably, not less than to the power you possess of making laws, affecting the life, liberty and property, of our fellow-citizens, is to be ascribed the intense interest, which is felt and expressed throughout the State, at each returning anniversary of the General Assembly. And perhaps no period of our political existence has found our Legislators assembling, with the prospect of being occupied in the discussion of subjects, affording more general interest, calling for deliberation and talents, and promising more extended benefits; on the reverse. And what a abundant cause of gratitude and grateful acknowledgement have we, to the giver of every good and perfect gift, that the representatives of the people are permitted to assemble & deliberate upon their concerns; in the undisturbed possession of civil and religious liberty, the boon of heaven, and at a moment of profound peace, no less the gift of Him, who governs the Universe.

The attention of the Legislature has been so frequently invited by our predecessors, and so often directed by their wisdom, to the great cause of

for its immeasurable importance to the happiness and prosperity of the State, it might be deemed an act of supererogation, again to call your attention to it—but the people of the State in their primary meetings, and their representatives in the General Assembly, have so often manifested a disposition to improve their commercial facilities, both for foreign and domestic intercourse, that to pass it over in silence might be deemed reprehensible in the Executive, and not less so in the Legislative department of the Government. And having commenced this great work, which, with a general diffusion of morals and education among all classes of our citizens, is the most elevated policy which wisdom has suggested for the development of our moral and intellectual energies, it is our duty to pursue it, until we have attained that rank and station in the graduated scale of the Union, to which we shall be entitled by a judicious improvement of the means, with which the God of nature has so abundantly blessed us. And if the system of Internal Improvement we have adopted for this purpose be defective, which our many abortive enterprises prove but too clearly, (and it would be strange to expect it otherwise in the morning of its existence,) let us, rising above the influence of despair, and with a unanimity and zeal worthy of so glorious a cause, apply the remedy. But if, after a candid examination of the whole subject, with no other object in view than our "country, and our country's good," our means are believed incompetent to any great work of Internal Improvement, (however gloomy the picture it may present;) let us, with equal unanimity abandon it, until our hands be strengthened. Yet where shall we look for strength, but to a liberal system of Internal Improvement, as the foundation of public Education, and the basis of all national prosperity.

The friends of Internal Improvement, look to the present Legislature with much solicitude, and your present vocation is at once an evidence that you are familiar with the sentiments of the people on this subject, and that they repose great confidence in you—this confidence is a sure guarantee, that any measure you may adopt in regard to it, will meet their approbation. Every patriotic and enlightened citizen of the State, is earnest in the enquiry, why so much money has been expended in the employment of Civil Engineers, assistant Surveyors &c, and so little in connection with this subject has been done? Our Engineers, office abounds with plots, and with surveys of swamps, roads and rivers—but little practical improvement has been effected—and no great or valuable improvement can be accomplished, without an effective force, and this too, continually at the disposal of the State. The absence of such a force, would seem to account for the unsuccessful attempts already made, and promises no better result from any future enterprise until the cause be removed.—To acquire this force, but two methods can be suggested—by hire or by purchase. No reason can be conceived, why that course, which an individual pursues with the best results, in the management of his private concerns, should not also be the best for the State in the prosecution of a similar enterprise. Individuals who hire slaves, soon become embarrassed—if they cannot succeed in the management of this kind of labour, it is but reasonable to suppose the State cannot—her interest to be secured, must flow in the same channels which have been marked out and pursued by her most successful and enterprising citizens—they acquire by purchase all the valuable slaves they can, and with their labour clear, cultivate, and improve their lands, and with a sure and steady pace, move onward to wealth, and all its enjoyments.

If in the more healthy parts of the State, labour of a different kind may be advantageously employed, in the construction of roads, or the improvement of rivers; it is very evident that in those sections where our most valuable unappropriated lands lie, slaves constitute the only effective force—with them our swamps must be drained, and our rivers opened, or the former remain the abodes of noxious animals, and the latter, a mere apology for navigable streams. Such is the demand for slave labour, they cannot be had for hiring, without great sacrifice, and those hired for short periods cannot be properly disciplined. To employ white labourers to drain our swamps, cannot succeed—they have not the physical ability—there cannot be found a single instance in the low country of the Southern States, where even a farm on an extensive scale, has been cleared and cultivated by this species of labour, and the most liberal wages cannot effect it. It is evident then from a moment's reflection, that the state is reduced to the necessity, of either giving up all pretensions to improvement upon a large scale, or to make an appropriation to purchase labourers commensurate with the work to be performed, and to cease to think of employing any longer, a species of force, which both public and private experience, demonstrate to be unfit. And if an individual, stripped of every advantage but his strength and dexterity, can purchase of these lands and become wealthy, why may not the State, with all her advantages, make it profitable to bring into active operation her millions of them? and instead of crippling enterprise, & driving from her bosom, the most valuable and enterprising of her sons by a neglect of her means—give vent by Railroads and improved navigation through her own sea ports to the produce of her own soil, increased four fold by a judicious system, of Internal Improvements, which, persevered in with intelligence and economy, shall ere long ex-

hibit us to our sister States, full of wealth and happiness.

