

ulation were no longer considered as synonymous with prosperity, but that the precious metals had thereby been driven from us, and the currency of the country so depreciated as to have lost its exchangeable value, except at so great a discount, that the poor and middle classes of the community in point of wealth, were not unfrequently deprived of all their property, without effecting the payment of their debts. And this will never fail to be the case in any community, where the representative of property is in a depreciated state; for it is upon these classes, that the burden of such a currency must necessarily fall. The defects of the system under which we have been practising, its tendency to produce reckless adventure, improvidence and fraud, and its certain influence and effect on the moral feelings, as well as the industry of the country, are considerations which should keep the subject before the watchful vigilance of the Legislature; and there are reasons to apprehend that the present moment is peculiarly appropriate for its examination—for although the currency of the country is now in as sound and healthful condition as it can be made, being uniform in value with the precious metals, and the quantity, probably equal to the demands furnished by the commercial operations of the State, yet it is within the knowledge of every member of the Legislature, that this amount is in a course of such rapid diminution, that it may produce such a sudden appreciation in the value of money, and consequent depreciation in the value of property, as will overwhelm the debtor part of the community in ruin. The State Bank has already discontinued two of its branches, and all the local banks have lessened their circulation to a sum, within one-third of what it was but a few years since, and by a conventional regulation of these institutions with the State, they are all compelled soon to circumscribe their issues within a certain sum, much below even what it now is. When to these considerations is added the fact, that they have all ceased to produce much profit to the State, and less to individual stockholders, it is but reasonable to suppose, that their charters, if not surrendered, will certainly not be extended by the Legislature. The State of North Carolina will soon have the alternative presented to her, of submitting to a circulating medium furnished by the United States Bank, (the existence of which beyond its present charter is certainly doubtful,) or of providing for herself such a medium of exchange, as will best subserve the interests of her citizens, guarding equally against ruinous excess, and sudden deficiency. It is therefore respectfully recommended, that a Bank be established, somewhat upon the principle of the United States Bank, neither exclusively the property of the State, or exclusively of individuals—relying neither on the prudence of directors alone, nor yet committed entirely to the management of the Legislature. The first, actuated by mercenary motives, and regardless of a due limitation of the quantity of paper to the demands of commerce, might multiply the circulating medium beyond all due bounds—and the latter, feeling only a community of interest in such an institution with the other citizens of the State, and subject to annual change, might require the excitement of individual interest to preserve in a healthful condition the affairs of a Bank. In such an institution, restricted in their annual dividends to a specific sum, and this very little, if any, beyond the legal interest of money, it is believed that an innate check would be provided, whose force and influence from its very nature, would operate on the directory at the moment when loans were made, obviate the motive to excess of issues, and thereby ensure a uniformity in the currency with the precious metals—the primary object to be effected by all legislative enactments on this important branch of political economy. And if for such a charter, or any other which the State may grant, a compensation would be required, it should be paid, not an annual tax, but at the expiration of its charter, and out of the surplus profits of the Bank. For this modification of the system of banking, now proposed and recommended to the adoption of the Legislature, I am indebted to the simultaneous suggestion of two of the most distinguished citizens of our State, who have commanded almost an unequalled share of the public confidence, which will, I doubt not, ensure for it the respectful consideration of the Legislature.

The Congress of the United States at their last session passed a law, commonly called the "Indian Bill," by which the President of the United States is authorized to have so much of the territory belonging to the United States west of the Mississippi, and not included in any State, divided into a suitable number of districts for the reception of such tribes or nations of Indians, as may choose to exchange for them the lands where they now reside—and making an ample appropriation for their transportation and subsistence for one year.

This measure, emanating no less from humanity than from wisdom, is the only practicable means of effecting the volun-

tary emigration of the remnant of Indian tribes still to be found in the Southern States—and its consummation was devoutly to be wished for. Certainly the friends of this measure had no right to expect the systematic opposition which it has received, knowing that it had been approved and recommended by successive Presidents of the United States, ever since the territory proposed to be exchanged, had been acquired for the country. The unsuccessful attempt of the present illustrious Chief Magistrate to carry this law into effect, so far as regards the Cherokee Indians, is believed to have resulted from base advisers, many of whom, having fled from the just punishment which awaited them in the communities of which they were once members, had become intruders among these people, more ignorant, yet more virtuous than themselves. It is therefore recommended that the laws of North Carolina be extended over that portion of its territory occupied by the remnant of Cherokees, who have remained within the State; regarding those who have sustained a good character among themselves, as worthy of all the rights of citizenship, not inconsistent with the spirit of our laws, and guarding also against its violation, by such security, as the Legislature may deem it expedient to require.

