

eign and domestic relations, her citizens sacrificing their party differences at the shrine of patriotism, and the earth, as if to fill up the measure of our happiness, has compensated with the richest abundance, the labors bestowed upon it—a circumstance peculiarly well calculated to afford cause of congratulation, and to call forth the warmest expressions of gratitude to the great Author of all these blessings.

The rapid progress we have made as a nation, in improvements tending to ameliorate the condition of man, seems to point to the high destiny reserved for the United States, and it behoves us as a constituent member of the union, not to be backward in exertions calculated to give us a respectable stand with our sister States in this advancement.

The rank which each State has in the union, is in a great measure, estimated by her commercial importance. Situated as North-Carolina is, voiding her exports through the two adjoining States, she has not that consequence in the commercial world, to which her population and productive-ness so eminently entitle her.—To raise her to her proper station claims the united efforts of every North-Carolinian.

A report upon the subject of opening an outlet to the ocean, will probably be laid before you at this session. If it be practicable, the advantages arising from it to the State, would seem not worthy of a competition with any reasonable expense. A spirit of internal improvement has of late gone abroad, which if properly cherished, may be productive of the most beneficial effects; and I am not aware that the surplus funds of the Treasury can be better applied, than in aiding individual enterprise, in undertakings to advance the happiness and convenience of our citizens, and to give the State a rank among her sister States commensurate with her population and extent of territory.

To enlighten the public mind in a free government, has ever been held the surest mode of perpetuating the blessings of that government. In proportion as each individual in a community is informed, just in that proportion is he calculated to appreciate the benefits derived from that community. To devise a plan by which instruction may be extensively diffused, occupied some portion of the attention of the last Legislature, and as the subject may again be submitted for your consideration, it may not be unseasonable for me thus to invite your attention to it in a particular manner.

Upon the two former occasions when I had the honor to address you, I took the liberty of soliciting your attention to the Judiciary, and you may judge of the importance attached to the subject in my mind, from my again bringing it before you. It will be readily admitted, that next to the legislative, this is the next most important branch of the government, and upon its proper organization a great deal depends.—The accumulating duties of the present Circuit Judges would seem to demand, that their attention should exclusively be devoted to the duties of their circuit; and whether the Supreme Court, whose decisions are to determine what is the law of the land, and are to be handed down as precedents for the guidance of future generations, should not be composed of men who could devote their time and attention exclusively to the business of that court, seems to me well worthy of consideration. A curtailment of the circuits also, is with deference recommended.

A complete revision of the criminal code of our State has frequently occupied the attention of the Legislature, and may possibly be brought before you this session. Should it not, there is one part of it which appears to me to require amendment. I allude to the punishment of horse stealing. I am fully sensible of the deficiency with which subjects of this sort should be touched; but feel myself treading upon safe ground, when I take the position, that no punish-

ment should be inflicted in direct opposition to public sentiment. That which most men will unite promptly in pronouncing wrong must certainly be wrong. And though the law as it now stands has been in force for some years, this circumstance is not to my mind conclusive evidence, the public sentiment is in its favor. It is to be remembered that the public attention has for some years back, been drawn to a complete change of our criminal code, and this law may have been permitted to exist in expectation of this change. For my part, I have been led to the conclusion, that public opinion is in opposition to the present mode of punishment, from the circumstance, that not a conviction has taken place in the State, since I have been in office, but a petition has been presented for a pardon, signed, in every instance coming at this time within my recollection, by all the jury, & a long list of others of the most respectable kind, soliciting a pardon solely upon the ground of the severity of the punishment. And I have, in every instance, yielded to the prayer of the petition, not from the belief that the power of pardoning carried with it a dispensing power, but from a firm conviction, that public sentiment was in hostility to the present law, and that every officer is bound, no matter by what tenure he may hold his office, to pay respect to that sentiment.