The States of South-Carolina, and Virginia, already awakened to their true interest on this important subject, have assumed an imposing attitude, and unless something effectual be done, to give direction to the products of our soil through our own sea ports, North-Carolina in her intercourse, with these her sister States, must still contribute to their advancement a large portion of the profits, of her industry.

The Board of Internal Improvement, in their report to the Legislature in 1827, recommended that steps should be taken, to ascertain the certain amount of produce, annually exported from the State—Permit me again to call your attention to it, as a subject of vast importance, to correct Legislation. Destitute of the aids which it is calculated to afford, we are completely at sea, without landmark or compass, on the all important point of determining the ability of any given portion of the State, to supply its quota of expense, for works of permanent utility.

The good effects on the people of our State, in relation to their opinions on the subject of Internal Improvements, which the adoption of this measure would produce, cannot, I think, be doubted. Its tendency is, to instruct them, as to the immense amount they annually lose, by a sickening system of transportation to foreign markets, while it demonstrates their resources for constructing and supporting better ones at home. Instead of surmise and wild conjecture on this point, they will have calculations based on facts, official and indisputable.

The information contemplated by the measure is such, as should be in the possession of every Statesman and Legislator for it comprehends the wealth of the State, and in no small degree its moral power, with which, when they may be wanted, numbers may be commanded.

The enlightened liberality of the framers of our constitution, and the Legislature of an early day, have done much for the cause of learning by establishing an institution in the centre of our State, in which the higher branches of science are taught as successfully, as in any similar institution in our country; and is the only monument of learning within the State of North-Carolina, to which the eye of the stranger or the citizen patriot, may be directed with any emotions of pride and patriotism. It will at once be understood that my allusion is to our University. Much remains however to be done towards perfecting and giving permanency to this institution, and its situation at this time calls more loudly for Legislative interposition and patronage, than at any former period of its existence. Its funds which promise at some future day to be equal to its necessities, are yet locked up beyond the reach of those to whose guardianship it has been committed by the Legislature, and this institution, proudly claimed by some of our most distinguished citizens as their Alma Mater, is permitted to languish for the means which it is deemed within the power of the Legislature to furnish, without injury or even hazard to the State. A considerable sum of money which has been appropriated to the establishment of a literary fund, has not yet been invested in any of the Banks of the State, and the commissioners charged with its management, have determined to purchase no more Bank stock.—It is respectfully submitted to the Legislature how far it may be advisable, and whether it is not within the legitimate object of the Legislature which created this fund, to authorise the commissioners to loan to the trustees of the University from time to time, any part or the whole of the monies thus appropriated, which have not been applied to the purchase of stock; taking their bond with such interest as may be agreed upon, or fixed by the Legislature for the repayment of the same.

The importance of preserving in a flourishing condition such a seminary within our own borders is obvious. It prevents a large amount of money from being disbursed abroad and among strangers. Our young men are saved from forming prepossessions in favour of foreign seminaries and foreign manners—they are enabled to study with more effect the political institutions of the State—imbibe a greater reverence for whatever is good and virtuous among ourselves; and avoid a prejudice against that state of Society which we now have in the Southern States, and which must be, much as we may deplore it, coexistent with the Union.

The influence of early education upon the well being of society, and upon the present and future happiness of the human race, is admitted by every enlightened nation of the earth; and the responsible duty of disseminating it, devolves with peculiar force upon the Statesman and Legislator. So completely is the formation of character under its control, that every effort should be made by encouraging the good and checking the evil tendencies of our nature, to direct the virtuous energies of the mind, both by moral and intellectual education, into paths of usefulness. And that the standard both of learning and virtue may be more elevated, a system of public education should be adopted, by which the thousands of the rising generation in our own State, whose doom to a life of ignorance, if not of folly and vice, without the fostering care of the Legislature, shall be enabled to acquire knowledge of the most useful kind, their tender minds trained to a love of order and virtue, and where industry and reverence for the laws shall be duly inculcated.