The Tariff of duties, imposed by the Congress of the United States upon imports, has ever been deemed not only unwise but unconstitutional, and calls at this time for your solemn protest. Whilst agriculture, commerce, and manufactures, receive equal encouragement from the General Government, all parts of these numerous republics were animated by prosperity—but no sooner was a disposition to foster one, at the expense of another manifested, than the violence and animosity, of party spirit, which had been appeased, began to threaten the separation of the Union, which would be nothing less than the overthrow of the most beautiful monument of Liberty, that mankind has ever erected. During the deep excitement which has prevailed on this subject in the South, North Carolina has evidenced a magnanimous forbearance under the heaviest burdens she has ever been called on to sustain—and are we yet required to manifest a patience, which can never be exhausted, and a "meekness, which shall bear all things?" Is it supposed that our feelings are but the slumbering embers of discontent, which require only an opportunity to be blown into a flame? Have not recent occurrences in our own neighborhood, from which we have kept aloof, proved that these are not the feelings which have actuated us? Very little is the character of our State understood, if it is believed, that her patience and submission under wrongs inflicted by the General Government, are the effect of servile fear, or a consciousness of insecurity within herself. Interest is the point, upon which she, with all the other States of the confederacy, formed their union, and to suppose that the principles of our government were founded upon any other estimate, and particularly upon any estimate of human character which admits of no alloy, would argue a want of experience in the framers of our constitution, which our own understanding, and our own experience, discard as visionary.

A common treasury, without deriving a common benefit from it, and a common contribution to replenish it, is as unjust, as a community of goods without a community of toil. It discourages all energy by destroying the reward of labor, and makes one portion of the country dependent upon, and subservient to another—it counteracts the very principles upon which our government was formed, viz: the common defence and general welfare.

I transmit to the Legislature a copy of an incendiary publication, which has been circulated very extensively in the Southern country, the design and mischievous tendency of which, cannot be mistaken. The discovery of this inflammatory production in Virginia, South Carolina, Georgia and Louisiana, and more recently in our own State, can leave no doubt upon any rational mind, that a systematic attempt is making by some reckless persons—some too, who, under the cover of pious exertion to enlighten the ignorant, and lead them from sensualizing darkness, are willing to sow sedition among our slaves—and this book, artfully distorting the peaceful doctrines of the Bible, is intended and well calculated to prepare the minds of that portion of our population for any measure, however desperate.

It is fruitless to complain of the relation between master and servant, and would be criminal in the Legislature to attempt to avoid any responsibility growing out of this relation, (inherent in the political condition of the southern country,) by which either the security of property, or its value, may be affected; for in the same proportion as these are secured, will the general protection and comfort of the slave be regarded. As it has been satisfactorily ascertained that some of the free persons of color in the State, have permitted themselves to be used as agents, for the distribution of seditious publications, it is respectfully re-

commended, 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 which they will be enabled to give the security required, will serve as an example to them from any unpleasant operations of the law; and it must be remembered, that every wise Legislature should frame its laws to suit their people—to promote the general welfare, and adapt 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 upon 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 jurisprudence, and in adopting it to the character of those on whom it has to act, if, instead of tending to diminish the amount of crime, it 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 authorizing 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 judgement 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 provisions 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 Presidents 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 a resolution of the last Legislature, authorizing 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 acts of their authorized 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 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 interests 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 counsel already employed, Henry Seawell, Esquire—to aid in the defence of the suits now pending in the Federal Court, or such 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 to me a report on this subject, which I have the honor to transmit to the Legislature.

In the year 1817, the Legislature passed a resolution adopting the son of the late Colonel 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 restoration 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 N. 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 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, and 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 valour and services you were endeavoring to reward in the person of his son.