A well organized and well trained Militia is no doubt the surest safe guard in a free country and deserves all the encomiums which have upon various occasions been lavished upon that species of force. But the great difficulty in this as well as many other States seems to exist in obtaining a force of this description thus well organized & trained. Without measing any disparagement to the courage or patriotism of the Militia of this State, the fact is too evident to be denied that they are in a deplorable state as regards discipline. To give to this great mass of moral and physical force, the efficiency which it merits and is capable of receiving, it is indispensable that they should be instructed and practised in the rules by which they are to be governed. Towards an accomplishment of this important work, the expediency of instituting a system, which shall, in the first instance, call into the field at the public expense, and for longer periods than at present, certain portions of the commissioned and non commissioned officers, is recommended for your consideration. The instruction and discipline thus acquired, would gradually diffuse through the entire body of the Militia, that practical knowledge and promptitude for active service, which are the great ends to be pursued.

In conformity with a resolution of the last General Assembly, I enquired of the commanding officers of the counties to which arms had been distributed by the act of 1812, relative to the situation of the arms. The result of that enquiry may be seen upon an examination of the packet marked (A.) containing the reports of the officers. The act of 1812 makes it the duty of the Governor to distribute the arms which may thereafter be received from the general government to certain counties named in the act. I declined complying with the requisites of this act as to the fifteen hundred and eighty stand which were received in 1816, until the sentiments of the Legislature should be expressed upon the reception of the report of the state of the arms already distributed. These arms still await your disposition at the United States's store houses in Wilmington and Newbern.

Information has been received that the Ordnance Department of the United States is prepared to deliver the proportion of arms and equipments to which this State is entitled by an act of Congress.—An offer has been made to deliver in artillery a proportion of the value of what may be found due. There being no authority to assent to this proposal, the subject is submitted to your consideration.

I lost no time in transmitting

to Mrs. Blakely the resolution of last session relative to the maintenance of her child. Mrs. Blakely has accepted the offer made by the Legislature, and has drawn upon the Treasurer for six hundred dollars for its support for five years, accompanied with a request, that should this sum be thought large, the Legislature would greatly add to the obligations she is already under, if a sum could be named for which she might draw for semi annually. That part of the resolution directing the sword voted Capt. Blakely by a former Legislature, to be purchased and presented to Mrs. Blakely has not been carried into effect, and it is submitted if some other present, for instance a set of tea plate, would not be a more suitable present, the child being a female. Mrs. Blakely's letters upon this subject are submitted in the file (B.)

In compliance with the resolution authorising and requesting the Governor to order a Court-Martial for the trial of General Roberts, an order was issued for the Court to assemble at the Court-House in Newbern on the 16th of June. General Roberts was arrested but permitted to go at large. He was notified of the time and place of meeting of the Court, and served with a copy of the charges and specifications. The Court assembled at the time and place appointed, and General Roberts not making his appearance, the Court declined trying him on the original charges and specifications, but cashiered him for breach of arrest in not making his appearance, and without notice of the charges.—Upon the proceedings being submitted for my approbation, they were disapproved, upon the ground that a man could not be tried in his absence without notice. I then directed the Adjutant General to issue an order to the commanding officer of the county of Carteret, to order out a detachment of Militia if necessary, to arrest General Roberts and keep him in close confinement until the Court could be assembled; and a Court was accordingly ordered to assemble again at the Court House in Newbern on the 13th October. This latter proceeding was founded upon the following clause in Macomb upon Martial Law, p. 54. "Although the Martial Law makes no mention of any difference in the manner of the arrest in order to trial, a difference is established by the custom of the army, according to the degree or measure of the crime. An officer accused of a capital crime, or any offence of which the penalty is so severe as to excite a natural temptation to escape from justice, ought to be detained in a state of confinement as secure as the closest civil imprisonment. If the offence be of a lighter nature, the presumption is, that the officer whose character is thus impeached, must be solicitous to obtain a judicial investigation of his conduct, and he is therefore generally allowed to be in arrest at large, that is to walk about within certain limits, without his sword, on his word of honor; to wait the issue of a trial, or his enlargement by proper authority. The degree and measure of the arrest must however, be entirely at the discretion of the commanding officer, who will in all cases regulate his conduct by the particular circumstances, and by the dictates of propriety and humanity." Upon this latter part of the clause, believing the degree and measure of the arrest to be solely at the discretion of the commanding officer, and as General Roberts had not evinced any wish to have a judicial investigation of his conduct, and had further evinced that his honor was not to be relied on, for making his appearance, I conceived myself authorised to order him into close confinement. From this close confinement, the Judge who rode the circuit thought proper to release him, and feeling no disposition to have the force of assembling a Court Martial re-acted without any compulsory power to compel the attendance of General Roberts, an order was issued by my direction to prevent the assemblage of the Court a second time. This statement is made with a view to obtain Le-