In the present enlightened age of the world, when the favorite scheme of the philanthropist throughout the habitable

globe, seems to be the bountiful distribution of knowledge, wherever there is human intellect to receive it, and under the improved modes and methods of instruction which have been introduced into the primary schools both of Europe and America, contributing so much to the ease with which elementary learning may be acquired, let us no longer permit the youth of our State, to launch upon the ocean of life, there to shape their course without, at least, the rudiments of science.

In proportion to the ease with which an education may be acquired in other countries, and the facilities afforded by their governments for this purpose, so should we feel its importance among ourselves, and with an enlightened wisdom peculiarly characteristic of the present age, should North-Carolina attest her belief in these principles, by a liberal provision for the education of her children, until the development of intellect, and the establishment of truth shall have placed us equally above the reach of civil tyranny, and ecclesiastical usurpation. The vast importance of this subject, has frequently claimed for it the consideration of the Legislature, and a report upon it, by some of the most distinguished citizens of the State under a resolution of the Legislature of 1824 will be found among the archives of the State. Accompanying this communication will also be found a plan for the establishment of primary schools in North-Carolina, submitted by a gentleman, whose opportunities of observing the practical operation of the public schools of the Northern States, entitle his opinions to influence, and the benevolence of the attempt to adapt them to the peculiar situation of his adopted State, will secure to him the gratitude of its citizens.

I have also been enabled to procure, and herewith transmit you, an account of the common schools in New-Jersey, and the school systems of New-York, Connecticut, Rhode-Island, Vermont, Massachusetts, New-Hampshire and Maine. These several documents are believed to contain the fullness of information upon this most interesting subject, calculated to shed all necessary light on the path of the Legislature, in regulating this important branch of our public economy.

It is respectfully submitted, whether some measure should not be adopted by the present Legislature, preparatory to the profitable investment of the large amount of funds now owned by the State in its banking institutions; and for enabling these to close their concerns before the expiration of their charters in 1835—and, as an increased vigilance is called for, in proportion to the near approach of this period, to secure as far as possible the interest of the State, it is with deference suggested to the consideration of the Legislature, that they be authorised, to lessen the number of Directors in these corporations, and particularly in the State Bank—and that this latter institution be permitted to close its concerns, by discontinuing its branches alternately; at intervals of not less than nine months—commencing with that branch where the greatest facilities are afforded without its aid, for obtaining bank loans, and where, consequently, the relations between debtor and creditor will be least disturbed—and terminating with the mother Bank.

In this way, the Bank will have the benefit of all its capital to retire from circulation the notes of one of its branches at a time, and the citizens of the State, will not feel so sensibly the pressure of a diminution of currency—an evil always incident to the winding up of the affairs of a monied institution. It is not to be presumed, that men of competent skill in the management of this matter, requiring not only talents but a sacrifice of time, will consent to make that sacrifice, without a due compensation either in the form of salary, or Bank accommodation—in this latter mode have all our directors been rewarded for their services—seldom to their benefit, and often to the great loss of the Banks.

The proper regulation of the circulating medium, is acknowledged by the ablest writers on political economy, to be as difficult, as it is important to the welfare of a State. The system of Banking by which it has been attempted, and which like many other systems, both good & bad, has been handed down to us from the British Government, is not without its warm advocates, and those who are no less opposed to it from principle—But we are at no loss for evidence, that the plan upon which it has been conducted among ourselves, is subversive of morals, and has been productive of wide-spread ruin. To effect an improvement in the system, every Legislature in the Union has been employed, and a thousand essays addressed to the sound understanding of the citizens of the country.

The principle of gain, upon which banking is conducted, being the value of currency in circulation above the value of coin retained in their vaults to meet the demands against them, every precaution should be used to prevent the excessive issue of their paper, above the available capital of the Bank—for all experience shews, not only that there is a tendency in paper money to depreciate, but that no corporation invested with the power of an unrestricted issue of paper money, has failed to abuse it.—Should the power then to supply the State with paper money, be vested in individuals, forming themselves into private banking companies, it cannot reasonably be expected, that the public interest should claim as much of their attention by preventing the endless recurrence of ruinous variations in the supply of money, and giving stability to the currency and the pecuniary transactions of the country, as the advancement of their own interest—nor is it to be supposed, that they will be scrupulous in promoting this, because others are to suffer.