The resolution directing the Governor to transmit the act of the last session, to incorporate the Lake Drummond and Orapokee 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 exception 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 Field Artillery, including manoeuvres for light or Horse artillery," and about three thousand of a system of instruction for 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 Legislature of Georgia and Connecticut, upon the subject of amendments proposed by the States of Louisiana and Missouri, to the Constitution of the United States; and resolutions passed by the Legislature of Pennsylvania & 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 could be laid before you.

The file marked C, contains the resignations of such militia officers and Justices of the Peace, as have 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 interests 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 in 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.

I am, Gentlemen, most respectfully, your fellow citizen.

JOHN OWEN.
Executive Office,
November 16th, 1830.

GENERAL INTELLIGENCE.

New York Election. Returns have been received from 45 counties, leaving 11 to be heard from. The present majority for Governor Throop is 11,593. The Evening Post of Monday says, that the remaining counties will not probably increase or diminish the present majority by 500 votes. The counties of Broome, Chenango, Chataque, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Seneca and Stueben, gave considerable majorities for the anti-masonic Clay candidates. The Journal of Commerce says 'So far as heard from, there are twenty-one in favor, and six opposed to the administration, elected to Congress.

Massachusetts Congressional Election. In Berkshire District, there is supposed to be no choice. Notwithstanding Mr. Dwight had declined, a good many votes were cast for him. Gen. Willis was supported by the Jackson party, and several other candidates were in the field. In Hampshire District, Isaac C. Bates, the present member, is re-elected over Mr. Mills, the candidate supported by the friends of the administration. No election has been made in Bristol District, altho' Mr. Hodges, the present member, was a candidate. In Plymouth District, John Q. Adams is doubtless elected, there being little opposition and a few votes being given in. Norfolk District has elected M. Dearborn by a small majority. Essex North District has elected Rufus Choate by a large majority over the present member, Mr. Crowninshield, a zealous member of the opposition. In Middlesex, Mr. Everett is elected. [N. Y. E. Post.]

Massachusetts Members of the 22d Congress. The election of the following gentlemen is ascertained:—

Essex S. District,	Rufus Choate,
Suffolk,	Nathan Appleton,
Middlesex,	Edward Everett,
Norfolk,	Henry A. S. Dearborn
Plymouth,	John Quincy Adams,
Worcester, N.	Joseph G. Kendall,
Worcester, S.	John Davis,
Franklin,	George Glennell, Jr.
Hampden,	Isaac Bates,
Barnstable,	John Reed.

Bristol, Essex North, and probably Berkshire, have made no choice.

Ohio. The Ohio State Journal of Thursday has the official returns for Governor from all but five counties in that State, by which it appears that General M'Arthur has 50,382 votes, and General Lucas 47,982.

West India Trade. Two British vessels entered the port of New York on Tuesday. The Duties in cash on their cargoes will be 10,000 dollars. So much, says the Courier, for the opening of the West India ports.

Map of North Carolina. We were gratified by the inspection, a few days since, of the manuscript copy of the new Map of North-Carolina, by John McRae, Esq. It is a beautiful production, and reflects much credit upon the skill and taste of Mr. Brazier. It is now complete, with the exception of a few particulars; to obtain which, it will be sent to Raleigh in a few days, and be submitted to the inspection of the Members of the Assembly from those Counties, which are incomplete. The Manuscript will be placed in the hands of Mr. Tanner, of Philadelphia, the Engraver, by the first of January next, and he has engaged to complete the engraving and printing of the whole work, in five months.

A good Map of our State is very much wanted; and if we might not be the one about to be published by Mr. M' we will be such an one. It is an object at the expenditure of much money: the fine talents of Mr. B. have been employed in its execution, and we sincerely hope, that the map will be bestowed upon the State, as will handsomely remunerate the years of anxiety and labor which he has devoted to it.

Bank Robbery. The Bank of New York, on the 16th ult. and robbed of \$38,000 from the vault.

Counterfeit Five Dollar Bills of the U. S. Bank, payable at the New York Branch, are in circulation. They are said to be so well executed as to have the best of judges.