gislative provision, to compel the attendance of officers on Court-Martial, if the decision of the Judge be correct.

It is much to be lamented that a cause of difference should exist between two states, having such strong inducements to union as North-Carolina and Tennessee.

The memorial which was presented to the last session of Congress, having been, as I have been informed, postponed in consequence of the pressure of business; it is most respectfully submitted, whether the bringing the subject again to the view of Congress, by another memorial (lest the one already presented should be permitted to remain another session among the unfinished business of the last,) treating with due respect the feelings of our sister state, but, at the same time, supporting with dignity and firmness the rights of North-Carolina, would be deemed superfluous or intrusive.

A letter is herewith submitted from George Graham, Esq. acting Secretary of War, containing information, that the Commissioners appointed to treat with the Cherokee Indians, have signed a treaty by which that nation have relinquished their claim to a tract of country, including the whole of the land claimed by them within the limits of the State of North-Carolina, and that this treaty would be submitted to the Senate at their next Session.

The claim of North-Carolina against the United States for monies advanced by the State, in payment of Militia called into the service of the United States, remains unsettled. The War Department has been from time to time furnished with the documents called for. By a letter received a few days since from the 3d Auditor, I am informed that upon an estimate being furnished of the probable amount of the outstanding claims, a further sum will be advanced to the Executive of the State to meet the payment of them; and that a final adjustment will be made upon the completion of the Payments, and the transmission of the additional documents. This estimate has been furnished.

I have the honor to lay before you a proposal of John Melish, Esq. of Philadelphia relative to the publication of a new Map of the United States, also two small treatises of Robert Owen, Esq. on the subject of ameliorating the condition of the poor, and a file of English papers, in which the views of the author are more fully developed. These have been received in the course of the current year, through the Hon. John Quincy Adams on his return to the United States from the Court of St. James, with a request of the author that they should be thus submitted. Several treatises of Jeremy Bentham, Esq. of Queen's square place, Westminster, received through the same channel, on the subject of Penitentiary houses, and codification, are, at the request of the author laid before you.

A letter from Nathan Starr, Esq. of Middletown, Connecticut, offering to furnish the State with any number of swords which may be ordered, is contained in the file (A.)

An artist of established reputation in Philadelphia has been engaged to execute the two full length portraits of General Washington, ordered by the last General Assembly, and I had somewhat cherished the hope, they would have been ready by the meeting of the session.

Eleven boxes of the laws of the first session of the Fourteenth Congress, have been received and are now in this office, to be distributed by the Legislature.

This communication is accompanied with such resignations of Militia Officers and Justice of the Peace as have been received at this office, together with my letter book and such other documents as it is necessary should be laid before you.

On this last occasion of addressing you, I cannot omit the fit opportunity of presenting to you, and thro' you to your successors, my sincere thanks for the repeated instances of confidence reposed in me. The indulgence with which my conduct while in office has been viewed by my friends, will always be remembered with gratitude. In administering the affairs of the State, I have no doubt committed many errors. It is the province of humanity. But I can with confidence affirm, they have been errors of the understanding and not of inclination.

That your deliberation will be directed to the interest and prosperity of the state, your constituents have a sure guarantee in the circumstance of your being selected from them, from your attachment to and knowledge of their interest.