The love of gain which exerts such vast influence over the human mind, will operate with a stockholder of a bank, to at least, its legitimate extent. If kept within proper bounds, it exercises a salutary influence upon society, and happily transfuses itself into the government of a country, and deserves its encouragement; but if pressed beyond its legitimate bounds, and is sanctioned by chartered privileges from the State, it becomes an engine of avarice and ambition.

So long then as the Legislature shall choose to delegate to any set of individuals the power, the important trust, of supplying the State with currency, as a substitute for the precious metals, it should have ample security, that the latter be not driven out of the State by them, and that the public shall lose nothing, either by their improvidence or fraud. This principle has been recommended by one of the most distinguished statesmen of the present day, and is recognized by the Legislature of an enlightened State as the proper basis of banking operations.

An increase of circulating medium, as a means of extricating our citizens from debt, is believed to be visionary, and can only have the effect of procrastinating the evil day, which must sooner or later arrive, and with an accumulation of interest, in proportion to its remoteness, and with a greater certainty of ruin; for there is no fact better established, than that the profits of agricultural labor, is not equal to the legal interest of money. If the wisdom of economy which we must of necessity have been taught, is not sufficient to drive us to the practice of this cardinal virtue, and to a handmaid industry, by which alone we can be relieved from our embarrassments, it is much to be feared, that every attempt to effect it by legislation, will be little better than political quackery, and rather adding to the load of debt and difficulty.

The Judiciary which has always been, and with much propriety, the favorite branch of the government, cannot be guarded with too much care. Upon the purity and ability with which the laws of the country are administered, depend all our rights and happiness in connection with liberty and property. The Judicial districts into which the State has been divided, are believed to be too large, and the eastern circuit particularly, to require a new organization, to prevent the waste of life, and the delay of justice, incident to the present arrangement. In connection with this subject, permit me to call your attention to the Pardoning power; which in every government is wisely placed somewhere, and which by the Constitution of our State is very properly given to the Executive, to be exercised by him, when a fit case for clemency occurs. But the ease with which an artful man can make a homicide in the first degree, appear a homicide in the second, or third; or a felony appear a breach of trust—and the better feelings of our nature all turning to the side of mercy, by which petitions, filled to great length by respectable names, are easily obtained, thereby embarrassing the Executive in the discharge of his official duties: it is respectfully submitted, how far it would add to the public demonstration of the majesty of the laws, and be productive of a deep and salutary effect on the public mind, to require the Judge presiding on the trial of any criminal, to make out at the instance of the convict, an abstract of the evidence in the case, to be submitted by him with his petition for pardon, to the Executive.

In obedience to a resolution of the last General Assembly, directing the Board of Internal Improvements to collect evidence concerning the obstructing the navigation of the Cape-Fear river below the town of Wilmington, during the Revolutionary war for purposes of defence, and the opinion of the Civil Engineer of the State as to the probable effects on the navigation of said river by such obstructions; the depositions of several of the most respectable citizens in that vicinity, and some of them aiding in the very operation, together with the opinion of Mr. Nash, on the subject referred to him, were forwarded to our Senators in Congress, and immediately met the favorable consideration of that body.—An appropriation of \$20,000 was made to remove the obstructions, and the work is now going on exclusively under the direction of the General Government. Of a similar character is the improvement of the navigation of Ocracoke Inlet, for which appropriations to the amount of \$41,000 have been made by Congress. That these works, promising such advantage to the State, and of such vital interest to the towns of Newbern and Wilmington, carried on under the fostering care of the General Government, conducted by Engineers of competent skill, and with adequate funds, will be consummated, we have the guaranty of the Government in the liberal appropriations already made, and in this established practice of never abandoning a work of usefulness in an unfinished state.

But a work of still greater importance, both as it regards the interests of the State, and of the United States, calls loudly for your attention, and through you, for the attention of Congress. If there be a work more peculiarly national in its character, than any other in which the State of North-Carolina can have a direct interest, it is the opening a communication from the Albemarle Sound to the Atlantic Ocean.—Until such an outlet can be formed, a vast proportion of the products of the State will find a market through the ports of Virginia, and we shall still be tributary to that State. If the difficulties of getting to sea from this extensive and commodious bay, watering a tract of country not inferior in point of fertility to any part of the world, and fed by tributary streams from every direction, were removed, one of the first commercial towns in the southern country would grow up on its borders, and afford a market for the products of industry, which could not fail to quicken vigilance throughout our borders. And in answer to the question, How will the execution of this project