With the highest consideration and respect,
I have the honor to be,
Your Obedient Servant,
WILLIAM MILLER.

WEDNESDAY, NOV. 19.
The following standing Committees are appointed:
Committee of Finance—Messrs. Reed, Davidson, Murphree, Fickett, M. Eay, Bruton, Ch. Johnson and Baker of

the Senate; & Messrs. H. T. Webb, Phifer, J. Wilson, Nash, Brown, Burton, L. D. Wilson, Jacobs, M'ney, Prince, Stanley, Sellers, A. Moore, Winslow and Gilchrist, of the Commons.

Committee of Claims.—Messrs. Greene, Wright, Wade, Kenan, Frank Spaight, Caleb Perkins, and Hilliard, of the senate; and Messrs. Britain, J. R. M'Dowell, Hatley, Winston, Seth Jones, Craven, R. Jones, J. J. Williams, Perry, Hudgins, I. Cherry, H. Bryan, Fearshall, B. R. Smith, Blackman and Harrington, of the Commons.

Propositions and Grievances.—Messrs. Alexander Perkins, Conner, Farrar, Atlas Jones, Leonard, M'Kinnie, Hall and Hill, of the senate; and Messrs. Hayle, Collins, Ferrand, Caldwell, Lockhart, Haywood, R. H. Jones, Bown, Nelson, Moxley, Baker, Ward, Coleman, J. C. Williams Felton and Haughton, of the commons.

Mr. Jacobs, from the balloting committee for three Engrossing Clerks, reported that the following four persons had a majority of votes, viz. B. B. Smith, Thomas T. Armstrong, Wm. M. White, and Wm. M. Sneed.

Four having a majority, and three clerks being only wanted, produced a difficulty, and the subject was postponed till to-morrow.

THURSDAY, NOV. 20.

The House took up the report of the balloting committee for engrossing clerks and on motion resolved that the three persons having the highest number of votes are duly elected.

In the senate the several subjects recommended to the consideration of the Legislature in the message of the Governor were referred to distinct committees.—The subject has not been taken up by the House of commons.

HAYTI.

It will be recollected that we lately sent the Congress frigate to Hayti, with a commissioner on board, charged with arranging our affairs with that government. The result of that mission is not generally known. The following account of the arrival of the Congress, as well as despatches from the count of Limonade, secretary of state for foreign affairs, has been furnished by a friend to the Editor of the National Advocate.

Official note from the Hayti Gov.

"In order to remove all doubts which the arrival of the American frigate Congress in the port of the capital, having Mr. Tyler on board, may have excited, and also to remove all motives of calumny from the enemies of Hayti, we are authorized to publish the following documents.

"A government, strong of itself as well as by its principles of wisdom and justice, does not fear to make the truth known. There will be seen in these documents the desire which our government has exhibited to establish relations of commerce and friendship with the government of the U. S. whenever they should be founded on the political relations, usages and reciprocity which ought to exist between governments. It will be seen that the cause why the lucrative commerce which has for more than 25 years existed between the two nations, has not been more extensive, is owing solely to the government of the United States

KINGDOM OF HAYTI.

At the palace of La Grande Riviere, Aug. 1817 14th year of independence

The Secretary of State, Minister of Foreign Affairs of Hayti, &c. &c. to Mr. the Baron de Dupuy, Secretary and Interpreter of the King, &c.

Mr. la Baron.—I have received your letter of yesterday, which announces the arrival of the American frigate Congress in the port of the capital, with Mr. Tyler, who presents himself as Commercial Agent of the United States of America.

On Learning the arrival of Mr. Tyler, I waited to receive despatches from his government and letters which should accredit him at the court of Hayti; but I have been strangely surprised from the report which you have made to me, that he was the bearer only of a simple certificate, couched in unusual and inadmissible terms—and further, containing the words "Cape Francois" and "of the island of St. Domingo"—expressions which are improper, and offensive to the government of his majesty.

Notwithstanding the desire which his majesty has of seeing relations of commerce and amity established between the two governments, I am under the necessity